

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 25th of October 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
EDDY SAUER	COUNCILMEMBER NO. 3

Absent was Howard Smith, Councilmember No. 4. Also in attendance were the following administrative officials:

JARED MILLER	CITY MANAGER
ANDREW FREEMAN	ASSISTANT CITY MANAGER
RICH GAGNON	ASSISTANT CITY MANAGER
FLOYD HARTMAN	ASSISTANT CITY MANAGER
LAURA STORRS	ASSISTANT CITY MANAGER
BRYAN MCWILLIAMS	CITY ATTORNEY
STEPHANIE COGGINS	CITY SECRETARY

A quorum was established by Mayor Nelson, Mayor Pro Tem Powell and Councilmembers Sauer and Stanley. Mayor Nelson called the meeting to order at 1:00 p.m., welcomed those in attendance, and the following items of business were conducted.

The invocation was given by Davlyn Duesterhaus, BSA Chaplin. Mayor Nelson led the Pledge of Allegiance.

A proclamation for "Elevate Amarillo" was read by Councilmember Sauer and presented to Skylar Gallop. A proclamation for "National Family Caregiver's Month" was read by Councilmember Stanley and presented to Jaime Sharp. A proclamation for "Paralegal Day" was read by Mayor Pro Tem Powell and presented to Rhonda Brashears.

The Finance and Accounting teams were recognized for their achievement of the "Triple Crown Award" from the Government Finance Officer's Association.

PUBLIC ADDRESS

Ricardo Cantu, of Amarillo, spoke against Agenda Item No. 3K. Daniel Martinez, of Amarillo, spoke against Agenda Item No. 3K. There were no further speakers.

ITEM 2 – CONSENT ACTION ITEMS:

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 Mayor Pro Tem Powell, seconded by Councilmember Sauer.

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

This item considers approval of the City Council minutes for the regular meeting held on October 11, 2022.

B. **CONSIDERATION OF ORDINANCE NO. 8023:**
(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning of a 5.24-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: Hastings Ave. and Broadway Dr.; APPLICANT/S: Tommy Nielsen for FAEC Holdings 396537 LLC)

C. CONSIDERATION OF ORDINANCE NO. 8024:
(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning of a 7.08-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 Planned Development District 402 for a mini-storage facility. (VICINITY: Hastings Ave. and Broadway Dr.; APPLICANT/S: Tommy Nielsen for FAEC Holdings 396537 LLC)

D. CONSIDERATION OF ORDINANCE NO. 8025:
(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning of a 1.509 acre tract of land out of the east portion of Lot 5A, Block 42, Westgate Mall Unit No. 6, an addition to the City of Amarillo, in Section 42, Block 9, B.S.&F. Survey, Potter and Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Planned Development District 359 to Planned Development District 359A to add Adult Day Care as an allowed use. (VICINITY: Westgate Pkwy. and Soncy Rd.; APPLICANT/S: Julito Uy for 5JUYS LLC)

E. CONSIDERATION OF ORDINANCE NO. 8026:
(Contact: Kevin Carter, Amarillo Economic Development Corporation)

This item is a second and final reading of an ordinance to consider designating certain areas of the City as Reinvestment Zone No. 21 for commercial and industrial tax abatement. The zone is approximately 30.03 acres in the vicinity of Centerport Boulevard and Folsom Road.

F. CONSIDER PURCHASE – AIRPORT MOWING TRACTOR AND MOWING DECK:
(Contact: Michael Conner, Director of Aviation)
Award to: Western Equipment - \$106,020.53

This item considers the purchase of an airport mowing tractor and mowing deck that will be utilized to support airside mowing operations required per the Federal Aviation Administration.

G. CONSIDER PURCHASE – TWO SERVICE TRUCKS FOR RICK HUSBAND INTERNATIONAL AIRPORT:
(Contact: Michael Conner, Director of Aviation)
Award to: Silsbee Ford - \$100,021.25 (TIPS USA # 210907)

This item considers the purchase of one crew cab 4x4 service truck and one regular cab 4x4 service truck. The two service trucks will be used by the Airport's facilities department in their daily operations.

H. CONSIDER APPROVAL – CHANGE ORDER NO. 3 TO THE CONTRACT FOR THE SRE BUILDING MODIFICATIONS CONSTRUCTION PROJECT:
(Contact: Michael Conner, Director of Aviation)
Award to: Panhandle Steel Buildings, Inc.

Original Award	\$911,687.00
Previous Change Orders	\$ 12, 323.46
Change Order No. 3	\$ 53,723.97
Total Award	\$977,734.43

This item considers approval of a change order to the SRE Building Modifications Construction project at Rick Husband International Airport for structural roof framing modifications and a no-cost contract extension of 87 days. This item will be 90% funded through Federal Aviation Administration grant funds.

I. **CONSIDER AWARD – ANNUAL SUPPLY CONTRACT FOR GOLF PRODUCTS:**

(Contact: George Priolo, GM of Golf Operations)

Award to: Acushnet Company – Not to exceed \$200,000.00

This item considers the award of an annual supply contract for the wholesale purchase of Titleist, Foot-Joy, and Pinnacle golf products to provide inventory for retail sale at both pro shops and authorizes the City Manager to execute the contract.

J. **CONSIDER AWARD – CONSTRUCTION CONTRACT FOR PARKING GARAGE ELEVATOR INSTALLATION AND MODERNIZATION PROJECT:**

(Contact: Michael Conner, Director of Aviation)

Award to: Tri-State General Contracting Group, Inc. (Sourcewell Contract # TX-PH-GC-101619-JRT)

Base Bid Amount (Installation)	\$ 678,966.00
Additive Alt Amt (Modernization)	\$ 474,034.00
Total award	\$1,153,000.00

This item considers the award of a construction contract for installation of a new elevator and modernization of an existing elevator in the parking garage at Rick Husband International Airport.

K. **CONSIDERATION OF RESOLUTION NO. 10-25-22-1**

(Contact: Floyd Hartman, Assistant City Manager)

This item considers a resolution approving a Rule 11 Settlement Agreement with L.A. Fuller & Sons Construction, Ltd. 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. Per the agreement, L.A. Fuller and Sons Construction, Ltd., agrees to pay or cause to be paid the total sum of \$5,000,000.00 to the City of Amarillo to settle disputed claims alleged in the aforementioned cause and further authorizes the City Manager to execute the same.

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

ITEM 3 – NON-CONSENT ITEMS:

ITEM 3E: Mayor Nelson introduced an item to consider awarding a Location Incentive Agreement between Amarillo Economic Development Corporation and Coast Packing Company - South. A motion was made to award a Location Incentive Agreement (LIA) between Amarillo Economic Development Corporation and Coast Packing Company – South. Under the LIA, AEDC will provide Coast \$720,000 for the creation of jobs, to be paid out over 10 years as they are created, and will convey 30.03 acres, valued at \$1,200,000.00, to Coast by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

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

ITEM 3F: Mayor Nelson introduced an item to consider awarding a Location Incentive Agreement between the City of Amarillo, Amarillo Economic Development Corporation, and Coast Packing Company - South. A motion was made to award a Tax Abatement Agreement between the City of Amarillo, Amarillo Economic Development Corporation (AEDC), and Coast Packing Company – South (Coast), which would. The agreement would provide for an abatement of future taxes on the construction and equipment costs at 80% abatement for 8 years on \$30,000,000.00 estimated cost of improvements by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

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

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. Discuss Solid Waste update;
- C. Discuss Board and Commission appointments;
- D. Updates from Councilmembers serving on outside boards and commissions
 - i. Convention and Visitors Bureau;
 - ii. Beautification and Public Arts Advisory Board;
 - iv. Amarillo Local Government Corporation; and
- E. Request future agenda items and reports from City Manager.

ITEM 3 – NON-CONSENT ITEMS:

ITEM 3A: Mayor Nelson introduced a public hearing and consideration of a resolution stating no objection for an application for 2023 Non-Competitive Housing Tax Credits to the Texas Department of Housing and Community Affairs Housing Tax Credit Program by Astoria Park Apartments II, LLC, a private entity, for Astoria Park Apartments, a redevelopment of an existing complex for affordable rental property located at 3118 W. 15th Avenue. Mayor Nelson opened a public hearing. There were no speakers. Mayor Nelson closed the public hearing. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Stanley.

RESOLUTION NO. 10-25-22-2

A RESOLUTION OF THE CITY OF AMARILLO STATING NO OBJECTION TO THE ASTORIA PARK APARTMENTS II, LLC 4% HOUSING TAX CREDIT APPLICATION TO TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR PROPOSED REHABILITATION OF ASTORIA PARK APARTMENTS IN AMARILLO, TEXAS TO PROVIDE AFFORDABLE RENTAL HOUSING.

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

ITEM 3B: Mayor Nelson introduced a public hearing and consideration of a resolution stating no objection for an application for 2023 Non-Competitive Housing Tax Credits to the Texas Department of Housing and Community Affairs Housing Tax Credit Program by North Grand Villas, LP, a private entity, for North Grand Villas, a redevelopment of an existing complex for affordable rental property located at 2801 N. Grand Street. Mayor Nelson opened a public hearing. There were no speakers. Mayor Nelson closed the public hearing. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

RESOLUTION NO. 10-25-22-3

A RESOLUTION OF THE CITY OF AMARILLO STATING NO OBJECTION TO THE NORTH GRAND VILLAS, LP 4% HOUSING TAX CREDIT APPLICATION TO TEXAS

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
FOR PROPOSED REHABILITATION OF NORTH GRAND
VILLAS IN AMARILLO, TEXAS TO PROVIDE AFFORDABLE
RENTAL HOUSING.

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

ITEM 3C: Mayor Nelson introduced a public hearing and first reading to consider an ordinance rezoning a 0.86-acre tract of unplatted land in Section 4, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 3 to Moderate Density District in the vicinity of Bell Street and Ventura Drive. Brady Kendrick, Planner II, presented the item. Mayor Nelson opened a public hearing. There were no speakers. Mayor Nelson closed the public hearing. A motion was made to approve Ordinance No. 8027 as stated on the agenda by Councilmember Stanley, seconded by Councilmember Sauer.

ORDINANCE NO. 8027

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 BELL STREET AND VENTURA DRIVE,
RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS
CLAUSE; PROVIDING A REPEALER CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson and Councilmembers Sauer and Stanley; voting NO were none; absent were Mayor Pro Tem Powell and Councilmember Smith; the motion passed by a 3-0 vote.

ITEM 3D: Mayor Nelson introduced a approve Western Builders, Inc as Construction Manager at Risk for the renovation of the Amarillo Hardware Building for the new City Hall. Jerry Danforth, Facilities Director, presented the item. A motion was made to approve Western Builders, Inc as Construction Manager at Risk for the renovation of the Amarillo Hardware Building for the new City Hall and further authorize the City Manager to negotiate and execute a final agreement for the construction of the same with a price not to exceed \$28,000,000.00 along with all other necessary documents related to the same by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmember Sauer; voting NO was Councilmember Stanley; absent was Councilmember Smith; the motion passed by a 3-1 vote.

ITEM 3G: Mayor Nelson introduced a first reading to consider an ordinance amending the Amarillo Municipal Code, Chapter 10-4, Article I, to add Sections 10-4-12 through 10-4-14 to create a Police Reserve Force. Assistant Chief Ken Funtek presented the item. A motion was made to approve the below captioned ordinance by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 8028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AMARILLO, TEXAS: AMENDING THE AMARILLO
MUNICIPAL CODE, CHAPTER 10-4, ARTICLE I, TO ADD
SECTIONS 10-4-12 THROUGH 10-4-14 TO CREATE A
POLICE RESERVE FORCE; PROVIDING FOR
SEVERABILITY, REPEALER, CONTINUATION OF PRIOR
LAW, AND EFFECTIVE DATE.

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

ITEM 3H: Mayor Nelson introduced a public hearing and first reading to consider an ordinance amending the Amarillo Municipal Code, Chapter 10-4, Article II, Section 10-4-23 to allow any city department to benefit from certain unclaimed property held by the Amarillo Police Department. Assistant Police Chief Kenneth Funtek presented the item. A motion was made to adopt the below captioned ordinance by Mayor Pro Tem Powell, seconded by Councilmember Stanley.

ORDINANCE NO. 8029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-4, ARTICLE II, SECTION 10-4-23 TO ALLOW ANY CITY DEPARTMENT TO BENEFIT FROM CERTAIN UNCLAIMED PROPERTY HELD BY THE AMARILLO POLICE DEPARTMENT; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

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

ITEM 3I: Mayor Nelson introduced a public hearing and first reading to consider an ordinance amending Amarillo Municipal Code, Chapter 16-5, Sections 16-5-6 and 16-5-7 to reflect the City's changes in paid parking and amending Section 16-5-24 to clearly reference insurance requirements for valet services. Donna Knight, Director of Court Services, presented the item. A motion was made to adopt the below captioned ordinance by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 8030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-5; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING CIVIL PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

ITEM 3J: Mayor Nelson introduced a public hearing and first reading to consider an ordinance regulating parking within the Downtown Parking Garage and amending parking fees. Mr. Miller and Ms. Storrs presented the item. A motion was made to adopt Ordinance No. 8031 as stated on the agenda by Councilmember Stanley, seconded by Councilmember Sauer.

ORDINANCE NO. 8031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO: REGULATING PARKING WITHIN THE DOWNTOWN PARKING GARAGE; AMENDING PARKING FEES; PROVIDING SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR CRIMINAL PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

ITEM 3K: Mayor Nelson introduced an item to consider awards a contract to T-Miller for wrecker services. Assistant Chief Funtek presented the item. A motion was made to award a contract to T-Miller for wrecker services related to abandoned, impounded, junked, and disabled vehicles related to all City operations, including but not limited to public safety and emergency incidents and further authorize the City Manager to finalize and execute an agreement with T-Miller Wrecker Services for the same by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

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

ITEM 4 – EXECUTIVE SESSION:

Mr. Williams advised at 3:07 p.m. that the City Council would convene in Executive Session per Texas Government Code: 1) 551.071 – Consult with Attorney about pending or contemplated litigation or settlement of same or 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: i) Stennett v. City of Amarillo and ii) In re City of Amarillo, Cause #110998-D-CV; and 2) 551.071 – Consult with 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: i) Request for Federal EB-5 Loan Program Participation from Producer Owned Beef, LLC.

Mr. Williams announced that Executive Session was adjourned at 4:36 p.m. and recessed the Regular Meeting.

ATTEST:


Stephanie Coggins, City Secretary


Ginger Nelson, Mayor