

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 18<sup>th</sup> day of September 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 proposed 2012/2013 fiscal year budget and program of service for the Downtown Amarillo, Inc. 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
DEAN FRIGO	ASSISTANT CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
DONNA DERIGHT	CITY SECRETARY

The invocation was given by Jim Simms, Commissioner No. 4. Mayor Harpole led the audience in the Pledge of Allegiance.

A proclamation was presented for "Constitution Week."

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 11, 2012. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, and unanimously carried, to approve the minutes.

ITEM 2: Mayor Harpole presented an ordinance changing the zoning of a tract in Section 161, Block 2, AB&M Survey, Potter County, in the vicinity of Willow Creek Drive and River Road from Moderate Density District to General Retail District for a Dollar General retail store. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7367

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 WILLOW CREEK DRIVE AND RIVER ROAD, 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 3: Mayor Harpole presented an ordinance adopting the City of Amarillo budget for the 2012/2013 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 Eades made the motion to adopt the proposed budget which reflects an increase in revenue derived from property tax revenues over last year's budget. It was seconded by Commissioner Green and the following captioned ordinance passed on second and final reading:

ORDINANCE NO. 7363

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2012, THROUGH SEPTEMBER 30, 2013, 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; DIRECTING THE USE OF STATE FEE SCHEDULES FOR PUBLIC INFORMATION; AMENDING VARIOUS PROVISIONS OF THE AMARILLO MUNICIPAL CODE TO MODIFY, INCREASE, OR DELETE VARIOUS FEES AND RATES AS FOLLOWS: CHAPTER 2-4, RETURNED CHECK FEE; CHAPTER 2-7 ESTABLISHING PRIORITIES AND FEES FOR RADIO SHOP; CHAPTER 4-1, ARTICLE I, VARIOUS BUILDING, CONSTRUCTION, PLUMBING, HVAC, ELECTRICAL PERMIT & INSPECTION FEES, AND ADDING NEW TRADE LICENSES FOR INSULATORS, GLASS AND GLAZERS, AND SWIMMING POOLS AND SPAS; CHAPTER 8-3, ARTICLE IV, CERTAIN LANDFILL FEES; CHAPTER 10-4, FINGERPRINT FEES; CHAPTER 12-1, ARTICLE I, ATHLETIC TEAM FEE, AND ARTICLE II, ADULT ZOO ADMISSION FEE; CHAPTER 16-3, PARADE AND BLOCK PARTY FEES; CHAPTERS 18-2 AND 18-3, VARIOUS WATER AND SEWER RATES AND OTHER FEES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; 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 4: Mayor Harpole presented 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 2012 tax year. This ordinance establishes an ad valorem tax rate of \$0.29276 per \$100.00 property valuation for City maintenance and operations expenses and \$0.02733 per \$100.00 property valuation for existing debt expenses resulting in a total ad valorem rate of \$0.32009 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 0.79 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$0.46. 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 (which is the same as last year), being \$0.29276 for maintenance and operations, and \$0.02733 for debt service, for a combined total rate of \$0.32009, which is effectively a 0.79 percent increase in the tax rate over the effective rate. The motion was seconded by Commissioner Simms and the following captioned ordinance passed on second and final reading:

ORDINANCE NO. 7364

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 2012; ESTABLISHING AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES.

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 stated that pursuant to the terms of Tex. Loc. Gov. Code, Sec. 102.007(c), the City Commission is required to take a separate ratification vote on the tax rate when the adopted budget requires more property tax revenue than did the previous year's budget. Commissioner Simms stated that pursuant Tex. Loc. Gov. Code, Section 102.007(c), he move that the City Commission ratify the budget and tax rate, as adopted, recognizing such budget will require more revenue from property taxes than did the budget adopted last year. It was seconded by Commissioner Escajeda. 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 approving the City's participation in the Texas Municipal Retirement System (TMRS) updated service credits and five-year vesting programs. These items help insure that the City remains competitive in attracting and retaining quality personnel. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7365

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: (1) AFFECTING PARTICIPATION OF CITY EMPLOYEES IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM; GRANTING THE ADDITIONAL RIGHTS, CREDITS AND BENEFITS AUTHORIZED BY SECTIONS 852.205 OF TITLE B. GOVERNMENT CODE, AS AMENDED; (2) AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE MEMBERS OF THE CITY OF AMARILLO; PROVIDING A REPEALER CLAUSE; AND PRESCRIBING THE EFFECTIVE DATE OF THIS ORDINANCE.

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 an ordinance amending Division 6, Chapter 16, Article IV, of the Amarillo Municipal Code. This ordinance enacts a ban on the use of hand-held wireless devices on the public streets in Amarillo. Use of a wireless device through a voice operated hands-free device is allowed by this ordinance.

Mayor Harpole asked for comments regarding this ordinance. Mike Fisher, 4410 Van Kriston, appeared and stated that he does not feel the City Commission is listening to its citizens and he would like the issue put on the ballot. Felipe Lopez, 3804 N.E. 24<sup>th</sup> Avenue, appeared and stated that the Commission has done a good on this issue and is in favor of the ban. Ron Nistler, 6912 Logan, appeared and stated that he is in favor of a no texting ban but not an entire cell phone ban because he needs to use the cell phone for his business. He was advised that the ordinance allows for the use of cell phones with a hands free device. Mr. Norris advised that some minor changes were made to the ordinance from last week's meeting to clarify the use of the hands free devices. Trina Fournier, 4427 S. Hayden, appeared and stated more people spoke against the ban at the public hearings held by the Traffic Commission than in favor of it. She also stated that she does not believe the Traffic Commission thoroughly read the traffic studies as was stated by a Traffic Commission member. Paul Harwood, 5601 Bell, appeared and stated that he sees many near accidents due to cell phones and he is in favor of the ban.

Rev. Robert Taliaferro, 4400 S.W. 3<sup>rd</sup> Avenue, appeared and stated that he has provided the City Commission with statistics about accidents caused by cell phone use while driving and because of what is shown in the traffic studies he believes the ordinance to be very unnecessary. Leticia Goodrich, 6510 Sandie, appeared and stated that this issue should be put on the ballot. Greg Pride, 905 Johnson, appeared and stated that he is in favor of no texting while driving but there are times when people need to use the cell phone for driving directions. Mayor Harpole advised him that they can use a hands free device or input the address before they start to drive. James Schenck, 4216 Summit, appeared and stated that he agrees with a no texting ban but does not think people talking on cell phones is the main cause of accidents. Commissioner Eades stated that many good points have been made over the last several weeks. He stated this is a public health and safety issue. He stated that there have been numerous studies given to them on both sides of the issue. He stated concerns with the statement made about the Traffic Commission not presenting accurate information to them and expressed his appreciation to the Traffic Commission for taking the charge given to them and doing such great work. Mayor Harpole stated his concerns about the accusation made about statements from a Traffic Commission member and the actions of the Traffic Commission. He thanked the Traffic Commission for the information they provided to the City Commission and to the people who attended the meetings and voiced their opinions.

Barbara Latham, 7 Tascocita, appeared in favor of the ordinance. Commissioner Green stated that democracy is not perfect but this is what it is all about for people to be able to present their opinions and ideas. She stated that they are trying to balance many rights and everyone on the road has a right to be safe. George Schwarz, 1611 S. Travis, appeared and stated that the majority who spoke opposed the ban for using the cell phone for talking. He stated that Ms. Fournier did represent what actually happened at the Traffic Commission meetings. Mayor Harpole advised that as of this meeting there have been 27 people speak in favor and 20 speak in opposition to the ordinance.

Motion was made by Commissioner Eades, seconded by Commission Green, that the following captioned ordinance be passed on second and final reading. Commissioner Simms stated that he is voting against the ordinance. He advised that he is in favor of a ban on texting while driving but cell phones are a part of people's lives today and is not in favor of a ban on the use of holding a cell phone while talking. He stated that the City Commission has a responsibility to educate the public on this ordinance and how dangerous it is to use a cell phone while driving.

ORDINANCE NO. 7366

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING DIVISION 6 OF CHAPTER 16, ARTICLE IV OF THE MUNICIPAL CODE OF THE CITY OF AMARILLO TO ENACT A CITYWIDE BAN ON THE USE OF HANDHELD WIRELESS DEVICES BY MOTORISTS UPON PUBLIC STREETS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

ITEM 8: Mayor Harpole advised that appointments are needed for certain boards and commission. Motion was made by Commissioner Green, seconded by Commissioner Simms, and unanimously carried, to the Amarillo Health Facilities Corporation appoint Murille Barnes to the unexpired term of Ed Flood, such term to expire April 30, 2013, to the Colonies Public Improvement District Advisory Board reappoint Lew Bradshaw, Craig Bryan and Eric White, such terms to expire September 30, 2015, to the Quail Creek Public Improvement District reappoint Ricky Culp and Jim Luginbill, such terms to expire September 1, 2015, to the Tax Increment Reinvestment Zone No. 1 Board of Directors appoint Anette Carlisle to the unexpired term of John Ben Blanchard as the Amarillo Independent School District representative, such term to expire March 20, 2014, and to the Tutbury Public Improvement District Advisory Board reappoint Larry Orman and Nelda Morton and appoint Dick Weddington to the expired term of Cathy Bailey, such terms to expire September 30, 2015.

ITEM 9: Mayor Harpole presented approves the 2012/2013 Tax Increment Reinvestment Zone No. 1 budget. Richard Brown, Chairman of the Tax Increment Reinvestment Zone No. 1 Board of Directors, appeared and stated that their income is going up which indicates that downtown revitalization is making progress and he urged the City Commission to approve the budget. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned resolution be passed:

RESOLUTION NO. 09-18-12-1

A RESOLUTION OF THE CITY OF AMARILLO CITY COMMISSION: ADOPTING THE BUDGET OF THE TAX INCREMENT REINVESTMENT ZONE NO. 1, CITY OF AMARILLO FOR THE FISCAL YEAR OCTOBER 1, 2012 TO SEPTEMBER 30, 2013.

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 a resolution approving the 2012/2013 Amarillo Convention and Visitor Council budget with funding from hotel/motel occupancy tax revenue collected within the City. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned resolution be passed:

RESOLUTION NO. 09-18-12-2

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS: APPROVING EXPENDITURE OF HOTEL OCCUPANCY TAX REVENUE BY THE AMARILLO CONVENTION AND VISITOR COUNCIL FOR THE FISCAL YEAR OCTOBER 1, 2012 TO SEPTEMBER 30, 2013.

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 a resolution approving the 2012/2013 budget for the Amarillo-Potter Event Venue District. Motion was made by Commissioner Eades, seconded by Commissioner Green, and the following captioned resolution passed:

RESOLUTION NO. 09-18-12-3

A RESOLUTION OF THE CITY OF AMARILLO: APPROVING THE PROPOSED OPERATING BUDGET FOR THE FISCAL YEAR 2012-2013 FOR THE AMARILLO POTTER EVENT VENUE DISTRICT.

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 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. Purchase – Traffic Signal Equipment and Accessories:

Award to low responsive bidders by lot as follows:

Naztec Inc. (Lots 1, 5)	\$ 54,965.00
Structural and Steel Products, Inc. (Lot 2)	\$ 33,473.00
Traffic Parts, Inc. (Lot 3)	\$ 19,844.00
Republic ITS (Lot 4)	\$ 12,729.00
Texas Highway Products (Lot 6)	\$ 19,499.80
Control Technologies, Inc. (Lots 7, 8)	<u>\$ 33,345.30</u>
Total Award	\$173,856.10

This approves the annual purchase of various new and replacement parts used for the maintenance and rebuilding of existing signalized intersections in Amarillo.

B. Acceptance – Tuberculosis Prevention and Control Grant:

Agency: Texas Department of State Health Services  
Grant Amount: \$63,500.00

This is the acceptance of the fiscal year 2012/2013 grant funding from the Texas Department of State Health Services (DSHS) for the Amarillo Department of Public Health Tuberculosis Prevention and Control Program. These funds will support the Public Health Department's ongoing efforts regarding Tuberculosis prevention and control in the City and Potter and Randall Counties.

C. Approval – Water Main Installation Project:

Award to low responsive bidder:

West Texas Utility Contractors, Inc. -- \$474,622.00

This is the contract to install approximately 1,950 linear feet of 12" water main between S.E. 3<sup>rd</sup> Avenue and N.E. 3<sup>rd</sup> Avenue in the vicinity of Osage Street and includes crossing under the Burlington Northern Santa Fe rail lines. This project will replace an existing line that is no longer serviceable.

- D. Approval – Well Field Electrical Service Improvements Contract:  
Award to low responsive bidder: Ray Electric Company -- \$34,050.00

This is the contract to convert four existing wells in the Carson County Wellfield from the present overhead electrical service to new underground electric service. This is an ongoing project in the Carson County Wellfield and results in increased reliability at these locations.

- E. Approval – Water Main Extension Project:  
Award to low responsive bidder:  
West Texas Utility Contractors, Inc. -- \$84,451.77

This is the contract to install approximately 315 linear feet of 12” water main to connect an existing dead-end main to an existing 30” distribution main in south Washington Street.

- F. Approval – Professional Design Services:  
Award to Crenshaw Consulting Group LP -- \$52,000.00

This is the contract for the necessary design and construction phase professional services to replace the roof on Hangar 3000 at the airport. This hangar received extensive roof damage during a recent weather event and repair is not feasible.

- G. Approval - Airport Non-Exclusive Rental Car Concession Agreements:  
Award to top four evaluated proposers:  
EAN Holdings dba Enterprise Rent-A-Car  
EAN Holdings dba National Car Rental  
Avis  
Hertz

Combined Minimum Annual Guarantee -- \$1,092,847.00

This is the concession agreement to four companies to provide rental car services at the Rick Husband Amarillo International Airport. These four companies were selected on the basis of a competitive Request for Proposals (RFP) process and all meet or exceed the requirements contained in the RFP. Under the terms of the agreement, each company will provide a minimum or floor payment for the use of facilities and right to operate at the Airport.

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.

Ken Graham, 3007 Harmony, appeared and thanked the Commission for approving Ordinance No. 7366 and began to comment on the ordinance. Mayor Harpole advised him that the time to speak on this ordinance was when it was presented and it cannot be discussed in this portion of the meeting. Veatrice Johnson appeared concerning a shooting that took place at The Legend and the investigation by the Police Department. Mr. Atkinson advised that someone would follow up and discuss this with her after the meeting. There were no further comments.

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

ATTEST:

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Donna DeRight, City Secretary

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Paul Harpole, Mayor