

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 20th day of February 2013, 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, 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
VICKI COVEY	ASSISTANT CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Howard Griffin, First Presbyterian Church. Mayor Harpole led the audience in the Pledge of Allegiance.

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 February 12, 2013. Motion was made by Commissioner Simms as amended, seconded by Commissioner Escajeda, and unanimously carried, to approve the minutes as amended.

ITEM 2: Mayor Harpole announced a public hearing to gather input on the potential renewal of the Juvenile Curfew Ordinance, which will expire on March 20, 2013. Robert Taylor, Amarillo Police Chief presented data related to the Juvenile Curfew Ordinance for years 2010, 2011 and 2012. There were no comments from the public.

ITEM 3: Mayor Harpole presented an ordinance amending Chapter 10-3, Miscellaneous Offenses of the Amarillo Municipal Code to re-adopt a nocturnal (midnight and after) juvenile curfew for persons under the age of seventeen years. The City Commission last adopted a juvenile curfew in March 2010. Per state law, a juvenile curfew must be reviewed and re-adopted every three years. The re-adoption of this curfew is recommended by the Amarillo Police Department. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7392

AN ORDINANCE OF THE CITY COMMISSISON OF THE CITY OF AMARILLO: RE-ADOPTING AND CONTINUING CHAPTER 10-3, ARTICLE VI, SECTIONS 10-3-71 THROUGH 10-3-75, INCLUSIVE OF THE AMARILLO MUNICIPAL CODE, WITHOUT CHANGE; PROVIDING FOR A NOCTURNAL CURFEW (STARTING AT MIDNIGHT) FOR PERSONS UNDER 17 YEARS OF AGE; DEFINING OFFENSES; PROVIDING DEFENSES; PROVIDING A CUMULATIVE REMEDY CLAUSE; PROVIDING SAVINGS AND SEVERABILITY CLAUSES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PENALTIES AND 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 presented an ordinance changing the zoning of a 2.95 acre tract of unplatted land in Section 62, Block 9, BS&F Survey, Randall County, in the vicinity of Soncy Road and Tarter Avenue from Agricultural District to General Retail District. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

**ORDINANCE NO. 7393**

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 SONCY ROAD AND TARTER AVENUE, 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 5:** Mayor Harpole presented an ordinance changing the zoning of Lot 1, Block 1, Ojeda's Little Acre Unit No. 1, in Section 173, Block 2, AB&M Survey, Randall County, in the vicinity of Tradewind Street and Southeast 46<sup>th</sup> Avenue from Agricultural District to Agricultural District with a specific use permit for a placement of a Type A manufactured home. It was recommended that there be further review of this item and that it be tabled for two weeks. Motion was made by Commissioner Eades to table this item, seconded by Commissioner Simms and unanimously carried, to table this ordinance for two weeks.

**ORDINANCE NO. 7394**

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 TRADEWIND STREET AND SOUTHEAST FOURTY-SIXTH AVENUE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**ITEM 6:** Mayor Harpole presented an ordinance changing the zoning of a portion of Tract 2 and a portion of Parcel "I," Westcliff Park Unit No. 18, in Sections 24 and 25, Block 9, BS&F Survey, Potter County, in the vicinity of Westwood Drive and Blossom Way from Planned Development District 55BCG to Planned Development District 374 for residential and grazing purposes. Kelley Shaw explained the area was approximately 28 acres with 80 to 85 percent of the property in a natural drainage way or in a flood plain area. The property owner planned to build a home on a portion of the property and graze animals on the rest of property. He further stated the applicant and adjacent property owners cooperated on the details of the request. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on first reading:

**ORDINANCE NO. 7395**

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 WESTWOOD DRIVE AND BLOSSOM WAY, POTTER 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 7:** Mayor Harpole presented a resolution which calls upon the United States Congress and the Texas Legislature to enact comprehensive legislation against synthetic marijuana and other substances marketed to mimic the effects of illegal substances and prohibiting the misbranding or false labeling of said substances; and providing (1) criminal sanctions for the manufacture, sale, delivery and possession of synthetic marijuana and other substances marketed to mimic the effects of illegal substances and for the misbranding or false labeling of said substances; and, (2) civil liability for sellers, retailers, distributors, and manufacturers of such substances that cause harm or death to a consumer.

Darrell Hershey, 2301 Northwest 14th Avenue, Pastor of Saint John's Baptist Church, stated he appreciated the effort but was not satisfied with a resolution. Mayor Harpole stated he and the Commission were very concerned and were set on finding something that was going to be effective. He stated they did not want to put a band-aid on this issue. He also encouraged everyone to keep up the efforts. Commissioner Eades expressed the need to extend the reach to the state and federal levels and to be comprehensive in our approach. Terry Kirby, 710 S. Pittsburg, inquired if there was anything that could be done to smoke shops since they were not licensed pharmacists. Sonji Alexander, Impact Chairman, (address not given) stated that the smoke shops are big moneymakers and they continue to sell synthetic drugs knowing its danger. Commissioner Simms commented there were several bills coming up in the current Legislature. Vince Nowak, 1301 Daws Drive, stated that the bad guys are one or two steps ahead of the law. He asked what was next. Mayor Harpole reiterated the need to find an effective state-wide solution.

Marcus Norris, stated that a resolution does take the first initial step. He stated the law will always be reactive to chemist's changes. This resolution suggests a path making it a criminal offense and establishing liability to bring a lawsuit. If this city were to enact an ordinance and make this a crime the only penalty is a monetary fine with a maximum fine of \$2,000. The state legislature or congress are the only ones that can enact higher fines and prison time. We are encouraging the most-effective action that is available. He suggested to everyone that they contact State Senator Seliger or State Representatives Smithee and Price. The bills in session are SB 263, SB 264 and HB 124. This resolution will be sent to them voicing the City's insistence that we have a state-wide solution.

Lilia Escajeda stated that the resolution of this issue is more complex then they ever imagined. Mike Wilhelm, 8530 S. Western, stated that if chemist changed one molecule in legal drugs they are require to obtain FDA approval which takes lots of money and testing has to be done again, but synthetic drugs have no testing. He asked if the smoke shops were required to carry MSDS sheets on their merchandise. Paul Harpole asked the City Attorney to check on the legalities for MSDS sheets.

Steve Douglas, 4343 Ridgecrest, stated public leaders did commercials for water wasting, perhaps they needed to look into something like that to educate the public about the synthetic drug problem. Robert Taliaferro, 4400 S.W. 3<sup>rd</sup> Avenue, stated this issue was complex in nature and the problem is education. Joseph Hayes, 802 S. Mississippi, suggested that education would be the way to go and that fines would have minimal impact.

David Kossey, 1014 Cimarron, Canyon, commented that anything harmful should be labeled. He was concerned about trying to regulate everything that could be harmful. He stated that education is the number one thing the city could do.

Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned resolution be passed:

RESOLUTION NO. 02-20-13-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: CALLING UPON THE UNITED STATES CONGRESS AND THE TEXAS LEGISLATURE TO ENACT:

(1) CRIMINAL SANCTIONS FOR THE MANUFACTURE, SALE, DELIVERY AND POSSESSION OF SYNTHETIC MARIJUANA AND OTHER SUBSTANCES MARKETED TO MIMIC THE EFFECTS OF ILLEGAL SUBSTANCES AND PROHIBITING THE MISBRANDING OR FALSE LABELING OF SAID SUBSTANCES; AND, (2) CIVIL LIABILITY FOR SELLERS, RETAILERS, DISTRIBUTORS, AND MANUFACTURERS OF SUCH SUBSTANCES THAT CAUSE HARM OR DEATH TO A CONSUMER; PROVIDING FOR 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 a resolution which calls upon the Texas Legislature and Governor to enact laws to stop usurious lending by payday and auto title lenders, and curtailing credit access businesses' exploitation of economically vulnerable citizens. Commissioner Escajeda stated this topic was nothing new over the last five to six years but has come to the forefront by efforts to try to curtail these activities. They locate themselves in mostly low to moderate communities. Banks lend at much lower interest rates and the banks know that they need to do more to try to educate people on their available services. Mayor Harpole stated these businesses were not regulated and they were taking advantage of people due to the lack of education. Robert Taliaferro, 4400 S.W. 3<sup>rd</sup> Avenue, stated he couldn't agree more but further stated another problem is private lenders.

Commissioner Escajeda stated that banks have on-going efforts to advertise no cost checking accounts, free debt cards, savings accounts, and IDA accounts to start a small business and begin building relationships. The banks will educate people on available financial tools and on how to build their assets.

Paul Harpole stated that the resolution would be sent to state legislators urging action.

Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned resolution be passed:

RESOLUTION NO. 02-20-13-2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: CALLING UPON THE TEXAS LEGISLATURE AND GOVERNOR TO ENACT LAWS TO STOP USURIOUS LENDING BY PAYDAY AND AUTO TITLE LENDERS, AND CURTAILING CREDIT ACCESS BUSINESSES' EXPLOITATION OF ECONOMICALLY VULNERABLE CITIZENS; PROVIDING FOR 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 9: Mayor Harpole presented a resolution which expressed the support of the City of Amarillo for HB 718, filed by Representative Smithee. HB 718 would provide an option under the Texas Municipal Retirement System (TMRS) to grant retiree Cost of Living Adjustments (COLA) on a true ad-hoc basis rather than on the currently required automatically repeating basis. Allowing COLA's to be determined on an ad-hoc basis provides for a method the local governing body to consider these adjustments on the basis of affordability and available current funding and reduces the unfunded liability cities may accrue under the present repeating basis. Present TMRS statutes prohibit ad-hoc COLA's and this important legislation is necessary to allow cities to manage their retiree COLA's on a financially prudent basis. Dean Frigo, stated this is the third time the City has tried to get this passed. TMRS' only COLA option is a repeating COLA. Motion was made by Commissioner Eades, seconded by Commissioner

Simms, that the following captioned resolution be passed:

RESOLUTION NO. 02-20-13-3

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO: SUPPORTING HOUSE BILL 718 RELATING TO OPTIONAL ANNUITY INCREASES FOR CERTAIN RETIREES AND BENEFICIARIES OF THE TEXAS MUNICIPAL RETIREMENT SYSTEM.

Voting AYE were Mayor Harpole, Commissioners Eades, Escajeda, and Simms; voting NO were none; Commissioner Green abstaining; the motion carried by a 4:0:1 vote of the Commission.

ITEM 10: Mayor Harpole presented a resolution nominating Bell Helicopter Textron, Inc. as a Qualified Business and Enterprise Project for economic development assistance under the Texas Enterprise Zone Act. In February 2006, the City elected to participate in the Texas Enterprise Zone Program. The local incentives offered under this resolution are the same as stated in Ordinance No. 6915. Subsequent nominations may be made by resolution. As an Enterprise Project, Bell Helicopter Textron, Inc. will continue to be eligible for State sales tax refunds for taxable items purchased for its Amarillo facilities and operations. The resolution does not obligate the City of Amarillo to provide any financial commitments or incentives to Bell Helicopter Textron, Inc. but provides City support to Bell Helicopter Textron, Inc. in its application for possible State of Texas economic development assistance. Commissioner Simms added this affects the state's portion and does not affect the City's portion. Motion was made by Commissioner Simms, seconded by Commissioner Escjaeda, that the following captioned resolution be passed:

RESOLUTION NO. 02-20-13-4

A RESOLUTION OF THE CITY OF AMARILLO; AUTHORIZING THE CITY OF AMARILLO TO NOMINATE BELL HELICOPTER TEXTRON, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM THROUGH THE ECONOMIC DEVELOPMENT BANK FOR DESIGNATION AS QUALIFIED BUSINESS AND ENTERPRISE PROJECT UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE; PROVIDING SEVERANCE CLAUSE; PROVIDING SAVING 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 11: 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 Escajeda, seconded by Commissioner Eades, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Purchase – Police Patrol Rifles and Accessories:

Award to lowest responsive bidders as follows:

Kiesler Police Supply	\$38,376.00
Lines 1, 2	
Tac Pro Shooting Center	\$ 2,843.10
Lines 3, 4	
Proforce Law Enforcement	\$22,979.91
Lines 5, 6	
Total Award	\$64,199.01

This item approves a supply agreement for the purchase of rifles (AR1222) and accessories for the Amarillo Police Department. Police officers who have completed specific training are allowed to purchase the rifles. The cost for the purchase is a 12.2% increase from the last purchase in April 2012. Funding for the purchase is available from the departmental quartermaster inventory budget.

- B. Award – Firefighting Clothing Contract:  
Award to lowest responsive bidders as follows:  
Daco Fire Equipment Company, Inc. -- \$148,650.00

This item approves an annual contract to purchase protective clothing for the Amarillo Fire Department. The contract provides for 75 sets of protective bunker pants and coats and will replace existing protective clothing that is no longer serviceable and to equip new firefighters. The bid price reflects a 4.2% increase from the last purchase in January 2012. Funding for this contract is available in the approved FY 2012-13 Fire Department Operating Budget.

- C. Award – Electric Golf Carts for Ross Rogers Golf Course:  
Award to lowest responsive bidders as follows:  
Club Car, Inc. - \$146,965.00

This item approves the purchase of 35 electric golf carts for use at the Ross Rogers Golf Course. This is a BuyBoard purchase which allows for delivery prior to the April 2013 opening of the new Mustang course. The purchase will result in the required fleet size of 125 cars for the 36-hole complex. The unit price is the same as the last purchase in 2011. Funding for this contract is available in the approved FY 2012-13 Ross Rogers Operating Budget.

- D. Award – Fertilizer and Botanical Products:  
Award to low responsive bidders by line item as follows:

Golf Enviro Systems	\$38,165.00
Lines 1,2,9,40	
Ewing Irrigation	\$2,723.00
Line 3	
Pro Chem Sales	\$85,762.47
Lines 4,10-14,18,31,38-39	
Winfield Solutions	\$94,173.24
Lines 5,8,15-17,19,20,22-24,28,30	
BWI Dallas	\$39,569.70
Lines 6,15,16,21,25,27,32-37	
Humphries Farm & Turf	\$4,910.00
Lines 7,26	
 Total Award	 \$265,303.41

This item approves the annual purchase of various fertilizers, herbicides, insecticides and related products. These items are used throughout the year on City parks, public improvement districts, athletic fields, Ross Rogers and Comanche Trail Golf Complexes. The total bid price reflects a decrease of 2.67% since the last contract in January 2012. Funding is available in the approved FY 2012-13 Operating budgets for the various departments.

- E. Approval – Loan Agreement between the City of Amarillo and Amarillo Tax Increment Reinvestment Zone No. 1:

This item approves a loan agreement between the City of Amarillo and the Amarillo Tax Increment Reinvestment Zone #1 (TIRZ). This agreement allows for the City of Amarillo to loan up to \$1.5 million to the TIRZ for partial payment of the TIRZ obligations for the downtown projects that have been previously approved by the City, TIRZ, Potter County, and the Amarillo Local Government Corporation. This agreement will result in substantial cost savings to the TIRZ through a lower interest rate and related fees while allowing the City to receive a higher return on the principal amount than currently received. The TIRZ can support this obligation through current revenues and the loan will not be funded until such time as the obligations are incurred.

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.

Mayor Harpole stated ten guests were to arrive by helicopter on Saturday and Sunday. They will travel on to the International Helicopter Show in Vegas. The helicopter is a reconditioned Huey Helicopter that was used in Vietnam and is from Peru, Indiana. They will be at TAC Air on Sunday at 10:00 a.m. and will give honorary rides to Veterans.

Laura Street, 5204 Spartanburg Drive, Chairman of the Amarillo Symphony, stated they have been searching for a new Maestro. Ms. Street introduced Maestro Thakar of the Duluth Superior Symphony Orchestra and Baltimore Chamber Orchestra who is one of three finalists. Maestro Thakar of Owings Mills, Maryland, stated Amarillo's orchestra was a national level orchestra with a community of self-starters.

David Kossey, 1014 Cimarron, Canyon, stated he was hoping to educate people on cell phone use and red light cameras. Mr. Kossey inquired how much of the funds leave Amarillo that are generated from the red light cameras? Mr. Norris replied that after costs are deducted 50% goes to state's trauma fund and the rest is kept locally.

Mr. Kossey also stated he had read that the federal highways commission had said that wrecks could be decreased by 46% by increasing yellow lights by one second. Mr. Atkinson replied that all intervals are set in accordance with the Manual on Uniform Traffic Control Devices. There were no further comments.

Mayor Harpole advised that the meeting was adjourned and the Commission would return to Closed Session.

ATTEST:

  
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Frances Hibbs, City Secretary

  
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Jim Simms, Mayor Pro Tem