

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 20th day of February 2018, the Amarillo City Council met at 1:00 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
MICK MCKAMIE
ANDREW FREEMAN
FRANCES HIBBS

CITY MANAGER
DEPUTY CITY MANAGER
CITY ATTORNEY
ECONOMIC DEVELOPMENT MGR.
CITY SECRETARY

The invocation was given by Sarah Stevens, First Baptist Church. Councilmember Smith led the audience in 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:

Kip Billups, 3001 Southwest 58th Avenue, #506, stated he only signed up for a spot for someone else. Amanda Brown, 810 Southwest 14th Avenue, spoke on homelessness. She asked that Christ Church Camp be allowed to continue. She stated the City should stress the importance of every life. Edith DiTommaso, 1613 Bowie, #B, stated she attended the meeting last Thursday. She stated she believed city laws and ordinances needed to be followed but she believed tent city was formed in good faith. She further requested a tiny home village be built. Rusty Tomlinson, 5700 Canyon Drive, stated an ordinance is being enforced to protect property values. He further stated there needed to be a balance between investors and the smallest person in Amarillo. He said Council has the power to ignore ordinances and a need to find a way to delay enforcement until the ordinance can be repealed. Amanda Hunter, 4849 Mesquite Springs Trail, spoke on the Christ Church Camp which she said provided food, clothing and shelter. She stated this was a community and a family for many the residents. She asked for assistance on a low barrier shelter. Susan Barros, 409 South Monroe Street, Director of Downtown Women's Center (DWC), noted a hand-up was better than a handout. She stated there were two kinds of homelessness, the unseen homeless and the residents living in tent city which is supporting the chronically homeless and enabling bad choices. She encouraged dependence and not independence. DWC had several workers at the tent city yesterday offering their services, none have come to the center. She further stated there was an inability to follow rules and get clean and sober. Mildred Darton, 2005 Northwest 14th Avenue, stated she was back in Amarillo after working a natural disaster only to come back to a local disaster. She stated she is a member of the North Heights Advisory Committee and she believed every homeless person that wants to be housed can be. She further stated living outdoors is a temporary housing, not necessarily safe, sanitary or stable. Bobby Nixon, Another Chance House, 209 South Jackson Street, spoke from a personal level. He stated 11 year ago he was homeless because of bad choices in his life. He stated he knew he had to improve his quality of life, had to investment in his own recovery. The needed assistance was provided by this community. He further stated he brought himself out of homelessness and that help can be provided by those who want to help themselves. Kit Rudd, 6850 Grande Street, stated he believed there was a lot of misinformation and misguideness. He stated there were problems in the camp, drug addiction, humane trafficking, and problems that

cannot be dealt with. He stated there were drug free zones for anyone who needs rehab and ways to get people out of bad circumstances. He stated the community can find places for everyone in that camp and working together we can solve this issue. BF Roberts, 1007 North Hayden Street, expressed some concerns about the homeless. He stated it was a humane problem. He challenged the Council to reconsider their decisions and negotiate help for those less fortunate. Robert Goodrich, 4111 Stony Point, as the President of the Amarillo Lodging Association, inquired about the hotel occupancy revenue bonds. He asked for a delay on Item 2 until Council could speak with the owners of hotels/motels in the city that earn the HOT dollars. 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 Items 1B-E of the consent agenda, seconded by Councilmember Hays.

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.

Motion was made by Councilmember Powell to approve Item 1A as noted, seconded by Councilmember Sauer.

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.

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting and special meeting held on February 13, 2018.

B. **CONSIDER – TUBERCULOSIS STATE GRANT:**

(Contact: Casie Stoughton, Director of Public Health)

Grant Amount -- \$60,224

Grantor: Texas Department of State Health Services

This item accepts the award from the Texas Department of State Health Services from September 1, 2018 thru August 31, 2019 to continue funding to prevent and control the transmission of active and latent tuberculosis.

C. **CONSIDER – AWARD A CONTRACT TO ASCENT HEALTH CONSULTING TO CONDUCT COMMUNITY HEALTH ASSESSMENT:**

(Contact: Casie Stoughton, Director of Public Health)

Contract to Ascent Health Consulting in the amount of \$83,395

This item awards the contract to Ascent Health Consulting to conduct a comprehensive Community Health Assessment to fully understand the health needs of the citizens of the Bi-City County Health District. The Community Health Assessment will include telephone survey, focus groups, and key informant survey.

D. **CONSIDERATION OF PROFESSIONAL SERVICES TO CONDUCT RADIO SYSTEM COVERAGE TESTING:**

(Contact: Kevin Starbuck, Assistant City Manager)

Award to AECOM Technical Services, Inc.

Original Consulting Services Agreement: \$540,244.00

Previous Change Order: \$6,015.00

(Frequency Coordination)

Current Change Order: \$177,668.00

(RaCE Coverage Testing)

Total Consulting Services Agreement: \$723,927.00

As part of the final acceptance testing of the Motorola P25 Phase II 700/800 MHz radio communications system, the City of Amarillo has required an independent evaluation of radio system coverage to ensure compliance with system specifications. AECOM Technical Services, Inc. has provided consulting services for the project and is selected to conduct the Radio Coverage Evaluator or RaCE coverage testing to verify system performance.

E. **APPROVAL – AVIATION CLEAR ZONE EASEMENT:**

(Contact: AJ Fawver, Planning and Zoning Director)

Aviation Clear Zone Easement, being 4,550 feet above mean sea level above the plat of Arrowhead Addition Unit No. 10, an addition to the City of Amarillo, being an unplatted tract of land in Section 149, Block 2, AB&M Survey, Randall County, Texas.

REGULAR AGENDA

ITEM 2: Mayor Nelson presented the first and final reading of an ordinance to discuss and consider all matters incident and related to the issuance and sale of "City of Amarillo, Texas, Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018," including the adoption of an ordinance authorizing the issuance of such bonds. This item was presented by Michelle Bonner, Deputy City manager. She also introduced Steven Adams, with Specialized Public Finance, Inc. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, that the following captioned ordinance be passed:

ORDINANCE NO. 7711

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF AMARILLO, TEXAS, HOTEL OCCUPANCY TAX REVENUE BONDS, TAXABLE SERIES 2018"; PRESCRIBING THE FORMS, TERMS, AND PROVISIONS OF SAID BONDS; PLEDGING HOTEL OCCUPANCY TAX REVENUES TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SAID BONDS; ENACTING PROVISIONS INCIDENT AND RELATED TO THE ISSUANCE, PAYMENT; SECURITY, SALE AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE AGREEMENT, AND THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; 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 3: Mayor Nelson presented a resolution preserving the City's ability to reimburse capital expenditures from the "City of Amarillo, Texas, Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018." This item was presented by Michelle Bonner, Deputy City Manager. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that the following captioned resolution be passed:

RESOLUTION NO. 02-20-18-1

A RESOLUTION OF THE AMARILLO CITY COUNCIL, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT.

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.

This item was taken out of order.

ITEM 4: Mayor Nelson presented the first reading of an ordinance for commercial ground vehicle operators at the Rick Husband Amarillo International Airport (Airport). The City of Amarillo and Department of Aviation propose this ordinance as authorized through the Texas Legislature, Texas Occupations Code Chapter 2402. The proposed ordinance authorizes reasonable fees and regulation on commercial ground vehicle operators, to include Transportation Network Companies (TNCs), e.g., Uber and Lyft. As proposed in the ordinance, the funding mechanism and regulatory operating standards are focused to accomplish the following objectives: establish uniform commercial ground vehicle operating standards, provide revenues to maintain airport systems that support commercial ground vehicle traffic on the airport, and to compensate the airport for administration and enforcement of the operating standards. The Airport's Rules and Regulations document shall be the guiding standard for commercial ground vehicle operations at the Rick Husband Amarillo International

Airport. This item was presented by Michael Conner, Airport Director. Mayor Nelson opened this item for public comment. Melba Roark, Airport Taxi Service, 4005 Northeast 26 Avenue, stated she is against the ordinance. She stated there were fewer flights coming in and therefore fewer passengers. She was against any additional fees.

There were no further comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Hays, seconded by Councilmember Sauer, that the following captioned ordinance be passed:

ORDINANCE NO. 7712

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-2, ARTICLE IV, ADDING SECTION 16-2-69 CONCERNING, TRANSPORTATION NETWORK COMPANIES; SETTING RULES, REGULATIONS, FEES, AND PENALTIES FOR GROUND TRANSPORTATION COMPANIES AND TRANSPORTATION NETWORK COMPANIES OPERATING AT THE RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND 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 5: Mayor Nelson presented the first reading of an ordinance considering possible approval of the vacation of 80' ROW known as South Monroe Street between Block 192 and Block 193 in Plemons Unit No. 1 and the southern 14' of 80' ROW known as Southwest 14th Avenue located along Block 192 in Plemons Unit No. 1, both in Section 170, Block 2, AB&M Survey, Potter County, Texas. This vacation was reviewed and recommended for approval by a 5:0 vote from the Planning and Zoning Commission. (Vicinity: South Monroe Street and Southwest 14th Avenue.) This item was presented by Jeffrey English, Planner I. Steve Rogers, 5304 Tawney Street, stated he was here on behalf of the Central Church of Christ. He stated the purpose of this variance was to improve the safety of the members. He further stated the appearance of the neighborhood would also be improved. Motion was made by Councilmember Smith, seconded by Councilmember Sauer, that the following captioned ordinance be passed:

ORDINANCE NO. 7713

AN ORDINANCE OF THE CITY OF AMARILLO DETERMINING LACK OF PUBLIC NECESSITY FOR RIGHT-OF-WAY IN THE VICINITY OF SOUTHWEST 14TH AVENUE AND SOUTH MONROE STREET, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN-DESCRIBED RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE.

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 6: Mayor Nelson presented the first reading of an ordinance rezoning a portion of Lot 3, Block 186; Lots 2, 3, and portion of Lot 1 in Block 192; and all of Block 193 in Plemons Unit No.1, in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 120 and 130 (PD-120 and PD-130) to Multiple Family District 2 (MF-2). (Vicinity: Southwest 15th Avenue and South Monroe Street.) This item was presented by Jeffrey English, Planner I. Mayor Nelson opened this item for public comment. There were no comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that the following captioned ordinance be passed:

ORDINANCE NO. 7714

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 SOUTH MONROE STREET AND SOUTHWEST FIFTEENTH AVENUE, 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 7: Mayor Nelson presented the first reading of an ordinance rezoning Lot 1, Block 27, Lawrence Park Unit No. 16, in Section 227, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 354 (PD-354) to Light Commercial (LC). (Vicinity: Southwest 27TH Avenue and Britain Drive.) This item was presented by Jeffrey English, Planner 1. Mayor Nelson opened this item for public comment. There were no comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, that the following captioned ordinance be passed:

ORDINANCE NO. 7715

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 SEVENTH AVENUE AND BRITAIN DRIVE, 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 8: Mayor Nelson presented the first reading of an ordinance rezoning of a 31,500 +/- square foot tract of land out of Section 43, Block 9 BS&F Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural (A) to Office 2 (O2). (Vicinity: South Coulter and Outlook Drive.) This item was presented by David Moore, Planner I. Mayor Nelson opened this item for public comment. There were no comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Hays, seconded by Councilmember Smith, that the following captioned ordinance be passed:

ORDINANCE NO. 7716

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 COULTER AND OUTLOOK DRIVE, 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 9: Mayor Nelson presented the first reading of an ordinance considering providing a variance to distance regulations prohibiting the sale or alcoholic beverages within 300 feet of a public school. The City Council, as the governing board of the City of Amarillo, Texas, and pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, may grant a variance to Section 14-3-5 of the City of Amarillo Municipal Code (enacted pursuant to Section 109.33(a)(1) of the Texas Alcoholic Beverage Code) for off-premise consumption at the following location: Lot 1, Block 4, Western Express Unit No. 1, in Section 229, Block 2, AB&M Survey, Randall County, Texas. This item was presented by Cody Balzen, Planner I. Mr. Balzen reiterated that the variance was 63'. Cathy Derr, stated she was the leasing agent for the tenant. She stated the entire process has been somewhat confusing. She explained she had sent an email letter as requested by the City to the Richard Milburn Academy. She further stated the tenant would only be using a third of the building, and it was hard to find light commercial buildings. Mr. Balzen stated the alcohol permit was denied and then a letter rejecting the application was also

sent. Mr. McKamie stated if granted it would continue to be used as such regardless of ownership. John Gates, Environmental Health Supervisor, stated that at the pre-meeting the Richard Milburn Academy was not mentioned.

Mayor Nelson asked that Council meet in Closed Session. Mr. McKamie advised at 7:54 p.m. that the Council would convene in Closed Session. Closed Session was adjourned at 8:14 p.m. and reconvened the Regular Meeting.

Mayor Nelson stated she felt it was too close to the school. Councilmember Smith stated his motion was made because it was not within 300'. Motion was made by Councilmember Smith, seconded by Councilmember Sauer, that the following captioned ordinance be denied:

ORDINANCE NO. 7717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS PROVIDING FOR A VARIANCE TO DISTANCE REGULATIONS PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A PUBLIC SCHOOL; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND 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.

This item was presented after Item No. 3.

ITEM 10: Mayor Nelson presented a resolution authorizing the City to seek and distribute State funds, pursuant to article 5190.14, Section 5C of the Texas Revised Civil Statutes for the qualifying event. This item was presented by Sherman Bass, Civic Center Manager. Motion was made by Councilmember Sauer, seconded by Councilmember Smith, that the following captioned resolution be passed:

RESOLUTION NO. 02-20-18-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO: AUTHORIZING THE CITY MANAGER TO SEEK AND DISTRIBUTE STATE FUNDS, PURSUANT TO ARTICLE 5190.14, SECTION 5C OF THE TEXAS REVISED CIVIL STATUTES, A QUALIFYING EVENT; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND 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 11: Mayor Nelson presented a resolution authorizing the City to seek and distribute State funds, pursuant to article 5190.14, Section 5C of the Texas Revised Civil Statutes, in cooperation with the Amarillo-Potter Event Venue District, for the qualifying event. This item was presented by Michelle Bonner, Deputy City Manager. Motion was made by Councilmember Sauer, seconded by Councilmember Powell, that the following captioned resolution be passed:

RESOLUTION NO. 02-20-18-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO: AUTHORIZING THE CITY MANAGER TO SEEK AND DISTRIBUTE STATE FUNDS, PURSUANT TO ARTICLE 5190.14, SECTION 5C OF THE TEXAS REVISED CIVIL STATUTES, IN COOPERATION WITH THE AMARILLO-POTTER EVENTS VENUE DISTRICT, FOR A QUALIFYING EVENT; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND 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 12: Mayor Nelson presented a resolution establishes the City Council Budget Policy document. Motion was made by Councilmember Sauer, seconded by Councilmember Hays, that the following captioned resolution be passed:

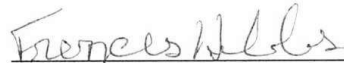
RESOLUTION NO. 02-20-18-4
A RESOLUTION OF THE CITY COUNCIL OF AMARILLO, TEXAS
ESTABLISHING THE OFFICIAL CITY BUDGET POLICIES AND
GUIDELINES.

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.

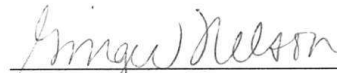
ITEM 13: Mayor Nelson presented an item authorizing the City Manager to enter into a participation agreement with 79101 Properties, LP for the construction of Streetscape Improvements to Polk Street adjacent to newly re-developed property at 626 South Polk Street. The agreement authorizes 79101 Properties, LP to construct streetscape improvements in the public right of way and to be reimbursed from funds dedicated to that same right of way in the voter approved Proposition 1 projects included in the 2017 Community Investment Program. All public improvements will be constructed in accordance with approved permits and applicable Municipal Code. Approval will authorize the City to participate at 30% of the total cost of public infrastructure improvements in accordance Texas Local Government Code 212.071. This item was presented by Kyle Schniederjan, City Engineer. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that this item be approved.

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.

ATTEST:



Frances Hibbs, City Secretary



Ginger Nelson, Mayor