

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 31st day of July 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
LILIA ESCAJEDA	COMMISSIONER NO. 3

Absent was Jim Simms, Commissioner No. 4, 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 Mark Love, 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 24, 2012. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, and unanimously carried, to approve the minutes.

ITEM 2: Mayor Harpole asked Gary Pitner, President of the Amarillo Local Government Corporation, to appear and provide a report on the activities and status of the Amarillo Downtown Redevelopment Projects. Mr. Pitner stated that they have spent a lot of time working through the various documents for these projects. He advised that the next eighteen months will be the period of time for finalizing the financing, completing the specifications and drawings, and hiring a construction manager. Construction should begin on the hotel and parking garage in late 2013 with a projected opening in the summer of 2015. He stated that the agreements being considered on the City Commission agenda will play a beneficial role in obtaining the financing for the projects. He noted that the commitment with Center City for additional streetscape improvements will be finalized in the next few weeks. He stated that the police building demolition has been completed and plans are being made for the relocation of the utilities. He stated that work will begin soon on the documents for the Multi-Purpose Event Venue. Mayor Harpole expressed his appreciation to him for the work the board has done on the Downtown Redevelopment Projects.

Mayor Harpole advised that David Wallace with Wallace Bajjali Development Partners and the project developer for the Downtown Projects would provide a project update. Mr. Wallace stated that the document review was a lengthy process but everyone wanted to start off right since they are the framework for the projects. He advised that they are working to secure the financing for the projects. He advised that the schematic design plans are underway and they are proceeding with the selection of a construction manager. He stated that they are looking forward to the next phase of the projects.

ITEM 3: Mayor Harpole presented an ordinance adopting the 2012/2013 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Point West Public Improvement District (PID). Commissioner Eades advised that the City of Amarillo is the administrator and the homeowners association and the PID boards determine the assessments. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7344

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 and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 4: Mayor Harpole presented an ordinance adopting the 2012/2013 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Tutbury Public Improvement District (PID). Motion was made by Commissioner Green, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7345

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 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 and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 5: Mayor Harpole presented an ordinance adopting the 2012/2013 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Colonies Public Improvement District (PID). Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7346

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 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 and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 6: Mayor Harpole presented an ordinance amending the boundaries of the existing City ordinance that prohibits open alcohol containers in outdoor public places within the Central Business District (CBD). The changes to Chapter 10-3 of the Municipal Code would expand the boundary currently in the ordinance as follows: North – railroad tracks; South – South 15th Avenue; West – Washington/Adams Streets; and East – railroad tracks (existing). The conditions under which open alcohol containers are regulated will remain as stated in the present ordinance. A second change by this ordinance would revise the number and location of festivals allowed in the CBD by clarifying that up to 8 shall be allowed per year in the area bounded by South 3rd Avenue on the north and South 12th Avenue on the south.

Mr. Atkinson explained that this ordinance is only changing the boundaries to the existing ordinance and the change has been approved by the Texas Alcoholic Beverage Commission. Trina Fournier, 4427 S. Hayden, asked why this change was being made. She was advised that the citizens in the area asked that it be extended to include those areas. There were no further comments.

Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7347

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-3, ARTICLE IV, SECTION 10-3-44 ADJUSTING THE BOUNDARY OF CENTRAL BUSINESS DISTRICT FOR PROHIBITION OF OPEN ALCOHOL CONTAINERS; REVISING EXEMPTION PROVISIONS FOR STREET FESTIVALS; 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 Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 7: Mayor Harpole presented an ordinance adopting the 2012/2013 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Greenways Public Improvement District (PID). Motion was made by Commissioner Green, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7340

AN ORDINANCE LEVYING AN ASSESSMENT ON PROPERTY WITHIN THE GREENWAYS 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 and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 8: Mayor Harpole presented an ordinance adopting the 2012/2013 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Brennan Boulevard Public Improvement District (PID). Mr. Atkinson advised that there would be no change this year in the assessment. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7341

AN ORDINANCE LEVYING AN ASSESSMENT ON PROPERTY WITHIN THE BRENNAN BOULEVARD 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 and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 9: Mayor Harpole presented an ordinance adopting the 2012/2013 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Quail Creek Public Improvement District (PID). Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7342

AN ORDINANCE LEVYING AN ASSESSMENT ON PROPERTY WITHIN THE QUAIL CREEK 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 and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 10: Mayor Harpole presented an ordinance adopting the 2012/2013 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Redstone Public Improvement District (PID). Motion was made by Commissioner Green, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7343

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 2012-2013; ADOPTING A BUDGET FOR FISCAL YEAR 2012-2013 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 and Escajeda; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 11: Mayor Harpole presented a resolution conducting a public hearing on the 2012 Program of Projects and authorizing the City of Amarillo to submit a grant application to the Texas Department of Transportation (TxDOT) for fiscal year 2011-12 operating and capital assistance for the Amarillo City Transit Department. Trina Fournier, 4427 S. Hayden, asked what the population limit is that will reduce this funding. Mayor Harpole stated that the population limit is 200,000. Mr. Atkinson advised that when that number is reached we will lose the operating assistance funding. Mayor Harpole stated that a property tax increase would be necessary to continue the operations that are provided now by our Transit System.

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

RESOLUTION NO. 07-31-12-1

A RESOLUTION CONDUCTING A PUBLIC HEARING ON THE AMARILLO CITY TRANSIT PROGRAM OF PROJECTS; AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

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

ITEM 12: Mayor Harpole advised that an appointment is needed for the Canadian River Municipal Water Authority. Motion was made by Commissioner Eades, seconded by Commissioner Green, and unanimously carried, to reappoint William Hallerberg, such term to expire July 31, 2014.

ITEM 13: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Richard Brown, Chairman of the TIRZ #1 Board of Directors, appeared on behalf of Items B and C. He stated that these two items are a result of the goals that the Commission assigned to the board in 2006. He advised that the streetscape improvements are for the public right-of-way adjacent to the downtown redevelopment projects. Mr. Brown stated that the TIRZ incentive agreement is for the downtown convention center hotel and parking garage. Kathy Altman, 2105 S. Lipscomb, asked why these funds were being pledged at this time. Mayor Harpole advised that this confirms our commitment to the projects and assists the developer in obtaining the funding for the projects. Trina Fournier, 4427 S. Hayden, asked if this would affect other request for funding and if there would be funds available for other projects. Mayor Harpole stated that it will depend on the request.

Commissioner Eades stated that the goal has always been to create an interest in downtown and with that other funding and businesses will follow. Motion was made by Commissioner Green, seconded by Commissioner Escajeda, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Award – Self Contained Breathing Apparatus (SCBA) Repair Parts Supply Agreement:

Award to low responsive bidder:

Panhandle Breathing Air Systems, Inc. - \$56,116.30

This is an annual supply agreement to provide repair parts as needed for the SCBA units used by the Amarillo Fire Department.

B. Approval – Tax Increment Reinvestment Zone #1 Incentive Project:

Amarillo Local Government Corporation Developer Agreements for Streetscape Improvements - \$2,700,000

This approves a project to fund streetscape improvements in the public right-of-way adjacent to the City's proposed downtown convention center hotel, parking garage and multipurpose event venue. The streetscape improvements will include trees, pedestrian lights, benches, new sidewalks and bulb outs. The estimated cost of the improvements is approximately \$2.7 million. This project is consistent with the goals of the TIRZ and all activities funded through this project will be performed on the public right-of-way.

C. Approval – Tax Increment Reinvestment Zone (TIRZ) #1 Incentive Project:

Wallace Bajjali Development Partners, LP

Reimbursement of Tax Increment – Convention Center Hotel and Parking Garage

This approves a TIRZ incentive agreement reimbursing 90% of the eligible annual ad valorem taxes from participating jurisdictions generated by the downtown convention center hotel and parking garage. The first payment will be made one year after the certificate of occupancy is issued and the taxes paid by the developer.

D. Approval – Economic Development Agreement:

Convention Center Hotel and Parking Garage

Parties: City of Amarillo and Wallace Bajjali Development Partners, LP

This approves an economic development agreement to help fund the public-private convention center hotel to be constructed in downtown Amarillo. Specifically, this Agreement will rebate specific portions of hotel occupancy taxes and the state portion of the sales tax to the developer for the operation of the downtown convention center hotel. These rebates are established and allowed by state law to incentivize the development of successful convention center hotels. The rebates will consist of the following:

- City will rebate the City's portion of the hotel occupancy tax generated specifically from this hotel for the first 20 years it is open or until 40% of the construction costs are rebated, whichever occurs first.
- State will rebate the State's portion of the hotel occupancy tax generated specifically from this hotel, during the first 10 years the hotel is open.
- State will rebate the State portion of sales taxes collected on retail sales within this hotel, during the first 10 years it is open.

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.

Sarah Fansler, 201 S. Tennessee, thanked the Mayor and Commissioners for what they have done to clean up the graffiti. She stated that the houses at 203 South Tennessee and one on South Maryland need to be condemned. Mayor Harpole advised that someone would check on these properties. Alan Abraham, 7205 S.W. 35th Avenue, appeared concerning the agreement with Wallace Bajjali and the August 31st deadline regarding their progress. Mr. Atkinson stated that the Lease Development Agreement pulled that date out and new dates are set out in it. Gary Lindvay, 4802 Carol Lane, appeared concerning safety issues at Sam Houston Park. Mr. Atkinson advised him to speak to Rod Tweet and Vicki Covey after the meeting. Carl Restine, 721 Short Street, appeared concerning the wall on Washington Avenue that has bad language and graffiti on it. Mayor Harpole advised that it is on private property and the City cannot do anything about it. H. C. Moore, 7710 Pebblebrook, appeared and encouraged the Commission to remind people to conserve water again this year. Mayor Harpole advised him that they are continuing those efforts and will ask the media to also remind people. Mr. Moore also stated that he is concerned with the increase in the PID assessments for his area and realizes that he needs to get more involved with the homeowners association and the PID board meetings. Carolyn Thornton, 1927 S. Marrs, appeared concerning the homeless people needing a place to pitch their tents. Mayor Harpole stated that she could contact him about it.

There were no further 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