

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 26th day of July 2022, the Amarillo City Council met at 1:00 p.m. for a regular meeting held in Council Chamber, located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

GINGER NELSON	MAYOR
FREDA POWELL	MAYOR PRO TEM/COUNCILMEMBER NO. 2
COLE STANLEY	COUNCILMEMBER NO. 1
HOWARD SMITH	COUNCILMEMBER NO. 4

Joining the meeting late was Eddy Sauer, Councilmember No. 3. Absent were none. Also in attendance were the following administrative officials:

JARED MILLER	CITY MANAGER
ANDREW FREEMAN	ASSISTANT CITY MANAGER
FLOYD HARTMAN	ASSISTANT CITY MANAGER
LAURA STORRS	ASSISTANT CITY MANAGER
BRYAN MCWILLIAMS	CITY ATTORNEY
STEPHANIE COGGINS	CITY SECRETARY
JENIFER RAMIREZ	ASSISTANT TO THE CITY MANAGER
CARTER ESTES	ASSISTANT TO THE CITY MANAGER

A quorum was established by Mayor Nelson and Councilmembers Powell, Smith and Stanley. Mayor Nelson called the meeting to order at 1:01 p.m., welcomed those in attendance, and the following items of business were conducted.

The invocation was given by Gene Shelburne with Anna Street Church of Christ. Mayor Nelson led the Pledge of Allegiance.

Mayor Nelson read a proclamation for "Parks and Recreation Month" that was presented to Michael Kashuba, Parks and Recreation Director.

PUBLIC ADDRESS

Alan Abraham, of Amarillo, spoke for Agenda Item No. 3E. Sherrie Ferguson, of Amarillo, spoke for Agenda Item No. 3E. There were no further comments.

ITEM 1 – CITY COUNCIL WILL DISCUSS OR RECEIVE REPORTS ON THE FOLLOWING CURRENT MATTERS OR PROJECTS:

- A. Review agenda items for regular meeting and attachments;
- B. Updates from Councilmembers serving on outside boards and commissions
 - d. Amarillo Metropolitan Planning Organization;
- C. Update on City of Amarillo Drought Contingency Plan; and
- D. Request future agenda items and reports from City Manager.

ITEM 2 – CONSENT AGENDA

Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. A motion was made to approve the consent agenda as presented by Councilmember Powell, seconded by Councilmember Stanley.

- A. **CONSIDER APPROVAL – MINUTES:**
(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the regular meeting held on July 12, 2022.

B. CONSIDER APPROVAL – MINUTES:
(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the special meeting held on July 13, 2022.

C. CONSIDER APPROVAL – MINUTES:
(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the special meeting held on July 14, 2022.

D. CONSIDER APPROVAL – MINUTES:
(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the special meeting held on July 15, 2022.

E. CONSIDERATION OF ORDINANCE NO. 7970:
(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning a 20.36-acre tract of unplatted land in Section 58, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Heavy Commercial District (HC) and Agricultural District (A) to Heavy Commercial District (HC). (Vicinity: Interstate 40 and Airport Blvd.; Applicant/s: Drew Donosky for Attebury Farm LLC)

F. CONSIDERATION OF ORDINANCE NO. 7993:
(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an Ordinance annexing into the City of Amarillo, in Randall County, Texas, on petition of property owner, territory generally described as a 244.97-acre tract of unplatted land, in Sections 61, 62, 75, and 76, Block 9, B.S.&F. Survey, Randall County, Texas. (VICINITY: Soncy Rd. and S.W. 34th Ave.; APPLICANT/S: Daryl Furman for the Emeline Bush O'Brien/Sobieski Trust)

G. CONSIDERATION OF ORDINANCE NO. 7994:
(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an Ordinance providing for the establishment of zoning districts on the Official Zoning Map of the City of Amarillo, Texas, establishing Agricultural District, Residential District 3, Moderate Density District, Multiple-Family District 1, Planned Development District 400 for single-family detached homes with reduced lot depth and area, and Planned Development District 401 for single-family detached homes with reduced lot width, all in Section 61, Block 9, B.S.&F. Survey, Randall County, Texas. (VICINITY: Soncy Rd. and S.W. 34th Ave.; APPLICANT/S: Daryl Furman for the Emeline Bush O'Brien/Sobieski Trust.)

H. CONSIDERATION OF ORDINANCE NO. 7995:
(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning a 13.50-acre tract of land, being a portion of Lot 1, Block 2, South Side Acres Unit No. 4, an addition to the City of Amarillo, and unplatted land, all in Section 231, 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 and Residential District 2 to Moderate Density District. (VICINITY: Western St.

and Arden Rd.; APPLICANT/S: Daryl Furman for Valleyview Church of the Nazarene.)

I. CONSIDERATION OF ORDINANCE NO. 7996:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning Lots 3 through 5, Block 93, Plemons Addition, in Section 170, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Light Commercial District to Planned Development District 399 for increased lot coverage and reduced onsite parking. (VICINITY: SW 8th Ave. and Monroe St.; APPLICANT/S: Charles R. Lynch for Amarillo Steam Team, LLC.)

J. CONSIDER AWARD – OFFICE SUPPLIES ANNUAL CONTRACT:

(Contact: Trae Kepley, Purchasing Agent)

Award to: Officewise/Navajo Office Products – Not to exceed \$275,000.00 (TexBuy Purchasing Cooperative RFP #022-001)

This item considers award of an annual contract to purchase office supplies that will be used by various city departments in their daily office duties.

K. CONSIDER APPROVAL – CHANGE ORDER NO. 1 FOR 34TH AVENUE PUMP STATION SWITCHGEAR REPLACEMENT:

(Contact: Kyle Schniederjan, Capital Projects & Development Engineering Director)

Award to: Brown Construction Services PLLC

Original Contract Amount:	\$2,165,000.00
Current Change Order No. 1:	\$ 65,750.00
Revised Contract Total:	\$2,230,750.00

This item considers approval of a change order to the 34th Avenue Pump Station Switchgear Replacement project that was necessitated by an unexpected increase in commodity item and material costs.

L. CONSIDER AWARD – CONTRACT FOR RECOATING OF THREE STORAGE TANKS:

(Contact: Kyle Schniederjan, Capital Projects & Development Engineering Director)

Award to: Dixie Painting and Sandblasting, Inc. - \$2,621,455.00

This item considers the award of a construction services contract that consists of surface preparation and application of high-performance coating systems for the Independence Elevated Storage Tank and two identical, welded steel ground storage tanks located at NE 24th Avenue Pump Station.

M. CONSIDER APPROVAL – CHANGE ORDER NO. 2 FOR FY 20/21 MILLING AND OVERLAY OF VARIOUS STREETS:

(Contact: Matthew Thomas, City Engineer)

Award to: L.A. Fuller & Sons, LTD

Original Contract Amount:	\$2,084,695.73
Change Order No. 1	\$ 20,375.00
Current Change Order No. 2:	\$ (430,168.67)
Revised Contract Total:	\$1,674,902.06

This item considers approval of a change order to the FY 20/21 Milling and Overlay of Various Streets project to establish final installed quantities and adjust the scope of the project.

N. CONSIDER PURCHASE – TASERS AND ACCESSORIES FOR AMARILLO POLICE DEPARTMENT:

(Contact: Martin Birkenfeld, Police Chief)
Award to: Axon Enterprise - \$59,932.32

This item considers purchase of tasers and related accessories for the Amarillo Police Department academy personnel. This item will be funded through a Justice Assistance Grant (JAG).

O. CONSIDER AWARD – CONTRACT FOR ONLINE LEARNING MANAGEMENT SYSTEM SERVICE:

(Contact: Mitchell Normand, Human Resources Director)
Award to: Cornerstone on Demand - \$116,836.00

This item considers award of a contract for Learning Management System (LMS) services that will be utilized by multiple city departments. The contract will be for a term of three years.

P. CONSIDERATION OF RESOLUTION NO. 07-26-22-1:

(Contact: Donny Hooper, Public Works Director)

This item considers a resolution modifying the original Resolution No. 01-11-22-1 to authorize additional funds to support the advance funding agreement for highway safety improvement program with the Texas Department of Transportation (TXDOT).

Q. CONSIDER APPROVAL – LAND DEDICATION:

(Contact: Brady Kendrick, Planner II)

This item considers the dedication of a 1.90-acre tract of land for Public Right-of-way purposes lying in Section 182, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: S Georgia St. and Hollywood Rd. (Loop 335); APPLICANT/S: Kevin Carter for Amarillo Economic Development Corporation.)

Voting AYE were Mayor Nelson and Councilmembers Powell, Smith and Stanley; voting NO were none; absent was Councilmember Sauer; the motion passed by a 4-0 vote.

ITEM 3 – NON-CONSENT ITEMS:

ITEM 3A: Mayor Nelson introduced an ordinance designating certain areas of the City as Reinvestment Zone No. 19 for commercial and industrial tax abatement for a zone that is approximately 20.70 acres in the vicinity of S. Georgia St. and Farmers Ave. Kevin Carter, with Amarillo Economic Development Corporation, presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made that the following captioned ordinance be passed by Councilmember Powell, seconded by Councilmember Smith.

ORDINANCE NO. 7997

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS CITY COMMISSION: DESIGNATING CERTAIN AREAS AS REINVESTMENT ZONE NO. 19 FOR COMMERCIAL / INDUSTRIAL TAX ABATEMENT, CITY OF AMARILLO, TEXAS, PURSUANT TO TEXAS TAX CODE, CHAPTER 312, SUBCHAPTERS A & B, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson and Councilmembers Powell, Smith and Stanley; voting NO were none; absent was Councilmember Sauer; the motion passed by a 4-0 vote.

ITEM 3B: Mayor Nelson introduced an ordinance designating certain areas of the City as Reinvestment Zone No. 20 for commercial and industrial tax abatement for a zone that is approximately 30.00 acres in the vicinity of Airport Blvd. and SE Third Ave. Mr. Carter presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made that the following captioned ordinance be passed by Councilmember Powell, seconded by Councilmember Stanley.

ORDINANCE NO. 7998

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS CITY COMMISSION: DESIGNATING CERTAIN AREAS AS REINVESTMENT ZONE NO. 20 FOR COMMERCIAL / INDUSTRIAL TAX ABATEMENT, CITY OF AMARILLO, TEXAS, PURSUANT TO TEXAS TAX CODE, CHAPTER 312, SUBCHAPTERS A & B, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson and Councilmembers Powell, Smith and Stanley; voting NO were none; absent was Councilmember Sauer; the motion passed by a 4-0 vote.

ITEM 3C: Mayor Nelson introduced an ordinance rezoning an 8.29-acre tract of unplatted land, in Section 191, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to Residential District 3. (VICINITY: W Hastings Ave. and Broadway Dr.; APPLICANT/S: Tommy Nielson for Nielson Communities.) Cris Valverde, Director of Planning and Development Services, presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made that the following captioned ordinance be passed by Councilmember Powell, seconded by Councilmember Stanley.

ORDINANCE NO. 7999

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 WEST HASTINGS AVENUE AND BROADWAY DRIVE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson and Councilmembers Powell, Smith and Stanley; voting NO were none; absent was Councilmember Sauer; the motion passed by a 4-0 vote.

ITEM 3D: Mayor Nelson introduced an ordinance rezoning Lots 10 and 11, Block 11, Lawrence Park Addition Unit No. 4, an addition to the City of Amarillo, in Section 227, Block 2, A.B.&M. Survey, Potter and Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Office District 2 to Neighborhood Service District. VICINITY: SW 28th Ave. and Paramount Blvd.; APPLICANT/S: Charles Leard for CPL-BLL Holdings) Mr. Valverde presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made that the following captioned ordinance be passed by Councilmember Powell, seconded by Councilmember Smith.

ORDINANCE NO. 8000

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 SOUTHWEST TWENTY-EIGHTH AVENUE AND PARAMOUNT BOULEVARD, POTTER AND RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson and Councilmembers Powell, Smith and Stanley; voting NO were none; absent was Councilmember Sauer; the motion passed by a 4-0 vote.

ITEM 3E: Mayor Nelson introduced an ordinance to amend the Amarillo Municipal Code Title IV – Building Codes, Development and Zoning, by adding Chapter 4-12 regarding the City's Recognized Neighborhood Association program. Emily Koller, Assistant Director of Planning, presented the item. A motion was made that the following captioned ordinance be passed by Councilmember Powell, seconded by Councilmember Smith.

ORDINANCE NO. 8001

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, TITLE IV – BUILDING CODES, DEVELOPMENT AND ZONING, BY ADDING CHAPTER 4-12 REGARDING THE CITY'S RECOGNIZED NEIGHBORHOOD ASSOCIATION PROGRAM; DEFINING TERMS; PROVIDING ELIGIBILITY CRITERIA FOR RECOGNITION OF A NEIGHBORHOOD ASSOCIATION; ESTABLISHING THE RESPONSIBILITIES OF A RECOGNIZED NEIGHBORHOOD ASSOCIATION; CLARIFYING THE PROCESS FOR SUSPENSION OR REVOCATION OF RECOGNITION STATUS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson and Councilmembers Powell, Smith and Stanley; voting NO were none; absent was Councilmember Sauer; the motion passed by a 4-0 vote.

ITEM 3I: Mayor Nelson introduced an item to consider approval of a contract to purchase up to 15,768 acres of groundwater rights in Roberts County. Mr. Hartman presented the item. A motion was made approve a contract to purchase up to 15,768 acres of groundwater rights in Roberts County at a cost of \$1,875 per acre, with a total cost of up to \$29,565,000 plus closing and other related costs and authorize the City Manager to execute all necessary documents by Councilmember Powell, seconded by Councilmember Smith.

Voting AYE were Mayor Nelson and Councilmembers Powell, Smith and Stanley; voting NO were none; absent was Councilmember Sauer; the motion passed by a 4-0 vote.

Mayor Nelson called a recess of the meeting at 2:03 p.m. Mayor Nelson resumed the meeting at 2:34 p.m. Councilmember Sauer joined the meeting at this time.

ITEM 1 – CITY COUNCIL WILL DISCUSS OR RECEIVE REPORTS ON THE FOLLOWING CURRENT MATTERS OR PROJECTS:

- B. Updates from Councilmembers serving on outside boards and commissions
 - a. Beautification and Public Arts Advisory Board
 - b. Parks and Recreation Advisory Board

ITEM 3F: Mayor Nelson introduced an item to consider approval of an agreement between Amarillo Economic Development Corporation (AEDC) and Amarillo College to renovate Amarillo College's existing facility at 11th and Polk for the creation of the Innovation Outpost, a job training facility for primary employees. Mr. Carter presented the item. A motion was made to approve an agreement between Amarillo Economic Development Corporation and Amarillo College for \$3 million to be paid to Amarillo College over a five-year period by Councilmember Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

ITEM 3G: Mayor Nelson introduced an item to consider approval of an agreement between Amarillo Economic Development Corporation (AEDC), Panhandle Regional Planning Commission (PRPC), and the Texas Workforce Commission (TWC) to support High Demand Job Training. Mr. Carter presented the item. A motion was made an agreement between Amarillo Economic Development Corporation, the Panhandle Regional Planning Commission, and the Texas Workforce Commission in the amount of \$150,000 by Councilmember Powell, seconded by Councilmember Smith.

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

ITEM 4 – EXECUTIVE SESSION:

Mr. McWilliams advised at 3:01 p.m. that the City Council would convene in Executive Session per Texas Government Code: A) 551.072 – Discussion regarding the purchase, exchange, lease, or value of real property: (i) Purchase of real property in the Eastern Texas panhandle, and (ii) purchase of real property located in the Northeast quadrant of the City of Amarillo; B) 551.071 – Consult with an attorney regarding pending or contemplated litigation, or settlement of the same; consult with an attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter: (i) City of Amarillo v. Mission Clay Pipe, et. al.; and C) 551.087 – Discussion regarding commercial or financial information received from a business prospect and/or to deliberate the offer of a financial or other incentive to a business prospect: (i.) Project # 22-02-05 (Manufacturing); (ii.) Project # 22-05-01 (Manufacturing); (iii.) Project # 22-05-04 (Manufacturing); and (iv.) Project # 22-06-01 (Manufacturing).

Mr. McWilliams announced that Executive Session was adjourned at 4:34 p.m., and the regular meeting resumed.

ITEM 3H: Mayor Nelson introduced an item to consider authorizing the City Manager to execute a settlement agreement related to the case styled as City of Amarillo, Texas v. Brandt Engineers Group, Ltd., L.A. Fuller & Sons Construction, Ltd., and Mission Clay Products, LLC.; Cause No. 106315-E-CV pending in the 108th Judicial District Court of Potter County, Texas. A motion was made to approve a settlement agreement related to the case styled as City of Amarillo, Texas v. Brandt Engineers Group, Ltd., L.A. Fuller & Sons Construction, Ltd., and Mission Clay Products, LLC.; Cause No. 106315-E-CV pending in the 108th Judicial District Court of Potter County, Texas in the amount of \$11.1 million and authorize the City Manager to execute such agreement by Councilmember Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

Mayor Nelson adjourned the regular meeting at 4:38 p.m.

ATTEST:


Stephanie Coggins, City Secretary


Freda Powell, Mayor Pro Tem