

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 27th day of March 2012, 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
JIM SIMMS	COMMISSIONER NO. 4

Absent was Lilia Escajeda, Commissioner No. 3, due to personal business. Also in attendance were the following administrative officials:

JARRETT ATKINSON	CITY MANAGER
VICKI COVEY	ASSISTANT CITY MANAGER
DEAN FRIGO	ASSISTANT CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
DONNA DERIGHT	CITY SECRETARY

The invocation was given by David Green, Amarillo Unitarian Universalist Fellowship. 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 March 20, 2012. Motion was made by Commissioner Simms, seconded by Commissioner Eades, and unanimously carried, to approve the minutes.

Mayor Harpole advised that Item 2 would be considered after considering the other regular agenda items.

ITEM 2: Mayor Harpole opened a public hearing on the proposed City of Amarillo Drainage Utility. This Utility is proposed to provide dedicated funding for both capital and maintenance costs associated with the construction, operation and repair of the City drainage system. Under Texas law, this Utility is established as an enterprise fund and monies collected shall be used only for purposes directly related to the drainage system. The purpose of this hearing is to review the overall structure of the Utility, the two draft ordinances necessary to implement the Utility, and to solicit comment, input and discussion for the City Commission's consideration and use.

George Oswald, with Espey Consultants, Inc., appeared and presented ways the Drainage Utility fee could assist with the drainage improvement needs of the city. He explained the rate structure and how the revenue from the fees would be used. Les Hoyt, Assistant Superintendent for Amarillo Independent School District, appeared and stated that a letter was sent to the Commission explaining the impact this fee would have on their budget. He stated that the law allows for school districts to be exempt from the drainage utility fee and asked the Commission to consider that exemption. Lisa Brown, 6309 Adirondack, stated that she understands the need for the drainage improvements but does not agree with the additional fee to pay for the improvements. She stated that spending should be limited to the money that is available now. David West, 5307 Brinkman, appeared and asked if the fee could be eliminated after the improvements are made and the costs have been paid. He was advised that this is a

fee that would probably continue because as the city grows, the need for improvements will always exist. Michael Hodgson, Business Manager with River Road Independent School District appeared and asked a question about the law regarding exemptions. Mr. Norris advised him that the exemption he was referring to dealt with the population bracket and therefore did not apply to Amarillo. Michael Clift, with Burlington Railroad, appeared and stated that they were informed this week of a large amount of parcels that would be included in the amount of fees they will be required to pay. He stated that their yards are not compacted gravel and water will enter the ground so they should not be considered as part of the fee. Arvell Williams, 1313 N.E. 3rd Avenue, appeared and presented a calculation of the proposed drainage fees for properties he owns. He stated that it is not fair for smaller property owners to pay and large ones not to pay. He stated that he would rather have an increase in taxes. Fred Salamy, 1900 S. Goliad, appeared and stated that more information needs to be provided to the property owners about this fee. He also suggested dividing the improvements into two phases and if the improvements are not completed in the first phase then the second phase could be implemented. Mayor Harpole advised that there have been public meetings and information available to the public for several months regarding the drainage utility fee.

Bill Sumerford, 6103 Blue Sage, appeared and stated that this is double taxation. He stated that the Commission needs to cut things from the budget and then there would be money available for the improvements. Greg Mitchell, 3005 Ong, appeared and stated that this fee will greatly impact his business. He stated that he was going to ask for a reduction but after listening to the discussion today he will be more than happy to pay the fee because these improvements are important for our city. He commented that if he received a reduction, the cost would then be spread for others to pay. Trina Fournier, 4427 S. Hayden, appeared and stated that she is in favor of the drainage utility fee. She stated that for future projects a reserve could be set up so the city does not have to be in debt. Mayor Harpole stated that Amarillo has the lowest debt ratio in the state of Texas. He stated for that reason we are able to get better rates for bonds and it makes sense to use the money to be able to do the projects sooner. Commissioner Eades stated that the drainage system met the needs of the city years ago but the system has to be improved to meet the growth of the city. He stated that this is a safety issue that has to be dealt with. There were no further comments.

ITEM 3: Mayor Harpole presented an ordinance amending the Amarillo Municipal Code, Chapter 16-3, Traffic, and Chapter 2-6, Boards and Commissions. These changes are designed to remove the City Driveway and Parking Manual from the current ordinance and to place the authority for revisions with the City Traffic Engineer, subject to public notice, hearing requirements and comment from the Amarillo Traffic Commission. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7321

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-3, TRAFFIC, ARTICLE 8 REGARDING CERTAIN DEFINITIONS USED IN THIS CHAPTER; ARTICLE II, DIVISION 2, REGARDING APPOINTMENT OF THE CITY TRAFFIC ENGINEER; AND ARTICLE X, DIVISIONS 1, 2, 3, 4 REVISING VARIOUS REGULATIONS AND PROCEDURES FOR DRIVEWAYS AND PARKING ; AND CHAPTER 2-6, BOARDS AND COMMISSIONS, ARTICLE V, AMENDING DUTIES OF THE TRAFFIC COMMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

ITEM 4: Mayor Harpole presented a resolution authorizing the submission of an application to the State Comptroller to seek state funds for the purpose of attracting and retaining events in our city. The City of Amarillo, as the host community of the American Quarter Horse Association's 2012 Adequan Select World Championship Show event and other eligible events, is eligible to receive a rebate of the lesser of half

the sales tax generated by the event or half of the cost of hosting the event. If these funds are received, they would be utilized to provide local incentives to retain, pursue, and enhance those events that would be hosted in Amarillo. With the approval of this resolution, a participation agreement is required for approval as shown on consent agenda Item D.

Tom Persechino, with the American Quarter Horse Association, appeared and stated that this money will help defer some of the expenses for the exhibitors. He also stated that with that assistance it provides an incentive for exhibitors from all over the United States and other countries to come to this event in Amarillo instead of going to events in other cities. Commissioner Simms expressed his appreciation to the American Quarter Horse Association for what they do for our community.

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

RESOLUTION NO. 3-27-12-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO: AUTHORIZING THE CITY MANAGER TO SEEK AND DISTRIBUTE STATE FUNDS, PURSUANT TO ARTICLE 5190.14, SECTION 5C OF THE TEXAS REVISED CIVIL STATUTES, IN COOPERATION WITH THE AMARILLO-POTTER EVENTS VENUE DISTRICT, FOR A QUALIFYING EVENT; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

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

ITEM 5: Mayor Harpole presented a resolution authorizing the submission of an application to the State Comptroller to seek state funds for the purpose of attracting and retaining events in our city. The City of Amarillo, as the host community of the Working Ranch Cowboy Association event and other eligible events, is eligible to receive a rebate of the lesser of half the sales tax generated by the event or half of the cost of hosting the event. If these funds are received, they would be utilized to provide local incentives to retain, pursue, and enhance those events that would be hosted in Amarillo. With the approval of this resolution, a participation agreement is required for approval as shown on consent agenda Item E.

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

RESOLUTION NO. 3-27-12-2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO: AUTHORIZING THE CITY MANAGER TO SEEK AND DISTRIBUTE STATE FUNDS, PURSUANT TO ARTICLE 5190.14, SECTION 5C OF THE TEXAS REVISED CIVIL STATUTES, A QUALIFYING EVENT; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

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

ITEM 6: Mayor Harpole presented a resolution closing the public hearings and setting the date of April 17, 2012 for the first reading of an ordinance annexing 652.86+ acres of land to the City in Sections 62, 63 and 74, Block 9, BS&F Survey Randall County, Texas in the vicinity of Soncy Road/Loop 335 and Hillside Road.

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

RESOLUTION NO. 3-27-12-3

A RESOLUTION CLOSING THE PUBLIC HEARING AND SETTING THE DATE FOR THE FIRST READING OF AN ORDINANCE ANNEXING CERTAIN PROPERTY BY THE CITY OF AMARILLO.

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

ITEM 7: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. 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. Purchase – Groundwater Rights – Ochiltree County:

Property – 501.75 acres of groundwater rights and related easement rights in Ochiltree County

Purchaser: City of Amarillo

Seller: Mesa Water LP

Cost: \$252,051.00

This is the purchase of 501.75 acres of groundwater rights and related easement rights contiguous to one-quarter section of groundwater rights purchased by the City of Amarillo from the Canadian River Municipal Water Authority (CRMWA) in the 2011 transaction. This 501.75 acres was to have been included in the City of Amarillo/Canadian River Municipal Water Authority transaction but was omitted due to title issues. These title issues have been resolved and the City of Amarillo desires to purchase these acres to complete the full section of water rights shown on the attached map. Completing this section provides substantial additional value to the City and all terms and conditions are the same as those in the original City/CRMWA transaction. Completing the purchase in this manner avoids additional expense from dual title closings.

B. Award – Annual Tire Supply Agreement:

Low bidders meeting specifications as follows:

Bill Williams Tire Center – Lines 1-4, 6-9, 12, 19	\$ 45,710.00
Southern Tire Mart – Lines, 5, 14, 20, 21	45,856.00
Hathaway Industries – Lines 10, 16	37,440.12
A to Z Tire & Battery – Lines 11, 13, 15, 17, 18, 22	<u>99,721.52</u>
Total Award	\$228,727.64

This is the annual contracts for tires stocked by the City Warehouse. These items include the tires most commonly needed throughout the year for City cars, light trucks, heavy trucks and buses.

C. Approval – 2012 Adequan Select World Show Consultant Agreement:

Grotta Marketing Research, LLC in an amount not to exceed \$25,500

This is a professional services agreement to provide the necessary surveys and economic impact analysis of the American Quarter Horse Association (AQHA) 2012 Adequan Select World Show. The results from this study will be used to apply for funding from the Texas Comptroller's Office as noted in the resolution in Item 4.

D. Approval – 2012 Adequan Select World Show Support Agreement:

This is a support agreement between the American Quarter Horse Association (AQHA), the Chamber of Commerce, the Amarillo-Potter Event Venue District and the City of Amarillo. The purpose of the Agreement is to secure eligibility for the possible rebate of the state portion of the sales tax attributable to the 2012 Adequan Select World Show held in Amarillo. Funds received from any state sales tax rebate will be used to create a funding mechanism to support and promote events such as the Adequan Select World Show. This agreement relates to the resolution above in Item 4.

E. Approval -- 2012 Working Ranch Cowboys Association Support Agreement:

This is a support agreement between the Working Ranch Cowboys Association and the City of Amarillo. The purpose of the Support Agreement is to secure eligibility for the possible rebate of the state portion of the sales tax attributable to the Working Ranch Cowboys Association event held in Amarillo. Funds received

from any state sales tax rebate will be used to create a funding mechanism to support and promote events such as the Working Ranch Cowboys Association National Finals. This agreement relates to the resolution above in Item 5.

- F. Approval – Emergency Repair – Sewer Line:
Award to Amarillo Utility Contractors -- \$65,230.00

This is a contract for the emergency repair of a concrete sewer line in the 3500 and 3600 blocks of the South Polk/Tyler alley. On March 21, 2012, the sewer line failed due to severe deterioration. The manholes are being pumped daily until the line is replaced to avoid a release of wastewater and remain in compliance with TCEQ regulations.

- G. Approval –Door Tag Placement Services:
Award to Henderson Enterprises -- \$75,000.00

This is a three-year contract for the delivery or placement of door hangers to delinquent water service customers. The contract includes two (2) additional one-year extensions. The Door Tag Placement was initiated in 2006 and produces 600 to 1000 door hangers each month. The cost is \$2.75 per tag.

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. There were no comments.

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

ATTEST:

Donna DeRight, City Secretary

Paul Harpole, Mayor