

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 3rd day of April 2012, 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
LILIA ESCAJEDA	COMMISSIONER NO. 3
JIM SIMMS	COMMISSIONER NO. 4

Absent was Brian Eades, Commissioner No. 2, 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 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 March 27, 2012. 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 proposed City of Amarillo Drainage Utility and advised that this is the second public hearing to be held regarding this item. The Drainage 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 ordinances that follow are necessary to implement the Utility, and to solicit comment, input and discussion for the City Commission's consideration and use.

Bob Bybee, 7505 Sleepy Hollow, appeared against the utility fee. He stated that the economy is still not good and this fee will be passed on the citizens even if they do not own a home. He commented that businesses would have to increase costs to their customers, the Hospital District and other taxing entities would have to increase taxes and entities such as Amarillo College would have to increase tuition to pay the cost of the fee. Mayor Harpole stated that the Commission has to deal with the reality of what needs to be done and what will be best for the future of the City. He advised that it is difficult to increase taxes and allot the increase just to drainage improvements and with this fee that can be done. Commissioner Green stated that Amarillo College is exempt by the State from having to pay the utility fee. Commissioner Simms advised that there are no Hospital District taxes today and that this fee can only be used for drainage utility projects.

Mr. Atkinson advised that charts can be seen on the screens showing Amarillo and other cities that charge drainage utility fees and the monthly tax plus the drainage utility fee for a \$100,000 home. He stated that, as shown, Amarillo would have the lowest rate among those cities.

Doug Hershey, 6406 Cromwell, appeared and stated that he owns commercial property and as a landlord the rates for his property are locked in for several years and therefore he could not recover the increased costs. He stated that he sees the new fee as a way to allow more of the General Fund monies to be used for the downtown revitalization projects. George Oswald, Espey Consultants, stated that there are 85 cities in the State that have the drainage utility fee and two cities, Brownsville and Corpus Christi, that do not have the fee. Gilbert Zamora, 6600 Slater Circle, appeared against the fee because in some way, everyone will be affected by the fee and will have to pay it. Al Alford, 929 S. Milam, appeared against the utility fee. Commissioner Escajeda stated that the funds from the drainage utility fee will only be used for drainage projects and cannot be used for downtown revitalization projects. She advised that this is part of the Comprehensive Plan that set out what needs to be done to benefit the future of our city. Mayor Harpole commented that the projects that will be done with the utility fee will address all areas of town. Don McColl, 930 W. Bonita, appeared and stated that most of the flooding that occurs in the city has been manmade. He commented that the fee seems a little high and there is no guarantee it will not increase. He stated that this should be put to a vote or put some of the sales tax money in a fund for the drainage utility improvements. Mayor Harpole advised that the proposed fee should not be increased for four or five years. He, also, stated that the improvement could not be funded by sales tax.

Les Hoyt, Assistant Superintendent for Amarillo Independent School District, appeared and asked the Commission to exempt the school district from the utility fee. He stated that their tax rate is different from other entities because it cannot be increased without a vote of the citizens. He provided a letter from the Board of Trustees requesting the exemption and explaining the budget issues facing the school district. Commissioner Green stated that she understands the problems of the school district's budget but they do have a lot of property. She stated that the Comprehensive Plan brought the needs of the city to their attention and how to fix the problems. She commented that the utility fee will guarantee a way to make the necessary improvements and all our citizens are in it together to take care of these problems. Commissioner Simms stated that they look at the drainage problems every year when they do the capital improvement budget and the funds are limited on how much can be used to address those problems. With funds dedicated for the drainage issues they can be taken care of faster and be handled before they get too bad. Mayor Harpole stated that with the utility fee providing funds for drainage improvements, there will be more money available in the capital improvement budget to help with other projects. There were no further comments and the hearing was closed.

ITEM 3: Mayor Harpole presented an ordinance amending the Amarillo Municipal Code to add a new Chapter 18-4 establishing the City of Amarillo Drainage Utility and its service area. The ordinance further dedicates City assets to the Utility and grants those exemptions required by the Texas Local Government Code. Funds collected under the Amarillo Drainage Utility may only be used for purposes directly related to the drainage system. Motion was made by Commissioner Escajeda, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7322

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS, AMENDING THE AMARILLO MUNICIPAL CODE TO ADD CHAPTER 18-4 ESTABLISHING THE CITY OF AMARILLO DRAINAGE UTILITY AND ITS SERVICE AREA; DEDICATING CITY ASSETS TO THE UTILITY; PROVIDING FOR EXEMPTIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEALER; AND AN EFFECTIVE DATE.

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

ITEM 4: Mayor Harpole presented an ordinance amending the Amarillo Municipal Code, Chapter 18-4 to adopt rules for the City of Amarillo Drainage Utility, defining relevant terms, levying a schedule of charges, providing for an appeals process and related matters. This ordinance establishes the base charge for a “TYPICAL” Equivalent Residential Unit at \$2.51 per month. Mr. Atkinson stated that this ordinance contains an appeal process if a person does not believe they are being charged correctly. Michael Rice, Public Works Director, advised that sample bills will be sent out in August to allow time for people to contact the City about any discrepancy in their bill before they receive the actual one. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7323

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS, AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 18-4, TO ADOPT RULES FOR THE CITY OF AMARILLO DRAINAGE UTILITY; LEVYING A SCHEDULE OF DRAINAGE CHARGES; PROVIDING FOR PENALTIES AND INTEREST; PROVIDING AN APPEALS PROCESS; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND AN EFFECTIVE DATE.

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

ITEM 5: Mayor Harpole presented an ordinance changing the zoning of an 8.06 and a 28.18 acre tract in Section 135, Block 2, AB&M Survey, Potter County, in the vicinity of Hastings Avenue and Grand Street, to change from Agricultural District to Light Commercial District and Heavy Commercial District, respectively. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7324

AN ORDINANCE 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 HASTINGS AVENUE AND GRAND STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 6: Mayor Harpole presented an ordinance changing the zoning of Tascosa Estates Unit No. 8, in Section 11, Block 9, BS&F Survey, Potter County, in the vicinity of Fairway Drive and La Costa Drive, to change from Planned Development District 165C to Amended Planned Development 165D for single-family detached home development. Motion was made by Commissioner Escajeda, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7325

AN ORDINANCE 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 FAIRWAY DRIVE AND LA COSTA DRIVE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 7: Mayor Harpole advised that an appointment is needed for the Animal Control Board. Motion was made by Commissioner Green, seconded by Commissioner Simms, and unanimously carried, to appoint Brooke Prescott to the unexpired term of Jena McFall, such term to expire January 12, 2015.

ITEM 8: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. It was noted that Item H would be removed for separate consideration. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, and unanimously carried, to approve Items A through G on the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, and unanimously carried, to approve Item H with the exception of Cause #18626E, 409 Browning Street.

A. Purchase – Traffic Marking Paint:

Low responsive bidder: Ennis Paint, Inc. – \$105,454.00

This is the annual contract to supply approximately 12,000 gallons of traffic marking paint. This paint is used throughout the year by the Traffic Engineering Department to apply various markings and stripes on City streets.

B. Purchase – Variable Frequency Drive for the N.E. 24th Avenue Pump Station:

Low responsive bidder:

Border States Electric of Texas, Inc. -- \$224,312.00

This approves the purchase of a 700 hp Variable Frequency Drive (VFD) at the N.E. 24th Avenue Pump Station. The VFD will allow the electric pump and motor to be operated at a variable rate to meet actual system demands. This increases operational efficiency and the usable lifespan of the components.

C. Purchase – Ballistic Vests for Police Department:

GT Distributors on Texas BuyBoard Cooperative Purchasing Contract -- \$28,875.00

This approves the purchase of 42 protective ballistic vests for use by members of the Amarillo Police Department. These vests are maintained in quartermaster inventory and issued to officers as replacements for existing vests and to equip new officers.

D. Award – Installation of 24” Water Main along Soncy Road from N.W. 9th Avenue to Amarillo Boulevard:

Lowest responsive bidder: Morton Irrigation, Inc. -- \$700,160.00

This is a contract to install approximately 5,209 linear feet of 24-inch water distribution main along Soncy Road from N.W. 9th Avenue to Amarillo Boulevard. This project extends the water distribution system to accommodate the growth in this area of Amarillo.

E. Award – Civic Center ADA Upgrades and Renovations to Dressing Rooms:

Lowest responsive bidder: Kelly Wood Company, Inc. -- \$418,300.00

Base Bid	\$416,000.00
Alternate #2	<u>2,300.00</u>
Total Project Cost	\$418,300.00

This is a contract for the remodeling of ten (10) dressing rooms, two public restrooms, the Old Headliner Room and the Laundry in the lower level of the Civic Center to achieve compliance with current ADA standards. The award also includes Alternate #2 which installs wiring for the closed circuit cameras system. The cameras will be installed separately.

- F. Approval – Change Order #4 to the Potter County Well Field, 48”- 42” Transmission Pipeline Project:
 S. J. Louis Construction of Texas:
 Original Contract \$24,515,941.00
 Change Order #1 329,900.00 Pump Station Piping
 Change Order #2 317,344.35 Tie-in capability for emergency flow
 Change Order #3 0 Time only – adjustment of days
 Change Order #4 231,358.77 Cumulative changes
 Revised Contract \$25,394,544.12

This approves the fourth change order to the construction contract with S.J. Louis Construction of Texas for the Potter County Well Field Transmission Pipeline to account for cumulative adjustments and actual quantities made to the contract during construction. This project was substantially complete in October 2011. This change order adds \$231,258.77 to the project resulting in a total change of 2.61%.

- G. Approval --- Agreement for of Summer Food Service Program:
 Amarillo Independent School District (AISD)

This is an agreement with the Amarillo Independent School District to prepare and deliver meals to 40 sites during the 2012 Summer Lunch Program. Under the Summer Lunch Program guidelines, AISD has the first option on preparing and delivering meals. AISD has provided this service in the past and desires to continue its participation in the Summer Lunch Program. The AISD rates charged to the 2012 program are \$.67 per snacks and \$2.61 per lunch. The cost will be reimbursed by the City’s Summer Lunch Program from the Texas Department of Agriculture. The Summer Lunch program anticipates 6,800 children per day will be served by the program.

- H. Sale – Property:

Sheriff Sale Properties in Potter County awarded to the highest bidders as follows:

- 1908 S. Jackson: Bruce W. Burney Trust 2005 - \$35.00
- Lot 5, Block, 17, Fairview Townsite: Jamie Varela - \$1,101.00
- 3705 S.E. 6th Avenue: Raymundo Villarreal - \$801.00
- 409 N. Hayes Street: Jesus Fuentes - \$2,025.00
- 1009 N. Van Buren Street: John D’Costa – \$500.00
- 1420 N.W. 14th Avenue: Rosa Esquivel - \$411.00
- 1625 N.W. 14th Avenue: John D’Costa - \$1,000.00
- 2812 S.W. 2nd Avenue: Larry G. Roush - \$501.00
- 3911 Center Avenue: Ubaldo Armendariz - \$2,000.00

TABLED: 409 Browning Street: Santino Castillo - \$5,500.00

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. Al Alford, 929 S. Milam, appeared and asked when the downtown revitalization projects were discussed. Mayor Harpole advised him that several public hearings were held and the projects were approved by the City Commission last year. Mr. Alford also discussed ways to help the water evaporation rate in Lake Meredith. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

 Donna DeRight, City Secretary

 Paul Harpole, Mayor