

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 27th day of August 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

Absent was Commissioner Jim Simms. Also in attendance were the following administrative officials:

JARRETT ATKINSON	CITY MANAGER
VICKI COVEY	DEPUTY CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Gil Lain, Paramount Baptist 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 August 20, 2013. Motion was made by Commissioner Escajeda seconded by Commissioner Eades, and unanimously carried, to approve the minutes.

ITEM 2: Mayor Harpole opened a public hearing and stated that the City of Amarillo is considering a tax rate of \$0.34009, which is greater than the current rate. This proposed rate will raise more taxes than last year's tax rate. The tax rate will effectively be raised by 7.89 percent. The tax on an average home last year was \$363.45. The tax on an average home would be \$385.51 under the proposed rate.

Mayor Harpole stated currently the police officers were 1.7 per 1,000 citizens. The national average is 2 officers per 1,000 citizens. By adding 13 additional officers that ratio changes to 1.82 per 1,000 citizens. Mr. Atkinson gave a summary of the proposed budget for 2013-2014 fiscal year and the proposed service fee increases.

Robert Taliaferro, 4400 Southwest 3<sup>rd</sup> Avenue, inquired as to how the property tax increase would be used, and if the 50-cent rate increase at the Tennis Center would apply to seniors. Mayor Harpole stated they are still in discussions on the tax rate, a number that could go down but not up. Rod Tweet, Director of Parks and Recreation, responded that the 50-cent increase would include seniors, but that the Tennis Center had not gone up on its rates since the Tennis Center opened. Commissioner Eades stated he was concerned about an across the board employee pay raise, and he would like to see a review of the current salaries. He further stated he believed the City had excellent healthcare. Mayor Harpole stated that city employees had no raises in 2009, and the managers did not receive a raise in 2010. Commissioner Green stated they were considering a .034009 tax rate today and if it were raised 2-cents, the tax increase equates to \$22.00 per \$113,000 property value. Commissioner Escajeda stated she believe it was a public safety issue and protecting Amarillo citizens.

Robert Taliaferro, 4400 Southwest 3<sup>rd</sup> Avenue, stated the \$22.00 increase is an additional cost added to the drainage fee. Mayor Harpole stated that one of our sister cities was ten times the City of Amarillo's rate. Joe Kirkwood, 933 West Bonita Avenue,

Director of the Cornerstone Outreach Center, stated the number of people needing assistance has escalated and while the tax rate seemed small, that amount would have a chain reaction and he asked the Commission to consider not increasing taxes. Mayor Harpole stated State funding for CDBG has been cut by 40% in recent years. Joe Kirkwood asked that the number of officers per 1,000 citizens be based on the crime rate.

ITEM 3: Mayor Harpole presented a resolution expressing the City of Amarillo's opposition to the proposal by the Texas Department of Transportation (TXDOT) to 'turnback' nearly 1,900 miles of State-owned roads to cities and counties. The resolution further expresses the City's opposition to the resulting unfunded mandate and financial burden on Amarillo residents.

Mayor Harpole stated that TxDot's turnback was giving back streets the city has never owned. Commissioner Green stated the State collects fuel tax to take care of the roads. Mayor Harpole stated the State owns the streets and has the deed to the properties. Mayor Harpole further stated he was going to make comment in Austin. Commissioner Escajeda stated the State would return roads to the county and gravel them. Joe Kirkwood also encouraged the Commission to pass the resolution.

Terry Harman, 4809 Aberdeen, also encouraged the Commission to pass the resolution but stated how the Commission felt when they received the notice of the turnback was the same as how the citizens felt about the drainage fee. David Kossey, 1014 Cimarron, Canyon, stated this turnback was government trying to do too much too quick. He asked that city-owned entities be returned to the people.

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

RESOLUTION NO. 08-27-13-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: OPPOSING THE TEXAS DEPARTMENT OF TRANSPORTATION PROPOSAL TO ABANDON STATE HIGHWAYS TO CITIES; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE

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

ITEM 4: Mayor Harpole presented a resolution approving the 2013/2014 budget and associated program of services for the Amarillo Hospital District. This budget is recommended for approval by the Amarillo Hospital District Board of Managers. Motion was made by Commissioner Green, seconded by Commissioner Escajeda, that the following captioned resolution be passed:

RESOLUTION NO. 08-27-13-2

A RESOLUTION OF THE CITY OF AMARILLO CITY COMMISSION: ADOPTING THE BUDGET OF THE AMARILLO HOSPITAL DISTRICT FOR THE FISCAL YEAR OCTOBER 1, 2013, TO SEPTEMBER 30, 2014.

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

ITEM 5: Mayor Harpole advised that appointments are needed for a certain board and commission. Motion was made by Commissioner Escajeda seconded by Commissioner Eades and unanimously carried to reappoint to the Quail Creek Public Improvement District, Kris Culp, such term to expire September 1, 2016 and to reappoint to the Vineyard Public Improvement District, Eric Nielsen, Thomas Nielsen and Thomas Nielsen, Jr. such terms to expire September 30, 2014. Voting AYE were Mayor Harpole, Commissioners Green, Eades, and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 6: 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 Green, 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 – Traffic Signal Parts and Accessories:  
Award to low responsive bidders by lot as follows:

Traffic Signal Inc Lot 1	\$12,005.00
K W Industries, Inc Lot 2	\$7,620.00
Naztec, Inc Lots 3, 4, 9	\$38,370.40
McCain, Inc Lots 5,7	\$24,257.00
Traffic Parts, Inc Lots 6,11	\$17,142.50
Endeavor Concepts, LLC Lot 8	\$14,571.00
Paradigm Traffic Systems, Inc Lot 10	\$8,600.00
Consolidated Traffic Controls, Inc Lot 12	\$1,029.50
Total Award	\$123,595.40

The total cost of the award is an increase of 6.2% from the current year. Funding for the contract is available from the approved FY 2012-2013 Traffic Engineering Department budget.

B. Award – Truck Wash-Out Effluent Collection Facility:  
Low responsive bidder: MH Civil Constructors, Inc. -- \$117,945.00

This item awards a construction contract for a new wash-out facility at the City's Service Center. The project will replace the existing truck wash facility which is outdated. This truck wash out facility will use new technology and design. The project cost is 7% more than the estimated cost. Funding for the project is available in the approved FY 2012-2013 capital improvement project budget.

C. Award – Storm Sewer Outfall Erosion Control at McCarty Lake:  
Low responsive bidder: MH Civil Constructors, Inc. -- \$297,711.00

This item awards a construction for the emergency replacement of the failed storm sewer outfall at McCarty Lake. McCarty Lake is located at South Georgia and Southwest 58<sup>th</sup> Avenue. The cost of the project is 10% less than the estimated cost. Funding for the project is available from the approved FY 2012-2013 drainage utility capital improvement project budget.

D. Approval – Agreement for Transitional Housing Supportive Services:  
Award to Downtown Women's Center, Inc. -- \$41,908.00

This item approves an agreement with the Downtown Women's Center to provide case management and supportive services for homeless individuals and families participating in the Transitional Housing Program. The City will provide funding to the Downtown Women's Center in the amount of \$41,908.00 and the Downtown Women's Center will provide \$65,901.00 as the required local match for the Program. Funding for this agreement is available from the recently awarded Transitional Housing grant from the Department of Housing and Urban Development.

E. Approval – Agreement for Permanent Housing Supportive Services:  
Award to Texas Panhandle Centers -- \$99,464.00

This item approves an agreement with Texas Panhandle Centers to provide supportive services as the required local match for rental assistance provided by the City of Amarillo to qualifying homeless individuals with serious mental illness participating in the Permanent Housing Program. The rental assistance program is available from the recently approved Permanent Housing grant from the Department of Housing and Urban Development.

F. Application – Texas Traffic Safety Program Grants:

Grantor: Texas Department of Transportation

Grant Amount: \$129,222.40

Match Amount: \$131,129.40

Total: \$260,351.80

This item accepts the Fiscal Year 2014 Texas Traffic Safety Program Grant. The Texas Department of Transportation provides funding to the Amarillo Police Department to focus additional resources on Driving While Intoxicated (DWI) offenses, Speed Enforcement, and Safety Belt and Child Safety Seat. Funding for this program has increased 14% from the previous year. The required matching funds are available in the approved Police Department operating budget.

G. Sale – Property:

Sheriff Sale Property in Potter County.

H. Approval – Aviation Clear Zone Easement:

Aviation Clear Zone Easement being 3,755 feet MSL above the plat of Cross Texas Addition Unit No. 1, in Section 76, Block 2, AB&M Survey, Randall County, from Paul Fields.

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 not on today's agenda. 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.

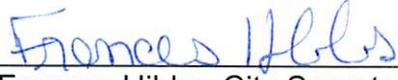
Bill Sumerford, 6103 Blue Sage Circle, stated he had delivered a letter to the City Secretary demanding the recent petitions be put to a vote. He further stated he also provided the City Manager a letter to ensure the City Secretary does her job. He asked if the City Secretary has discretion to put them to a vote as provided by the City Charter. Mr. Norris replied he had sent Mr. Sumerford a letter yesterday in response to his two letters. He further explained that the governing body not an individual staff person could send something to a ballot. Walter Wolfram, 6714 West Hollywood Road, stated he represented APOWU postal workers. He stated Senator Seliger has asked Senator Cornyn to halt the proceedings of closing Amarillo's mail distribution center and transferring it to Lubbock. He further asked that the Commission consider asking for an alternate study to bring Lubbock's mail to Amarillo or Midland's to Amarillo.

Joe Kirkwood, stated the drainage fee had not made exemptions for nonprofit agencies and asked the Commission to consider looking into exemptions. Robert Taliaferro, 4400 Southwest 3<sup>rd</sup> Avenue, wanted to reiterate exemption for nonprofits.

David Kossey, 1014 Cimarron, Canyon, stated he conceded to the City's rejection of the drainage fee petition but rejection of the limited government petition was denying the first amendment rights of the citizens. Mr. Norris stated the Charter must go back to the Texas Constitution the superior law. The Texas Constitution states no right under a Charter can conflict with the general laws of our state. The Charter has limited rights and the Charter provision cannot be used to put to a vote a process that state law does not allow to be put to a vote. Mayor Harpole stated the City had hired outside counsel to make sure the City was correct in its position on the petitions. Mr. Norris stated he would sit down and talk with Mr. Sumerford and Mr. Kossey but the City Commission meeting was not the place, and he would see them in court if they decided to do so. There were no further comments.

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

ATTEST:

  
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Frances Hibbs, City Secretary

  
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Paul Harpole, Mayor