

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 11th day of September 2012, the Amarillo City Commission met at 1:30 p.m. at City Hall on the third floor in Room 303 in the Conference Room for review of agenda items, discussion of the proposed 2012/2013 fiscal year budgets and programs of services for the Amarillo Convention and Visitor's Council, Amarillo Potter Events Venue District and Tax Increment Reinvestment Zone Number One, discussion of the fiscal year 2012/2013 City of Amarillo budget and related items, and consideration of future agenda items.

The City Commission met at 3:00 p.m. in regular session in the Commission Chamber located on the third floor of City Hall at 509 E. 7th Avenue, with the following members present:

PAUL HARPOLE	MAYOR
ELLEN ROBERTSON GREEN	COMMISSIONER NO. 1
BRIAN EADES	COMMISSIONER NO. 2
LILIA ESCAJEDA	COMMISSIONER NO. 3
JIM SIMMS	COMMISSIONER NO. 4

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

JARRETT ATKINSON	CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
SCOTT MCDONALD	BUILDING OFFICIAL
DONNA DERIGHT	CITY SECRETARY

The invocation was given by Jim Shelburne, Washington Avenue Christian Church. Mayor Harpole led the audience in the Pledge of Allegiance.

A proclamation was presented for "Blood Cancer Awareness Month."

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

ITEM 1: Mayor Harpole presented the minutes of September 4, 2012. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, and unanimously carried, to approve the minutes.

ITEM 2: Mayor Harpole opened a public hearing on the fiscal year 2012/2013 budget. This budget will raise more total property taxes than last year's budget by \$264,159 or 0.83%, and of that amount \$459,443 is tax revenue to be raised from new property added to the tax roll this year. There were no comments and the public hearing was closed.

ITEM 3: Mayor Harpole presented an ordinance adopting the City of Amarillo budget for the 2012/2013 fiscal year. This budget allows for the City to continue providing effective public services, programs and assistance to Amarillo residents in the upcoming year. Commissioner Escajeda made the motion to adopt the proposed budget which reflects an increase in revenue derived from property tax revenues over last year's budget. It was seconded by Commissioner Eades and the following captioned ordinance passed on first reading:

ORDINANCE NO. 7363

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2012, THROUGH SEPTEMBER 30, 2013, FOR THE CITY OF AMARILLO; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET; ESTABLISHING AND ADOPTING AN OFFICIAL PERSONNEL

PLAN FOR THE CLASSIFIED AND UNCLASSIFIED SERVICE AND, ABOLISHING ALL POSITIONS NOT LISTED IN SAID BUDGET; DIRECTING THE USE OF STATE FEE SCHEDULES FOR PUBLIC INFORMATION; AMENDING VARIOUS PROVISIONS OF THE AMARILLO MUNICIPAL CODE TO MODIFY, INCREASE, OR DELETE VARIOUS FEES AND RATES AS FOLLOWS: CHAPTER 2-4, RETURNED CHECK FEE; CHAPTER 2-7 ESTABLISHING PRIORITIES AND FEES FOR RADIO SHOP; CHAPTER 4-1, ARTICLE I, VARIOUS BUILDING, CONSTRUCTION, PLUMBING, HVAC, ELECTRICAL PERMIT & INSPECTION FEES, AND ADDING NEW TRADE LICENSES FOR INSULATORS, GLASS AND GLAZERS, AND SWIMMING POOLS AND SPAS; CHAPTER 8-3, ARTICLE IV, CERTAIN LANDFILL FEES; CHAPTER 10-4, FINGERPRINT FEES; CHAPTER 12-1, ARTICLE I, ATHLETIC TEAM FEE, AND ARTICLE II, ADULT ZOO ADMISSION FEE; CHAPTER 16-3, PARADE AND BLOCK PARTY FEES; CHAPTERS 18-2 AND 18-3, VARIOUS WATER AND SEWER RATES AND OTHER FEES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 4: Mayor Harpole an ordinance approving the City of Amarillo tax roll, setting an ad valorem property tax rate and levying a tax on all property subject to taxation within the City for the 2012 tax year. This ordinance establishes an ad valorem tax rate of \$0.29276 per \$100.00 property valuation for City maintenance and operations expenses and \$0.02733 per \$100.00 property valuation for existing debt expenses resulting in a total ad valorem rate of \$0.32009 per \$100.00 property valuation. This tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 0.79 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$0.46. Commissioner Eades stated that whereas the proposed tax rate exceeds the effective rate, and pursuant to Texas Tax Code section 26.05(b), I now move that the property tax rate be increased by the adoption of a tax rate (which is the same as last year), being \$0.29276 for maintenance and operations, and \$0.02733 for debt service, for a combined total rate of \$0.32009, which is effectively a 0.79 percent increase in the tax rate over the effective rate. The motion was seconded by Commissioner Green and the following captioned ordinance passed on first reading:

ORDINANCE NO. 7364

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: APPROVING TAX ROLL; SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF AMARILLO FOR THE TAX YEAR 2012; ESTABLISHING AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES.

Voting AYE were Mayor Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 5: Mayor Harpole presented an ordinance approving the City's participation in the Texas Municipal Retirement System (TMRS) updated service credits and five-year vesting programs. These items help insure that the City remains competitive in attracting and retaining quality personnel. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7365

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: (1) AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM; GRANTING THE ADDITIONAL RIGHTS, CREDITS AND BENEFITS AUTHORIZED BY SECTIONS 852.205 OF TITLE B. GOVERNMENT CODE, AS AMENDED; (2) AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS

MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE MEMBERS OF THE CITY OF AMARILLO; PROVIDING A REPEALER CLAUSE; AND PRESCRIBING THE EFFECTIVE DATE OF THIS ORDINANCE.

Voting AYE were Mayor Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 6: Mayor Harpole presented an ordinance amending Division 6, Chapter 16, Article IV, of the Amarillo Municipal Code. This ordinance enacts a ban on the use of hand-held wireless devices on the public streets in Amarillo. Use of a wireless device through a voice operated hands-free device is allowed by this ordinance.

Mayor Harpole asked for comments regarding this ordinance. Jack Juett with Jack's Taxi, 3954 Business Park Drive, appeared and stated that the ordinance is a good idea but not everyone can afford to buy a hands free device. Felipe Lopez, 3804 N.E. 24th Avenue, appeared and stated that he sees a lot of accidents that are caused by people using the phone. Rev. Robert Taliaferro, 4400 S.W. 3rd Avenue, appeared in opposition. He stated that the issue should be put to a vote. He stated some of the language in the ordinance does not follow the Texas Department of Transportation Code. Mr. Norris advised him that the Commission is not adopting that code. A representative with Yellow Cab, 715 S. Fillmore, and a representative of another taxicab company expressed support of the ordinance as long as hands free devices are allowed. Tony Alford, 2708 S.E. 27th Avenue, stated that he agrees with a ban on texting but is not in favor of banning cell phones entirely. Mayor Harpole advised him that cell phones can be used with a hands free device. Scott Bentley, 8007 Patriot, appeared in support of the cell phone ban. Trina Fournier, 4427 S. Hayden, appeared and stated some statistics regarding the number of automobile crashes caused by the use of cell phones and stated that according to her research the number of crashes caused by cell phones has decreased over the last several years.

Commissioner Eades stated that a decision can be made on the data available but with this issue, he actually sees people using cell phones while driving and sees what can happen when used while driving. Commissioner Green stated that thinks the data is faulty and realizes there are other reasons for crashes. Commissioner Simms stated that he is totally opposed to texting and driving. He stated that he will vote against the ordinance as it is written because he would like it to allow the use of a hands free device or holding the phone in your hand. Mayor Harpole stated that the Commission has heard a lot of comments. He stated that they have studied a lot of data but no conclusive evidence is in it. He stated that it is important to the Traffic Commission to support this ban. He commented that he would rather make an adjustment now than have an adjustment made to lives without this adjustment. Motion was made by Commissioner Escajeda, seconded by Commission Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7366

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING DIVISION 6 OF CHAPTER 16, ARTICLE IV OF THE MUNICIPAL CODE OF THE CITY OF AMARILLO TO ENACT A CITYWIDE BAN ON THE USE OF HANDHELD WIRELESS DEVICES BY MOTORISTS UPON PUBLIC STREETS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Commissioners Green, Eades and Escajeda; voting NO was Commissioner Simms; the motion carried by a 4:1 vote of the Commission.

ITEM 7: Mayor Harpole presented an ordinance changing the zoning of a 1.47 acre tract in Section 4, Block 9, BS&F Survey, Randall County, from Planned Development District 306, Residential District 1, and Residential District 3 to Moderate Density for single-family attached and detached home sites. Motion was made by Commission Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7360

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 HILLSIDE ROAD AND OLYMPIA DRIVE AND VENTURA DRIVE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 8: Mayor Harpole presented an ordinance vacating a 5 foot public utility easement in Lot 6, Block 21, North Highlands Subdivision in Section 157, Block 2, AB&M Survey, Potter County, in the vicinity of East Amarillo Boulevard and Hayes Street. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7361

AN ORDINANCE OF THE CITY OF AMARILLO DETERMINING LACK OF PUBLIC NECESSITY FOR A PORTION OF A STREET IN THE VICINITY OF AMARILLO BOULEVARD AND HAYES STREET, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN-DESCRIBED EASEMENT; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE.

Voting AYE were Mayor Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 9: Mayor Harpole presented an ordinance vacating a portion of Willow Creek Drive in Section 165, Block 2, AB&M Survey, Potter County, in the vicinity of Willow Creek Drive and Broadway Drive. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7362

AN ORDINANCE OF THE CITY OF AMARILLO DETERMINING LACK OF PUBLIC NECESSITY FOR A PORTION OF A STREET IN THE VICINITY OF WILLOW CREEK DRIVE AND BROADWAY DRIVE, 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 Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 10: Mayor Harpole presented a resolution approving the 2012/2013 Budget and associated program of services for the Amarillo Hospital District. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned resolution be passed:

RESOLUTION NO. 09-11-12-1

A RESOLUTION OF THE CITY OF AMARILLO CITY COMMISSION: ADOPTING THE BUDGET OF THE AMARILLO HOSPITAL DISTRICT FOR THE FISCAL YEAR OCTOBER 1, 2012 TO SEPTEMBER 30, 2013.

Voting AYE were Mayor Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission,

ITEM 11: Mayor Harpole presented a resolution approving the 2012/2013 Amarillo Economic Development Corporation (AEDC) Budget. This budget is funded by an existing one-half cent local sales tax and is utilized to attract and develop industrial, manufacturing and associated economic development enterprises as well as to retain and expand existing qualified business. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned resolution be passed:

RESOLUTION NO. 09-11-12-2

A RESOLUTION OF THE CITY OF AMARILLO: APPROVING THE PROPOSED OPERATING BUDGET FOR THE FISCAL YEAR 2012-2013 FOR THE AMARILLO ECONOMIC DEVELOPMENT CORPORATION.

Voting AYE were Mayor Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 12: Mayor Harpole presented a resolution conducting a public hearing on and considering the removal of a substandard structure located at 90 N. Florida Street. Mayor Harpole opened the public hearing and asked anyone who would like to speak to stand, raise their hand and take an oath by repeating after him. Mr. McDonald appeared to present information regarding the condition of the structure and referred the Commission to the photographs shown on the screens. He advised that notices were sent and efforts were made to contact the interested parties. He stated that this information is located in a secure electronic file and he had no further comments. Mayor Harpole asked if the owner or occupant of the property was present and no one appeared. He asked those who took the oath to appear. Bobbie Morris, 101 N. Florida #B, appeared and stated that she wants the structure demolished. Lois Green, 101 N. Florida #A, appeared and stated that the house has caused problems with neighbors and the children and wants it torn down. No one else appeared. Commissioner Escajeda stated that this step will address dilapidated, abandoned houses like this one, which will prevent accidents to children and neighbors. Commissioner Simms stated that this new process will be a more fair process than in the past and it will get the neighborhoods cleaned up faster. Commissioner Green extended her appreciation to the ladies for coming and advised them that this process will get the structure removed. Mayor Harpole closed the hearing.

Commissioner Eades made a motion that a public nuisance exists, and has not been timely abated, and now issues the following orders:

- 1) finding the structure or any other improvement of any kind, or any part thereof, is dangerous and ordering its removal ten (10) days after notice of decision; and
- 2) the interested persons of the dangerous structures and/or lot, tract, or parcel of land with accumulation of rubbish, trash, solid waste and/or unsanitary matter described in this section are hereby ordered to take down and/or remove the same from the premises as ordered by resolution.

The motion was seconded by Commissioner Green and the following captioned resolution passed:

RESOLUTION NO. 09-11-12-03

A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE PUBLIC NUISANCES, AND REQUIRING THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS; PROVIDING FOR FILING OF LIENS; PROVIDING A REPEALER CLAUSE; PROVIDING SEVERANCE CLAUSE; PROVIDING EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 13: Mayor Harpole presented a resolution conducting a public hearing on and considering the removal of a substandard structure located at 2202 Northwest 1st Avenue. Mayor Harpole opened the public hearing and asked anyone who would like to speak to stand, raise their hand and take an oath by repeating after him. Mr. McDonald appeared to present information regarding the condition of the structure and referred the Commission to the photographs shown on the screens. He advised that notices were sent and efforts were made to contact the interested parties. He stated that this information is located in a secure electronic file and he had no further comments. Mayor Harpole asked if the owner or occupant of the property was present and no one appeared. He asked those who took the oath to appear. Mary Crabtree appeared and stated that the property belongs to her brother, Billy Looper, and he has been deceased for twelve years. She does not want to have anything to do with the house. Catherine Ferguson, 3600 Royal Road, and Mr. Looper's sister, appeared and stated that she has no interest in the property and does not want to receive any more notices. Mr. Norris advised that notices are sent to anyone who may have an interest in the property. No one else appeared and Mayor Harpole closed the hearing.

Commissioner Green made a motion that a public nuisance exists, and has not been timely abated, and now issues the following orders:

- 1) finding the structure or any other improvement of any kind, or any part thereof, is dangerous and ordering its removal ten (10) days after notice of decision; and
- 2) the interested persons of the dangerous structures and/or lot, tract, or parcel of land with accumulation of rubbish, trash, solid waste and/or unsanitary matter described in this section are hereby ordered to take down and/or remove the same from the premises as ordered by resolution.

The motion was seconded by Commissioner Simms and the following captioned resolution passed:

RESOLUTION NO. 09-11-12-04

A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE PUBLIC NUISANCES, AND REQUIRING THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS; PROVIDING FOR FILING OF LIENS; PROVIDING A REPEALER CLAUSE; PROVIDING SEVERANCE CLAUSE; PROVIDING EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Commissioners Green, Eades, Escajeda and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 14: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Approval – Agreement for Services with Center City of Amarillo, Inc.:

This is approval of a one (1) year agreement with Center City of Amarillo, Inc. for services associated with the preservation, improvement and revitalization of the Central Business District of Amarillo. For these services performed, the City of Amarillo is to provide \$135,000 in total funding. This funding provides matching funds for an established façade grant program and Center City, Inc. administrative operations.

B. Award – Airport Food, Beverage and Gift Concession Contract:

Award to best evaluated proposer: Tailwind Deli News and Gifts, Inc.

This item awards the airport concessions contract for the provision of food and gift services. Tailwind will provide listed concession services on both the land and secure sides of the airport terminal. The contract includes an escalating minimum guaranteed payment to the airport and is for a ten year contract period.

Mayor Harpole announced that this is the end of the regular agenda, but time is reserved to hear any citizen concerning matters pertaining to City policies, programs or services. The public forum is set under the Open Meetings Act and that during the public forum the City Commission can respond with a statement of fact, a statement of city policy or decide whether to place an item on a future agenda. Alma Hall, 4706 S. Buchanan, appeared about the English as a Second Language class held at the Downtown Library. She stated that English should be the first language. Jack Juett, Jack's Taxi, 3954 Business Park Drive, appeared and stated that there are some taxicab companies doing business without a permit. Mayor Harpole asked him to meet with Mr. Atkinson after the meeting. Erin Welch, 307B S. Alabama, appeared and stated that the sidewalks around the city, especially in the San Jacinto area, have been neglected and they need to be repaired because it is difficult for people in wheelchairs to use them. Mr. Atkinson stated that in the proposed budget funding has been included for sidewalk repairs. Rev. Robert Taliaferro, 4400 S.W. 3rd Avenue, appeared and presented a handout regarding safe streets and driving statistics for the Commission. There were no further comments. Mayor Harpole advised that the meeting was adjourned and stated that the City Commission would reconvene to Closed Session.

ATTEST:

Donna DeRight, City Secretary

Paul Harpole, Mayor