

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 17th day of August 2010, the Amarillo City Commission met at 1:30 p.m. at City Hall on the third floor in Room 303 in the Conference Room to review agenda items for the regular meeting and discuss the 2010/2011 City of Amarillo budget.

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:

DEBRA MCCARTT	MAYOR
MADISON SCOTT	COMMISSIONER NO. 1
BRIAN EADES	COMMISSIONER NO. 2
RONALD BOYD	COMMISSIONER NO. 3
JIM SIMMS	COMMISSIONER NO. 4

Absent was none. Also in attendance were the following administrative officials:

JARRETT ATKINSON	INTERIM CITY MANAGER
KELLEY SHAW	PLANNING DIRECTOR
MARCUS NORRIS	CITY ATTORNEY
DONNA DERIGHT	CITY SECRETARY

The invocation was given by Georgia King, Chaplain at Baptist St. Anthony's Health System. Mayor McCartt led the Pledge of Allegiance and introduced Boy Scout Troops 1221 and 86.

Mayor McCartt established a quorum, called the meeting to order, welcomed those in attendance and the following items of business were conducted:

ITEM 1: Mayor McCartt presented the minutes of the regular meeting held August 10, 2010. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, and unanimously carried, to approve the minutes.

ITEM 2: Mayor McCartt opened a public hearing for discussion and consideration of a proposed tax rate for maintenance and operation and debt service for the proposed 2010/2011 City of Amarillo fiscal budget. Mr. Atkinson explained the different tax rates for consideration. He stated the proposed tax rate is .31784, the effective tax rate is .31186 and the current tax rate is .31009 and the Commission could adopt any of these tax rates.

Commissioner Simms stated that the economy is in a difficult situation and times are tough right now. He advised that for those reasons he is in favor of leaving the tax rate at the current rate. Commissioner Boyd stated that we need to hold spending right now even though there are many projects that need to be done. He commented that until the economy turns around he is in favor of staying with the current tax rate. Commissioner Eades stated that we need to keep our infrastructure from deteriorating and from making future generations pay for it later. He also stated that public health and safety is an issue and more police officers are needed. He advised that we need to be conservative with the tax rate. Commissioner Scott stated that the economy is hurting and we need to keep the tax rate the same. Mayor McCartt stated that we have to go forward and not backwards. She commented that if we stay at the current tax rate the infrastructure needs will not be addressed properly, and therefore we need the effective tax in order to keep going forward with the needs of our city. There were no further comments from the City Commission or from the audience. Motion was made by Commissioner Boyd, seconded by Commissioner Scott, to approve a tax rate of .31009. Voting AYE were Commissioner Scott, Boyd and Simms; voting NO were Mayor McCartt and Commissioner Eades; the motion carried by a 3:2 vote of the Commission.

ITEM 3: Mayor McCartt presented an ordinance approving revised tariffs for the sale of natural gas in Amarillo by the Atmos Energy Company. Dean Frigo, Assistant City Manager of Financial Services, advised that this change would reflect an increase of 2.2 percent. There were no further comments. Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7229

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS, ("CITY"): APPROVING A NEGOTIATED RESOLUTION BETWEEN THE CITY AND ATMOS ENERGY CORP., WEST TEXAS DIVISION ("ATMOS WEST TEXAS" OR "COMPANY") REGARDING THE COMPANY'S SECOND RATE REVIEW MECHANISM FILING IN THE CITY; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE THE CITY'S REASONABLE RATE CASE EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; APPROVING ATMOS' PROOF OF REVENUES; ADOPTING AN AGREED CAP CALCULATION; ACCORDANCE WITH THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; PROVIDING REPEALER AND SAVINGS CLAUSES; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITY'S LEGAL COUNSEL.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 4: Mayor McCartt presented an ordinance adopting the 2010/2011 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Colonies Public Improvement District (PID). There were no comments. Motion was made by Commissioner Scott, seconded by Commissioner Simms, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7131

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 2010-2011; ADOPTING A BUDGET FOR FISCAL YEAR 2010-2011 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 McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 5: Mayor McCartt presented an ordinance adopting the 2010/2011 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Point West Public Improvement District (PID). There were no comments. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7131

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 2010-2011; ADOPTING A BUDGET FOR FISCAL YEAR 2010-2011 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 McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 6: Mayor McCartt presented an ordinance adopting the 2010/2011 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Tutbury Public Improvement District (PID). There were no comments. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7131

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 2010-2011; ADOPTING A BUDGET FOR FISCAL YEAR 2010-2011 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 McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 7: Mayor McCartt presented a resolution conducting a public hearing on and ordering the removal of substandard structures located in the city. Mr. Atkinson advised that the property at 605 E. Amarillo Boulevard had a new owner and permits had been issued for renovation with completion in the next 60 days. He presented two other properties for consideration and there were no comments on those properties. Motion was made by Commissioner Eades, seconded by Commissioner Scott, to remove the property at 605 E. Amarillo Boulevard and the following captioned resolution be passed:

RESOLUTION NO. 8-17-10-1

A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE PUBLIC NUISANCES, AND REQUIRING THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS; PROVIDING FOR FILING OF LIENS; PROVIDING A REPEALER CLAUSE; PROVIDING SEVERANCE CLAUSE; PROVIDING EFFECTIVE DATE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 8: Mayor McCartt presented an ordinance changing the zoning of a tract of land in the vicinity of Southwest 6th Avenue and Carolina Street from Residential District 3 to Light Commercial District. There were no comments. Motion was made by Commissioner Scott, seconded by Commissioner Simms, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7227

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 SIXTH AVENUE AND CAROLINA STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 9: Mayor McCartt presented an ordinance changing the zoning of a tract of land in the vicinity of Alexandria Avenue and Knoll Drive from Agricultural District to Residential District 2. There were no comments. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7228

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 ALEXANDRIA AVENUE AND KNOLL DRIVE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 10: Mayor McCartt advised that appointments need to be made for the Downtown Urban Design Review Board. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, and unanimously carried, to appoint Chan Davidson, Dana Williams, Bob Rathbun, Howard Smith, David Horsley, Melissa Henderson, Kevin Nelson, Mason Rogers, Wes Reeves and the alternate to be Charles Lynch. In order to stagger the appointments, there will be a drawing for two and three year terms at the first meeting.

ITEM 11: Mayor McCartt presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were no comments. Motion was made by Commissioner Eades, seconded by Commissioner Scott, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

- A. Purchase – Suburban Utility Vehicle:
Award to Caldwell Country Chevrolet -- \$40,204.00

This is the purchase of a Suburban Utility Vehicle for use by the Amarillo Fire Department to replace a 1997 model command vehicle which was totaled in a recent accident.

- B. Award - Annual Supply Agreement – Clamps:
Award to Low Bidder by Line Item as follows:

Water Products

Lines 1-4, 7-10, 13-20, 23, 24, 31, 32,
35-39, 41-49, 52-54, 57, 58, 61-66 \$ 57,371.32

Ferguson Enterprises

Lines 5, 11, 12, 25-30, 33, 34, 40 \$ 9,562.32

Wheeler Municipal	
Lines 6, 21, 22, 50, 51	\$ 3,660.10
Western Industrial	
Line 55, 56, 59, 60	<u>\$ 4,149.76</u>
TOTAL AWARD	\$ 74,743.50

This is the award of the annual supply contract to provide pipe repair clamps, compression fittings, tapping saddles and clamps and other miscellaneous clamps.

C. Award – Potter County Wellfield Pump Station and Ground Storage Tank Project:
Award to low responsive bidder Archer Western Contractors, LTD. as follows:

Base Bid: \$6,472,750.00
 Alternate 1: \$1,360,250.00
 Total Award: \$7,833,000.00

This is the award of a contract to construct the new pump station and associated ground storage tanks for the Potter County Wellfield Project. The improvements will provide the necessary pumping and storage capacity for the initial phase of this wellfield project and the alternate award will add a second 3 million gallon ground storage tank to allow for future expansion.

D. Dedication and Acceptance – Aviation Clear Zone Easements:
4250 ft. MSL above the plat of South Haven Addition Unit No 3 from Edgar and Marilu Contreras of the Nazcon Group LP.

Mayor McCartt 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. There were no comments. Mayor McCartt announced that the meeting was adjourned and the City Commission would return to Executive Session.

ATTEST:

Donna DeRight, City Secretary

Debra McCartt, Mayor