

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 20th 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

There 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 Greg Dowell, Central Church of Christ. 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 October 13, 2015. 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:** Mayor Harpole presented the first reading of an ordinance rezoning 42.71 acres of unplatted land in Section 64, Block 9, BS&F Survey, Randall County, from Agricultural District to Residential District 2, in the vicinity of Ellen Hope Street and Prather 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 Nair, that the following captioned ordinance be passed on first reading:

**ORDINANCE NO. 7562**

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 ELLEN HOPE STREET AND PRATHER AVENUE, 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; the motion carried by a 5:0 vote of the Council.

**ITEM 3:** Mayor Harpole presented the first reading of an ordinance rezoning of Lot 13, Block 3, King's Acres in Section 8, Block 9, BS&F Survey, Randall County, from Planned Development District 261 to Amended Planned Development District for retail related uses (excluding certain uses), in the vicinity of King Avenue and Western Street. It is recommended for approval by a 4:0 vote of the Planning and Zoning Commission. Motion was made by Councilmember Eades, seconded by Councilmember Burkett, that the following captioned ordinance be passed on first reading:

## ORDINANCE NO. 7563

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 KING AVENUE AND WESTERN STREET, 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; the motion carried by a 5:0 vote of the Council.

**ITEM 4:** Mayor Harpole presented the first reading changing the right-of-way width variance for the Tradewind Square Subdivision being a 476.07 acre tract of unplatted land in Section 173, Block 2, AB&M Survey, Randall County. The applicant's Preliminary Plan indicates that it would build 1,900 single-family residential homes. The Plan indicates there will be no alleys for the subdivision, and alleys are required with Final Plats within the City of Amarillo.

This item has been considered by the Planning and Zoning Commission and denied by a 2:3 vote of the Commission at its September 28, 2015 meeting. The Applicant is appealing this denial action by the Planning and Zoning Commission.

Mr. Atkinson stated this item would waive alleys in this subdivision to allow it to be developed without alleys. The streets would be wider to allow for utilities in the front yard. He further stated that hand pick up routes would exist until they were able to move forward with an automated cart system. Mr. Seth Williams, 60 Aviation Place, stated this subdivision would provide affordable housing in this neighborhood below \$100,000. Not having alleys would keep development costs down, and eliminate City alley maintenance costs. Mr. Atkinson added that research has indicated that alleys contribute to crime. Councilmember Burkett inquired how it would cut down on trash. Mr. Williams stated having to keep trash in a single container and by separating garbage and recyclables. Mayor Harpole stated that Amarillo's distance from recycling centers was a detriment.

Jesse Pfrimmer, 5723 South Milam Street, stated he appreciated the savings in street maintenance, but believed there was additional burdens with blowing trash, grass cuttings and tree limbs when there is not an alley. He believes alleys are a positive asset for Amarillo. Shayla Birdsong, 1807 Club View, stated putting the trash out the morning of pick up was the responsibility of the ownership. Councilmember Demerson stated he did not believe alleys received the punctual maintenance required and appreciated that there would be no additional cost to the City. Robert Goodrich, 4111 Stony Point, stated he was in support of Mr. Williams' waiver and appeal. Doug Ditto, stated he was employed by the City for 17 years. He supported the elimination of the alleys. He further stated alleys were used by traffic that they were not designed for and their maintenance was tremendous. Jimmy Presley, 1514 South Pierce Street, stated it was too bad the City did not go into partnership with BFI. Motion was made by Councilmember Burkett, seconded by Councilmember Demerson, that the following captioned ordinance be passed on first reading:

## ORDINANCE NO. 7564

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS PROVIDING FOR A WAIVER FROM THE REQUIREMENT THAT ALLEYS SHALL BE REQUIRED FOR ALL PLATS; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, 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 5:** Mayor Harpole presented the second and final reading of an ordinance voluntarily annexing a 39.68 acre of land in Sections 153 and 172, Block 2, AB&M Survey, Randall County, Texas. This ordinance addresses the voluntary annexation of approximately 39.68 acres of sparsely populated land located adjacent to the existing City limits in the vicinity of Southeast 34<sup>th</sup> Avenue and Tradewind Street. This is the second of two readings regarding the annexation. Motion was made by Councilmember Nair, seconded by Councilmember Demerson, that the following captioned ordinance be

passed on second and final reading:

**ORDINANCE NO. 7561**

**AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: VOLUNTARY ANNEXATION OF SPARSELY POPULATED TERRITORY ADJACENT TO THE PRESENT CORPORATE LIMITS OF THE CITY OF AMARILLO, FINDING THAT ALL NOTICES AND HEARINGS AS REQUIRED BY LAW HAVE BEEN ISSUED AND CONDUCTED, DESCRIBING THE TERRITORY ANNEXED, OBLIGATING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED, PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS AND OWNERS IN SAID TERRITORY; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER 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 6:** Mayor Harpole stated this item was a resolution conducting a public hearing on and considers ordering the removal of a substandard structure located at 2001 Northwest 19<sup>th</sup> Avenue. Mr. Atkinson stated that the owner(s) have signed voluntary releases. With their permission, the City will continue with the demolition and will receive assistance through CDBG funding. No further action is needed by the Council.

**RESOLUTION NO. 10-20-15**

**A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE PUBLIC NUISANCES, AND REQUIRING THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS; PROVIDING FOR FILING OF LIENS; PROVIDING A REPEALER CLAUSE; PROVIDING SEVERANCE CLAUSE; PROVIDING EFFECTIVE DATE.**

**ITEM 7:** Mayor Harpole stated this item was a resolution conducting a public hearing on and considers ordering the removal of a substandard structure located at 1704 South Cleveland Street. Mr. Atkinson stated that the owner(s) have signed voluntary releases. With their permission, the City will continue with the demolition and will receive assistance through CDBG funding. No further action is needed by the Council.

**RESOLUTION NO. 10-20-15**

**A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE PUBLIC NUISANCES, AND REQUIRING THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS; PROVIDING FOR FILING OF LIENS; PROVIDING A REPEALER CLAUSE; PROVIDING SEVERANCE CLAUSE; PROVIDING EFFECTIVE DATE.**

**ITEM 8:** Mayor Harpole advised that appointments are needed for certain boards and commissions. Motion was made by Councilmember Eades, seconded by Councilmember Demerson and unanimously carried to reappoint to the Greenways Public Improvement District Advisory Board, Shane Brooks, such term to expire September 30, 2018; and to reappoint to the Point West Public Improvement District Advisory Board, Edwin Leland and Alkesh Patel, such terms to expire September 30, 2018.

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

**ITEM 9:** Mayor Harpole presented the resignation of City Manager, Jarrett Atkinson. Mr. Atkinson stated the agreement he has with the City requires a 90-day notice of separation which can be waived upon mutual consent. Mr. Atkinson suggested that he stay until not later than November 17, and be on vacation until his last official day of November 26. He further stated he would be available to help make decisions, if needed. Mayor Harpole stated his personal regrets and asked the Council to set aside 90-days of pay after effective his last official day.

Motion was made by Councilmember Burkett to pay Mr. Atkinson the 90-days, seconded by Councilmember Nair. Mr. McKamie stated he would have an item for the consent agenda next week.

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

**ITEM 10:** Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Mayor Harpole stated that Item D would be removed. Mayor Harpole further stated Councilmembers have worked diligently with Downtown Amarillo, Inc. to get to this plan. Motion was made by Councilmember Burkett to approve items A-C and E-G on the consent agenda and authorizes the City Manager to execute all documents necessary for each transaction. Motion was seconded by Councilmember Eades. Councilmember Nair expressed his appreciation to Melissa Dailey and John Lutz.

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

Mr. McKamie asked for a motion on Item 9 accepting the resignation of the City Manager. Motion was made by Councilmember Demerson, seconded by Councilmember Burkett, Motion carried by a 3:2 vote. Mayor Harpole and Councilmember Eades voting no.

- A. Purchase – Computer Network Hardware:  
Award on State of Texas Department of Information Resources (DIR)  
Cooperative Purchasing Contract to Presido -- \$108,943.68

This item approves the purchase of Cisco Equipment for installation in the Simms Municipal Building. Funding for this purchase is in the approved FY 2015/2016 Information Technology Division Capital Improvement Program budget.

- B. Purchase – Computer Network Hardware Data Backups:  
Award on State of Texas Department of Information Resources (DIR)  
Cooperative Purchasing Contract to Cima Solutions Group -- \$111,159.35

This item approves the purchase of a backup to disk appliance and required software in the Simms Municipal Building. Funding for this purchase is in the approved FY 2015/2016 Information Technology Division Capital Improvement Program budget.

- C. Approval – Engineering Services Agreement:  
Reynolds Engineering Associations, Inc.  
Maximum on the project flat fee not to exceed: \$80,620.00  
Maximum on electrical design not to exceed: \$7,680.00

This item considers an agreement to provide engineering services for the existing Masterson Pump Station Switchgear and associated mechanical work. The selected engineering firm will provide the electrical engineering services for the replacement of the existing switchgear. Funding for this contract is available in the approved FY 2015/2016 Utility Division budget.

- D. Approval – Change Order -- Electrical Improvements to Carson County Wellfield:
- |                       |                     |
|-----------------------|---------------------|
| Original Contract:    | \$ 82,170.00        |
| Current Change Order: | <u>\$222,635.00</u> |
| Revised Contract:     | \$304,805.00        |

This item approves a change order to the contact with Southwestern Public Service Company (SPS) for the design and construction of 2.5 miles of electric distribution lines and the upgrade of .45 miles of existing lines to serve the City's two new wells in the Carson County well field. The addition of these wells assists in maintaining the production levels of this well field. Funding is available from the approved Utilities Division Capital Improvement Program budgets.

- E. Approval – Change Order – Northeast 24<sup>th</sup> Avenue Pipeline 48" Well Water Transfer Lines:
- |                       |                      |
|-----------------------|----------------------|
| Original Contract:    | \$11,740.159.00      |
| Current Change Order: | <u>\$ 238,412.49</u> |
| Revised Contract:     | \$11,978,571.49      |

This item approves change order number one (1) to the contract with Condie Construction Company, Inc. This project constructs approximately 5.8 miles of 48 inch water transmission line to complete the connection of the NE 24<sup>th</sup> Avenue Pump Station to the Osage Water Treatment Plant. The proposed change order will accommodate the placement of a full-width asphalt overlay to portions on Spring Street, Northeast 12<sup>th</sup> Avenue and Hill Street. This will restore these street segments to a condition better than existed prior to the construction. Funding for this project is available from the Utilities Division 2014-2015 Capital Improvements E&I account.

F. Approval -- Downtown Amarillo, Inc.:

Initial Contract Amount: \$60,817.50

Maximum Not to Exceed Amount based on Council Authorization: \$243,270.00

This item approves the contract with Downtown Amarillo, Inc. (DAI) for specified services rendered in the support of downtown redevelopment. The proposed contract reflects an initial 90-day performance period and subsequent Council review. The Scope of Work includes tasks requested by the City Council such as technology centers, projects for public spaces and exploration of additional revenue sources.

G. Dedications and Acceptances:

1) A right-of-way agreement in Section 21, Block 9, BS&F Survey, Potter County, related to the installation, construction and maintenance of a sanitary sewer outfall main and appurtenances to serve the northwest area of Amarillo.

2) An easement agreement to construct a sanitary sewer main across Sections 21 and 48, Block 9, BS&F Survey, Potter County, for its Northwest Interceptor Project.

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.

Robert Goodrich, 4111 Stony Point, stated he would like to re-appeal the TIRZ board denying his application. 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. Rupert C. Brashers, 2522 Poplar Street, stated the City Manager has done a wonderful job and he was disappointed he was leaving. Dutch Worth, 1004 South Lamar Street, stated the need for transparency of the AEDC and other entities, and the need for a forensic audit.

Hanna Huff, 9413 Perry Avenue, inquired on how to get started to repeal Ordinance No. 7333. Mr. Atkinson replied he would be pleased to speak to her on the various ways. Carol Smith, 1616 South Polk Street, stated some Councilmembers were requesting transparency, but they have changed the meetings times to 6:00 p.m. to accommodate their own personal schedules. She further stated some Councilmembers have stated they did not trust the City Manager. She further stated the election was a non-binding referendum and she felt the Councilmembers will do what they chose to do. Carolyn Thornton, 1947 South Marrs Street, stated she was tired of hearing all the negativity, and she was shocked to hear of Mr. Atkinson's resignation. Dipak Patel, 46 Colonial, inquired about the 1,300 missed conventions because they were not near a convention hotel and the Civic Center. Thomas Edwards, 107 20<sup>th</sup> Street, echoed what Hanna Huff said about Ordinance No. 7333. 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