

**A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE HELD ON TUESDAY, FEBRUARY 4, 2020 AT 1:00 P.M., CITY HALL, 601 SOUTH BUCHANAN STREET, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.**

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*City Council Mission: Use democracy to govern the City efficiently and effectively to accomplish the City's mission.*

*Please note: The City Council may take up items out of the order shown on any Agenda. The City Council reserves the right to discuss all or part of any item in an executive session at any time during a meeting or work session, as necessary and allowed by state law. Votes or final decisions are made only in open Regular or Special meetings, not in either a work session or executive session.*

**INVOCATION:** Greg Dowell, Central Church of Christ

**PUBLIC ADDRESS**

(For items on the agenda for City Council consideration)

**AGENDA**

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. Curbside Cart Program Update;
  - C. Presentation and Discussion on Module 1: Zoning Related to the Zoning Code Revision Project;
  - D. Presentation and Discussion on the San Jacinto Neighborhood Plan;
  - E. Thompson Park Pool Update;
  - F. Discuss the recommended proposal for the Civic Center expansion and renovation;
  - G. Automatic Meter Infrastructure Update;
  - H. Reports and updates from City Councilmembers serving on outside Boards:  
Animal Management & Welfare Advisory Board;  
Convention & Visitor Council Board; and
  - I. Request future agenda items and reports from City Manager.

2. **CONSENT ITEMS:**

It is recommended that the following items be approved and that the City Manager be authorized to execute all documents necessary for each transaction:

*THE FOLLOWING ITEMS MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COUNCILMEMBER, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.*

A. **CONSIDER APPROVAL – MINUTES:**

Approval of the City Council minutes for the regular meeting held on January 28, 2020.

B. **RESOLUTION – DECLARING THE EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT:**

(Contact: Michelle Bonner, Deputy City Manager)

Discussion and consideration of all matters incident and related to declaring expectation to reimburse expenditures for acquiring land at 503-509 S. Johnson Street, Amarillo, Texas with proceeds of future debt, including the adoption of a resolution pertaining thereto.

3. **NON-CONSENT ITEMS:**

A. **EXECUTIVE SESSION:**

City Council may convene in Executive Session to receive reports on or discuss any of the following pending projects or matters:

1) 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) Discuss property located within the Tax Increment Reinvestment Zone #1 Boundary.

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (601 South Buchanan Street) of the building. An access ramp leading to the main entry is located at the southwest corner of the building. Parking spaces for individuals with disabilities are available in the south parking lot. City Hall is equipped with restroom facilities, communications equipment and elevators that are accessible. Individuals with disabilities who require special accommodations or a sign language interpreter must contact the City Secretary's Office 48 hours prior to meeting time by telephoning 378-3013 or the City TDD number at 378-4229.

Posted this 31st day of January 2020.

Regular meetings of the Amarillo City Council stream live on Cable Channel 10 and are available online at:

<http://amarillo.gov/city-hall/city-government/view-city-council-meetings>

*Archived meetings are also available.*

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 29th day of January 2020, the Amarillo City Council met at 1:00 p.m. for a regular meeting held in the Council Chamber located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

- |               |                                   |
|---------------|-----------------------------------|
| GINGER NELSON | MAYOR                             |
| ELAINE HAYS   | COUNCILMEMBER NO. 1               |
| FREDA POWELL  | MAYOR PRO TEM/COUNCILMEMBER NO. 2 |
| 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                  |
| MICHELLE BONNER   | DEPUTY CITY MANAGER           |
| BRYAN MCWILLIAMS  | CITY ATTORNEY                 |
| STEPHANIE COGGINS | ASSISTANT TO THE CITY MANAGER |
| FRANCES HIBBS     | CITY SECRETARY                |

The invocation was given by Grant Joza. 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 ADDRESS**

Earl (Randy) Jacobs, P. O. Box 2354, stated the proposed Civic Center should be a Panhandle project. He suggested spreading the financial responsibility and not having it all placed on the residents of Amarillo. He further stated the need to get more people downtown everyday of the week. Allen Finegold, 2601 North Grand Street, #158, stated he heard the ACCC presentation last week but heard very few facts. He further stated this project has an enormous cost and \$280 million will double the city's debt. James Schenck, 6216 Gainsborough Road, stated one of his concerns was the ballot date. He stated the city was on a warehouse buying spree. He further spoke on the construction costs and the size of the proposed arena. Jay Parker, 1306 Northwest 9<sup>th</sup> Avenue, stated the reason he was in attendance was to speak on behalf of the North Heights Advisory Council. He expressed the importance of revitalizing the old St. Anthony's Hospital which would bring new hope and vigor to the community. This project would be a life changer for a lot of people that is much needed not only for the North Heights but for Amarillo as a whole. There were no further comments.

**ITEM 1:**

- A. Review agenda items for regular meeting and attachments;
- B. Discuss the recommended proposal for the Civic Center expansion and renovation;
- C. Discuss citizens committee to consider City Charter Amendments;
- D. Reports and updates from City Councilmembers serving on outside Boards: Amarillo Metropolitan Planning Organization (MPO); and
- E. Request future agenda items and reports from City Manager.

**CONSENT ACTION ITEMS:**

**ITEM 2:** 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 as presented, seconded by Councilmember Sauer:

- A. **MINUTES:**  
Approval of the City Council minutes for the special meeting held on January 9, 2020 and regular meetings held on January 14, 2020 and January 21, 2020.

- B. CONSIDER APPROVAL – INTERLOCAL AGREEMENT:**  
 (Contact: Chief Ed Drain, Amarillo Police Department)  
 This item considers approval of an interlocal agreement with the City of Dallas (Police Department) for the Missing and Exploited Children Program.
- C. CONSIDER APPROVAL – STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT PURCHASE OF APD TACTICAL RADAR:**  
 (Contact: Chip Orton, Emergency Management Coordinator)  
 Safeware -- \$51,892.44  
 This agenda item is to approve a new tactical radar system for the Amarillo Police SWAT team. Funding was awarded through a competitive process for the Homeland Security Grant Program (HSGP)/State Homeland Security Program (SHSP) grant that requires no match.
- D. CONSIDER APPROVAL – ODESSA PUMPS:**  
 (Contact: Jonathan Gresham, Director of Utilities)  
 Odessa Pumps & Equipment -- \$58,626.16  
 This item is the replacement of Vertical Turbine Pumps at Hollywood Road Reclamation Plant for delivery of reclaimed water to Xcel power plant.
- E. CONSIDER APPROVAL – AMENDMENT TO COMMERCIAL CONTRACT FOR SALE OF CITY OWNED PROPERTY:**  
 (Contact: Andrew Freeman, Director of Planning and Development Services)  
 This item authorizes the City Manager to execute a contract amendment for the sale of former Fire Station No. 3 located at 6009 Estacado Lane.
- F. CONSIDER APPROVAL – AVIATION CLEAR ZONE EASEMENT:**  
 (Contact: Cris Valverde, Assistant Director of Planning and Development Services)  
 This item considers an Aviation Clear Zone Easement, being 5,000 feet above mean sea level above the plat of Osage Acres Unit No. 8, a suburban subdivision to the City of Amarillo, being a re-plat of the east half of Lot 23, Block 3, Osage Acres Unit No. 1, in Section 148, Block 2, A.B.&M. Survey, Randall County, Texas.

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.

**NON-CONSENT ITEMS:**

**ITEM 3A:** Mayor Nelson presented the first reading of an ordinance for a new franchise ordinance for Atmos Energy Company to continue using public rights-of-way to provide retail gas service in the city. This item was presented by Jared Miller, City Manager and Marcus Norris, Deputy City Attorney. Motion was made that the following captioned ordinance be passed on first reading by Councilmember Powell, seconded by Councilmember Hays:

**ORDINANCE NO. 7836**

**AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS, GRANTING TO ATMOS ENERGY CORPORATION (A TEXAS AND VIRGINIA CORPORATION, WITH ITS PRINCIPAL OFFICE IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS) THE FRANCHISE AND RIGHTS TO CONDUCT IN SUCH CITY THE BUSINESS OF ACQUIRING, MAINTAINING, CONSTRUCTING, LAYING, REPAIRING, REMOVING, REPLACING, INSTALLING, OPERATING, AND DISPOSING OF A GAS SYSTEM FOR THE SALE, TRANSPORTATION, AND DISTRIBUTION OF NATURAL GAS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY AND TO THE RESIDENTS AND BUSINESSES LOCATED THEREIN FOR LIGHT, HEAT, POWER, AND ANY OTHER PURPOSES AND THE RIGHT TO USE THE PRESENT AND FUTURE STREETS, ROADS, HIGHWAYS, ALLEYS, PUBLIC WAYS, AND REAL PROPERTY IN SUCH CITY AND OWNED OR CONTROLLED BY SUCH CITY FOR SUCH PURPOSES; PRESCRIBING THE TERMS AND CONDITIONS TO WHICH SUCH FRANCHISE AND RIGHTS ARE SUBJECT; AND PRESCRIBING THE TERM OF SUCH FRANCHISE AND RIGHTS.**

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 3B:** Mayor Nelson presented a resolution which denies Southwestern Public Service Company's (SPS) request to increase rates in connection with its statement of intent submitted on about August 8, 2019; directing SPS to reimburse the City's rate case expenses and making other findings and provisions related to the subject. This item was presented by Jared Miller, City Manager. Ronnie Walker, SPS, stated Xcel Energy was one of SPS' operating companies. Motion was made that the following captioned resolution be passed by Councilmember Powell, seconded by Councilmember Smith:

RESOLUTION NO. 01-28-20-1

A RESOLUTION BY THE CITY OF AMARILLO, TEXAS ("CITY"); DENYING SOUTHWESTERN PUBLIC SERVICE COMPANY'S REQUEST TO INCREASE RATES IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT AUGUST 8, 2019; DIRECTING SPS TO REIMBURSE THE CITY'S RATE CASE EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT.

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 3C:** Mayor Nelson presented a resolution supporting an application for Affordable Housing Tax Credits to the Texas Department of Housing and Community Affairs, Housing Tax Credit Program by St. Anthony's Amarillo Housing 20, LP, a private entity, The Commons at St. Anthony's, a development for affordable rental property located near the southwest corner of Amarillo Boulevard and North Polk Street. This item was presented by Andrew Freeman, Planning Development Services. Mayor Nelson thanked everyone on their perseverance. Mary Emeny thanked everyone for the change in the population rule. Motion was made that the following captioned resolution be passed by Councilmember Powell, seconded by Councilmember Hays:

RESOLUTION NO. 01-28-20-2

A RESOLUTION OF THE CITY OF AMARILLO CITY COUNCIL: SUPPORTING A HOUSING TAX CREDIT APPLICATION FOR THE COMMONS AT ST. ANTHONY'S DEVELOPMENT; COMMITMENT OF DEVELOPMENT INCENTIVE; AUTHORIZING STAFF; 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 3D:** Mayor Nelson presented an item approving a Location Incentive Agreement (LIA) between Amarillo Economic Development Corporation and Suspendem for the creation of new jobs in Amarillo. The LIA provides incentives that are performance based for the creation of up to 150 new jobs over a seven-year period. The agreement prescribes a total grant of up to \$1.56 million dependent upon specific performance achievements detailed in the agreement. The agreement requires Suspendem to create the jobs and payroll first and then receive the incentive payments upon the achievement of annual performance metrics. This item was presented by Kevin Carter, President and CEO, Amarillo Economic Development Corporation. Motion was made by Councilmember Powell to approve this item, 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.

**ITEM 3E:** Mayor Nelson presented an item to executive a contract, leaseback, and other necessary documents for the purchase of an office, warehouse, and land located at 509 South Johnson Street in downtown Amarillo. The purchase is for \$3,850,000 plus closing costs and related expenses. This item was presented by Jared Miller, City Manager. Mayor Nelson stated timing affects the price. In thinking long-term this piece of property is going to be important to the expansion of the Civic Center. As this area is developing downtown the current business' location is not compatible. Councilmember Powell stated Council is trying to be good stewards of funds by acquiring property less expensive because we could pay more in the future. Councilmember Hays inquired as to how much

property the city owned. Mr. Miller replied that this is the last piece in this area that would be required for the proposed expansion. Motion was made by Councilmember Powell to approve this item, seconded by Councilmember Smith.

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 3F:** Mr. McWilliams advised at 2:41 p.m. that the City Council would convene in Executive Session per Texas Government Code: (1) 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) Discuss property located in the NE quadrant of the Central Business District.

Mr. McWilliams announced that the Executive Session was adjourned at 3:41 p.m. and recessed the Regular Meeting.

ATTEST:

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Frances Hibbs, City Secretary

\_\_\_\_\_  
Ginger Nelson, Mayor

# Amarillo City Council Agenda Transmittal Memo



B

Meeting Date	February 4, 2020	Council Priority	Public Safety
Department	City Manager		
Contact	Michelle Bonner, Deputy City Manager		

## Agenda Caption

### **RESOLUTION – DECLARING THE EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT (Contact: Michelle Bonner, Deputy City Manager)**

Discussion and consideration of all matters incident and related to declaring expectation to reimburse expenditures for acquiring land at 503-509 S. Johnson Street, Amarillo, Texas with proceeds of future debt, including the adoption of a resolution pertaining thereto.

## Agenda Item Summary

This resolution declares the expectation to reimburse expenditures for acquiring land at 503-509 S. Johnson Street, Amarillo, Texas with proceeds of future debt. This resolution authorizes the City to reimburse from bond proceeds amounts spent on the purchase of 503-509 S. Johnson Street bond issue.

## Requested Action

Council consideration and approval of the resolution declaring the expectation to reimburse expenditures with proceeds of future debt.

## Funding Summary

N/A

## Community Engagement Summary

At January 28, 2020 City Council meeting, Council authorized the purchase of 503-509 S. Johnson Street.

## Staff Recommendation

Staff recommendations Council consideration and approval of the resolution declaring the expectation to reimburse expenditures with proceeds of future debt.

RESOLUTION NO. 02-04-20-1

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

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WHEREAS, the City of Amarillo, Texas (the "Issuer") intends to issue debt for acquiring land at 503 – 509 S. Johnson Street, Amarillo, Texas, for civic center expansion (the "Project") and further intends to make certain capital expenditures with respect to the Project and currently desires and expects to reimburse the capital expenditures with proceeds of such debt;

WHEREAS, under Treas. Reg. § 1.150-2 (the "Regulation"), to fund such reimbursement with proceeds of tax-exempt obligations, the Issuer must declare its expectation to make such reimbursement; and

WHEREAS, the Issuer desires to preserve its ability to reimburse the capital expenditures with proceeds of tax-exempt obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE ISSUER THAT the Issuer reasonably expects to reimburse capital expenditures with respect to the Project with proceeds of debt hereafter to be incurred by the Issuer, and that this resolution shall constitute a declaration of official intent under the Regulation. The maximum principal amount of obligations expected to be issued for the Project is \$3,900,000.

PASSED AND APPROVED this the \_\_\_\_\_ day of February, 2020.

CITY OF AMARILLO, TEXAS

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Ginger Nelson, Mayor

ATTEST:

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Frances Hibbs, City Secretary