

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 28<sup>th</sup> day of August 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, discussion of the fiscal year 2012/2013 City of Amarillo budget and related 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	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 Gene Shelburne, Anna Street 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 August 21, 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 and stated that the City of Amarillo is considering a tax rate of \$0.32009, which is equal to the current rate. This proposed rate will raise more taxes than last year's tax rate. The tax rate will effectively be raised by 0.79 percent. The tax on an average home last year was \$360.57. The tax on an average home would be \$363.45 under the proposed rate.

Mr. Norris advised the audience that speakers will have a three minute time limit and they must direct their comments to the City Commission and not City Staff. Mr. Atkinson highlighted the accomplishments made in last year's budget. He gave a summary of the goals for this year's budget and provided an overview of the significant changes proposed for the 2012-2013 fiscal year. Edmund Johnston, 2116 S. Hayden, stated that his property valuation stayed the same as last year and asked if that meant his property tax would stay the same. He was advised that it would remain the same. Tom Revell, 4827 Tulip, appeared and stated that the taxes are frozen for people 65 and over but the new drainage fee is like a tax and therefore, their costs will go up. There were no further comments and the public hearing was closed.

ITEM 3: Mayor Harpole opened a public hearing to solicit input regarding the recommendation to ban texting and hand-held cell phone use while driving. Mayor Harpole recognized the Traffic Commission members in the audience and thanked them for their work on this issue. Mr. Norris reviewed the ordinance currently in effect in the school zones.

Mayor Harpole asked the audience to alternate between the pros and cons comments. Cindi Bulla, 1400 Reagan Court and Chair of the Amarillo Association of Realtors, stated that the Association of Realtors are in opposition to the cell phone ban because drivers are distracted by many other things and not just their cell phones. She urged them to use the laws already in place. Shawn Twing, 6900 Canterbury, appeared in favor of the ban. He stated that we need to create a safer environment and with the use of wireless devices, that can be done. William Montgomery, 408 Pratt, Claude, Texas, stated that people are responsible for operating their vehicle in a safe manner and does not see the need for a cell phone ban. Bell Pollard, 1117 Broadmoor, stated that he is in favor of the ban but there needs to be exemptions for people such as, amateur radio operators. He was advised that those type exemptions would be included in the ordinance. Jeff Stockley, 2001 FM 68, Umbarger, stated that he works in Amarillo. He stated that accidents are caused by numerous distractions other than cell phones and the laws just need to be enforced on distracted driving. Chris Searight, 2921 S. Carter, appeared in opposition because people will hide the phones and that will make it worse.

Daniel Martinez, 5609 Mary Dell, appeared in favor because cell phone use while driving continues to increase. Edmund Johnston, 2116 S. Hayden, appeared in favor of the cell phone ban. Robert Taliaferro, 4400 S.W. 3<sup>rd</sup> Avenue, asked the City Commission to forgive him for the unkind comments he made in an email to them. He stated that a blanket cell phone ban is not feasible. Jennifer Waters, 2402 Hayden and a member of Share the Road, appeared in favor of the ban and stated that times have changed and so should the laws. Daniel Roeder, 4004 Gatewood, stated he is in opposition to the ordinance because people should have the freedom to do what they want. Sunny Hodge-Campbell, 3203 S. Milam, appeared in favor of the cell phone ban and advised the Commission that she had a petition with 600 signatures of people in support of the ban who live and work here. Danny South, 7003 Windridge, stated that accidents happen due to distractions of all types and he is opposed to the ban.

Sherry Sanders, 2819 Crockett, stated that studies she has read do not all indicate that cell phone bans reduce accidents. She stated that public education and awareness would work best without imposing a law. Mark Nair, 2301 Harmony and Traffic Commission member, stated that the committee determined through their study that the use of cell phones while driving is dangerous and ordinances are effective. Carolyn Thornton, 1947 S. Marrs, asked how Police Officers will enforce an ordinance. She was advised that it would be in the same manner as seat belt enforcement. Trina Fournier, 4427 S. Hayden, stated that according to the traffic reports, the increase in accidents has not been caused by cell phone use and she does not agree with a cell phone ban. Shylan Birdsong, 1807 Club View, asked the Commission how many times they have been affected by someone using a cell phone while driving. There were no further public comments.

Mayor Harpole asked for comments from the Commission. Commissioner Green expressed appreciation to everyone in attendance for speaking and expressing their opinion. She encouraged others to attend the next public hearing. Commissioner Eades stated that he had a question for Ms. Bulla and asked if she could appear. He asked her why the Realtors are against the cell phone ban when they use them the most. She advised that they are against the Commission imposing duplicate laws when there are laws already in place for distracted driving. She stated that not everyone is familiar with a blue tooth or can afford one. She commented that most realtors will pull over when they are on their phones and are aware of their responsibility to conduct themselves in a proper manner. She stated that distractions take on more than just cell phones. Commissioner Simms stated that he totally opposes people texting while driving. He stated that many people rely on their cell phones to do business and for many it is their only source of communication. He would like some public education on the dangers of distracted driving. Commissioner Escajeda stated appreciation for the comments because they will help the Commission with their decision. Mayor Harpole reminded everyone that the ban would not include hands free phone use. He stated that he appreciated the comments on both sides of the issue and stated that there will be more public hearings. He stated that no decision will be made at this time and he closed the public hearing.

**ITEM 4:** Mayor Harpole presented an ordinance amending Chapter 4-3, General Building and Construction Standards, of the Amarillo Municipal Code to adopt the 2012 Edition of the International Building Code. The Building Code is the primary standard for the construction of multi-family housing and commercial buildings in Amarillo. Lew Bradshaw, Texas Panhandle Builders Association, stated that this was a good process and there will be opportunities to work out issues as they come up. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7350

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE I, SECTION 4-3-1 IS REPEALED AND RE-ENACTED TO ADOPT THE 2012 EDITION OF THE *INTERNATIONAL BUILDING CODE*, WITH AMENDMENTS REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES, AND RELATED MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 5:** Mayor Harpole presented an ordinance amending Chapter 4-3, General Building and Construction Standards, of the Amarillo Municipal Code by adopting the 2012 Edition of the International Residential Code. This code, which is utilized for the construction of one and two family dwellings, and townhouses not more than three stories, also includes code standards for structural, plumbing and mechanical installations. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7351

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE III, SECTION 4-3-31 TO ADOPT THE 2012 EDITION OF THE *INTERNATIONAL RESIDENTIAL CODE*, REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, LOCATION, REMOVAL AND DEMOLITION OF DETACHED ONE AND TWO FAMILY DWELLINGS AND MULTIPLE SINGLE FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES IN HEIGHT WITH SEPARATE MEANS OF EGRESS IN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 6:** Mayor Harpole presented an ordinance amending Chapter 4-3, General Building and Construction Standards, of the Amarillo Municipal Code to adopt the 2012 Edition of the International Energy Conservation Code. This code regulates and governs energy efficient building envelopes, including the installation of energy efficient mechanical, lighting and power systems. Ron Connally, 9101 Black Hawk Lane and a member of the Texas Panhandle Builders Association, appeared in support of the ordinance. He expressed appreciation for being able to participate in the process of preparing the new ordinances.

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

ORDINANCE NO. 7352

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE IV, SECTION 4-3-41 TO ADOPT THE 2012 EDITION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE*, WITH AMENDMENTS REGULATING AND GOVERNING ENERGY EFFICIENT BUILDING ENVELOPES AND INSTALLATION OF ENERGY EFFICIENT MECHANICAL, LIGHTING AND POWER SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 7: Mayor Harpole presented amending Chapter 4-3, General Building and Construction Standards, of the Amarillo Municipal Code by adopting the 2012 Edition of the International Fuel Gas Code. This code regulates and governs fuel gas systems and gas fired appliances. Tim Revell, 4827 Tulip, asked if this applied to gas grills. Scott McDonald, Building Official, stated that it only applies to those permanently installed. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7353

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE V, TO ADOPT THE 2012 EDITION OF THE *INTERNATIONAL FUEL GAS CODE* REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 8: Mayor Harpole presented an ordinance amending Chapter 4-3, General Building and Construction Standards, of the Amarillo Municipal Code by adopting the 2012 Edition of the International Mechanical Code. The code regulates and governs the design, construction, quality of materials, erection, installation, alteration, repair, replacement, use and maintenance of mechanical systems. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7354

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE II, TO REPEAL THE 2006 EDITION OF THE *INTERNATIONAL MECHANICAL CODE* AND ADOPT THE 2012 EDITION OF SUCH CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF MECHANICAL SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 9:** Mayor Harpole presented an ordinance amending Chapter 4-3, General Building and Construction Standards, of the Amarillo Municipal Code by adopting the 2012 Edition of the International Existing Building Code. The Existing Building Code provides flexibility to permit the use of alternative approaches to achieve code compliance for existing buildings. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7355

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE VI, SECTION 4-3-60, TO ADOPT THE 2012 EDITION OF THE *INTERNATIONAL EXISTING BUILDING CODE*, WITH AMENDMENTS AS SHOWN, REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 10:** Mayor Harpole presented an ordinance amending Chapter 4-4, Electricity, of the Amarillo Municipal Code by adopting the 2011 National Electrical Code. This code is the most current national standard for all electrical installations. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7356

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-4, TO DELETE OBSOLETE ARTICLES AND DIVISIONS IN, AND REORGANIZING, SAID CHAPTER; AND TO ADOPT THE 2011 EDITION OF THE *NATIONAL ELECTRICAL CODE*, WITH CERTAIN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 presented an ordinance amending Chapter 4-5, Plumbing, of the Amarillo Municipal Code by adopting the 2012 Edition of the International Plumbing Code. This code regulates and governs the design, construction, quality of materials, erection, installation, alteration, repair, replacement, use and maintenance of plumbing systems. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7357

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-5, ARTICLE II, SECTION 4-5-21 BY REPEALING THE 2006 EDITION OF THE *INTERNATIONAL PLUMBING CODE* AND ADOPTING THE 2012 EDITION OF SUCH CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 12:** Mayor Harpole presented an ordinance amending Chapter 4-5, of the Amarillo Municipal Code by adopting the 2012 Edition of the International Swimming Pool and Spa Code. This code regulates and governs the design, construction, quality of materials, erection, installation, alteration, repair, replacement, use and maintenance of swimming pools, spas, hot tubs, and aquatic facilities and equipment. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

**ORDINANCE NO. 7358**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-5, ARTICLE II, SECTION 4-5-22, TO ADOPT THE 2012 EDITION OF THE *INTERNATIONAL SWIMMING POOL AND SPA CODE*, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF SWIMMING POOLS AND SPAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 13:** Mayor Harpole presented an ordinance amending Chapter 10-2, Fire Prevention, of the Amarillo Municipal Code by adopting the 2012 Edition of the International Fire Code. The fire code serves to safeguard life, property and premises from fire and explosion hazards. Veatrice Johnson, 1320 S. Fillmore, stated that her smoke detector went off and she could not turn it off so she called the Fire Department for assistance. She was told she should not have called but she does not understand why. Mayor Harpole asked her to stay and let someone speak with her after the meeting about it. Commissioner Simms thanked the members of the Construction Advisory and Appeals Board and others in the community who helped with these ordinances. Joe Norman, 4616 Cape Verde and Chairman of the Board, thanked the Commission for the privilege of serving on the Board. He stated that the process of evaluating was much easier because of the staff. He commented that as needed the Board can review requests for amendments. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

**ORDINANCE NO. 7359**

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 10-2, ARTICLE II, SECTIONS 10-2-16 AND 10-2-17, BY REPEALING THE CURRENT TEXT AND REPLACING IT WITH AND ADOPTING THE 2012 EDITION OF THE *INTERNATIONAL FIRE CODE* TO REGULATE AND GOVERN THE SAFEGUARDING OF LIFE AND PROPERTY FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; REPEALING SECTION 10-2-18 AS FIREWORKS ARE NOW COVERED IN THE 2012 *INTERNATIONAL FIRE CODE*; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; 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 14: Mayor Harpole presented a resolution setting the date and time for a public hearing to determine if two properties constitute a public nuisance and thereby declared as dangerous structures. A copy of this resolution will be mailed to all interested parties providing ten (10) days notice of the public hearing. These properties are the first to be considered under the new Amarillo Dangerous Structure Code approved by ordinance on February 14, 2012. It was stated that Section 2 of the resolution should state the date of the public hearing to be September 11, 2012. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned resolution be passed:

RESOLUTION NO. 08-28-12-1

A RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN CONDITIONS DESCRIBED HEREIN CONSTITUTE A PUBLIC NUISANCE AT THE LOCATION(S) STATE; PROVIDING FOR NOTICE.

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 15: Mayor Harpole presented a resolution nominating Northwest Texas Healthcare System, Inc. as a Qualified Business and Enterprise Project for economic development assistance under the Texas Enterprise Zone Act. In February 2006, the City elected to participate in the Texas Enterprise Zone Program. The local incentives offered under this resolution are the same as stated in Ordinance No. 6915. Subsequent nominations may be made by resolution. As an Enterprise Project, Northwest Texas Healthcare System, Inc. will continue to be eligible for State sales tax refunds for taxable items purchased for its Amarillo facilities and operations. The resolution does not obligate the City of Amarillo to provide any financial commitments or incentives to Northwest Texas Healthcare System Inc but provides City support to Northwest Texas Healthcare System, Inc. in its application for possible State of Texas economic development assistance. Sharon Oxendale, Acting Chief Executive Officer, stated that this is for a state tax rebate. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned resolution be passed:

RESOLUTION NO. 08-28-12-2

A RESOLUTION OF THE CITY OF AMARILLO; AUTHORIZING THE CITY OF AMARILLO TO NOMINATE NORTHWEST TEXAS HEALTHCARE SYSTEM, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM ("OOGEDT") THROUGH THE DESIGNATION AS A QUALIFIED BUSINESS AND ENTERPRISE PROJECT ("PROJECT") UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE("ACT").

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 16: 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 Vineyard Public Improvement District (PID). The Vineyard PID is located in northwest Amarillo south of the Loop and Broadway Drive. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7348

AN ORDINANCE LEVYING AN ASSESSMENT ON PROPERTY WITHIN THE VINEYARD 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; SPECIFYING THE METHOD OF PAYMENT OF THE ASSESSMENT; 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 17: Mayor Harpole presented an ordinance changing the zoning in Block 58, Bivins Addition Amended, Section 187, Block 2, AB&M Survey, Potter County, from Residential District 1 to Residential District 1 with a specific use permit for philanthropic uses related to Mary E. Bivins Foundation. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7349

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 INTERSTATE FORTY AND GEORGIA STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; 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 18: 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 Escajeda, seconded by Commissioner Green, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Purchase – Computer Equipment:

Award on State of Texas Department of Information Resources (DIR) Cooperative Purchase Program to Dell Computers -- \$90,329.45

This approves the purchase of a variety of Dell laptops, workstations and LCD monitors to replace existing equipment that has been in service 6 years. The purchase also includes network storage devices and servers to replace aging equipment as well as provide redundancy and failover capabilities.

B. Award – Elevator and Escalator Service Annual Contract:

Award to low responsive bidder: Schindler Elevator Corporation -- \$41,952.00

This is the annual contract for maintenance, repair, and emergency response for 19 elevators and 3 escalators at the Airport and other City locations.

C. Approval – Airport Land Lease Agreement Federal Aviation Administration:

This approves a land lease between the Amarillo International Airport and the Federal Aviation Administration (FAA) for outer marker equipment on Runway 04. The equipment is part of the Instrument Landing System. The term of the lease will be 15 years and provides no monetary consideration.

D. Approval – Airport Drainage Improvements Contract Administration:

KSA Engineers, Inc.: Task Order Number 10 -- \$165,223.00

This approves task order number 10 for the professional services and related fees necessary to provide construction administration, project inspections and materials testing for the airport drainage improvement construction project.

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. Robert Taliaferro, 4400 S.W. 3<sup>rd</sup> Avenue, stated that flooding occurred in the West Hills area after last week's rain. He asked if it is mandatory to place barriers up to prevent the water flow from causing flooding. He stated that this happened in that area due to the




reconstruction of the Amarillo Country Club Golf Course and asked if the City had workers come out after the storm to repair the damage caused by the excessive water flow. Mr. Atkinson asked him to meet with Michael Rice, Director of Public Works, about the issue after the meeting. There were no further comments.

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

ATTEST:

  
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Donna DeRight, City Secretary

  
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Paul Harpole, Mayor