

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 21st day of May 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:

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

The invocation was given by Perry Hunsaker, Saint Paul Methodist Church. Mayor Harpole led the audience in the Pledge of Allegiance.

Proclamation was presented for "American Cancer Society Day."

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 May 14, 2013. Motion was made by Commissioner Simms seconded by Commissioner Escajeda, and unanimously carried, to approve the minutes.

ITEM 2: Mayor Harpole presented a resolution canvassing the returns and declaring the results of the regular election held on May 11, 2013. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned resolution be passed:

RESOLUTION NO. 5-21-13-1

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS FOR THE REGULAR ELECTION HELD IN THE CITY OF AMARILLO ON THE 11TH DAY OF MAY 2013 FOR CITY OFFICES.

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 3: The Oath of Office for the incoming Mayor and Commissioners was conducted by the Honorable Douglas Woodburn, 108th District Court Judge.

ITEM 4: Mayor Harpole and the Commissioners made comments regarding their service on the City Commission.

ITEM 5: Mayor Harpole presented a resolution setting the date and time for a public hearing to determine if a property constitutes a public nuisance and thereby declared 1620 and 1622 North Arthur Street as a dangerous structures. The public hearing date was set for June 18, 2013. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned resolution be passed:

RESOLUTION NO. 05-21-13-2

A RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN CONDITIONS DESCRIBED HEREIN CONSTITUTE A PUBLIC NUISANCE AT THE LOCATION(S) STATED; PROVIDING FOR NOTICE.

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 changing the zoning of Quail Creek Unit No. 30 in Section 25, Block 9, BS&F Survey, Potter County, in the vicinity of Bridlewood Drive and Tascosa Road from Residential District 2 to Residential District 3. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on the second and final reading:

ORDINANCE NO. 7407

AN ORDINANCE OF THE CITY COMMISSION 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 BRIDLEWOOD DRIVE AND TASCOSA ROAD, 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 an ordinance amending Ordinance No. 7003, the existing gas franchise between the City of Amarillo and Atmos Energy. This amendment is limited to the transportation of natural gas and the value thereof pursuant to Atmos' franchise rights for the use of the public rights of way. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on the second and final reading:

ORDINANCE NO. 7403

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: AMENDING ORDINANCE 7003, THE EXISTING GAS FRANCHISE BETWEEN THE CITY AND ATMOS ENERGY CORPORATION, (A TEXAS AND VIRGINIA CORPORATION, WITH ITS PRINCIPAL OFFICE IN THE CITY OF DALLAS, DALLAS COUNTY, TEXAS), TO PROVIDE FOR ADDITIONAL CONSIDERATION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR ACCEPTANCE BY ATMOS ENERGY CORPORATION; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

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 advised that appointment is needed for a certain board and commission. Motion was made by Commissioner Escajeda seconded by Commissioner Eades, and unanimously carried to appoint to the Tax Increment Reinvestment Zone #1 Board of Directors, Johnny Merritt to replace James Wester, such term to expire March 20, 2015. 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 the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none.

Buzz David, President and CEO of Amarillo Economic Development Corporation (AEDC), reviewed the three AEDC projects needing approval from the City Commission: International Paper, Texas A&M Agrilife Research and Extension Center and Coca-Cola Refreshment Distribution Center. He stated the ZargEs building is ideally located from a distribution standpoint and would allow the Coca-Cola Center to

efficiently manage their operations. Alan Abraham, 7205 Southwest 35th Avenue, asked who would hold the title to CenterPoint and the property downtown. Mr. David answered that Coca-Cola would receive the title to the Zargas building and that AEDC would give the Coca-Cola property title to the City. Terry Baughman, 1409 Southwest 62nd Avenue, inquired as to why the City of Amarillo should help Coca-Cola. He also asked if the baseball stadium was going to have free game days, and stated he thought the City should fix the Civic Center before the baseball stadium was built. Mayor Harpole replied that the City helps successful businesses and this property is essential to downtown by furthering the growth; enhancing the community and helping build the economy. Fred Dahle, 4503 Mesa Circle, inquired if there were other businesses that would need to be relocated in the downtown area. Robert Goodrich, 6510 Sandie Drive, appeared stating he was excited about the activity but expressed concerns over TIRZ's support for the Herring Hotel. Mr. Goodrich asked if this item could be delayed before it was acted upon so that citizens could review this relocation project.

Miles Forrester, 2212 S. Ong Street, appeared and inquired to the investment in the CenterPoint property investment. Mr. David responded that the Zarges building was built for \$4.5 million. Zargas had paid \$540,000 in rent and the building is now three years old. With the original cost and the cost for the expansion and renovation, there would be approximately \$8 million invested. He stated the trade value was comparable on a redevelopment basis. Alan Abraham, 7205 Southwest 35th Avenue, stated he did not believe the public knew or was aware of the exchange of property being made. Robert Taliaferro, 4400 S.W. 3rd Avenue, stated he believed there was a lack of ongoing communication between TIRZ, AEDC, City Commission and the public. Motion was made by Commissioner Eades, seconded by Commissioner Green, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Approval – Amarillo Economic Development Corporation Projects:

The Amarillo Economic Development Corporation Board of Directors has unanimously approved the following projects and requests consideration by the Amarillo City Commission:

- 1) International Paper – International Paper Company will install a new production machine at a cost of \$2 million at their present facility in northeast Amarillo. The Amarillo EDC has agreed to provide a grant/rebate in the amount of \$98,500 to offset the additional property tax resulting from the new investment. This project will expand the production capabilities at the Amarillo facility and support retention of the existing workforce.
- 2) Coca-Cola Refreshments Distribution Center – This project approves an Amarillo EDC contract with Southwest General Contractors to expand and renovate the former Zarges building in the CenterPort Business Park for a new Coca-Cola Refreshments distribution center. This item is for a Guaranteed Maximum Price (GMP) contract amount of \$3,989,603 and an estimated construction time of seven months following completion of architectural design and specifications. Approval of this project will allow Coca Cola Refreshments to relocate to the CenterPort Business Park from their present downtown location. This project supports the retention of the existing Coca-Cola operation in Amarillo and makes the downtown property available for the approved redevelopment projects.
- 3) Texas A&M Agrilife Research and Extension Center – This project authorizes the Amarillo EDC to provide matching funds up to \$87,500 to construct a Plant Pathology Greenhouse at the Bushland Agricultural Research facility. Construction of this Greenhouse supports farming and ranching operations in the region, which are key components to the Amarillo regional economy.

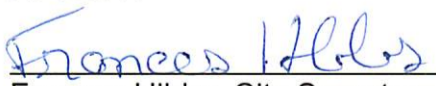
- B. Approval – Aviation Clear Zone Easements:
- 1) Aviation Clear Zone Easement being 4,600 feet MSL above the plat of Bennett Acres Unit No. 1, in Section 149, Block 2, AB&M Survey, Randall County, from Robert and Marie Bennett.
 - 2) Aviation Clear Zone Easement being 4,900 feet MSL above the plat of Ojeda's Little Acre Addition Unit No. 1, in Section 173, Block 2, AB&M Survey, Randall County, from Armondo and Nolia Ojeda.
 - 3) Aviation Clear Zone Easement being 3,755 feet MSL above the plat of Centerport Addition Unit No. 4, in Section 72, Block 2, AB&M Survey, Potter County, from Richard David.
 - 4) Aviation Clear Zone Easement being 5,200 feet MSL above the plat of City View Estates Unit No. 11, in Section 231, Block 2, AB&M Survey, Randall County, from Matt Griffith.
 - 5) Aviation Clear Zone Easement being 3,755 feet MSL above the plat of R&B Industrial Park Unit No. 7, in Section 72, Block 2, AB&M Survey, Potter County, from Nord S. Sorensen.
- C. Dedications and Acceptances:
- 1) Dedication of two Xcel Electrical Easements in Section 170, Block 2, AB&M Survey, Potter County, in the vicinity of Southeast 8th Avenue and Pierce Street for installation of electrical equipment related to upgrades of the Atmos Building.
 - 2) Dedication of a 0.188 acre tract of land for public right-of-way purposes in Section 60, Block 9, BS&F Survey, Potter County, in the vicinity of American Drive and Tiltrotor Drive for installation of utilities related to construction of the latest phase of Bell Helicopter.

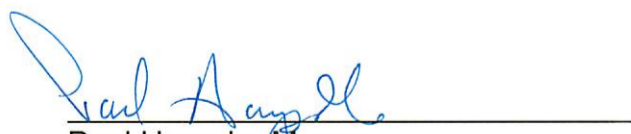
Mayor Harpole announced that this is the end of the regular agenda, but time is reserved to hear any citizen concerning matters pertaining to City policies, programs or services. The public forum is set under the Open Meetings Act and that during the public forum the City Commission can respond with a statement of fact, a statement of city policy or decide whether to place an item on a future agenda.

David Kossey, 1014 Cimarron, Canyon, stated he had was told by the City in October that the initiating committee had to be filed with the City before obtaining any signatures on a petition. He asked where that information was stated. Marcus Norris responded that the City Charter sets out the sequential process for the referendum process. It begins with five persons who are citizens of Amarillo. The number of signatures are based on last election and the collection of signatures then begins. Finally, the signatures are turned in for validation. Robert Taliaferro, 4400 S.W. 3rd Avenue, stated the Texas Election Code Section 277.002 states signatures are valid for 180 days. He stated that it does not say that you must file the initiative committee first. Mr. Norris responded that those portions of the City Charter that are not covered in the Texas Election cannot be disregarded. He further stated that the City of Amarillo is confident in our legal position. There were no other comments.

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

ATTEST:


 Frances Hibbs, City Secretary


 Paul Harpole, Mayor