

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 4<sup>th</sup> day of December 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
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
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Burt Palmer, Polk Street United Methodist Church. 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 November 27, 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 amending Section 2-4-26 of the Amarillo Municipal Code to authorize the use of modern technology for electronic record storage and access. Motion was made by Commissioner Escajeda to ratify the past actions by the City Secretary, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7380

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 2-4, ARTICLE II, SECTION 2-4-26 TO AUTHORIZE USE OF MODERN TECHNOLOGY FOR ELECTRONIC RECORD STORAGE AND ACCESS; 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, 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 changing the zoning of changing the zoning of an 11.92 acre tract of land in Section 63, Block 9, BS&F Survey, Randall County, in the vicinity of Southwest 45<sup>th</sup> Avenue and Soncy Road from Agricultural District and Planned Development 320 to Amended Planned Development for expansion of existing auto sales operations. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7381

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 SOUTHWEST FORTY-FIFTH AVENUE AND SONCY ROAD, RANDALL 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 4: Mayor Harpole presented an ordinance vacating of a 20 foot alley, in Block 338, Holland's Addition and a portion of Southeast 2<sup>nd</sup> Avenue, north of Block 338, Holland's Addition, in Section 156, Block 2, AB&M Survey, Potter County, in the vicinity of Southeast 2<sup>nd</sup> Avenue and South Arthur Street. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7382

AN ORDINANCE OF THE CITY OF AMARILLO DETERMINING LACK OF PUBLIC NECESSITY FOR PORTION OF A STREET AND ALLEY IN THE VICINITY OF SOUTHEAST SECOND AVENUE AND ARTHUR STREET, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN-DESCRIBED RIGHT-OF-WAY SAVE AND EXCEPT CREATION OF A UTILITY AND DRAINAGE EASEMENT; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE.

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 the Amarillo Municipal Code, Chapter 12-4, Section 12-4-5 to amend certain golf fees. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7383

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 12-4 SECTION 12-4-5 TO AMEND CERTAIN GOLF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; 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 of an ordinance annexing a 16.35 acre tract of land in Section 62, Block 9, BS&F Survey, Randall County. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7371

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS, VOLUNTARY ANNEXATION OF TERRITORY ADJACENT TO THE PRESENT CORPORATE LIMITS OF THE CITY OF AMARILLO, FINDING THAT ALL NOTICES AND HEARINGS AS REQUIRED BY LAW HAVE BEEN ISSUED AND CONDUCTED, DESCRIBING THE TERRITORY ANNEXED, OBLIGATING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED, PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF

INHABITANTS AND OWNERS IN SAID TERRITORY;  
 PROVIDING A SAVINGS CLAUSE; PROVIDING A  
 REPEALER CLAUSE 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 a resolution calling a public hearing to determine whether certain conditions described herein constitute a public nuisance at the following locations: 1712 N. Hughes Street and 304 North Prospect Street and amends the date for the public hearing to January 8, 2013. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned resolution be passed:

RESOLUTION NO. 12-04-12-1

A RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN CONDITIONS DESCRIBED HEREIN CONSTITUTE A PUBLIC NUISANCE AT THE LOCATION(S) STATED; 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 8: Mayor Harpole presented a resolution that suspends the effective date of the rate increase filing from Southwestern Public Service Company for a period of ninety (90) days, until at least March 20, 2013. This action allows the City of Amarillo and other affected entities time to evaluate, negotiate or deny the requested increase. This resolution further authorizes the hiring of the necessary attorneys, consultants and other experts to assist the City in its efforts. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned resolution be passed:

RESOLUTION NO. 12-04-12-2

RESOLUTION BY THE CITY OF AMARILLO, TEXAS ("CITY") SUSPENDING THE EFFECTIVE DATE FOR NINETY DAYS IN CONNECTION WITH THE RATE INCREASE FILING OF SOUTHWESTERN PUBLIC SERVICE COMPANY MADE ON OR ABOUT NOVEMBER 15, 2012; AUTHORIZING THE CITY TO JOIN WITH OTHER CITIES IN THE ALLIANCE OF XCEL MUNICIPALITIES ("AXM") TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; AND MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING 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 9: Mayor Harpole advised that appointment was needed for certain boards and commissions. Motion was made by Commissioner Simms, seconded by Commissioner Escajeda, and unanimously carried to appointment to the Airport Board, Dr. Jack Waller to replace Tom Nichols, such term to expire October 1, 2015. 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 the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Comments were made by Rod Tweet concerning Item B. Mr. Tweet stated this was the next phase in the expansion of the Amarillo Athletic Complex which includes an extension to the Rick Klein Baseball Complex parking lot. This expansion allows the City to construct four multiple-use fields and expands parking by 200 spaces. These fields will be 80 yard x 130 yard and may also be used as football fields. Motion was made by Commissioner Escajeda, seconded by Commissioner Eades, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Medicare Provider Authorization – Department of Public Health:

This item authorizes the City Manager to approve the submission an application by the Department of Public Health as a Medicaid Provider. Having a Medicaid Provider number enables the City to apply for funding and potentially bill for Medicaid services in the future.

B. Award – Amarillo Athletic Complex Phase II Project:

Award to lowest responsive bidder: L A Fuller & Sons Construction, LTD. as follows:

Base Bid:	\$1,137,740.00
Deductive Alternate #2 -- (\$ 116,600.00)	
Net Award:	\$1,021,140.00

This item awards a contract for the construction of four (4) irrigated multi-use soccer playing fields, a 200 car parking lot, and a concrete plaza area that will support a future restroom for Phase II of the Amarillo Athletic Complex. The project is south of the existing Rick Klein Baseball Complex. Completion of the project is expected by August 2013. The new fields will be available for play in the 2014 season. Funding for the project is available from the approved Parks Division Capital Improvement Program budget.


ITEM 11: Sonja Gross, Community Relations Coordinator, appeared and provided an overview of the City of Amarillo's Handheld Cell Phone Ban Campaign – "*One Text or Call Could Wreck It All.*"


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.

Trina Fournier, 4427 S. Hayden, appeared to comment on the new security measures. James Schenck, 4217 Summit, asked for clarification for using a cell phone to activate a call. David Kossey, 1014 Cimarron, Canyon, asked why the education campaign wasn't started before the ordinance. He also commented on the water drainage fee and asked why it was considered a fee and not a tax. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

  
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 Frances Hibbs, City Secretary

  
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 Paul Harpole, Mayor