

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 22nd day of December 2014, the Amarillo City Council met at 1:30 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 3:00 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  
ELLEN ROBERTSON GREEN  
LILIA ESCAJEDA

MAYOR  
COUNCILMEMBER NO. 1  
COUNCILMEMBER NO. 3

Absent were Brian Eades and Ronald Boyd. Also in attendance were the following administrative officials:

JARRETT ATKINSON  
VICKI COVEY  
MARCUS NORRIS  
KELLEY SHAW  
FRANCES HIBBS

CITY MANAGER  
DEPUTY CITY MANAGER  
CITY ATTORNEY  
PLANNING DIRECTOR  
CITY SECRETARY

The invocation was given by Mark Love, Central Church of Christ. Mayor Harpole also 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 of December 16, 2014. Motion was made by Councilmember Escajeda; motion was seconded by Councilmember Green, and unanimously carried, to approve the minutes.

ITEM 2: Mayor Harpole presented a ordinance changing the zoning of a 2.79 acre tract of unplatted land from Agricultural District and Residential District 1 to Residential District 3 and a 2.94 acre tract of unplatted land from Agricultural District to Residential District 1, all in Section 39, Block 9, BS&F Survey, Randall County, in the vicinity of Bayswater Road and Greenways Drive. Motion was made by Councilmember Green, seconded by Councilmember Escajeda, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7499

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 BAYSWATER ROAD AND GREENWAYS DRIVE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Green and Escajeda; voting NO were none; the motion carried by a 3:0 vote of the Council.

ITEM 3: Mayor Harpole presented a ordinance amending Chapter 8-2, Amarillo Municipal Code, to amend several sections. This Code amendment would deem the City of Amarillo to be the temporary custodian of animals entering the possession, care, custody or control of the Animal Management & Welfare Department. As such, the Department will be authorized to lawfully administer medical treatment such as immunizations as necessary or prudent.

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

ORDINANCE NO. 7500

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-2, ARTICLE I, SEVERAL SECTIONS TO PROVIDE FOR TEMPORARY GUARDIANSHIP TO ANIMALS, TO CLARIFY TRANSFER OF TITLE TO ANIMALS, AND PROVIDING ADJUSTMENTS TO CERTAIN ANIMAL SERVICE FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Green and Escajeda; voting NO were none; the motion carried by a 3:0 vote of the Council.

ITEM 4: Mayor Harpole presented a resolution conducting a public hearing on and considers ordering the removal of a substandard structure located at 3401 Southeast 11<sup>th</sup> Avenue (aka 1014 South Woodland Street). Motion was made by Councilmember Green to select Options ii and v, seconded by Councilmember Escajeda, that the following captioned resolution be passed:

RESOLUTION NO. 12-22-14-1

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.

Scott McDonald, Building Official, Juanita Espinosa, Mercy Murguia, Wendy Morales, Joseph Morales and Charles Sturgeon were all sworn in. Mr. McDonald presented the case. He stated the property at 3401 Southeast 11<sup>th</sup> Avenue (aka 1014 South Woodland Street) contains three residential structures and one accessory structure. The structure on Southeast 11<sup>th</sup> Avenue has been vacant since November 2005. The structure on Woodland Street has been vacant since June 2012. The structures have been tagged with graffiti and there have been minimal attempts to repair or abate the structurally unsafe structures. Building Safety has received multiple complaints. There have been no recent applications for permits to abate the nuisance. The property was posted with a condemnation placard on November 25, 2014. Currently taxes due on the property are \$1,527.50. There are \$4,692.90 in delinquent taxes due for years 2012-2013. There has been no water service since November 14 2005 on Southeast 11<sup>th</sup> Avenue and no water since June 6, 2012 on Woodland Street. The City does not have any contractor liens on the property.

Juanita Espona stated she owns the property. She stated her husband, son and daughter were killed on property and she does not want the structures demolished. She further stated she has not answered previous correspondence because she does not have the funds to make the repairs. Councilmember Escajeda stated the law allows cities to expedite the process to assist neighborhoods with getting rid of unsightly and unsafe structures.

Mercy Murguia, Potter County Commissioner, 2705 South Seminole Street, stated she has had interaction with the neighborhood and the citizens that live around the property and they have expressed safety concerns. Wendy Morales, 1105 South Woodland Street, stated she has lived across from the house since 1997. They have endured overdoses, water being stolen, vandalism and fence damage. She further stated Mrs. Espinosa's daughter sometimes stays at the house. Joseph Morales, 1105 South Woodland Street, stated traffic comes and goes at that location. The Amarillo Fire Department has been called to this residence because of squatters inside starting fires to keep warm. Charles Sturgeon, stated he owns the home next door. He stated squatters have been stealing water and electricity for a number of years. He further stated the alley has become their restroom facilities. The theft of copper tubing under his house and stolen air conditioner are just a few of the problems he has incurred.

Robert Reese, 3310 East 13<sup>th</sup> Avenue, stated he grew up in the area, and in recent years there has been a lot of drug dealing and public nuisances going on in the

neighborhood. He stated he is worried about the children in the area. Elisa Vallejo, 1103 South Woodland Street, stated she has had trouble with the residents and she is not able to leave anything outside. She further stated people are coming and going at all hours of the night. She also expressed concerned because Bowie Middle School was so in close proximity. Cheryl Austin, 3503 Southeast 13th Avenue, stated the same vagrants have stripped the properties at 3611, 3616 Southeast 11<sup>th</sup> Avenue and 3100 Woodland Street and there is abundant drug use in the neighborhood. She further stated the police department is not responding to calls. Jerry King, 1111 South Woodland Street, stated there is graffiti on fences all the way down alley. He further stated that Ms. Espinosa cannot handle the situation and the structure is a public nuisance and needs to be torn down.

Mayor Harpole stressed the importance hearing from the neighbors and that no one should have to live like this. He encouraged more people to bring these types of structures to the Council's attention. Councilmember Green stated she understood the emotional ties, but the Council had to weigh the property rights of everyone living around the property.

Voting AYE were Mayor Harpole, Councilmembers Green and Escajeda; the motion carried by a 3:0 vote of the Council.

ITEM 5: Mayor Harpole presented a resolution conducting a public hearing on and considers ordering the removal of a substandard structure located at 312 North Pierce Street (Rear). Motion was made by Councilmember Escajeda to table this item until January 13, 2015, seconded by Councilmember Green, that the following captioned resolution be tabled:

RESOLUTION NO. 12-22-14

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.

Scott McDonald, Building Official and Bonnie King were sworn in. Mr. McDonald stated the property at 312 North Pierce Street (Rear) was set for public hearing on September 30, 2014, but was withdrawn because the owner said she was going to bring the property into compliance. This accessory building has been illegally converted into an apartment. There have been no applications for permits to abate the nuisance. The property was posted with a condemnation placard on November 26, 2014. Currently taxes due on the property are \$444.68. There are \$321.84 delinquent taxes due for year 2013. There has been no water service since November 7, 2005. The City does not have any contractor liens on the property. Mr. McDonald stated it has been longer than 30 days and there are no changes to the property, and remains noncompliant.

Bonnie King, 312 North Pierce Street, stated in June 2013 she encountered a person with no place to go, so she let her stay in the small house. In February 2014 her electric bill was \$319 and she asked the guest to help pay the electricity and she refused. The police were called and she eventually turned off the electricity to the small house. She further stated this person had a key to her house to use her restroom and appliances. She did not intend to use this house as a residence, but this person had nowhere to go. She would like to use it for storage.

Councilmember Escajeda inquired as to what standards need to be abated or did the structure need to be torn down. Mr. McDonald answered the removal of components, so the structure could not be used in the future as a residence. Ms. King stated she has done everything she can physically do herself and did not have any resources. She thought about using the structure as a residence but her nephew stated the sewer would have to be redone. Mr. McDonald stated the need to remove the illegal electricity, cap off the plumbing and the accessory exterior would need to be weather resistant. Mr. Atkinson noted the accumulation of debris. Mayor Harpole asked about any assistance that may be available to mitigate the situation.

Voting AYE were Mayor Harpole, Councilmembers Green and Escajeda; the motion carried by a 3:0 vote of the Council.

**ITEM 6:** Mayor Harpole presented a resolution conducting a public hearing on and considers ordering the removal of a substandard structure located at 3100 South Woodland Street. Motion was made by Councilmember Green to select Options iii and v, seconded by Councilmember Escajeda, that the following captioned resolution be passed:

RESOLUTION NO. 12-22-14-2

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.

Scott McDonald, Building Official, Nancy Wedgeworth, 1113 North Houston Street and Cheryl Austin, 3503 Southeast 13 Avenue were sworn in. Mr. McDonald stated this item was previously tabled on December 16, 2014. Brad Hoffman had gone to the residence and was able to open the fence and walk into the yard. He further stated the same conditions still exists with the exception of removal of some household items from the interior. Additional photographs were presented.

Cheryl Austin, 3503 Southeast 13th Avenue, stated all of the boards in the front of the house have been painted white. They are continuing to work on the property to make sure vagrants cannot get into the house. She stated they have removed items from home and continue to utilize the dumpsters. She stated the doors are secured.

Mayor Harpole inquired if they were able to get estimates and secure the financing to rehab the structure. Ms. Austin stated the contractor wanted some of the debris removed before giving them an estimate. Mr. McDonald stated that ultimately the structure would have to be inspected by licensed contractors, and Xcel would require the inside wiring upgraded to today's standards. James Allen, stated an application was given to Mrs. Hedgeworth last week seeking CDBG funds, but there has been no determination if the structure is eligible for assistance.

Mr. Atkinson stated that the property is currently listed as a homestead with a deferral tax on eligibility but it is not currently occupied. He further stated CDBG funds would only invest a percentage of the appraised value. Mr. McDonald stated that if they chose to rehab it as rental property, all the construction would have to be from licensed contractors. If they chose to use it as their homestead, they could do some of the work themselves. Councilmember Green inquired as to Mrs. Hedgeworth's intention for the property. Mrs. Hedgeworth stated she would like to live there again. Mr. McDonald stated the disability deferral back taxes were \$22,053.19 for years 2000-2013. Mr. McDonald further stated that within a ten-day period Mrs. Hedgeworth would have to present a scope of work, receive bids from licensed contractors and have proof of financial means before a permit would be issued.

Voting AYE were Mayor Harpole, Councilmembers Green and Escajeda; the motion carried by a 3:0 vote of the Council.

**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 Escajeda to approve the consent agenda, motion was seconded by Councilmember Green, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Purchase – Fire Truck Pumper:

Award on Houston Galveston Area Council of Governments (HGAC) Cooperative Purchasing Contract to Hall Buick, Pontiac GMC -- \$384,307.00

This item approves the purchase of one pumper style fire truck for the Amarillo Fire Department. The purchase is the scheduled replacement of a 2001 unit that has reached its usable life and operational capabilities. Use of the HGAC cooperative purchasing contract ensures consistency across the fire fleet and allows for common training, and efficient repair maintenance. This purchase represents a 2% increase from the last



purchase in 2013. Funding is available in the approved 2014-2015 Municipal Garage Rolling Stock budget.

- B. Purchase – Gate/Tapping Valves:  
Award to low responsive bidder: Wheeler Municipal Supply, Inc. -- \$84,081.70

This item awards the annual supply agreement to provide various gate-valves and tapping-valves for the City's Warehouse. These valves are purchased as needed and maintained in inventory for use by City departments. The price for the proposed purchase is 4.85% higher than last year's contract. Funding for this purchase is in the approved FY 2014-2015 Central Stores inventory budget.

- C. Award -- Sanitary Sewer Main Installation:  
Award to low responsive bidder: Amarillo Utility Contractors -- \$2,952,715.00

This item awards a contract to install approximately 17,000 linear feet of sanitary sewer main. This project area runs from south of 45<sup>th</sup> Avenue to the Interstate 40 frontage road west of Soncy Rd./Loop 335. This line will range in size from 10" diameter to 30" diameter and will provide service capabilities for the existing west side of Soncy and for future growth and development towards the west along the length of the line. The recommended award is approximately 40% less than the budget estimate. Funding for this project is from the approved Utilities Division Capital Improvement Program and from a participation agreement with Sam's Club.

- D. Approval – Interlocal Agreement Amendment #1:  
Parties: City of Amarillo and Amarillo Local Government Corporation (LGC)


This item approves an amendment to the existing Interlocal agreement between the City and the LGC. The existing agreement provides the mechanism whereby the City makes funding available to the LGC to pursue the development of the downtown catalyst projects. This amendment updates the agreement to match the recently approved Council resolution and LGC actions for the projects and current funding model, including the performance assurance clause. This amendment does not change the approved funding model but rather ensures that the LGC has the necessary funding mechanism for the projects under the current financial structure.

- E. Dedications and Acceptances:
- 1) Various private drainage easements (Colonial Drive, Shinecock Drive and Baltusrol Drive) being planned for dedication as public drainage easements in Section 12, Block 9, BS&F Survey, Potter County, Texas.
  - 2) Three private rights-of-ways as public rights-of-ways in Section 12, Block 9, BS&F Survey, Potter County, Texas.

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