

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 6th day of October 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:

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

The invocation was given by Boy Scout Jonathan Ingle. 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 September 29, 2015. Motion was made by Councilmember Eades 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 first reading of an ordinance amending Chapter 16-3-1001, Traffic Schedule A, of the Amarillo Municipal Code. This proposed change is requested by the City Transit system to restore two-way traffic operations on the one block segment of Southeast 14th Avenue from Bolton to Lake Streets that is currently part of the one-way traffic circulation around Benton Park. This change is requested to allow the City Transit SpecTrans system to better access and serve a disabled customer in the area. This segment was originally converted to one-way traffic at the request of the Amarillo Police Department in 1993 and the issues that gave rise to the request have since subsided. This ordinance was reviewed and recommended for approval by a 6:0 vote of the Traffic Advisory Board. Motion was made by Councilmember Nair, seconded by Councilmember Burkett, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7558
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 16-3, ARTICLE XXII, SECTION 16-3-1001, SCHEDULE A, TO MODIFY AN EXISTING ONE WAY STREET; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION 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 3: Mayor Harpole presented the first reading of an ordinance vacating an existing 154.59 acre drainage easement in Sections 24 and 25, Block 9, BS&F Survey, Potter

County, Texas and replacing such with the dedication of a 4.14 acre drainage easement within the same described property. Vacating the blanket easement and replacing it with a dedicated easement that follows the actual storm water run-off through the natural channel results in the ability for future development while maintaining the needed drainage easement. This ordinance was reviewed and recommended for approval by a 5:0 vote of the Planning and Zoning Commission. Motion was made by Councilmember Demerson, seconded by Councilmember Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7559

AN ORDINANCE DETERMINING LACK OF PUBLIC NECESSITY FOR A DRAINAGE EASEMENT IN THE VICINITY OF TASCOSA ROAD AND RAVENWOOD DRIVE, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN-DESCRIBED DRAINAGE EASEMENT 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 4: Mayor Harpole presented the first reading of an ordinance transferring the current Office of Fire Marshal, City Department #1930 to the Development Services Group as headed by the Assistant City Manager for Development Services. The City Fire Marshal shall be at the rank of Department Head and report directly to the Assistant City Manager for Development Services.

Mr. Atkinson stated the Fire Marshal's office was a standalone department and they do not have the same functions as firefighters. The City is moving into a one-stop shop model in an attempt to provide better and more prompt service to our customers. Five of the six Fire Marshals are certified Texas Peace Officers. The Fire Marshals and firefighters are not fundamentally the same but different and require different certifications. Chief Jeff Greenlee stated he recommended the duties be turned over to Bob Cowell. There is still a need to hire a Fire Marshal. He did not feel the day-to-day operations would change but would enhance it by working with the planning review and Building Safety department. Chief Greenlee recommended to the Council to make the change. Mr. McKamie stated members of the police and fire departments operate under Chapter 143, and they were prohibited from negotiating directly with them. Mr. Atkinson stated the Fire Marshals were not hired under Chap 143.

John Woodburn, Fire Marshal's office, stated he did not believe this (incorporating the Fire Marshal's office with the Fire Fighters) would be the best move for the City. Tyler Smith, Deputy Fire Marshal, stated during the opening at the Fire Marshal's office not one applicant was or had been a firefighter and no applicants were received from the Fire Department. Douglas Ditto, 5924 Amberwood Lane, stated it does not appear that this problem is broken, but an experienced standalone department. He further stated personnel problems are not solved by changing structures. Dana Havlik reiterated he believe it would be a bad idea to separate these departments Chief Greenlee stated these were two separate career paths, and they lose continuity each time someone leaves. Alan Finegold, 2601 North Grand Street, suggested the Council keep the Fire Marshals as an independent group at least for another year. He further stated he thought it wise to delay the decision for a couple of weeks. Carolyn Thornton, 1947 South Marrs Street, also suggest the Fire Marshals stay independent. Andrew Holley, 4302 West 51st Avenue, stated he thought it was improper for the Amarillo Firefighters Association to absorb the agency. Motion was made by Councilmember Demerson to table this item for one week, seconded by Councilmember Nair.

ORDINANCE NO. 7560

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: TO FURTHER REORGANIZE THE CITY'S DEVELOPMENT SERVICES, TO NOW INCLUDE THE FIRE MARSHAL'S OFFICE AND CORRESPONDING TRANSFER OF ACCOUNTING FUND; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING FOR EFFECTIVE DATE.

Voting AYE were Councilmembers Demerson, Eades, Burkett and Nair; the motion

carried by a 4:1 vote of the Council. Mayor Harpole voting no.

ITEM 5: Mayor Harpole presented the second and final reading of an ordinance amending Ordinance No. 7539 to correct a clerical error relating to the total amount of the 2015/2016 Colonies Public Improvement District (PID), budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Colonies PID. Motion was made by Councilmember Demerson, seconded by Councilmember Burkett, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7557

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS AMENDING ORDINANCE NO. 7539 TO CORRECT A CLERICAL ERROR RELATING TO THE TOTAL AMOUNT OF THE ASSESSMENT ON PROPERTY WITHIN THE COLONIES PUBLIC IMPROVEMENT DISTRICT FOR FISCAL YEAR 2015-2016; AND 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 approving the adoption of a Chapter 380 Economic Development Program. This economic development plan will promote local economic development and stimulate business and commercial activity by attracting jobs and high quality development in the City. Motion was made to table this item for one week:

RESOLUTION NO. 10-06-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: APPROVING AND ADOPTING A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM; 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 7: Mayor Harpole presented a resolution changing two parking restrictions as follows: 100 and 200 block, S. Tyler Street, both sides and 100 and 200 block, S.W. 1st and S.W. 2nd Avenues, both sides – “No Parking 6 p.m. to 6 a.m.”; and 200 Block, S. Cleveland Street, both sides and both sides of S.E. 2nd Avenue from Arthur to Houston – “No Parking Anytime.” These parking restrictions are requested by businesses in the areas described above and have been reviewed and recommended for approval by a 6:0 vote of the Traffic Advisory Board. Motion was made by Councilmember Nair, seconded by Councilmember Demerson, that the following captioned resolution be passed:

RESOLUTION NO. 10-06-15-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO: IMPOSING PARKING RESTRICTIONS ON A SEGMENT OF SOUTH TYLER STREET, ON A SEGMENT OF SOUTHWEST FIRST AVENUE, ON A SEGMENT OF SOUTHWEST SECOND AVENUE, ON A SEGMENT OF SOUTH CLEVELAND STREET, AND ON A SEGMENT OF SOUTHEAST SECOND AVENUE AND PROVIDING FOR REPEALER; PROVIDING SEVERABILITY AND SAVINGS CLAUSE; PROVIDING FOR 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 8: Mayor Harpole presented a resolution setting the date and time for a public hearing on October 27, 2015, at 6:00 p.m. to determine if the property at 404 North Madison Street constitutes a public nuisance and thereby declared as a dangerous structure. A copy of this resolution will be mailed to all interested parties providing ten (10) days notice of public hearing. Motion was made by Councilmember Eades, seconded by Councilmember Burkett, that the following captioned resolution be passed:

this project is in the approved FY 2014/2015 Public Works Capital Improvement Program project.

E. Dedications and Acceptances:

Dedication of a 4.14 acre drainage easement in Section 24, Block 9, BS&F Survey, Potter County, Texas by James and Judy K. Morgan.

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.

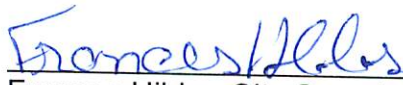
James Schenck, 6216 Gainsborough Street, expressed his concerns on leveraging all the HOT tax on an MPEV. Mr. McKamie reminded those in attendance that the Texas Open Meetings Act and an Attorney General Opinion restricted the Council from commenting during the open forum on items not listed on the agenda. The Council may refer the item to staff, request the item be placed on a future agenda, or comment by a factual statement or City policy.

Scott Knutson, 11 Hogan Street, Advance Pavement, stated he represented his 100 taxpaying employees on the 58th and Hillside construction lawsuit. Hanna Huff, 9413 Perry Avenue, requested the Council consider rescinding Ordinance 7333, which prohibits public camping. Thomas Warren, 1107 West 20th Avenue, inquired as to Councilmember Eades' involvement in the millennial movement. Dutch Worth, 1004 South Lamar Street, stated she read where the City was now in the hotel business. She requested they fix the existing ballpark with Potter County. She further suggested building an aquatic center and bike trail. Andrew Holley 4302 West 51st Avenue, suggested the Council investigate and present to the public the Advance Pavement litigation issue. Mr. McKamie responded the City sought to obtain retainage and the paving company filed a counter claim. The City hired outside Counsel, the case went through the litigation process, mediation and eventually the case was settled.

David Kossey, 1014 Cimarron Canyon, Canyon, stated for six weeks he has asked the Council to do an investigation. He inquired how citizens might initiate an investigation. Mr. McKamie responded that citizens did not have a right to instigate an investigation. Mr. Kossey further asked if there was a City ordinance allowing a Councilmember to donate to a political action committee. Mr. McKamie stated state laws regulate electioneering by officials. They cannot cause, use or cause to be used city monies to support or oppose a proposition. Individuals were entitled to their rights to participate as any other citizen. Mr. Kossey asked that the public have lead time before appointments are made to boards. Dipak Patel, 46 Colonial Drive, stated he has asked Dan Quandt for information on the need for the convention hotel next to Civic Center, but he has not received any details. Kandice Caffee, 3509 Granapple Avenue, stated the rules for all Councilmembers should be the same. She further stated as a member of the Amarillo Citizens for Tomorrow (ACT) future activities in the MPEV were hard to visualize. 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



 Paul Harpole, Mayor