

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 17th day of July 2018, the Amarillo City Council met at 3:00 p.m. for a work session, and the regular session was held at 5:00 p.m. in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

GINGER NELSON
ELAINE HAYS
FREDA POWELL
EDDY SAUER
HOWARD SMITH

MAYOR
COUNCILMEMBER NO. 1
COUNCILMEMBER NO. 2
COUNCILMEMBER NO. 3
COUNCILMEMBER NO. 4

Absent were none. Also in attendance were the following administrative officials:

JARED MILLER
MICHELLE BONNER
BRYAN MCWILLIAMS
STEPHANIE COGGINS
FRANCES HIBBS

CITY MANAGER
DEPUTY CITY MANAGER
INTERIM CITY ATTORNEY
ASSISTANT TO THE CITY MANAGER
CITY SECRETARY

The invocation was given by Stan Austin. Mayor Nelson led the Pledge of Allegiance.

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

PUBLIC COMMENT:

Misty Harvey, 5802 Shady Lane, spoke about G7 and the unification of citizens. She stated she previously worked at the City of Amarillo and spoke about previous City leaders. She further challenged current City leaders to have a heart as a servant and encouraged everyone to get in the trenches and foster animals. Jill Humphrey, 7714 Pineridge Drive, stated she respected everyone's time and efforts much like the countless rescuers and various rescue groups. She stated the volunteers make the AM&W look good and they work in getting animals out of the shelter. She stated change is needed and animal advocates have been represented at City Council meetings for the past six weeks. She inquired about the 90 For 90 referendum, which would provide funding for a low cost spay and neuter clinic. She further stated the breeders' ordinance would result in lawsuits. She inquired who would monitor the ordinance because there were ordinances on the books that were not enforceable. James Schenck, 6216 Gainsborough Drive, asked City Council to consider zero based budgeting. He stated the parking management is supply and demand and the hopes of driving people into the parking garage. He stated parking meters in downtown were taken out in 1967 because of the mall on Western Street. Mr. Schenck further inquired about the state law prohibiting the back and forth conversation with City Council during public comment. Claudette Smith, 4410 Van Kriston Drive, stated every issue she has brought before City Council has been ignored. She stated the need for Council to be the bridge when conflicts arise. Mike Fisher, 4410 Van Kriston Drive, stated he recently saw where the Council deliberated and consulted a recent zoning change request, and the City Manager's percentage of property owners was not correct. He stated his dismay on a recent approval for assistance with a sprinkler system item. Mayor Nelson asked Mr. McWilliams if the City Council could comment to a person with a pending litigation. Mr. McWilliams stated the City cannot have a dialogue with someone who has an ongoing litigation pending. Allen Finegold, 2601 North Grand Street, spoke on the importance of having a City committee on infrastructure for the City's water and sewer systems. Noah Dawson, 1133 Sugarloaf Drive, spoke about the need for representation, fiscal representation and public engagement with citizens. There were no further comments.

ITEM 1: Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Powell to approve the consent agenda, seconded by Councilmember Sauer.

- A. **MINUTES:**
Approval of the City Council minutes of the regular meeting and special meeting held on July 10, 2018.
- B. **ORDINANCE NO. 7739:**
(Contact: Sherry Bailey, Senior Planner)
This is the second and final reading of an ordinance rezoning The Colonies Unit No. 70, in Section 40, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways from Agricultural District (A) to Residential District 2 (R-2). (Vicinity: Wesley Road and Liberty Circle South.)
- C. **ORDINANCE NO. 7743:**
(Contact: Sherry Bailey, Senior Planner)
This is the second and final reading of an ordinance determining the lack of Public Necessity for a 25-foot drainage easement located on Lots 1 and 2, Block 37, Lawrence Park Unit No. 25, in Section 227, Block 2, AB&M Survey, Potter County, Texas. (Vicinity: Lometa Drive and Olsen Boulevard.)
- D. **ORDINANCE NO. 7744:**
(Contact: Sherry Bailey, Senior Planner)
This is a second and final reading of an ordinance rezoning Lots 17 thru 33, Block 24, Heritage Hills Unit No. 7, in Section 65, Block 9, BS&F Survey, Randall County, Texas, plus one half of all bounding streets, alleys, and public ways to change from Residential District 2 (R-2) to Residential District 3 (R-3). (Vicinity: Kori Drive and John Thomas Street.)
- E. **APPROVAL – CONSIDER THE OPERATING AGREEMENT BETWEEN THE CITY OF AMARILLO AND LYFT, INC.:**
(Contact: Michael W. Conner, Director of Aviation)
This item is the agreement between the City of Amarillo and Lyft, Inc., which is a transportation network company. The agreement outlines the Lyft operating parameters for their operations at the Rick Husband Amarillo International Airport.
- F. **APPROVAL – CONSIDER THE OPERATING AGREEMENT BETWEEN THE CITY OF AMARILLO AND RASIER, LLC (UBER):**
(Contact: Michael W. Conner, Director of Aviation)
This item is the agreement between the City and Raiser, LLC, which is the regional UBER transportation network company. The agreement outlines the UBER operating parameters for their operations at the Rick Husband Amarillo International Airport.
- G. **APPROVAL – CONSIDER THE SECOND AMENDMENT TO THE AUTOMOBILE PARKING MANAGEMENT CONTRACT BETWEEN CITY OF AMARILLO AND REPUBLIC PARKING SYSTEM, LLC:**
(Contact: Michael W. Conner, Director of Aviation)
This item is the second amendment to the Republic Parking System, LLC contract for the continued management of the Airport's parking lots. This amendment includes a contract extension of three (3) additional years, through March 31, 2022, in exchange for Republic installing new parking equipment to accommodate the regulations of commercial ground transportation traffic at the airport terminal building.
- H. **APPROVAL – CONSIDER THE HANGAR LAND LEASE AGREEMENT BETWEEN THE CITY OF AMARILLO AND WILMAX LLC:**
(Contact: Michael W. Conner, Director of Aviation)
This item is a new land lease agreement between the City of Amarillo and Wilmax, LLC for the continued lease of land at the Rick Husband Amarillo International Airport. The new lease is a 10-year lease with two separate 10-year option periods. This lease begins on August 1, 2018, with the initial term ending on July 31, 2028. This new lease is an update to their original lease which began on November 4, 1975, and includes new lease

rates based on the latest land appraisal from November 8, 2017.

- I. **APPROVAL – AVIATION CLEAR ZONE EASEMENT:**
 (Contact: Sherry Bailey, Senior Planner and Cody Balzen, Planner II)
 Aviation Clear Zone Easement, being 3,755 feet above mean sea level above the plat of Buffalo Run Unit No. 1, an addition to the City of Amarillo, being an unplatted tract of land in Section 59, Block 2, AB&M Survey, Potter County, Texas. (Vicinity: Pullman Road and Walls Road.)
- J. **APPROVAL – PROFESSIONAL SERVICES AGREEMENT – AMENDMENT #2 ENGINEERING SERVICES – RFQ # 06-13 PROJECT # 521805: RELOCATION OF LIFT STATION NO. 32 AT A NEW SITE:**
 (Contact: Kyle Schniederjan, CP&DE Director)
 Kimley-Horn and Associates, Inc. -- \$262,240.00
 This item approves Amendment # 2 to a November 20, 2013, Agreement for Engineering Services to perform additional engineering services. This addendum provides for the continuation of services by Kimley-Horn and Associates, Inc. at a cost not-to-exceed \$262,240.00.
- K. **CONSIDER FOR APPROVAL – CHANGE ORDER NO. 1- HILLSIDE TERRACE ESTATES 30” SEWER REPLACEMENT – CONTRACT 2 – SPIESS CONSTRUCTION CO., INC.:**
 (Contact: Floyd Hartman, Assistant City Manager)
- | | |
|--------------------------|----------------|
| Original Contract Amount | \$8,655,030.00 |
| Previous Change Orders | \$ 0.00 |
| This Change Order No. 1 | \$ (89,103.16) |
| Revised Contract Total | \$8,565,926.84 |
- This item is to approve Change Order No. 1 to Spiess Construction Co., Inc., which revises the northern alignment location from the street to the alley and changes construction method from trenchless to open-cut excavation. The realignment of this line is due to unforeseen project conditions.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

Mr. Miller introduced Donny Hooper, Assistant Director of Public Works.

REGULAR AGENDA

ITEM 2: Mr. Danforth presented an update on the MPEV Construction site. Mr. Danforth stated vertical construction is taking place. They are in the process of receiving another steel package this week. The recent rain only impacted construction for one day. Recently, they conducted a meeting with the team owners. The ownership group is happy with the progress, and how the construction is proceeding. The quality of the product has exceeded their expectations. The owners are also looking at additional items which will be added at their expense. The Guaranteed Maximum Price (GMP) has been received \$500,000 below the estimated amount.

ITEM 3: Mayor Nelson presented the first reading of an ordinance rezoning on a request to Rezone Lots 7 - 9, Block 2, Denver Heights Unit No. 1, in Section 138, Block 2, AB&M Survey, Potter County, Texas, plus one half of all bounding streets, alley, and public ways to change from Heavy Commercial District (HC) to Heavy Commercial District with a Specific Use Permit 194 (HC/S-194) for a crematorium (0.49 acres). (Vicinity: South Bivins Street and Southeast 4th Avenue.) This item was presented by Sherry Bailey, Senior Planner. Mayor Nelson opened a public hearing. Alice McDonald, 310 South Nelson Street (rear) stated her residence was separated by an alley. She stated there is a language barrier in the neighborhood. A lot of the residents do not speak English. She stated there are multiple families in the neighborhood with children, and she smells burning from the vents. Mayor Nelson inquired how long she has lived at this address. Ms. McDonald replied 10-years. She stated she was unaware this was in her neighborhood and the community is unaware of what is going on. Councilmember Hays inquired as to who informed her about this item. Ms. McDonald presented a list of people in her neighborhood who do not want the crematory located there. Eric Shafer, Shafer Mortuary Services, stated the crematory was regulated through the state and

there is no odor. Mr. Shafer presented written statements from neighbors and funeral homes throughout town approving of the crematory. He stated there is no smoke and the crematory is monitored. There are alarms and someone is there 24-hours a day. Mayor Nelson inquired how he came to own the business. Mr. Shafer replied he was working at a different funeral home and the owner passed away. He stated the crematory has been operating since November 1, 2017. The building used to be an ice cream business with large coolers and a garage. Renovations included the addition of an embalming room, adjustments to the coolers, heating and air conditioners, sidewalks with ADA compliance, water lines and other CDC guidelines. Mayor Nelson inquired about the cost invested in the crematory. Mr. Shafer replied close to \$1 million. Councilmember Sauer inquired if residents outside the 200' zone were sent any type of notice. Mr. Hartman replied only residences within the 200' received notices. He further stated an approval process was obtained, the original request resulted in an email that gave approval under these zonings. Subsequently, a Special Use Permit (SUP) was required for the crematory, but the mortuary was allowed at this location. The first email indicated it was approved, and the email went to multiple departments. The notification for the needed SUP did not go to all staff only to the owner. The Building Official approved the plans for a mortuary and crematory. It was approved without an SUP and was an error from staff. Mr. Hartman stated there has been a lot of steps to avoid this type of error in the future. Councilmember Smith inquired how the residents were notified. Ms. Bailey stated they were notified twice, but only in English. She further stated she also went to the location to speak to some of the residents. She stated there were no citizens who appeared in opposition. Marty Rowley, stated the crematory has been operating since November 2017. The original approval came through based upon a categorized Standard Industry Code instead of the North American Standard, and heavy commercial would not need a SUP. He stated the crematory met the omission standards and was state-of-the-art with computerized components and immediate alerts if something was not working correctly. Mayor Nelson asked Mr. Rowley to address the smell. Mr. Rowley stated he has empathy for Ms. McDonald but believed it could be a perception and TCEQ would indicate otherwise. If a person learns a crematory is operating that may attribute to the smells. Cody Mills, 302 A North Avenue, Canyon, stated he works for a local funeral home. He stated Amarillo College offers a mortuary program. He stated he serves the east side of Amarillo, and he frequently visits these homes due to hospice care and affordable costs. They are competition for A to D Mortuary. He further stated the Shafer family has brought integrity and respect to the community. Joel Carver, A to D Mortuary, stated he sought approval for a crematory in 2008 at 808 South Johnson Street. In 2009, the City negated the verbal approval due to zoning requirements and he had to move the crematory out of town. He stated he was told a crematory would not be allowed inside the city limits. Mayor Nelson inquired if the crematory he was wanting to build was like the Shafer crematory. Mr. Carver stated his model was an older type. Mayor Nelson inquired if their unit was smokeless. Mr. Carver replied occasionally the smoke and sensors do go off. There were no further comments. Mayor Nelson closed the public hearing. Councilmember Powell explained she was employed at Warford-Walker Mortuary. She stated she receives no special favors, and is not an owner of the mortuary, and therefore has no personal interest or gain in the business. She further stated she intends to utilize her vote on this item. Motion was made by Councilmember Sauer, seconded by Councilmember Powell, that the following captioned ordinance be passed:

ORDINANCE NO. 7745

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 S. BIVINS STREET AND SE 4TH AVE., POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 4: Mayor Nelson presented an item awarding the construction of the new Fire Station #3 located at 7441 Oxford Drive, Amarillo, Texas. Funding for this project is from General Obligation bonds approved in November 2016 bond election as Proposition 2.

This item was presented by Jerry Danforth, Facilities Director. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, to approve this award.

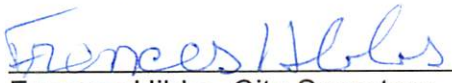
Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

Mayor Nelson stated they would review Work Session Items 4, 5 and 6 at this time.

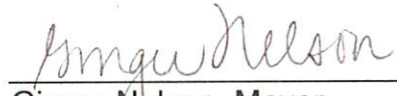
ITEM 5: Mr. McWilliams advised at 7:17p.m. that the City Council would convene in Executive Session per Texas Government Code (1) Section 551.087 - Deliberation regarding economic development negotiations; discussion regarding commercial or financial information received from a business prospect: City Economic Development Project #18-07 in the vicinity of Southeast 3rd Avenue and South Pierce Street; and (2) Section 551.072 - Deliberation regarding real property; discussion regarding purchase, exchange, lease or value of real property: City Economic Development Project #18-07 in the vicinity of Southeast 3rd Avenue and South Pierce Street.

Mr. McWilliams announced that the Executive Session was adjourned at 7:45 p.m. and recessed the Regular Meeting.

ATTEST:



Frances Hibbs, City Secretary



Ginger Nelson, Mayor