

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 11th day of August 2015, the Amarillo City Council met at 1:30 p.m. at City Hall on the third floor in Room 303 in the Conference Room for review of agenda items, and consideration of future agenda items.

The City Council met at 3:00 p.m. in regular session in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

PAUL HARPOLE	MAYOR
ELISHA L. DEMERSON	COUNCILMEMBER NO. 1
BRIAN J. EADES	COUNCILMEMBER NO. 2
RANDY BURKETT	COUNCILMEMBER NO. 3
MARK NAIR	COUNCILMEMBER NO. 4

Absent were none. Also in attendance were the following administrative officials:

JARRETT ATKINSON	CITY MANAGER
CLAUD DRINNEN	DEPUTY CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Bryan Houser, Amarillo Area Baptist Association. Mayor Harpole led the audience in the Pledge of Allegiance.

Mayor Harpole established a quorum, called the meeting to order, welcomed those in attendance and the following items of business were conducted:

ITEM 1: Mayor Harpole presented the minutes for August 4, 2015. Councilmember Nair mentioned a typographical error and then motion was made by Councilmember Demerson to approve the minutes as presented; motion was seconded by Councilmember Eades, and unanimously carried to approve the minutes.

ITEM 2: Mr. Atkinson stated that Council has met for four 1/2 days and again last night to discuss the proposed tax rate and budget presented by staff. Each line item was reviewed, including the need for increases for services, lower wage employees and retention of operators and mechanics. The action today is to propose a maximum tax rate. Today's cap amount may be lowered but not increased. Mayor Harpole stated there has been extensive discussion and lots of good work by staff and Council. Jimmy Presley Hammonds, 1514 South Pierce Street, asked that the Council think before they speak and that respect was need for the Mayor, the Council and the staff. Councilmember Burkett stated the police department was asking for 17 new officers and the Council was trying to give them 9. James Schenk, 6216 Gainsborough Street, inquired if the increase in the tax base was taking up some of the slack. Mayor Harpole replied that the property tax collected this year would not fund the police department for a year. Michelle Bonner stated that taxable values rose from \$9.3 billion to \$9.65 billion. And, if the tax rate was left the same, as the prior year, it would generate a 2.8% increase in tax revenue. Mr. Atkinson stated the tax increase would help fund 6 new police officers, three with different classifications, police vehicles, digital cameras, a new administrative assistant to handle public information requests, and a civil evidence technician. Animal Management & Welfare would add an afternoon shelter position, increase the number hours, and cover the price increases in the cost of vaccines and medicines. He further stated that Canyon ISD and Amarillo ISD participate in the police liaison program at the schools and they have asked for marked patrol cars to make them more visible. Mayor Harpole stated the City was also looking at employee health insurance. Mr. Atkinson stated the City's health insurance was self-funded and self-administrated. The City's Health Plan has had a tremendous increase in claims and employees have not had a large increase. Plans are to submit an RFP to see if it should remain self-insured.

Motion was made by Councilmember Demerson to set the cap at \$0.35072 a 4.5% increase over the effective rate, seconded by Councilmember Nair. Mayor Harpole amended the motion to cap the rate at 5%, seconded by Councilmember Eades.

Dave Craig, 6612 Raleigh Road, inquired how many police officers were being requested. He further stated the City is growing and there is a need for more police officers and additional infrastructure. He stated 5% would make more sense. Mayor Harpole reiterated they were only setting the cap today. Alan Abraham, 7205 Southwest 35th Avenue, inquired if the citizens were giving up anything major or if anything was being eliminated from the budget. Mayor Harpole stated the tax rate does not change the frozen senior citizens tax. Cindi Bulla, 1400 Reagan Court, stated she was an advocate for a tax hike. She further stated having the lowest tax rate for a city of our size may work against growth. Allen Finegold, 2601 North Grand Street, stated the need for special public hearings on expenditures made by the City and particularly on infrastructure including, where the expenditures have gone and where they should go. Justin Gillespie, 7001 Thunder Road, stated APD has asked for 17 new officers and earlier this year, the FBI crime report ranked Amarillo 6th in Texas for crime and rape. Andrew Holly, 51<sup>st</sup> Avenue, stated he lives in an apartment so the tax rate does not affect him. He further stated that APD should get every officer they requested.

Becky Salian, 1100 South Rosemont Street, stated the City should consider the beautification of I-40. Mayor Harpole stated they have asked TxDot to do basic clean-up and about redoing the landscaping. Gene Gaston, 2823 Armand Street, a retired City employee of 31 years, stated the need to raise the lower end wages for co-workers struggling. Al Patel, Amarillo Boulevard, inquired if there were any plans for improvements to Route 66 or Amarillo Boulevard in the budget. Mr. Atkinson stated there was not a specific project but they were in discussions about engaging some partners. Mayor Harpole stated he would like to consider a TIRZ zone on Amarillo Boulevard but there was not any money in the budget at this time. Robert Goodrich, 4111 Stony Point, stated the need for a daydream component to invite anyone interested to contribute for special projects within the City.

Motion was made by Councilmember Eades to cap the rate at 5% or \$0.35240 as amended, seconded by Councilmember Burkett. Voting AYE were Mayor Harpole, Councilmembers Eades, Burkett and Nair; voting NO was Councilmember Demerson; the motion carried by a 4:1 vote of the Council.

Councilmember Eades stated the maximum tax rate can go down but not up during the next two public hearings.

**ITEM 3:** Mayor Harpole presented an ordinance changing the zoning of a 2.69 acre tract of land in Section 40, Block 9, BS&F Survey, Randall County, from Agricultural District to General Retail District, in the vicinity of Hillside Road and Greenways Drive. Motion was made by Councilmember Eades, seconded by Councilmember Burkett, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7537

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF HILLSIDE ROAD AND GREENWAYS DRIVE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; voting NO none; the motion carried by a 5:0 vote of the Council.

**ITEM 4:** Mayor Harpole presented a resolution to conduct the final public hearing to allow interested parties to comment on the proposed activities and programs and authorizes the City of Amarillo to submit the 2015-2016 Annual Action Plan of the 2015-2019 Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development. Beginning October 1, 2015, this federal funding will provide a variety of programs, services and projects which benefit low and moderate income residents and neighborhoods in Amarillo. The Annual Action

Plan is recommended for approval by the Community Development Advisory Committee.

James Allen, Chairman of the Community Development Advisory Committee, appeared and introduced the board members present. Mr. James Gilleylen, J-Quad Planning Group, Dallas, Texas, spoke on the Consolidated Plan, 2015-2019 Strategic Plan, the 2015-2016 Annual Plan which allocates those funds and the Fair Housing Impediment Analysis. The City must produce the Consolidated Plan every five years.

James Allen presented information regarding the recommended allocations. Nancy Koons, 1615 South Bryan Street, stated she was with Catholic Charities and they were good stewards of the funds received. Lee Studer, 8010 Kerr Place, stated he was a board member who had no idea of the level of hurt in the city, or the huge hearts of those that serve on the committee. Eloy Heras, 1604 South Harrison Street, inquired as to what services were provided by Catholic Charities. Nancy Koons replied the \$25,000 provided is used for the Interfaith Hunger Project. This project provides citizens 55 years or older or who are permanently disabled to shop at their grocery store. This store provides groceries for 780 people a month including 80 homebound residents. The total cost of this project is \$90,000 annually. Jimmy Presley Hammonds, 1514 South Pierce Street, stated the funds going to Wesley Community Center were for a good cause. Carolyn Thornton, 1947 South Marrs Street, stated she also works with the homeless and appreciates the compassion of the employees. Mr. Allen stated the \$6,000 for transportation costs was for bus tokens for homeless individuals to go to medical appointments and for job searches. He further stated this program was very well documented. Mayor Harpole closed the public hearing. Motion was made by Councilmember Eades to approve the recommendations by Community Development and their designation of the federal funding, seconded by Councilmember Burkett, that the following captioned resolution be passed:

RESOLUTION NO. 08-11-15-1

A RESOLUTION CONDUCTING A PUBLIC HEARING AND APPROVING THE 2015-2019 CONSOLIDATED PLAN AND AUTHORIZING THE CITY MANAGER AS CHIEF ADMINISTRATIVE OFFICER TO EXECUTE AND FILE SAID PLAN WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 5:0 vote of the Council.

ITEM 5: Mayor Harpole presented a resolution denying Southwestern Public Service Company's (SPS) proposed rate increase filed with the City of Amarillo on December 8, 2014 requesting, among other items, additional base rate revenue of approximately 12.6%. Denial of this proposed increase is necessary to ensure this request is heard before the Public Utility Commission (PUC) and is in accordance with the recommendations of the Alliance of Xcel Municipalities (AXM) Steering Committee. Efforts to mutually negotiate and settle this proposed rate increase will continue as the process moves towards final PUC action and consideration. Mr. Atkinson stated this matter was now before the PUC as the final arbitrator. Motion was made by Councilmember Nair, seconded by Councilmember Burkett, that the following captioned resolution be passed:

RESOLUTION NO. 08-11-15-2

A RESOLUTION BY THE CITY OF AMARILLO, TEXAS ("CITY") DENYING SOUTHWESTERN PUBLIC SERVICE COMPANY'S PROPOSED INCREASE IN RATES SUBMITTED IN THE APPLICATION ON DECEMBER 8, 2014; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 5:0 vote of the Council.

**ITEM 6:** Mayor Harpole presented a resolution considering a resolution regarding the implementation of the proposed Convention Hotel and Parking Garage projects as Downtown Catalyst projects. The proposed resolution amends and restates Resolution 08-23-11 as amended by Resolution 11-11-14-1 approved by the Amarillo City Council on August 23, 2011 and November 11, 2014, respectively. The proposed resolution provides the updated financial, contractual and business structure of the Convention Hotel and Parking Garage projects. This item is recommended for approval by the Amarillo Local Government Corporation Board of Directors.

Mr. Richard Brown stated the amended Resolution brings everything into one Resolution and includes everything that has happened to this point. He further stated Item 2.G puts the MPEV on hold until the Council instructs LGC how to proceed. This is not necessarily what the LGC members would prefer to do, but it does move forward on two catalyst projects, the Hotel and Parking Garage. Originally, the parking garage was to cost \$14 million, now the cost estimates are based on A&E by Lavin & Associates and includes the retail space. The retail space figures were provided by G4D. The Hotel is ready to proceed with construction. The timeline suggests construction commencing in mid-September. LGC's part is the Parking Garage side of the project. The private partner for the Hotel wants to start construction in September, they have their financing and everything lined up. There are still some things the LGC and City need to do, if we continue to delay we may not have all our pieces in place. Mr. Brown stated he did let Mr. Patel know this item was on the agenda again this week and any further delay would make things difficult for him. Mr. Brown further stated he did meet with Councilmembers Burkett and Nair and went over the budget and contracts. Councilmember Burkett stated he did not wish to push the risk to the taxpayers and that he could not support or justify the project. He further stated he did not want parking meters throughout downtown.

Mr. Brown stated G4D does not currently have a contract. G4D expressed clearly the numbers were doable and would work. Mr. Brown stated Mr. Patel made this investment with the expectation there would be an MPEV. Councilmember Burkett inquired if the Liberty Theatre parking would be available for the hotel. Mr. Atkinson stated the parking at Liberty Theatre would be for the Globe News Center patrons for approximately two years during construction. Mayor Harpole inquired if the four diamond rating had parking restrictions. Councilmember Nair stated the City was on the hook for the retail space, and he did not believe that was the purpose of his job, but it was public safety. Mr. Brown stated the City is in a unique position to be the catalyst for the private sector and the need to push and move forward. Councilmember Burkett inquired if competitive bids were used when hiring Lavin and Associates. Mr. Brown replied that Wallace Bajjali put the team together. Mr. Brown further stated they knew there was trouble with Wallace Bajjali and that's why the contracts were written the way they were. Mayor Harpole inquired if the hotel was at risk without the parking garage. Councilmember Nair inquired if the parking garage could be built without the retail space. Mr. Brown stated 24,000 square feet of retail was represented to Newcrest. Mayor Harpole stated backing out on this deal, the City would need to hang a sign that the City of Amarillo was 'closed for business.' Alan Abraham, 7205 Southwest 35<sup>th</sup> Avenue, stated the allotment of where the buildings are going to go feels like the work of the committee. Allen Finegold, 2601 North Grand Street, stated that LGC has some creditability problems and there were other pieces of land suitable that the City owns.

Andrew Holley, 51<sup>st</sup> Avenue, stated he did not think it is good policy for the City to be in the retail business competing with other businesses. Vince Nowak, 1301 Daws Drive, stated he did not see where the contract states there would be retail space. Becky Salian, 1100 South Rosemont Street, inquired about an updated Hunden Study since the last one was dated 2008. Irma Heras, 1604 South Harrison Street, stated she was concerned about the parking garage and parking meters. James Schenk, 6216 Gainsborough Street, inquired when the City executed contracts with Patel. Mr. Atkinson stated both contracts were executed in 2014 and executed by the President of the LGC. Councilmember Demerson stated there were two contracts that have been signed. Vince Nowak, 1301 Daws Drive, inquired if the City could do its piece of the parking garage without the \$5 million for the retail space. Mr. Brown stated the City could not change the contract obligations with Mr. Patel.

Mayor Harpole asked for a recess to go into closed session at 5:55 p.m. The meeting resumed 6:12 p.m.

Al Patel, Amarillo Boulevard, stated better planning on the retail space is needed. John Lutz, 2106 South Tyler Street, asked the Council to honor the contracts in place, written and implied to position ourselves for success. Vince Nowak, 1301 Daws Drive, inquired if the City was contractually obligated to build out the retail space in the parking garage. Mr. Brown answered, yes. He stated the parking garage expressly stated it would include 24,000 square feet of retail space at ground level and additional details. Motion was made by Councilmember Demerson to approve the resolution as submitted because it is contractually obligated by the City, seconded by Councilmember Eades, that the following captioned resolution be passed:

RESOLUTION NO. 08-11-15-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING AND REPLACING RESOLUTION NO. 08-23-11-1 AND RESOLUTION NO. 11-11-14-1, ACCEPTING RECOMMENDATIONS FOR DOWNTOWN REDEVELOPMENT, PHASE I; AUTHORIZING STAFF AND THE AMARILLO LOCAL GOVERNMENT CORPORATION TO PROCEED; PROVIDING SEVERABILITY CLAUSE; COMMENDING COMMUNITY PARTNERS, PROVIDING SAVINGS CLAUSE, AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, and Eades; voting NO were Councilmembers Burkett and Nair; the motion carried by a 3:2 vote of the Council.

ITEM 7: Mayor Harpole presented a resolution calling for a special municipal election to be held on November 3, 2015. The election is for a referendum proposition regarding the inclusion of a baseball stadium in the proposed Multi-Purpose Event Venue (MPEV) to be constructed in downtown Amarillo.

Ms. Dutchworth, 2004 Lamar Street, stated Amarillo is known for its western heritage, and she suggested to promote what we already have. Allen Finegold, 2601 North Grand Street, stated the need to add the description of the baseball stadium to the ballot language. Richard Brown, 3004 Hayden Street, stated he was in favor of having the election in May, if it was necessary to do it at all. Bill Gilliland, 2806 South Hughes Street, stated in four days they had commitments of \$2.3 million from 20 people and he hoped to get that amount up to \$3 million in support of the MPEV. He personally thought putting this issue to a vote was expensive and those funds could be used elsewhere. He stated there was questions that needed answering, and they need to avoid having an election. Laura Street, 5204 Spartanburg Drive, stated these projects have been going on for eight years and have held over 200 public meetings. She further stated it will be hard to explain to the public what has been going on for eight years when the ultimate goal is to build the MPEV to bring people downtown. Having an election in November was too early. Councilmember Nair replied he has been hearing that people do not want the baseball stadium, and he wanted to get opinions before issuing debt. John Lutz, 2106 South Tyler Street, stated the Council can now define what the MPEV is and nothing has been set in stone. Irma Heras, 1604 South Harrison Street, thanked the Council for issuing an election. She suggested to add an extension to the Civic Center on the ballot. Councilmember Nair replied that the Civic Center expansion would be property tax bond money, the MPEV was a nonbinding referendum issue. Becky Howard, 2036 South Lipscomb Street, stated many technical professionals do not know about the catalyst projects. Lee Jacobson, 4203 Tulia, Unit A, stated the past Council needed to promote these ideas better and the new Council needs to play catch up.

Al Patel, Amarillo Boulevard, stated the downtown hotel is going to affect the hotels on I-40 and Amarillo Boulevard. He asked if HOT tax could be used for improvements to I-40, and the need to improve and beautify our City. Jimmy Presley Hammonds, 1514 South Pierce Street, stated the voting public wanted change and for the past four to five years they were not treated very well. He stated there was lots of other scenery to attract tourists. Howard Smith, 1616 South Polk Street, stated he was disappointed in the new Councilmembers because two hours after they were elected they wanted to eliminate the City Manager. Mr. Smith did compliment the Council on not following

through and dealing with the issue. He further asked that the Council to retract their vote to have the election changed to May. Alan Abraham, 7205 Southwest 35<sup>th</sup> Avenue, stated the fundraising in private hands was impressive and appreciated. Drew Terrell, 7814 London Court, stated he was worried the current ballot language could be taken three ways. Mayor Harpole stated the Council was all in an agreement that something should be built. Councilmember Demerson stated he was a man of integrity who does his research. He further stated there were other serious issues in the community, more than just downtown, and it was time to pull together. James Schenk, 6216 Gainsborough Street, stated elections have consequences. He inquired when elections could be held. Mr. Atkinson stated the Mayor and Council election was held every odd year and the State provides election dates in November and May. Councilmember Burkett stated the issue was whether the MPEV would have a baseball field or not. Allen Finegold, 2601 North Grand Street, cautioned for precise language on the ballot. William Sumerford, 6103 Blue Sage Circle, stated there were several personal attacks from some of our elected leaders, and although they may agree or disagree, they should be respectful and the leaders should respect the citizens. Motion to amend the Resolution was made by Councilmember Eades to change the election date from November 3, 2015 to May 2016; motion was seconded by Mayor Harpole; that motion failed by a 2:3 vote of the Council Motion carried to pass the following captioned resolution:

RESOLUTION NO. 08-11-15-4

A RESOLUTION ORDERING A SPECIAL MUNICIPAL ELECTION OF THE CITY OF AMARILLO TO BE CONDUCTED ON THE 3<sup>RD</sup> DAY OF NOVEMBER 2015 IN THE CITY OF AMARILLO, TEXAS; REGARDING THE CONSTRUCTION OF THE MULTIPURPOSE EVENT VENUE AND PROVIDING FOR THE CONDUCT OF SUCH ELECTION.

Voting AYE were Councilmembers Demerson, Burkett and Nair; voting NO were Mayor Harpole and Councilmember Eades; the motion carried by a 3:2 vote of the Council for the election to be held on November 3, 2015.

ITEM 8: Mayor Harpole advised that an appointment is needed for certain board and commission. Motion was made by Councilmember Nair, seconded by Councilmember Burkett and unanimously carried to appoint Sunny Hodge Campbell to replace Glen Parkey on the Amarillo Local Government Corporation.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 9: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Motion was made by Councilmember Burkett, to approve the consent agenda, motion was seconded by Councilmember Eades, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Approval — Intergraph Computer Aided Dispatch Software Upgrade:  
Intergraph Corporation -- \$105,820.00

This item approves the initial payment of 20% of the value of a contract for the purchase of required software and associated services for the upgrade of the Police Department's Intergraph I/LEADS records management system. This upgrade is required to maintain compliance with the mandated Criminal Justice Information System (CJIS) security standards. This initial payment enables a discount of \$159,521 on the total cost of the project. Funding for this purchase is in the approved FY 2014/2015 Information Technology Department Capital budget. The remaining balance is proposed in the FY 2015/2016 Capital Budget.

B. Approval – Microsurfacing of Various Streets:  
Award to low responsive bidder: Viking Construction, Inc. -- \$280,940.70

This item awards a contract for the microsurfacing of various City streets as an element of the City's on-going pavement preservation program. This microsurfacing project is being conducted as a pilot program to

evaluate a potential alternative to the traditional residential sealcoat program. Funding for this project is available in the Department's R&M Improvements Account.

- C. Approval - Civic Center Water Line Replacement:  
Award to low responsive bidder: MMM Plumbing, Heating & Air -- \$172,480.00

This item awards a contract to replace and relocate the Amarillo Civic Center's water main and the installation of a new fire suppression line for the Civic Center. Funding for this project is available in the Civic Center's Water Line Replacement account.

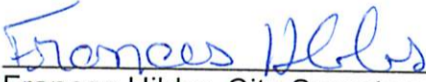
- D. Approval - Aviation Clear Zone Easement:  
Aviation Clear Zone Easement being 4,850 feet MSL above the plat of City View Estates Unit No. 15, in Section 231, Block 2, AB&M Survey, Randall County, in the vicinity of City View Drive and Bismarck Avenue.

Mayor Harpole announced that this is the end of the regular agenda, but time is reserved to hear any citizen concerning matters pertaining to City policies, programs or services not on today's agenda. The public forum is set under the Open Meetings Act and that during the public forum the City Council can respond with a statement of fact, a statement of City policy or decide whether to place an item on a future agenda.

Jesse Pfrimmer, 5723 South Milam Street, stated he was frustrated and not aware of the previous 200 meetings and the number of components. Vince Nowak, 1301 Daws Drive, thanked the Council for their dedication. Steve Rogers, 5304 Tawney Street, asked that the community have read into the record the award former City Attorney, Marcus Norris received as Outstanding Government Lawyer from the State Bar of Texas. He suggested the Council consider a new candidate with the same qualities. Andrew Holley, 51<sup>st</sup> Avenue, stated that the Council needed to consider having their meetings and the meetings of LGC and DAI at 6:00 p.m. for the majority of the workforce to attend and become more involved. Mayor Harpole stated this item would be placed on the next meeting to discuss. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

  
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Frances Hibbs, City Secretary

  
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Paul Harpole, Mayor