

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 22nd 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:

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

Absent was Paul Harpole. Also in attendance were the following administrative officials:

JARRETT ATKINSON	CITY MANAGER
WILLIAM MCKAMIE	INTERIM CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Councilmember Elisha Demerson. Mayor Pro Tem Eades led the audience in the Pledge of Allegiance.

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

ITEM 1: Mayor Pro Tem Eades presented the minutes for September 15, 2015. Motion was made by Councilmember Demerson to approve the minutes as presented; motion was seconded by Councilmember Burkett, and unanimously carried to approve the minutes.

ITEM 2: Mayor Pro Tem Eades presented the first reading of an ordinance rezoning Lot 16, Block 53, Eastridge Subdivision Unit No. 18, in Section 104, Block 2 AB&M Survey, Potter County, from Residential District 1 to Residential District 1 with a Specific Use Permit for the placement of a carport within the front yard setback, in the vicinity of Heather Street and Northeast 24th Avenue. It is recommended for approval by a 4:0 vote of the Planning and Zoning Commission. Motion was made by Councilmember Burkett, seconded by Councilmember Demerson, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7552

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 HEATHER STREET AND NORTHEAST TWENTY-FOURTH AVENUE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:0 vote of the Council.

ITEM 3: Mayor Pro Tem Eades presented the first reading of an ordinance rezoning Lot 2, Block 1, Sears Park Addition Unit No. 3, in Section 226, Block 2, AB&M Survey, Potter County, from General Retail District to Planned Development District for a food quality testing facility, in the vicinity of Dixie Street and Southwest 15th Avenue. It is recommended for approval by a 4:0 vote of the Planning and Zoning Commission. Kelley Shaw stated this rezoning would allow a food testing facility in the old Sears building which will test for contaminants and shelf life. They will employ about 50

people. Motion was made by Councilmember Nair, seconded by Councilmember Burkett, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7553

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 DIXIE STREET AND SOUTHWEST FIFTEENTH AVENUE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:0 vote of the Council.

ITEM 4: Mayor Pro Tem Eades presented the first reading of an ordinance rezoning of a 1.87 acre tract of unplatted land in Section 41, Block 9, BS&F Survey, Randall County, from Planned Development District 226 to General Retail District, in the vicinity of Southwest 45th Avenue and Golden Pond Place. It is recommended for approval by a 4:0 vote of the Planning and Zoning Commission. Muff London, 6006 Tuscany Village, stated she was representing the developer and believed the property would be better zoned as General Retail. Motion was made by Councilmember Demerson, seconded by Councilmember Nair, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7554

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 SOUTHWEST FORTY-FIFTH AVENUE AND GOLDEN POND PLACE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:0 vote of the Council.

ITEM 5: Mayor Pro Tem Eades presented the first reading of an ordinance rezoning Lots 8 through 27, Heritage Hills Addition Unit No. 2, Section 65, Block 9, BS&F Survey, Randall County, from Residential District 2 to Residential District 3, in the vicinity of Zoe Drive and Canton Court. It is recommended for approval by a 4:0 vote of the Planning and Zoning Commission. Motion was made by Councilmember Nair, seconded by Councilmember Burkett, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7555

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 ZOE DRIVE AND CANTON COURT, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:0 vote of the Council.

ITEM 6: Mayor Pro Tem Eades presented the first reading of an ordinance providing an exemption as authorized under Section 681.008, Texas Transportation Code. The ordinance adopts the exemption from the payment of fees for parking in a public parking garage owned by the City of Amarillo for certain disabled Veterans and Military Award recipients. Mr. Atkinson stated several years ago, the Attorney General opinions stated that city's could not exempt parking fees. Through the State Legislation and the adoption of Transportation Code, Section 681.008, which allows a city to adopt an

exemption for Veterans with a placard, Military Award recipients and other exemptions listed in Section 681.008 of the Transportation Code, to allow for free parking at airports. Councilmember Demerson stated he was pleased to offer this to our disabled Veterans and it was the least we could do for their service. Motion was made by Councilmember Burkett, seconded by Councilmember Nair, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7556

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS ADOPTING A NEW SECTION 16-3-199 OF CHAPTER 16-3 OF ARTICLE V OF TITLE XVI TO INCORPORATE SECTION 681.008(b) OF THE TEXAS TRANSPORTATION CODE PROVIDING FOR EXEMPTIONS FOR CERTAIN VETERANS AND MILITARY AWARD RECIPIENTS FROM PARKING FEES; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:0 vote of the Council.

ITEM 7: Mayor Pro Tem Eades presented the second and final 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 second and final 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 Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:0 vote of the Council.

ITEM 8: Mayor Pro Tem Eades presented a resolution sets the first and second hearings on October 26, 2015 (1st Public Hearing) and October 27, 2015 (2nd Public Hearing) for the proposed annexation of a 481+ acres of land in Sections 2 and 3, Block 9, BS&F Survey and Section 232, Block 2, AB&M Survey, all in Randall County, Texas, in the vicinity of Hollywood Road/Loop 335 and Western Street. Continuation of this annexation process is recommended by a 4:0 vote of the Planning and Zoning Commission. Mr. Atkinson stated this was a voluntary annexation. Councilmember Burkett stated this would be approximately 800 lots. Motion was made by Councilmember Burkett, seconded by Councilmember Demerson, that the following captioned resolution be passed:

RESOLUTION NO. 09-22-15-1

A RESOLUTION SETTING A DATE, TIME AND PLACE FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF AMARILLO, TEXAS; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICES OF SUCH PUBLIC HEARING.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:0 vote of the Council.

ITEM 9: Mayor Pro Tem Eades presented a resolution approves and accepts the completed Georgia Street Interceptor Project, Number 521091. This project received funding assistance through the Texas Water Development Board and consideration of a resolution accepting the completed project is required as a project condition. The project engineer has certified the completion of the project. Mr. Atkinson explained this was the tunneling project under Georgia Street. The City received favorable funding by the Texas Water Development Board for this project. Motion was made by Councilmember Nair, seconded by Councilmember Burkett, that the following captioned

resolution be passed:

RESOLUTION NO. 09-22-15-2
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AMARILLO: APPROVING AND ACCEPTING THE
GEORGIA STREET INTERCEPTOR PROJECT, CITY
PROJECT NO. 521091, BID NO. 4830; PROVIDING AN
EFFECTIVE DATE.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion carried by a 4:0 vote of the Council.

ITEM 10: Mayor Pro Tem Eades advised that appointments are needed for certain boards and commissions. Motion was made by Councilmember Nair, seconded by Councilmember Demerson and unanimously carried to appoint to the Animal Management & Welfare Advisory Board, William Kearns to replace Sunny Campbell, such term to expire January 6, 2019; to appoint to the Quail Creek Public Improvement District Advisory Board, Chad Westenburg and Jason Burgess to replace Jim Luginbill and Ricky Culp, such terms to expire September 1, 2018; to reappoint to the Redstone Public Improvement District Advisory Board, Sharon Arthur and Charlie Hamilton, such terms to expire September 1, 2018; and to appoint to the Traffic Advisory Board, Adam Schaer to replace Frank Nelson, such term to expire July 1, 2018.

ITEM 11: Mayor Pro Tem Eades presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Demerson, to approve the consent agenda Items A and D through F, motion was seconded by Councilmember Burkett, and unanimously carried.

James Schenck, 6216 Gainsborough Street, inquired as to who the City was purchasing the YMCA from. Mr. Atkinson replied the YMCA is still in existence and they have obligations to satisfy. Councilmember Burkett stated it is going to take some money to get it up and running. Councilmember Demerson replied it was the efforts of the Mayor and City Manager and that the opportunity became apparent through James Allen's office, when bills could not be paid, and the Council realized it was a valuable resource. Keith Grays, 2326 Northwest 11th Avenue, encouraged the Council to unanimously approve the purchase for after school programs, aquatic programs no longer available for Senior Citizens, and the need for the pool and the gymnasium in the community. Les Studer, 8010 Kerr Place, also encouraged the approval to provide needed services to children in that community. Councilmember Demerson, reiterated the Council's vigorous support after becoming aware of the circumstances, and not one member of the Council voiced opposition. B.F. Roberts, 1007 North Hayden Street, stated it was a wise decision to invest funds in the North Heights area. Trina Fouriner, 4427 South Hayden Street, asked for an explanation of CDBG Funds. Mr. James Allen, stated Community Development Block Grant (CDBG) funds have been administered by the City for 30 years. The Advisory Committee reviews requested funding for projects each year. The projects have to assist low to moderate incomes, elderly, or children. Ms. Fouriner also inquired as to who was on the advisory board. Mr. Atkinson stated they are all volunteers with certain representations in target areas, and representing certain areas of town. Trina Fouriner, 4427 South Hayden Street, inquired as to how long the City knew the YMCA was for sale. Mr. Atkinson stated they have been working with YMCA for several months. Motion was made by Councilmember Burkett, to approve Item C, and was seconded by Councilmember Demerson, to approve the entire consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

- A. Award – New Residential Construction Contract:
Award to E.A. Miles dba Mitay, Inc. -- \$200,000
Funding through – HOME New Construction Program

This item approves the construction of four new residential units in the 1900 block of Northwest 15th Avenue. The total project cost is \$400,000. The owner will provide \$200,000 in funding and the City of Amarillo will provide \$200,000 in funding through the Community Development Block Grant HOME New Construction program. Upon completion, this project will make available four, three-bedroom, single family residential units to low to moderate income families. The affordability period for the units is

twenty years from the date of completion.

- B. Award -- City Telephone System Hardware and Software:
Award on State of Texas DIR contract pricing:
North American Communications Resource, Inc. (NACR) -- \$58,961.10

This item awards a contract to purchase Avaya Communication Suite telephone switch hardware and related software, training and installation services to replace the City Service Center phone switch. Funding is available in the approved Information Technology Operating budget.

- C. Purchase – 1330 Northwest 18th Avenue:
Parties: Young Men's Christian Association of Amarillo, Texas, Inc. (YMCA) and the City of Amarillo
Purchase Price: \$142,210.46
Terms and Conditions: As Noted

This item approves the purchase by the City of Amarillo of the facility commonly known as the North Branch YMCA including all fitness equipment and personal property located in the building. The facility includes an indoor swimming pool, recreational and exercise areas, gymnasium, commercial kitchen and classroom areas. Purchase of this property provides an opportunity to make these facilities available to the public in the future. Funding for this purchase is from the General Construction Reserve fund.

- D. Purchase – Computer Equipment:
Award to low responsive bidder: L3 Communications Mobile Vision, Inc. -- \$57,624.66

This item approves the purchase of mobile computer tablets and related items for the Amarillo Police Department. These tablets will have dual-purpose capacity, providing computer capabilities and electronic ticket writing capabilities. Funding is available from the Departments' seized funds account.

- E. Approval – Pumping Project – Playa #7 (Greenways):
Award to current provider: United Rentals -- \$46,964.00

This item approves the extension for an additional month for a portable pump, inline pump and associated piping to move water from Playa #7 to McDonald Lake. This system is capable of removing approximately 3,000 gallons per minute from Playa #7. Lowering the level of this lake will protect residents and property in the surrounding area and provide capacity for future rain events. Funding for this project will be from the City's Drainage Utility Fund Reserve Account.

- F. Acceptance – Property Donation Deed without Warranty:
Grantors: Herman Lartigue and Homer Lartigue, Jr.

This item is the acceptance of a property gift deed for Lots 1 through 9, Block 54, Miller Heights Subdivision, Potter County, to be utilized as a drainage channel in Section 168, Block 2, AB&M Survey, Potter County.

Mayor Pro Tem Eades 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.

Mr. McKamie outlined rules during the public forum. Preston Fowler, 1323 South Taylor Street, stated he was the YMCA board president, and he thanked the Council. He further stated he was excited to see that building serve that community and saw mutual benefits. Glenn Braudt, 78 Coyote Bluff, stated the Advance Pavement lawsuit was settled but the taxpayers were misinformed and there was abuse of City funds. Scotty Knutson, 11 Hogan, stated he was accused of not being very professional. He further

stated he will initiate a recall after Councilmember Eades has been in office six months. Ms. Dutchworth, 1004 South Lamar Street, stated that the City and County were different entities, but they have worked together in the past. She further stated the need to fix the current baseball park. Tom Warren, 2000 South Hughes Street, inquired about the green space around the proposed Liberty Theatre. Mr. Atkinson stated those images were from plans dating back to 2007-2008. Candice Cathey, 3509 Gran Apple Avenue, stated she had seen in the media were the MPEV was booked for 50 nights and there has been no contract signed by the Thunderheads. She further stated she was glad to see the YMCA will be resurrected.

Allen Finegold, 2601 North Grand Street, requested public hearings concerning specific issues. Trina Fouriner, 4427 South Hayden Street, stated it was easy to be critical if you do not know what is going on. David Kossey, 1014 Cimarron Canyon, Canyon, inquired if the resignation of a DAI Board member today was because of a conflict of interest. He asked that an agenda item be placed on the next agenda to discuss any conflict of interest. Dipak Patel, 46 Colonial Drive, stated concerns over misguided numbers comparing Amarillo to Abilene for conventions. He further stated he has asked CVC for numbers and has not received anything from them. Councilmember Nair asked if someone could assist Mr. Patel with his data. Mr. Atkinson stated he had met with Mr. Patel recently and perhaps they needed to meet again along with Dan Quandt. James Schenck, 6216 Gainsborough Street, expressed concerns about the figures to build the hotel, garage and ballpark. Andrews Holley, West 51st Avenue, stated concerns about DAI and the refugee crisis. He suggested to the Council that they do everything they could to stall or put limits on the refugees moving forward. Trina Fouriner, 4427 South Hayden Street, stated refugees are not obligated under international treaties to allow them to come here. Mr. Atkinson replied that there were United States agreements through the United Nations and that the United States opens up 75,000 spots throughout the country managed by volunteer organizations. There are two volunteer organizations in Amarillo, Catholic Charities of the Texas Panhandle and Refugee Services of Texas.

Gene Gaston, 2823 Armand Street, stated he was a retiree from the Solid Waste Department, and understands the City is still struggling to hire employees because of the low wages and rumors of increased insurance and retirement changes. Carolyn Thornton, 1947 South Marrs Street, stated she would like to see improvement on how the appointments for boards and commission are presented, so she could write down the names of the newly appointed. Candice Cathey, 3509 Gran Apple Avenue, inquired if the board appointments could be displayed. She further stated her husband was retired from the City, and agreed City wages needed to be increased. Carol Smith, 1616 South Polk Street, stated the valedictorians and salutatorians for the City's high schools are usually foreigners. She stated she would hate to see the City discriminated. She also asked Councilmember Demerson to consider having his breakfast meetings at a place where it does not costs a person to attend. There were no further comments.

Mayor Pro Tem Eades 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