

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 15th day of September 2015, the Amarillo City Council met at 4:30 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 6:00 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:

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| 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:

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| JARRETT ATKINSON | CITY MANAGER |
| WILLIAM MCKAMIE | INTERIM CITY ATTORNEY |
| CRIS VALVERDE | SENIOR PLANNER |
| FRANCES HIBBS | CITY SECRETARY |

The invocation was given by Mayor Paul Harpole. 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:

Proclamation was presented for ""Constitution Week" (Sons of the American Revolution; Panhandle Plains SAR Chapter; Arredondo Chapter, Ester McCrory; and Llano Estacado Chapter), and "Life Insurance Awareness Month." Presentation by Floyd Hartman to recognized City Employees for the Wastewater Treatment Plant Awards from the National Association of Clean Water Agencies.

ITEM 1: Mayor Harpole presented the minutes for September 8, 2015. Motion was made by Councilmember Burkett to approve the minutes as presented; motion was seconded by Councilmember Demerson, and unanimously carried to approve the minutes.

ITEM 2: Mayor Harpole presented the second and final reading of an ordinance adopting the City of Amarillo budget for the 2015/2016 fiscal year. This budget allows for the City to continue providing effective public services, programs and assistance to Amarillo residents in the upcoming year. Kathy Altman, 2105 South Lipscomb Street, inquired as to how many additional police officers were budgeted. Mr. Atkinson stated the 4.5% increase would allow for six sworn officers, two civilian positions which included one administrative assistant, one evidence technician and would include a new ranking structure. Ms. Altman encouraged the Council to proceed with essential services. Mayor Harpole stated he would be voting against the 4.5% increase because a 5% would be a difference of \$1.68 per \$100,000 valuation. Motion was made by Councilmember Eades to adopt the proposed budget as adjusted which reflects an increase in revenue derived from property tax revenues over last year's budget, seconded by Councilmember Nair, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7549
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO,
ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2015,
THROUGH SEPTEMBER 30, 2016, FOR THE CITY OF AMARILLO;
APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND
PURPOSES OF SUCH BUDGET; ESTABLISHING AND ADOPTING AN
OFFICIAL PERSONNEL PLAN FOR THE CLASSIFIED AND

UNCLASSIFIED SERVICE AND, ABOLISHING ALL POSITIONS NOT LISTED IN SAID BUDGET; AMENDING VARIOUS PROVISIONS OF THE AMARILLO MUNICIPAL CODE TO MODIFY, INCREASE, OR DELETE VARIOUS FEES AND RATES AS FOLLOWS: CHAPTER 8-3 ADDING A SOLID WASTE TIER; CHAPTER 12-1 ADDING AN ANNUAL BALL MACHINE PERMIT FEE; CHAPTER 12-7 DEFINING SPECIAL EVENT AND ADDING AN APPLICATION FEE; CHAPTER 8-5 ADDING ENVIRONMENTAL HEALTH FEE; CHAPTERS 18-2 AND 18-3, VARIOUS WATER AND SEWER RATES AND FEES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

Voting AYE were Councilmembers Demerson, Eades Burkett and Nair; the motion carried by a 4:1 vote of the Council and Mayor Harpole opposed.

ITEM 3: Mayor Harpole presented the second and final reading of an ordinance approving the City of Amarillo tax roll, setting an ad valorem property tax rate and levying a tax on all property subject to taxation within the City for the 2015 tax year. This ordinance establishes an ad valorem tax rate of \$0.32566 per \$100.00 property valuation for City maintenance and operations expenses and \$0.02506 per \$100.00 property valuation for existing debt expenses resulting in a total ad valorem rate of \$0.35072 per \$100.00 property valuation. Motion was made by Councilmember Nair, whereas the proposed tax rate exceeds the effective rate, and pursuant to Texas Tax Code Section 26.05(b), he moved that the property tax rate be increased by the adoption of a tax rate, being a 0.32566 for maintenance and operations, and 0.02506 for debt service, for a combined total rate of 0.35072, which is effectively a 4.50% increase in the tax rate over the effective rate. Motion was seconded by Councilmember Burkett, and that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7550

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: APPROVING TAX ROLL; SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF AMARILLO FOR THE TAX YEAR 2015; ESTABLISHING AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:1 vote of the Council and Mayor Harpole opposed.

ITEM 4: Mayor Harpole stated that pursuant to the terms of Tex. Loc. Gov. Code, Sec. 102.007(c), the City Council is required to take a separate ratification vote on the tax rate when the adopted budget requires more property tax revenue than did the previous year's budget. Councilmember Demerson stated that pursuant Texas Local Government Code, Section 102.007(c), he moved that the City Council ratify the budget and tax rate, as adopted, recognizing such budget will require more revenue from property taxes than did the budget adopted last year, motion was seconded by Councilmember Eades.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:1 vote of the Council and Mayor Harpole opposed.

ITEM 5: Mayor Harpole presented the first reading of an ordinance re-appointing existing judges now serving in the City of Amarillo Municipal Court. These appointments for a two (2) year period are as follows: Sonja Letson – Full-time Presiding Judge, Jennifer Cates – Part-time Associate Judge, and Inda Crawford – Part-time Associate Judge. Motion was made by Councilmember Demerson, seconded by Councilmember Nair, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7551

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: APPOINTING MUNICIPAL COURT JUDGES FOR FISCAL YEARS 2015-2016 AND 2016-2017; PROVIDING FOR SEVERABILITY;

PROVIDING FOR REPEALER; PROVIDING 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 to conducting a public hearing on the FY 2015 Program of Projects and authorizes the City of Amarillo to submit a grant application to the Texas Department of Transportation (TXDOT) for fiscal year 2014-2015 operating and capital assistance for the Amarillo City Transit Department. The City will receive an allocation from both the Federal Transit Authority Administration and the Texas Department of Transportation.

Judy Phelps, Transit Manager, stated these grant funds are needed to fund the City's transit system which operates eight fixed routes and eight para-transit routes. She further stated many Amarillo citizens depend upon the transit system. Trina Fouriner, 4427 South Hayden Street, inquired if funding would be available after the City reached 200,000 in population. Judy Phelps, answered that Map 21 as currently written would allow the City with a population over 200,000, with fixed routes and para-transit routes, and less than 100 buses to keep its operating assistance. The City may lose its funds from TxDot. Motion was made by Councilmember Eades, seconded by Councilmember Nair, that the following captioned resolution be passed:

RESOLUTION NO. 09-15-15-1

A RESOLUTION OF THE CITY COUNCIL OF AMARILLO, TEXAS CONDUCTING A PUBLIC HEARING ON THE AMARILLO CITY TRANSIT PROGRAM OF PROJECTS; AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING 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 7: Mayor Harpole presented a resolution to setting the fees for certain services performed by the Department of Public Health Department in accordance with Section 8-5-3 of the Amarillo Municipal Code. The Bi-City-County Health District Board has recommended the fees be adopted. Casie Stoughton, Public Health Director, stated the last times the Public Health fees were increased was in 2005. Motion was made by Councilmember Burkett, seconded by Councilmember Demerson, that the following captioned resolution be passed:

RESOLUTION NO. 09-15-15-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO SETTING FEES FOR SERVICES PERFORMED BY THE DEPARTMENT OF PUBLIC HEALTH; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND 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 8: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Trina Fouriner, 4427 South Hayden Street, inquired about Item 8B. Mr. Atkinson stated the contractor has had some challenges on this sewer main project. This change would allow for pumping of water from a playa lake to continue the ditching project. Motion was made by Councilmember Nair, to approve the consent agenda, motion was seconded by Councilmember Burkett, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

- A. Approval – Engagement Letter for City of Amarillo Representation:
Parties: Denton, Navarro, Rocha, Bernal Hyde & Zech, PC and the City of Amarillo
Terms and conditions as noted

This item approves an engagement letter for the City's upcoming labor

10/1/15

negotiations with the Amarillo Police and Fire Fighters Associations. A Meet and Confer request was submitted by the Amarillo Professional Fire Fighters Association – Local 542 and City Council passed a Resolution on July 28, 2015, requesting recognition pursuant to Texas Local Government Code, 142.103; and a Meet and Confer request by the Amarillo Police Department requested recognition pursuant to Texas Local Government Code, 142.053 and Council passed this Resolution on August 25, 2015. This item is recommended by the Interim City Attorney.

B. Approval – Change Order – Sanitary Sewer Main:

Original Contract:
Previous Change Order:
Current Change Order:
Revised Contract:

This item approves change order number two (2) to the contract with Amarillo Utility Contractors, Inc. for the installation of the sanitary sewer main on Soncy Road. This change order will allow playa lake water to be pumped into an adjacent landowner's drainage basin allowing the contractor to keep the project on schedule. Funding for this project is available in the approved Utilities Division Capital Improvement Program budget.

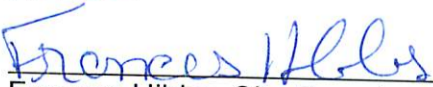
Mayor Harpole announced that this is the end of the regular agenda, but time is reserved to hear any citizen concerning matters pertaining to City policies, programs or services not on today's agenda. The public forum is set under the Open Meetings Act and that during the public forum the City Council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

Ms. Dutchworth, 1004 South Lamar Street, inquired if anyone on the Council was assisting the Millennials in their hosting the movie event, pushing the ballpark and getting people registered to vote. She stated this was an attack the three new Councilmembers. She also suggested a swimming pool and bicycle or walking track in the MPEV.

Glenn Braudt, 78 Coyote Bluff, Advance Pavement, stated they had settled a lawsuit with the City. He stated the City held \$600,000 for almost two years while the City filed a lawsuit, took depositions and sued for them for \$1 million. He stated the money was held because of the City's incompetence which was proven in depositions. He asked the Mayor, Council and City Manager to read the depositions. He stated the City materially changed the project and did not follow the specifications. The City sued Advance Pavement and their bonding company. He stated the bonding company proved the City changed the project and the Judge released the bonding company from liability. He further stated they paid over \$240,000 in legal fees, they were economically blackmailed, and the City set out to destroy the business. Raymond Brown, 107 Texas, Groom, General Superintendent for Advance Pavement, stated they bid and received the project which followed by TxDot specifications and rules. He stated Dustin Davis had told them not to use tack oil which is the main cause the roadway came apart. He stated the problem was with the Engineering Department which has no integrity. Brad Knutson, 4902 Princeton Street, Director of Advance Pavement, stated the owner was the person in control of quality assurance and they are required to do the testing. He stated incompetence of City employees overseeing the work that was done. Scotty Knutson, 11 Hogan Drive, stated he was the owner of Advance Pavement. He stated he felt they were blackmailed by the City. Mr. Knutson asked for Councilmember Eades' resignation. He further stated Mayor Harpole had slandered his business and he requested the Mayor's and the City Manager's resignations. He stated the lawsuit cost he and his business over \$1.5 million and they cannot bid on City projects for two years. There were no further comments.

Mayor Harpole advised that the meeting was adjourned and the Council would return to Work Session and Closed Session.

ATTEST:



Frances Hibbs, City Secretary



Brian Eades, Mayor Pro Tem