

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 6th day of August 2013, the Amarillo City Commission met at 3:30 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 5:30 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	DEPUTY CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Greg Dowell, Central Church of Christ. 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 July 30, 2013. Motion was made by Commissioner Simms seconded by Commissioner Escajeda, and unanimously carried, to approve the minutes.

ITEM 2: Mayor Harpole presented an ordinance adopting the 2013/2014 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Colonies Public Improvement District (PID). The Colonies PID is located within the Colonies Subdivision in S.W. Amarillo. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7421

AN ORDINANCE LEVYING AN ASSESSMENT ON PROPERTY WITHIN THE COLONIES PUBLIC IMPROVEMENT DISTRICT AS AUTHORIZED BY CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE FOR FISCAL YEAR 2013-2014; ADOPTING A BUDGET FOR FISCAL YEAR 2013-2014 AND FIVE-YEAR SERVICE PLAN; DESCRIBING THE AREA WITHIN THE PUBLIC IMPROVEMENT DISTRICT; OBLIGATING THE AREA TO PAY THE COSTS ASSOCIATED WITH THE PUBLIC IMPROVEMENT DISTRICT; ESTABLISHING AN ESTIMATE OF THE TOTAL COST OF PROVIDING SPECIAL SERVICES WITHIN THE DISTRICT; SPECIFYING THE METHOD OF PAYMENT OF THE ASSESSMENT; ESTABLISHING THAT ASSESSMENTS MAY BE PAID IN PERIODIC INSTALLMENTS AND OBLIGATING PERSONS PURCHASING PROPERTY WITHIN THE PUBLIC IMPROVEMENT DISTRICT TO PARTICIPATE IN THE PAYMENT OF ASSESSMENTS; 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 3: Mayor Harpole presented an ordinance adopting the 2013/2014 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Point West Public Improvement District (PID). The Point West PID is located adjacent to the Amarillo Medical Center in West Amarillo. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7422

AN ORDINANCE LEVYING AN ASSESSMENT ON PROPERTY WITHIN THE POINT WEST PUBLIC IMPROVEMENT DISTRICT AS AUTHORIZED BY CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE FOR FISCAL YEAR 2012-2013; ADOPTING A BUDGET FOR FISCAL YEAR 2012-2013 AND FIVE-YEAR SERVICE PLAN; DESCRIBING THE AREA WITHIN THE PUBLIC IMPROVEMENT DISTRICT; OBLIGATING THE AREA TO PAY THE COSTS ASSOCIATED WITH THE PUBLIC IMPROVEMENT DISTRICT; ESTABLISHING AN ESTIMATE OF THE TOTAL COST OF PROVIDING SPECIAL SERVICES WITHIN THE DISTRICT; SPECIFYING THE METHOD OF PAYMENT OF THE ASSESSMENT; ESTABLISHING THAT ASSESSMENTS MAY BE PAID IN PERIODIC INSTALLMENTS AND OBLIGATING PERSONS PURCHASING PROPERTY WITHIN THE PUBLIC IMPROVEMENT DISTRICT TO PARTICIPATE IN THE PAYMENT OF ASSESSMENTS; 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 adopting the 2013/2014 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Redstone (PID). The Redstone PID is located South of Coulter Street and Hollywood Road in Amarillo. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7423

AN ORDINANCE LEVYING AN ASSESSMENT ON PROPERTY WITHIN THE REDSTONE PUBLIC IMPROVEMENT DISTRICT AS AUTHORIZED BY CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE FOR FISCAL YEAR 2013-2014; ADOPTING A BUDGET FOR FISCAL YEAR 2013-2014 AND FIVE-YEAR SERVICE PLAN; DESCRIBING THE AREA WITHIN THE PUBLIC IMPROVEMENT DISTRICT; 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 5: Mayor Harpole presented an ordinance adopting the 2013/2014 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Tutbury Public Improvement District (PID). The Tutbury PID is located within the Tutbury Subdivision in S.W. Amarillo. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7424

AN ORDINANCE LEVYING AN ASSESSMENT ON PROPERTY WITHIN THE TUTBURY PUBLIC IMPROVEMENT DISTRICT AS AUTHORIZED BY CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE FOR FISCAL YEAR 2013-2014; ADOPTING A BUDGET FOR FISCAL YEAR 2013-2014 AND FIVE-YEAR SERVICE PLAN; DESCRIBING THE AREA WITHIN THE PUBLIC IMPROVEMENT DISTRICT; OBLIGATING THE AREA TO PAY THE COSTS ASSOCIATED WITH THE PUBLIC IMPROVEMENT DISTRICT; ESTABLISHING AN ESTIMATE OF THE TOTAL COST OF PROVIDING SPECIAL SERVICES WITHIN THE DISTRICT; SPECIFYING THE METHOD OF PAYMENT OF THE ASSESSMENT; ESTABLISHING THAT ASSESSMENTS MAY BE PAID IN PERIODIC INSTALLMENTS AND OBLIGATING PERSONS PURCHASING PROPERTY WITHIN THE PUBLIC IMPROVEMENT DISTRICT TO PARTICIPATE IN THE PAYMENT OF ASSESSMENTS; 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 6: Mayor Harpole presented an ordinance updating the membership of the Risk Management Board to accurately reflect changes to the City's organizational structure since the Board's 1987 inception. There are no other changes proposed for the Board. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on the second and final reading:

ORDINANCE NO. 7416

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING ORDINANCE NO. 5705 TO UPDATE MEMBERSHIP OF THE RISK MANAGEMENT BOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR 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 changing the zoning of a .96 acre portion of Area "B" Amended Tascosa Estates Unit No. 1 in Section 11, Block 8, BS&F Survey, Potter County, in the vicinity of Trevino Avenue and Fairway Drive from Planned Development District 165D to Amended Planned Development District for the addition of two single-family detached lots. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on the second and final reading:

ORDINANCE NO. 7417

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OR THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF TREVINO AVENUE AND FAIRWAY DRIVE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR REPEALER; PROVIDING FOR 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 changing the zoning of a 31.23 acre tract of unplatted land in Section 231, Block 2, AB&M Survey, Randall County, in the vicinity of Farmers Avenue and City View Drive from Agricultural District to Residential District 2. 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. 7418

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OR THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF FARMERS AVENUE AND CITY VIEW DRIVE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR REPEALER; PROVIDING FOR 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 an ordinance changing the zoning of a 4.54 acre tract of unplatted land in Section 63, Block 9, BS&F Survey, Randall County, in the vicinity of Soney Road/Loop 335 and Southwest 45th Avenue from Agricultural District to Planned Development District 375 for an outdoor new/used auto sales lot. 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. 7419

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OR THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SONEY ROAD AND SOUTHWEST FOURTY-FIFTH AVENUE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS

CLAUSE; PROVIDING FOR REPEALER; PROVIDING FOR 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 10: Mayor Harpole presented an ordinance amending Ordinance No. 7351 to clarify and reinforce Section R907.1 of the 2012 International Residential Code related to residential roofing requirements. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on the second and final reading:

ORDINANCE NO. 7420

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 4-3, ARTICLE III, SECTION PERTAINING TO THE 2012 INTERNATIONAL RESIDENTIAL CODE, SECTION R907.1, TO CLARIFY AND REINFORCE APPLICABILITY OF SAID CODE TO REPAIRS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR PUBLICATION AND 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 announced submission of initiative and referendum petitions. Pursuant to the City Charter, the City Secretary has determined there were sufficient valid signatures to require submitting to the City Commission a referendum petition (to repeal the drainage utility and refund collected fees) and an initiative petition (to limit annual growth in the city budget to a rate determined with regard to population growth plus percentage increase in Consumer Price Index).

ITEM 12: Mayor Harpole announced a public hearing on and final action by the City Commission to either adopt or reject the petitions. Pursuant to the City Charter, a public hearing was held on the petitions submitted in the preceding agenda item.

William Sumerford, 6103 Blue Sage Circle, stated the drainage fee is based on the amount of drainage from nonpervious property. He stated the drainage fee was all ready paid for through property tax and for the drainage utility to charge another drainage fee results in double taxation. He therefore asked that the repeal of the drainage utility be put to a vote. He also explained the limited growth petition would use the State of Texas inflation rate plus the city's population growth to determine the percentage by which the city's budget could increase each year. He stated he found that in the last 20 years the appropriation budget has exceeded population growth, plus inflation by about 40%. These are two solid issues that effect local government. Limiting the budget increase to population growth, plus inflation which actually would improve government in Amarillo.

Robert Goodrich, 6510 Sandie Drive, stated he had attended public hearings on the adoption of the drainage utility. He further stated he believed that the drainage fee levied a tax on citizens without the citizens' approval. He stated he believed it was a double taxation but there was no question that the drainage engineering needed to take place, and there were many reasons why drainage problems occur. There were no further comments.

Marcus Norris, stated the City Commission was familiar with the City's Charter requirements for petitions because there have been eight petitions presented to the commission since 2005 and seven elections held on topics such as public smoking bans, single-member districts and repealing downtown design standards. The only issue that passed was the freezing of tax rates for seniors and the disabled. A recent petition requesting a reversal of the ban on cellphone use while driving was rejected for not having enough valid signatures.

Mr. Norris stated the drainage fee and limited growth petitions sought to manage the financial decisions of city management. He stated he informed Mr. Sumerford that there were significant legal issues surrounding the two petitions in a letter dated January 29, 2013.

Mr. Norris introduced Lowell Denton, Denton, Navarro, Rocha & Bernal, P.C. of San Antonio, Texas. Mr. Denton stated that the right to initiate a petition or referendum in Texas is derived solely from the Charter itself, but that initiatives and referendums are

limited by State law. Based on his knowledge of state statutory and case law, he was of the opinion that the two petitions being considered by the commission were related to matters that were not subject to petition under Texas law. He recommended that the City Commission reject both petitions, and they not be placed on a ballot.

Motion was made by Commissioner Eades for the City Commission to not accept the initiative petition to repeal the drainage utility fee and it not be placed on a ballot, seconded by Commissioner Green.

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.

Motion was made by Commissioner Eades for the City Commission to not accept the initiative petition on limited growth and it not be placed on a ballot, seconded by Commissioner Green.

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 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 Simms, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

- A. Award – Fire Station Exhaust System Installations and Modifications:
Award to best evaluated response: Clean Air Concepts -- \$55,616.37
This item awards a contract for the modifications and materials to remodel the diesel exhaust systems in Fire Stations 1, 8 and 11 and install new systems at Fire Station 2 and the Fire Training Center. The modifications are required to accommodate the left-side exhaust system on the City's new fire engines. Funding for the modifications is available from the approved 2011-2012 capital improvement budget for Fire Station Exhausts Systems.
- B. Approval: Brush Chip Site Lease Agreement:
Lessor: George Chapman
Terms and Conditions as noted
This is approval of a Lease Agreement for a 5.051 acre tract of land located on Broadway Drive, is used as a City public brush collection, wood chipping and chip storage site. The Lessor is providing this year-to-year lease to the City at no cost.
- C. Approval - Dedication and Acceptance – Public Utility Easement:
Dedication of a public utility and ingress/egress easement in Section 6, Block 9, BS&F Survey, Randall, Texas for St. Stephen United Methodist Church.
- D. Sale – Property:
Sheriff Sale Property in Potter County.

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. David Kossey, 1014 Cimarron, Canyon, wanted to ask a policy question on a possible future petition, if perhaps the City Charter was dissolved. Mayor Harpole found this out of order. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:



Frances Hibbs, City Secretary



Paul Harpole, Mayor