

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 25<sup>th</sup> of May 2021, the Amarillo City Council met at 1:00 p.m. for a regular session meeting held in the Council Chambers located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

GINGER NELSON	MAYOR
COLE STANLEY	COUNCILMEMBER NO. 1
FREDA POWELL	MAYOR PRO TEM
EDDY SAUER	COUNCILMEMBER NO. 3
HOWARD SMITH	COUNCILMEMBER No. 4

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

JARED MILLER	CITY MANAGER
KEVIN STARBUCK	DEPUTY CITY MANAGER
FLOYD HARTMAN	ASSISTANT CITY MANAGER
LAURA STORRS	ASSISTANT CITY MANAGER
BRYAN MCWILLIAMS	CITY ATTORNEY
JENNIFER RAMIREZ	ASSISTANT TO CITY MANAGER
STEPHANIE COGGINS	PUBLIC WORKS MANAGER
LEANN GALLMAN	INTERIM CITY SECRETARY

The National anthem was presented by Taylor Henderson

The Invocation was given by Dr. Howard Batson, First Baptist Church

**PUBLIC ADDRESS:**

1. Kathryn Traves spoke on Item 1E asking Council to consider painting the Route 66 emblem on the water tower .
2. Dora Meroney spoke on Item 1E asking Council to consider painting the Route 66 emblem on the water tower.
3. Teresa Kenedy spoke on Item 3H and the importance of this grant to the Barrio Neighborhood.

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

**ITEM 3: NON CONSENT ITEMS:**

- A. Mayor Nelson presented a resolution canvassing the returns and declaring the results for the Regular Election for the office of Mayor held in the City of Amarillo on the 1<sup>st</sup> day of May 2021 for city offices.  
Motion was made by Councilmember Mayor Pro Tem Powell to adopt Resolution 05-21-21-1, seconded by Councilmember Sauer:

RESOLUTION No. 05-21-21-1

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS FOR THE REGULAR ELECTION FOR THE OFFICE OF MAYOR HELD IN THE CITY OF AMARILLO ON THE 1<sup>ST</sup> DAY OF MAY 2021 FOR CITY OFFICES.

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

B. The Honorable Laura Hamilton conducted the oath of Office for the Mayor elected at the Regular Election held May 1, 2021.

C. Remarks were received by Mayor Nelson.

**Item 1:**

- A. Review agenda items for regular meeting and attachments;
- B. Coronavirus update;
- C. City Hall renovation update;
- D. Thompson Park Pool update;
- E. Discuss Water Tower Emblem Painting Policy or Ordinance;
- F. Request future agenda items and reports from City Manager.

**ITEM 3: NONCONSENT ITEMS:**

G. Mayor Nelson presented an item to consider approval of a location incentive agreement between Amarillo Economic Development Corporation and American Quarter Horse Association. This agreement includes:

- \$3MM in overall incentive (\$300,000 per year for 10 years)
- \$9MM in guaranteed AQHA payroll over the 10 year period
- Guaranteed to remain in Amarillo for at least 10 years.

AEDC will provide AQHA \$3,000,000 for the retention of its International Headquarters for at least 10 years with a guaranteed payroll of no less than \$9,000,000 annually. These funds will be paid out over ten years and will be based on a ten year performance term.

Motion was made by Mayor Pro Tem Powell to approve the agreement, second by Councilmember Smith.

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

The Amarillo City Council recessed at 3:09 p.m. for a press conference with Amarillo Economic Development Corporation to announce the agreement with American Quarter Horse Association.

The Amarillo City Council reconvened at 4:03 p.m.

**ITEM 2: CONSENT ITEMS**

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

**A. CONSIDER APPROVAL – MINUTES**

Approval of the City Council minutes for the regular meeting held on May 11, 2021.

**B. REVIEW AND CONSIDER APPROVAL OF THE NON RISK INTERLOCAL AGREEMENT WITH TML HEALTH FOR DEE OAKS, EMPLOYEE ASSISTANCE PROVIDER (AEP) DUE TO THE DISSOLUTION OF THE PUBLIC EMPLOYEE BENEFITS ALLIANCE (PEBA) EFFECTIVE DECEMBER 31, 2021.**

(Contact: Sandy Elliott, Benefits Manager)

The Human Resources Employee Benefits Division is requesting approval for the Non-Risk Interlocal Agreement with TML Health for Employee Assistance Program (EAP) services with Deer Oaks due to the dissolution of the Public Employee Benefits Alliance (PEBA). This agreement will allow the City to guarantee their current rates with Deer Oaks, our current EAP vendor, for the

remainder of their two years contract (FY 2021-2022). The annual membership fee of \$700 previously required with PEBA will not be required with TML Health.

**C. CONSIDER AGREEMENT FOR PROPERTY SALE**

(Contact: Laura Storrs, Assistant City Manager)

Potter County has agreed to sell the property located at 805 S Florida Street for \$11,599.03 as a private sale. The documents for this sale will be provided upon your approval of this item.

**D. CONSIDER AN AVIATION CLEAR ZONE EASEMENT BEING 4,650 FEET ABOVE MEAN SEA LEVEL ABOVE THE PLAT OF SOUTH GEORGIA PLACE UNIT NO. 38, AN ADDITION TO THE CITY OF AMARILLO, BEING AN UNPLATTED TRACT OF LAND IN SECTION 183, BLOCK 2, A.B.&M. SURVEY, RANDALL COUNTY, TEXAS**

(Contact: Andrew Freeman, Managing Director of Planning and Special Projects)

This Aviation Clear Zone Easement (ACZ) is being requested by the City of Amarillo and is associated with the plat South Georgia Place Unit No. 38.

To ensure safety of operation and protection of air traffic operating into and out of the airport, future physical development around the airport needs to be regulated.

This ACZ Easement establishes a height regulation of 4,650 feet above mean sea level for the plat of South Georgia Place Unit No. 38.

**E. CONSIDER THE APPROVAL OF THE PURCHASE OF MECHANICAL AND TECHNOLOGICAL PARTS TO REFURBISH SURVEILLANCE VEHICLE. THIS SURVEILLANCE VEHICLE IS USED FOR AUDIO AND VIDEO DOCUMENTATION OF COVERT INVESTIGATIONS AND VARIOUS ELEMENTS OF SURVEILLANCE.**

**CRIME POINT: \$52,023.00**

(Contact: Martin Birkenfeld, Police Chief)

This surveillance vehicle is used for audio and video documentation of covert investigations and various elements of surveillance.

**F. CONSIDER APPROVAL OF CHANGE ORDER 2 FOR BID ON FY 20/21 STREET MAINTENANCE COMMUNITY INVESTMENT PROGRAM, PROPOSITION 1.**

**AMOUNT: \$662,189.27**

(Contact: Matthew Thomas, Capital Projects & Development Engineering)

The purpose of this Change Order 2 is to add street resurfacing to additional arterial and collector streets, and to adjust the quantity and type of resurfacing for some residential streets within the project.

**G. CONSIDER APPROVAL OF THE PURCHASE OF REPLACEMENT VEHICLE, PUMPER STYLE FIRE TRUCK FOR THE FIRE DEPARTMENT.**

**AWARD TO: LONE STAR EMERGENCY GROUP**

**AMOUNT: \$619,273.00**

(Contact: Glenn Lavender, Fleet Services Superintendent)

This is a scheduled replacement of Unity 6911, 2007 Ferrara Fire Truck/pumper Style. The new fire truck will be used for daily operational requirements. Vehicle 6911 has reached or exceeded its useable life cycle.

**H. CONSIDER APPROVAL OF THE PURCHASE OF A LADDER STYLE 77' FIRE TRUCK.**

**AWARD TO: LONE STAR EMERGENCY GROUP**

**Amount: \$1,044,164.00**

(Contact: Glenn Lavender, Fleet Services Superintendent)

This is a scheduled replacement of Unit 6502, 2004 American LaFrance Ladder truck. The new fire truck will be used for daily departmental operations. The unit being replaced has reached or exceeded its expected life cycle.

I. **CONSIDER AWARD OF BID TO PURCHASE VIDEO AND RADAR DETECTION EQUIPMENT WITH SIGNAL PERFORMANCE MEASURES SOFTWARE.**

**AWARD TO: ITERIS, INC.**

**AMOUNT: \$128,232.00**

(Contact: Donny Hooper, Director of Public Works)

These detection systems will be installed on Coulter street from Wallace to Sleepy Hollow. These units will be used to monitor the presence of vehicles at each intersection as well as send information such as traffic counts and signal timing to the Traffic Management Center. These items are for Phase 4 of the Traffic Signal improvement project to update technology and run signalized intersections efficiently.

J. **CONSIDER PURCHASE OF SOFTWARE LICENSING TO PROVIDE ANTI VIRUS AND MALWARE PROTECTION FOR THE CITY'S PHYSICAL AND VIRTUAL DESKTOPS AND SERVERS**

**AWARD TO: CDW-G**

**AMOUNT: \$51,438.00**

(Contact: Rich Gagnon, Information Technology)

Twenty eight deep security licenses will provide anti-virus and malware protection for VM hosts operating the City's server infrastructure. For physical and virtual desktop computers, IT continues to transition from Trend Micro to a Microsoft product as an equivalent alternative to reduce costs. The 650 Smart Protect licenses are still needed for the upcoming year but reflect a net reduction of 1350 licenses since the product was first deployed in 2019.

K. **CONSIDER AWARD OF BID #7022 FOR LIQUID CHLORING TO CHLORINATE/DISINFECT AMARILLO THOMPSON POOL**

**COST: \$57,600.00**

(Contact: Michael Kashuba, Director of Parks and Recreation)

This item maintains chemical levels, eliminates microorganisms, bacteria, and algae in a commercial size pool. Improves water quality in a liquid form of Sodium Hypochlorite 12.5% NaClO.

L. **CONSIDER APPROVAL OF SUPPLEMENTAL AGREEMENT NO. 1 BETWEEN THE CITY OF AMARILLO (RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT) AND CONSOLIDATED NUCLEAR SECURITY LLC (CNS)**

(Contact: Michael W Conner, Director of Aviation)

This supplemental agreement extends the CNS/Pantex lease agreement for rental of three on airport buildings for an additional two months (June 1, 2021 through July 31, 2021) in order to allow the Airport and CNS/Pantex additional time to finalize a new multi year lease agreement.

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

3. **NON-CONSENT ITEM:**

D. Mayor Nelson opened the Public Hearing for consideration of an Ordinance rezoning the most Northwestern 60 feet by 125 feet portion of Lot 2A, Block 25, Lawrence Park Addition Unit No. 114, in Section 227, Block 2, A>B>M> Survey, Potter County, Texas plus one-half of all bounding streets, alleys and public ways to change from General Retail District to Light Commercial District.

Motion was made by Mayor Pro Tem Powell to adopt Ordinance No. 7917, seconded by Councilmember Sauer.

ORDINANCE NO. 7917

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 THE CHANGE OF USE DISTRICT

**CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SOUTHWEST TWENTY-SIXTH AVENUE AND PATTERSON DRIVE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

- E. Mayor Nelson opened the Public Hearing for consideration of an Ordinance rezoning a 2.912 acre portion of lot 9, Block 109, South Lawn Addition Unit No. 36, in section 184, Block 2, A.B.&M. Survey, Randall County, Texas, plus one half of all bounding streets, alleys and public ways to change from Residential District 1 with Specific Use Permit 198 for an Institution of Religious Charitable, or Philanthropic Nature.

Motion was made by Mayor Pro Tem Powell to adopt Ordinance No. 7918, seconded by Councilmember Sauer.

**ORDINANCE NO. 7918**

**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 DARRELL AVENUE AND AUSTIN STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

- F. Mayor Nelson presented an item for discussion and consideration for Amarillo Economic Development Corporation to purchase approximately 171 acres of land located at North Eastern Street and Loop 335 for the purchase price of \$855,000.00 plus closing costs and related expenses.

Motion was made by Mayor Pro Tem Powell to approve the purchase of this property, second by Councilmember Smith.

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

- H. Mayor Nelson presented a resolution for the Barrio Neighborhood South East 10<sup>th</sup> Avenue Streetscape Improvement Project to apply for a TxDOT Transportation Alternatives Set Aside Grant.

Mayor Pro Tem Powell made the motion to approve the resolution, second by Councilmember Sauer.

The SE 10<sup>th</sup> Avenue Streetscape Improvement Project is one of the high priority projects for the Barrio Neighborhood Plan implementation. It will widen sidewalks, install pedestrian and ADA amenities and enhance transit stops on the north and south side of SE 10<sup>th</sup> Avenue, a five land TxDOT road (Loop 395) between Garfield Street and Ross Street. A private plaza and alley improvements are also planned in coordination with the streetscape project.

The grant program requires a public entity as the project sponsor. The sponsor is responsible for the development and construction management of the project as well as the local match. The required match is 20% and is expected to be between \$330,000 and \$400,000. If awarded, the BNPC will utilize their 2016 Prop #1 bond allocation for the match and the additional administrative costs required of the program.

RESOLUTION NO. 05-25-21-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO AUTHORIZING 2021 APPLICATION FOR THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) GRANT FOR THE TRANSPORTATION ALTERNATIVES SET ASIDE (ta) PROGRAM; COMMITTING TO ENTER AN AGREEMENT WITH TXDOT BY RESOLUTION OR ORDINANCE; AUTHORIZING ADMINISTRATIVE ADJUSTMENTS TO DOCUMENTS AS NEEDED; PROVIDING SAVINGS CLAUSE; PROVIDING SEVERABILITY CLAUSE AND EFFECTIVE DATE.

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

- I. Mayor Nelson presented a resolution for the approval of the Settlement Agreement between the Cities of Amarillo, Lubbock, Dalhart, and Channing (The "Cities" or "ALDC" and Atmos Energy Corporation ("ATMOS" or "The Company") regarding Atmos Energy's application and request to increase rates filed with the City of September 30, 2020.

Motion was made by Mayor Pro Tem Powell to adopt the resolution, second by Councilmember Smith.

On about September 30, 2020 Atmos Energy Corporation ("Atmos" or "Company") filed a Statement of Intent to increase rates within the incorporated areas of the cities of Amarillo, Lubbock, Dalhart and Channing (collectively the "Cities" or "ALDC") in its West Texas Division. Atmos sought an increase of approximately \$8.3 million in revenue, equating to an increase in annual revenue of about 7.7% including the cost of gas and approximately 10.8% excluding the cost of gas. Atmos proposed an effective date of November 4, 2020, for its increased rates.

Atmos's application represents its first general rate case since 2012 (GUD No.10174). Prior to this filing Atmos sought annual increases in rates pursuant to the Gas Reliability Infrastructure Program ("GRIP"). However, Atmos has filed the maximum number of GRIP filings it is authorized to make pursuant to state law, and thus, to the extent Atmos seeks to increase its rates, it must do so in a general rate case.

RESOLUTION NO. 05-25-21-3

RESOLUTION BY THE CITY OF AMARILLO, TEXAS ("CITY") APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE CITIES OF AMARILLO, LUBBOCK, DALHART, AND CHANNING (THE "CITIES" OR "ALDC"), AND ATMOS ENERGY CORPORATION ("ATMOS" OR "THE COMPANY") REGARDING ATMOS'S APPLICATION TO INCREASE RATES FILED WITH THE CITY ON SEPTEMBER 30, 2020; DETERMINING THAT THIS RESOLUTION WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETING ACT; REPEALING

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

- J. Mayor Nelson presented a resolution authorizing the issuance of the Amarillo-Potter Events Venue District Special Tax and Lease Revenue Refunding Bonds, New Series 2021 and authorizing the second amendment to the amended and restated lease between the City and the Amarillo-Potter Events Venue District.

Motion was made by Mayor Pro Tem Powell to adopt the resolution, second by Councilmember Smith.

RESOLUTION NO. 05-25-21-4

A CONCURRENT RESOLUTION AND ORDER BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS AND THE COMMISSIONER'S COURT OF POTTER COUNTY, TEXAS, RELATING TO THE "AMARILLO-POTTER EVENTS VENUE DISTRICT SPECIAL TAX AND LEASE REVENUE REFUNDING BONDS, NEW SERIES 2021"; APPROVING THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE AMARILLO-POTTER EVENTS VENUE DISTRICT; AUTHORIZING THE ISSUANCE OF SUCH BONDS, APPROVING THE SECOND AMENDMENT TO AMENDED AND RESTATED LEASE BETWEEN THE CITY AND THE AMARILLO-POTTER EVENTS VENUE DISTRICT; APPROVING SUCH BONDS AS REQUIRED BY SECTION 147 (f) OF THE INTERNAL REVENUE CODE OF 1986, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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

4. **EXECUTIVE SESSION**

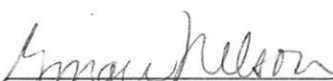
Mr. McWilliams advised at 4:54 p.m. the City Council would convene in Executive Session per Texas Government Code

- A. Sec. 551.071 - Consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter
  - a. Meet and Confer Agreement negotiations
  - b. Sanctuary City for the Unborn Ordinance
- B. Section 551.072 – Discuss the purchase, exchange, lease, sale, or value of real property and public discussion of such would not be in the best interests of the City's bargaining position:
  - a. Sale of real property located in the southwest quadrant of the city limits.

Mr. McWilliams announced that the Executive Session was adjourned at 7:06 p.m. and recessed the Regular Meeting.

ATTEST:

  
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LeAnn Gallman,  
Interim City Secretary

  
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Ginger Nelson, Mayor