

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 10th day of September 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	DEPUTY CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Burt Palmer, Senior Pastor, Polk Street United Methodist 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 September 3, 2013. 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 2013/2014 budget. This budget will raise more total property taxes than last year's budget by \$2,351,508 or 7.25%, and of that amount \$730,364 is tax revenue to be raised from new property added to the tax roll this year.

Mr. Atkinson stated the first cent increase from .32 to .33 cents would add 10 additional police officers plus the three in the base budget. The second cent from .33 to .34 would be used for the compensation program the City has for its employees. Raises proposed would be from 2.75% to 3.75%, and for civilians 2.75% to 3.5%. Finally, a reserve of approximately \$101,000 to be used at discretion for high-turnover positions and classes that are out of step. For police and fire employees it would be step increases, which allows the bottom of the step to rise for recruitment and market parity. Non-police and fire employees to receive a 3.5% average increases to be distributed on a merit basis or pay for performance, not a lump sum. He stated it was an excellent chance to reward employees. The 11% left would assist with high turnover positions and those position classes that cannot be filled.

Bob Whitaker, 4315 Olsen, stated he believed there was low participation in the city's budget process because nothing was controversial. He also stated he saw the need to increase salaries to fill positions and the City Manager's explanation sounded legitimate. He stated he doesn't mind paying additional taxes for additional officers. Commissioner Eades stated that taxes were frozen for the people over 65. He stated a moderate tax increase is justifiable, but he was not for an across the board pay increase. He appreciated the City Manager narrowing down the lower end of the pay scale and it was fairest and most beneficial. While the City has seen a lot of increases in fees, the City has seen increases in sales taxes and hotel revenues, and the City does have a low cost for real estate with a moderate tax rate. He also stated the extra penny for employees was his only exception to the plan. Commissioner Green stated she needed additional explanation on the extra cent but appreciated that a portion of the monies

would be put toward high turnover and entry level positions. There were no further comments and the public hearing was closed.

**ITEM 3:** Mayor Harpole presented an ordinance adopting the City of Amarillo budget for the 2013/2014 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 motioned to adopt the proposed budget which reflects an increase in revenue derived from property tax revenues over last year's budget based on 0.34009 per \$100,000 property valuation. It was seconded by Commissioner Simms and the following captioned ordinance passed on first reading:

**ORDINANCE NO. 7431**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2013, THROUGH SEPTEMBER 30, 2014, 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; PRESCRIBING THE USE OF STATE FEE SCHEDULES FOR PUBLIC INFORMATION; INCREASING CERTAIN LIBRARY FEES; AMENDING VARIOUS PROVISIONS OF THE AMARILLO MUNICIPAL CODE TO MODIFY, INCREASE OR DELETE VARIOUS FEES AND RATES AS FOLLOWS: CHAPTER 4-1, ARTICLE I AND ARTICLE II, VARIOUS FEES FOR PLAN REVIEW, INSPECTIONS AND PERMITS, AND CONTRACTOR REGISTRATION; CHAPTER 8-3, ARTICLE IV, CERTAIN LANDFILL FEES; CHAPTER 21-1, CERTAIN TENNIS FEES; CHAPTERS 18-2 AND 18-3, VARIOUS WATER AND SEWER RATES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

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

**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 2013 tax year. This ordinance establishes an ad valorem tax rate of \$0.31335 per \$100.00 property valuation for City maintenance and operations expenses and \$0.02674 per \$100.00 property valuation for existing debt expenses resulting in a total ad valorem rate of \$0.34009 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 7.89 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$20.59.

Commissioner Green 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, being \$0.31335 for maintenance and operations, and \$0.02674 for debt service, for a combined total rate of \$0.34009, which is effectively a 7.89 percent increase in the tax rate over the effective rate. The motion was seconded by Commissioner Simms and the following captioned ordinance passed on first reading:

**ORDINANCE NO. 7432**

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 2013; ESTABLISHING AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES.

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

**ITEM 5:** Mayor Harpole presented an ordinance prescribing procedures for a gas utility company to follow as part of a Statement of Intent to increase rates under the Gas Utility Regulatory Act, as to certain required contents of their rate filing package to

include specific schedules, data, and other information to be provided to the municipality. This is enacted in accordance with and to promote the City's original jurisdiction and to ensure orderly and complete data submission that accompanies a Statement of Intent. The ordinance requires the use of prescribed forms; requires that the rate filing package be supported by affidavit; and other provisions. It provides for a waiver of these filing requirements on good cause but not a waiver of municipal original jurisdiction. It also provides for the treatment of proprietary gas utility information.

Allen Finegold, 2601 North Grand #158, requested the Commission have the City Attorney make a request to Atmos for a list of the wholesale rates of gas paid to its suppliers since 1980. Commission Simms stated he appreciated the small gathering at the meeting today and the representatives in the audience from Atmos. He further stated that during a hearing with the Railroad Commission he was humiliated the way the City was treated by the Railroad Commission. Now they want to combine Lubbock, Amarillo and all the West Texas cities for rate increases. The City has lost its voice to agree on change. Mayor Harpole stated that the RRC simply would not listen and are moving toward statewide rates. The Public Utility Commission is deciding for the electrical companies, and the City has lost input with the cable television. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7433

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS, PRESCRIBING REGULATIONS REGARDING A RATE FILING PACKAGE TO INCLUDE SPECIFIC SCHEDULES, DATA, AND OTHER INFORMATION TO BE PROVIDED TO THE MUNICIPALITY BY GAS UTILITIES AS PART OF THE STATEMENT OF INTENT TO INCREASE RATES UNDER THE GAS UTILITY REGULATORY ACT; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE AND THAT OTHER INFORMATION MAY BE REQUIRED TO BE SUBMITTED; PROVIDING FOR THE USE OF FORMS AS PART OF THE STATEMENT OF INTENT; REQUIRING THAT THE RATE FILING PACKAGE BE SUPPORTED BY AFFIDAVIT; PROVIDING FOR EXPERT ASSISTANCE; PROVIDING FOR COMPLIANCE WITH OTHER LAWS; PROVIDING FOR A WAIVER OF THESE FILING REQUIREMENTS ON GOOD CAUSE BUT NO WAIVER OF JURISDICTION; PROVIDING FOR THE TREATMENT OF PROPRIETARY GAS UTILITY INFORMATION; PROVIDING FOR NOTICE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS PASSED WAS IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; 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 6: Mayor Harpole presented a resolution approving the 2013/2014 Amarillo Convention and Visitor Council budget with funding from hotel/motel occupancy tax revenue collected within the City. The Amarillo Convention and Visitor Council performs tourism, convention and cultural events, promotions and recruitment efforts for the City. Commission Green stated the CVC was moving forward and it was exciting for our future. Mayor Harpole stated Dan Quant was doing a good job at promoting Amarillo. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned resolution be passed:

RESOLUTION NO. 09-10-13-1

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS: APPROVING EXPENDITURE OF HOTEL OCCUPANCY TAX REVENUE TAX REENUE BY THE AMARILLO CONVENTION AND VISITOR COUNCIL FOR THE FISCAL YEAR OCTOBER 1, 2013 TO SEPTEMBER 30, 2014.

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 advised that appointments are needed for a certain board and commission. Motion was made by Commissioner Eades seconded by Commissioner Green and unanimously carried to appoint to the Airport Board, Bill Harris to replace Michael Cruz, John Denton to replace Lawrence Walker, and to reappoint Robert

Dempsey and John Whitaker, such terms to expire October 1, 2015; reappoint Rakhshanda Rahman and Rodney Ruthart to the Board of Hospital Managers, such terms to expire October 1, 2015; Dr. Steven Newman to replace Dr. Darrell Morgan, Chief Jeff Greenlee to replace Steve Ross, and reappointment of Dr. Kevin Rickwartz, to the Emergency Care Advisory Board such terms to expire April 21, 2015; reappoint Maury Roman-Jordan and Joy Brennaman to replace Denise Blanchard to the Library Board, such terms to expire July 19, 2016; and appoint Terry Easterling to replace Joyce Cunningham on the Parks and Recreation Commission, such term to expire July 1, 2016. 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 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 – Decant Bypass Line Improvements - River Road Wastewater Treatment Plant:

Award to low responsive bidder: Amarillo Utility Contractors, Inc. -- \$149,230.50

This item awards a contract to replace and extend the sixteen inch decant bypass line from the disinfection and filtration building to the equalization basin at the River Road Wastewater Treatment Plant. The bid price is 6% less than estimated. Funding for this project is available from the approved Utilities Division Capital Improvements budget.

B. Approval – Airport East Terminal Drainage Project:

KSA Engineers, Inc. (KSA) -- \$123,500.00

This item approves Work Order #13 with KSA Engineers to provide construction administration and testing services for drainage improvements on the east end of the Rick Husband International Airport. KSA will provide a resident project representative. The approved Federal Aviation Administration (FAA) project budget provides 90% of the costs. The local 10% match is available in the approved Airport Capital Improvement Program project budget.

C. Approval – Rehabilitation of Farmers Avenue from S Western Street to Georgia Change Order #1:

Award to L.A. Fuller and Sons Construction, LTD as follows:

Original Contract	\$1,400,000.00
Change Order Number 1	\$67,902.20
Revised Contract:	\$1,467,902.20
Cumulative Change %:	4.6%


This item approves a change order to the construction contract required for additional excavation and embankment work to tie into the elevation of the recently installed storm sewer. Funding for the change order is available from the developer, Rockrose Development.

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.

Allen Finegold, 2601 North Grand, urged the City Commission to appoint someone in Public Works to inspect the walkways in Amarillo. Mr. Atkinson stated last year funding began to repair sidewalks and there is capital in next year's budget. He encouraged Mr. Finegold to report any defected locations. Jimmy Johnson, 4406 Ridgecrest, stated he was selling his Royal Limousine business which had been in business since 1988. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

  
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 Frances Hibbs, City Secretary

  
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 Paul Harpole, Mayor