

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 6th day of May 2014, the Amarillo City Council met at 3:00 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 5:30 p.m. in regular session in the Council Chamber located on the third floor of City Hall at 509 E. 7th Avenue, with the following members present:

PAUL HARPOLE	MAYOR
ELLEN ROBERTSON GREEN	COUNCILMEMBER NO. 1
BRIAN EADES	COUNCILMEMBER NO. 2
JIM SIMMS	COUNCILMEMBER NO. 4

Absent was Lilia Escajeda. Also in attendance were the following administrative officials:

JARRETT ATKINSON	CITY MANAGER
VICKI COVEY	DEPUTY CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Matt Blake, Central Church of Christ. Mayor Harpole led the audience in the Pledge of Allegiance.

Proclamation was presented for "Motorcycle Safety and Awareness Month."

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 of April 29, 2014. Motion was made by Councilmember Simms; motion was seconded by Councilmember Eades, and unanimously carried, to approve the minutes.

**ITEM 2:** Mayor Harpole presented an ordinance adopting a revised Drought Contingency Plan for the City of Amarillo, including necessary triggering events and regulatory compliance requirements. Upon final adoption, this revised Plan shall establish the terms and conditions under which the City of Amarillo will respond to water supply and demand conditions and the related implementation of the various stages of water demand reduction. Until such time as this proposed Plan is finally adopted, the existing Drought Contingency Plan shall remain in full force and effect.

Emmett Autrey summarized the Drought Contingency Plan Update, the legal requirements and the amendments or changes recommended by staff. With regards to State Law 30 TAC 288, municipal retails and wholesale water utilities serving 3,300 or more in population must renew every 5 years. The last time it was renewed was May 1, 1999, currently operating under the 2009 Drought Contingency Plan. The purpose is to have a plan in place to ensure adequate water supply during excessive demands either by climate or infrastructure limitations.

Stages and measures trigger necessary for voluntary or mandatory restrictions: 1) sustained excessive water consumption (five days in a row); 2) diminishing contents in the 500 mgd reservoir; 3) significant Amarillo or CRMWA infrastructure failure. Serious failure may result in a declaration in Stage 5. Proposed changes will trigger Stages 1-5: Stage 1 – mild water shortage conditions, voluntary "odd-even" watering schedule. Water consumption 70% of production capacity for five consecutive days. To go down a stage, we must have five consecutive days below percentage. Stage 2 – Mandatory "odd-even" watering schedule. Stage 3 – Mandatory "odd-even" watering from 8:00 p.m. to 6:00 a.m. only 85% = 91.3 mgd. Stage 4 – Critical water shortage conditions mandatory "all non-essential" watering prohibited 90% = 96.7 mgd. Landscape irrigation prohibited. It becomes a threat to public health and safety. Penalties are more severe. Stage 5 Emergency Water shortage conditions 95% = 102 mgd.

Catastrophic shortage. The Mayor may set curtailments.

Mayor Harpole inquired as to the percentage of water that is used for landscape. Mr. Autrey replied 54% in 2011. Mayor Harpole stated in 2009 the community responded to voluntary requests to cut usage. Mr. Autrey stated the water consumption was currently ahead of the 2011 water usage.

Councilmember Green stated the Drought Contingency Plan was not the only tool available for water conservation. She further stated the need for water conservation for economic development, companies look for a city that uses water responsibly and has a supply that will last.

Allen Finegold, 2601 N. Grant, #158, stated the amount of water used in the summer months only, may be closer to 70%. Mr. Finegold encouraged the City to increase water fees based on the amount of water used in the Summer months. Mayor Harpole replied that staff was looking at different alternatives.

Motion was made by Councilmember Eades, seconded by Councilmember Green, and that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7457

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 18-2, ARTICLE V, SECTION 18-2-90 TO AMEND CRITERIA AND GOALS FOR DROUGHT STAGES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 3: Mayor Harpole presented an ordinance changing the zoning of a 14.03 acre tract of land and a 17.24 acre tract of land to change from Agricultural District and General Retail District 2 to Moderate Density District and Residential District 2, respectively. Motion was made by Councilmember Green, seconded by Councilmember Simms, and that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7458

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 NICK 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 Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Council.

ITEM 4: Mayor Harpole presented a resolution approving the application for the 2014 JAG Grant and the related Interlocal Agreement with Potter County. Under the terms of the grant, the City of Amarillo will apply for \$102,183 and will allocate the grant proceeds on an equal basis with Potter County. The Amarillo Police Department will use \$51,091.50 which is the City's portion of the grant to purchase additional electronic ticket writers. Motion was made by Councilmember Simms, seconded by Councilmember Eades, and that the following captioned resolution be passed:

RESOLUTION 05-06-14-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AUTHORIZING 2014 APPLICATION FOR EDWARD BYRNE JUSTICE ASSISTANCE GRANT; AUTHORIZE INTERLOCAL AGREEMENT TO SHARE GRANT FUNDS WITH POTTER COUNTY; AUTHORIZING ADMINISTRATIVE ADJUSTMENTS TO DOCUMENTS AS NEEDED; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE. APPROVING PARTIAL, TEMPORARY, CLOSURE OF A

STATE HIGHWAY ON JUNE 5, 2014; PROVIDING A SAVINGS CLAUSE; AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Council.

**ITEM 5:** Mayor Harpole presented a resolution conducting a public hearing on the 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 and the Texas Department of Transportation. Motion was made by Councilmember Eades, seconded by Councilmember Green, and that the following captioned resolution be passed:

RESOLUTION 05-06-14-2

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 Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Council.

**ITEM 6:** Mayor Harpole advised that appointments are needed for the Emergency Care Advisory Board. Motion was made by Commissioner Green seconded by Commissioner Simms and unanimously carried to reappointed Roger Smalligan and Chuck Speed on the Emergency Care Advisory Board, such terms to expire 04/21/2016. Voting AYE were Mayor Harpole, Commissioners Green, Eades, and Simms; voting NO were none; the motion carried by a 4:0 vote of the Commission.

**ITEM 7:** 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 Simms, 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. Award – Communications Consultant Services – Phase 1:  
Best Evaluated Proposal: RCC Consultants, Inc. -- \$115,273.95

This item awards a communications consulting services contract for Phase 1 of a new P25 compliant radio communications system for the City's operations. The RCC Consultants proposal is based on HGAC contract pricing. Phase 1 includes a needs assessment, development of system alternatives, and budgetary cost estimates. The study will also produce an implementation strategy report and recommendations. Funding for the project is available from the approved 2011-12 Next Generation Radio System capital improvement project.

- B. Approval – Martin Road Lake Stormwater Improvements Engineering Services:  
Best Evaluated Proposer: Alan Plummer Associates, Inc. -- \$398,607.00

This item awards a contract for engineering, design, and project management services for storm water improvements at Martin Road Lake. Martin Road Lake is located in the area of Martin Road and Northeast 15<sup>th</sup> Avenue. The project will excavate the lake and adjust storm water infrastructure to reduce the 100 year flood elevation. The goal of the project is to adjust the capacity of the lake such that approximately 150 residences and other structures are removed from the flood zone. Funding for the contract is available from the Drainage Utility Fund – Martin Road Lake Capital Improvement Program project budget.

- C. Approval – Interlocal Agreement – City of Amarillo and Texas Department of Public Safety:

This item approves an Interlocal agreement between the City and the Texas Department of Public Safety. Under the terms of the agreement, the City will provide the services of one police officer to the Texas Department of Public Safety Aircraft Operations Division in Amarillo, Texas to serve as a Tactical Flight Officer. This is a no-cost contract and the cooperative endeavor will further enhance public safety in Amarillo and maximize the use of the aircraft assets provided by the Texas Department of Public Safety. The contract is for 24 months with up to five additional 24 month renewals upon mutual agreement.

D. Dedications and Acceptances:

- 1) A 20' public utility easement and two temporary construction easements in Section 182, Block 2, AB&M Survey, Randall County
- 2) A 20' public utility easement and a temporary construction easement in Section 46, Block 9, BS&F Survey, Potter County
- 3) A 20' public utility easement and a temporary construction easement in Section 47, Block 9, BS&F Survey, Potter County
- 4) Six water line easements of varying widths in Section 138, Block 2, AB&M Survey, Potter County

ITEM 8: Presentation 2014 Every Drop Counts. Tim Loan, Assistant Director of Utilities, presented an overview of the drought status across the nation. Compared last year's 5.9% of the area which was in an exceptional drought, currently 11.7% of the same area is in the exceptional drought area. Since the first of the year it has actually gotten worse. It appears we are headed for a big year of water consumption. The City continues to participate in Amarillo Water Conservation activities.

ITEM 9: Amarillo 101 graduation and recognition of the fourth class. Plaques were presented to: Jeff Bara, Jeff Barnhart, Scott Bentley, Monte Boaz, Mary Bralley, Mel Darnell, Colby Flaming, Rob Parker, Cody Posey, Dan Quant, Doug Srader, Steven Staten, Shane Tyree, Michelle Tyree, and two City employees, Trent Davis and Tim Loan. Individual comments were made by the group. Absent were: Ashton Allison and Frances Zion. Mr. Atkinson stated these 18 individuals, spent approximately 30 hours of their time in five classrooms and three field days. The participants were shown what the City is, who does it, why we do it, and how we pay for it. Mr. Atkinson stated this class had a tremendous level of participation. Favorable comments were made regarding the City's operations, staff and employees. Mr. Atkinson also thanked the group and staff for their time commitments.

ITEM 10: Report – Animal Control Update and Plan. Mayor Harpole explained the Open Meetings Rule and stated comments would be set at three-minutes per speaker on this important issue.

Mr. Atkinson stated interim director, Scott McDonald, began his duties on April 11, 2014. He began working with existing staff, with the State Department of Health Services, and several different local veterinarians. The first goal was to identify problems and make improvements and assure that best practices were being used at the Animal Control Shelter. Mr. Atkinson stated a walk-on scale was in-service, and facility improvement needs were identified, including fencing, fiberglass gates, security, and improving ventilation system. He also stated that a licensed veterinarian would be in the room to perform or supervisor proper methods to euthanize animals. Extended Saturday hours have been added, officers were now on duty until midnight and the shelter was holding dogs for five days instead of 72-hours. The City's Animal Shelter also serves as intake for animals from Randall and Potter Counties, and the City of Canyon. Next step, going forward, is to develop the best service we can, continue working with the Humane Society and to look for additional opportunities to work with other groups. Mr. Atkinson also stated there is a need to initiate a taskforce after a third party review of the Animal Control Shelter has been done.

Mayor Harpole stated the long-term problem needed to be solved is irresponsible pet owners who don't spay or neuter their pets. These animals are uncared for, unloved, and diseased. Councilmember Green stated she appreciated Mr. Atkinson's update on the Animal Control situation. She stated a taskforce and third party consultant were important, and that not enough improvements have been made to Animal Control. She would also like to discuss stricter pet ownership. Councilmember Simms stated something needs to be done about the lack of responsibility and not just inhumane treatment. Councilmember Eades stated this was an admirable starting point.



Shea White 4212 West 12<sup>th</sup> Avenue, stated she was appreciative for someone finally paying attention. She believed some laws were broken and Animal Control Officers should have had required training within 120 days of employment. She also noted the state of disrepair of the facility. She inquired as to why it had taken 30-40 years to see a problem, and asked who was responsible for managing those employees. Councilmember Eades stated employees are currently under investigation, and it was not appropriate that Council comment at this time. Stacy Grant, 5812 Spencer Street, regrets the incidents at Animal Control and the embarrassment it has caused the City. She presented a petition with 5,229 signatures to-date demanding the dismissal of the administrators on administrative leave. Jena McFall, Director of Panhandle Humane Society, commended the Administration and Council on their quick action. She noted a moderate difference in just three weeks and stated she was encouraged. Sharon Moylan, 1025 Bellaire, stated she was ashamed to be a resident of the City, allowing helpless animals to be born and suffer, and the leadership did nothing to stop it. Things were wrong and that can't be denied.

Debbie Strate, 6601 Diamond, stated she attended the Work Session and believes that increased fines are not the answer. She stated it would cause more pets to perish. Mr. Atkinson stated the return rate for pets was a significant number. Officers have nine microchip scanners, so often pets are returned and never get to the shelter. She also asked if the City is going to pay for a third-party assessment, it should also obtain information about a no-kill in their assessment. Carmen Archer, P. O. Box 20101, stated she hated these types of things have gone on. She stated there was no evidence that cleaning was being done. Mayor Harpole inquired if there was a quarantine time for animals brought into the shelter. Mr. Atkinson answered quarantine facilities do exist.

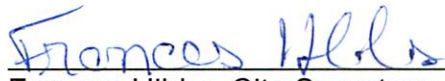
Andrea Slater Gulley, 3533 Sleepy Hollow Blvd., stated she is currently on the Animal Control Board and Texas Panhandle Pet Savers Board. She stated she was disappointed the changes have taken so long. She encouraged the Council to look into private-public partnerships with veterinarians for animal needs, and she also volunteered to be part of third-party review committee. Ms. Urbanczyk, 3618 Lynette, stated she was appalled with the unreasonable efforts to locate owners, prior to euthanasia. Donna Rosenberg 13800 Tangle Aire Point, stated she was very encouraged with the Animal Control Board and the Council. She also inquired about expanding the cage sizes, they are crowded and hard for the animals to get to food and water. The feed containers are rusty, there are no beds or blankets to keep them off the ground.

Elizababeth Goodnow, 3415 Hayden, appreciated the plan put forth. She stated she knew of a dog that was microchipped but not scanned at the shelter. Jeff Barnhart, 6600 Plum Creek, stated this was a very emotional subject. He believed positive things would come out of this, and he appreciated the Council taking ownership. Candy Whitney, 4214 Catalpa Lane, stated she was encouraged by what she heard today. Mayor Harpole stated progress was being made by taking baby steps. Michelle Quinto 3800 Westlawn, thanked the news media, power of the press, for bringing this matter to attention.

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. There were no comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

  
 Frances Hibbs, City Secretary

  
 Paul Harpole, Mayor