

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 1st day of March 2011, 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:

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

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

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

The invocation was given by Matt Blake, Central Church of Christ. Mayor McCartt led the Pledge of Allegiance.

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 February 23, 2011. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, and unanimously carried, to approve the minutes.

ITEM 2: Mayor McCartt presented a resolution to conduct a public hearing on the three initiative petitions submitted by the City Secretary to the City Commission at its meeting on February 15, 2011. The petitions seek, respectively, repeal of Ordinance No. 7201 which made certain changes to the Business Sign regulations, the repeal of Ordinance No. 7223 establishing downtown urban design standards and various procedures related thereto, and seeking a charter amendment to adopt the single member district method for electing city commissioners. This resolution renders a determination as to each petition and gives city staff further instructions for each.

Mayor McCartt opened the public hearing for the repeal of Ordinance No. 7201, Business Sign Regulations. Amy Taylor-Restine, 721 Short Street, Karl Taylor-Restine, 721 Short Street, Sandra Dunn, 2709 S. Van Buren, Jimmy Hammons, 1514 S. Pierce, Irma Heras, 1604 S. Harrison, and Johnny Johnson 708 E. St. Francis, appeared. It was stated that the voters have spoken by signing the petitions. They asked the Commission to do what was requested by the petitions and repeal the Urban Design Standards and the Business Sign ordinance and approve the single member district charter amendment. There were no further public comments. Commissioner Eades asked what the wording on the ballot would be for these issues. Mr. Norris advised that the language on the petitions is too lengthy to place on the ballot and the law only requires a simple description. He advised that he would read the ballot wording when the next item is presented. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, and unanimously carried, to place the repeal of Ordinance No. 7201 on the ballot for the May 14, 2011 election.

Mayor McCartt opened the public hearing for the repeal of Ordinance No. 7223, Downtown Urban Design Standards. Amy Taylor-Restine, 721 Short Street, Jimmy Hammons, 1514 S. Pierce, Kathie Altman, 2105 S. Lipscomb, John Sawyers, P. O. Box 7154, Viola Keller, 83 N. Georgia, Sandra Dunn, 2709 S. Van Buren, Irma Heras, 1604 S. Harrison, and Gary Lindvay, 4802 Carol Lane, appeared in favor of the repeal of the Urban Design Standards. They stated that their property rights have been taken away and they want the same property rights as other neighborhoods. They advised that the residents included in the Urban Design Standards do not want to be included as a part of the standards and the Commission have not listened to their request. It was noted that the people who live and own businesses in the area should pay for the revitalization. It was stated that there are other areas of the city that need to be revitalized, such as the San Jacinto area. There were no further public comments. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, and unanimously carried, to place the repeal of Ordinance No. 7223 on the ballot for the May 14, 2011 election.

Mayor McCartt opened the public hearing for the charter amendment to adopt single member districts for the election of city commissioners. Sandra Dunn, 2709 S. Van Buren, Fransetta Crow, 1508 N. Hughes, Amy Taylor-Restine, 721 Short Street, John Sawyers, P. O. Box 7154, Johnny Johnson, 708 E. St. Francis, Kathie Altman, 2105 S. Lipscomb, Irma Heras, 1604 S. Harrison, Jimmy Hammons, 1514 S. Pierce, Karl Taylor-Restine, 721 Short Street, and Gary Lindvay, 4802 Carol Lane, appeared in favor of single member districts. They stated that there is a need for representation in all areas of the city and they believe their concerns will be better heard with a Commissioner elected from different areas of the city. They commented that citizens would be more comfortable expressing their concerns to their own representative. There were no further public comments. Commissioner Simms commented that he represents each and every citizen and is always available to speak with anyone who has a problem or complaint to discuss. He advised that with single member districts citizens would have only the Mayor and the Commissioner for their area to address their issues. Commissioner Scott stated he is against Single Member Districts and the voters have always voted against single member districts. He commented that in many cities with single member districts, the elected officials will vote against each other and that results in not doing what is best for the citizens and the entire community. Motion was made by Commissioner Eades, seconded by Commissioner Scott, and unanimously carried, to place the charter amendment to adopt single member districts for the election of city commissioners on the ballot for the May 14, 2011 election.

Motion was made by Commissioner Simms, seconded by Commissioner Boyd, that the following captioned resolution be passed:

RESOLUTION NO. 03-01-11-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: CONDUCTING PUBLIC HEARINGS ON THREE REFERENDUM PETITIONS SEEKING THE REPEAL OF ORDINANCES CONCERNING BUSINESS SIGN REGULATIONS AND DOWNTOWN URBAN DESIGN STANDARDS, AND SEEKING SINGLE MEMBER DISTRICT ELECTIONS; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND 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 3: Mayor McCartt presented an ordinance calling the regular municipal election to be held on May 14, 2011. Mr. Atkinson advised the Commission that in the motion the petitions voted on from the previous item need to be included in order for them to be placed on the ballot. Mr. Norris read the ballot wording for the petition items. Motion was made by Commissioner Eades, seconded by Commissioner Scott, to amend the ordinance to include the three initiating petitions on the ballot and the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7269

AN ORDINANCE OF THE AMARILLO CITY COMMISSION: ORDERING THE REGULAR MUNICIPAL ELECTION OF THE CITY OF AMARILLO, TEXAS, TO BE CONDUCTED ON THE 14TH DAY OF MAY 2011 IN THE

CITY OF AMARILLO, TEXAS; DESIGNATING POLLING PLACES; DESIGNATING JUNE 11, 2011 AS THE RUN-OFF ELECTION DATE; AND ORDERING REFERENDUM PROPOSITIONS BE PLACED ON THE BALLOT AT SAID ELECTION, REGARDING: REPEAL OF CHANGES TO BUSINESS SIGN ORDINANCE, REPEAL OF DOWNTOWN URBAN DESIGN STANDARDS, AND AMENDING THE CITY CHARTER TO REQUIRE SINGLE MEMBER DISTRICT ELECTIONS; AND PROVIDING FOR THE CONDUCT OF SUCH ELECTION.

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 changing the zoning of a 3.25 acre tract of unplatted land in Section 43, Block 9, BS&F Survey, Potter County, in the vicinity of Evans Drive and Coulter Street from Agricultural District to Office District 1 for a medical office. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7263

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 EVANS DRIVE AND COULTER 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 5: Mayor McCartt presented an ordinance changing the zoning of a 2.23 acre tract of unplatted land in Section 24, Block 9, BS&F Survey, Potter County, in the vicinity of Westwood Drive and Blossom Way from Planned Development District 55 BCG to Amended Planned Development District for townhome development. Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7264

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 WESTWOOD DRIVE AND BLOSSOM WAY, 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 6: Mayor McCartt presented an ordinance changing the zoning of a 0.16 acre portion of Lot 9, Block 1, Meadowgreen Addition Unit No. 2, Section 4, Block 9, BS&F Survey, Randall County, in the vicinity of Winners Circle and Meadowgreen Drive from Office District 2 to Office District 2 with a specific use permit for a hair and nail salon. Motion was made by Commissioner Scott, seconded by Commissioner Simms, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7265

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 WINNERS CIRCLE AND MEADOWGREEN 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 7: Mayor McCartt presented an ordinance changing the zoning of Lots 1 thru 7, and Lots 15 thru 17, Block 15, Morningside Subdivision, Section 156, Block 2, AB&M Survey, Potter County, in the vicinity of Amarillo Boulevard and Mirror Street from Heavy Commercial District and Multiple Family District 1 to General Retail District for enlarging the current convenience store. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7266

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 AMARILLO BOULEVARD AND MIRROR STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Commissioners Scott, Eades and Boyd; voting NO were none; ABSTAINING were Mayor McCartt and Commissioner Simms; the motion carried by a 3:0:2 vote of the Commission.

ITEM 8: Mayor McCartt presented an ordinance changing the zoning of a 1.91 acre of Tract 111, Revised Pleasant Valley in Section 159, Block 2, AB&M Survey, Potter County, in the vicinity of St. Francis Avenue/Loop 335 and River Road from Residential District 1 to General Retail District for enlarging the current convenience store. Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7267

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 SAINT FRANCIS AVENUE AND RIVER ROAD, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Commissioners Scott, Eades and Boyd; voting NO were none; ABSTAINING were Mayor McCartt and Commissioner Simms; the motion carried by a 3:0:2 vote of the Commission.

ITEM 9: Mayor McCartt presented an ordinance vacating a portion of a 20 foot alley right-of-way in Block 15, Morningside Subdivision in Section 156, Block 2, AB&M Survey, Potter County, in the vicinity of Amarillo Boulevard and Mirror Street. This request will allow for construction of a new convenience store. Motion was made by Commissioner Scott, seconded by Commissioner Boyd, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7268

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

Voting AYE were Commissioners Scott, Eades and Boyd; voting NO were none; ABSTAINING were Mayor McCartt and Commissioner Simms; the motion carried by a 3:0:2 vote of the Commission.

ITEM 10: Mayor McCartt presented a resolution approving and authorizing the submission of a grant application to the Criminal Justice Division (CJD) of the Texas Governor's Office for the acquisition of a police canine vehicle and equipment. The purchase will add a third K-9 vehicle for use on the 4th shift. This grant application is in the amount of \$26,140.00 and requires matching funds of 50% or \$26,140 by the City of

Amarillo. The total amount of the grant is \$52,280. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, that the following captioned resolution be passed:

RESOLUTION NO. 03-01-11-2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AUTHORIZING A GRANT APPLICATION (GOVERNOR'S OFFICE, CRIMINAL JUSTICE DIVISION #2503301) FOR K-9 VEHICLE AND EQUIPMENT FOR FISCAL YEAR 2011/2012; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND 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 11: Mayor McCartt 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 Boyd, 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. Purchase – Fertilizer Annual Contract for Ross Rogers Golf Complex:

BWI Dallas/Ft. Worth - \$30,151.60

This is the annual purchase of fertilizer for the Ross Rogers Wild Horse course. Additionally, as the East Course redevelopment is completed the contractor will turn over greens to the City for grow-in maintenance beginning in mid to late June.

B. Purchase – Night Vision Equipment:

Night Optics USA - \$29,759.03

This is the purchase of night vision equipment for the Amarillo Police Department SWAT team. This purchase will equip the balance of the SWAT members.

C. Approval - Downtown Pedestrian Lighting Project Change Order:

Techline Inc.

Original Contract - \$255,615.00

Change Order #1 - \$ 61,536.00

Revised Contract - \$317,151.00

This is the approval of change order #1 and allows for the purchase of an additional 16 LED pedestrian lights for downtown Amarillo. The original contract awarded in January 2011 was for the purchase of 66 pedestrian LED lights at a unit cost of \$3,846.00. The pedestrian lights will be sold at cost to property owners or developers. Current requests for the pedestrian lights are anticipated at 79 lights, and include the Marriott by Courtyard at the Fisk, PRPC, 911, Potter County Courthouse, Happy State Bank, and the Merrick Building.

D. Approval – Water Main Replacement Contract:

Amarillo Utility Contractors - \$65,807.00

This is the approval of a construction contract for the installation of a six (6) inch water main in the Cline/Preston alley from Southwest 46th to Southwest 48th Avenue. The project will replace the existing deteriorated and undersized two (2) inch main.

E. Approval – Water Main Replacement Contract:

Amarillo Utility Contractors - \$289,655.60

This is the approval of a construction contract for the installation of a six (6) inch water main in the Summit Circle/Mesa Circle alley between Western Street and Teckla Blvd. The project will replace the existing deteriorated and undersized two (2) inch main.

- F. Approval – Water Distribution Improvement Contract:
Roberts Ditching LLC - \$177,226.50
This is the approval of a construction contract for the installation of an eight (8) inch distribution main in Southwest 10th Avenue and Plains from Florida Street to Virginia Street and north to the existing twelve (12) inch main in the Rails to Trails Park.
- G. Approval - Emergency Facilities and Land Use Agreement:
Texas Forest Service (TFS) #CO-11-095
This agreement allows the Texas Forest Service to use, at no cost, land/facilities at the Amarillo International Airport for staging of personnel and fixed wing and rotary aircraft for wild land fire surveillance and firefighting activities. The term of the agreement is February 21, 2011 through August 31, 2011.
- H. Approval – Property Purchase and Temporary Construction Easement:
Seller: Attebury Grain, LLC
Purchase Price: \$8,320
This property purchase and associated temporary easement is associated with the proposed reconstruction of Lift Station #32 at Osage Street and Southeast 58th Avenue in southeast Amarillo. Construction is anticipated to begin in Fall 2011.
(1) Property purchase: A 0.191 acre tract lying in Section 141, Block 2, AB&M Survey, Randall County, Texas
(2) Temporary construction easement: 14,049 square foot construction easement out of Section 141, Block 2 AB&M Survey, Randall County, Texas
- I. Approval - Professional Services Contract:
Alan Plummer Associates, Inc. – not to exceed \$111,533.00
This is the approval of a consulting services contract with Alan Plummer Associates, Inc for engineering and design services for the Lawrence Lake Bank Stabilization and Storm Water Pipe Retrofit project. This project includes the bank area and the repair of four (4) outfall locations at Lawrence Lake. Alan Plummer Associates have provided previous consulting services for Lawrence Lake repairs and improvements.
- J. Dedication and Acceptance – Aviation Clear Zone Easement and Utility Easement:
1. 4250 ft. MSL above the plat of South Haven Addition Unit No 2, in Section 152, Block 2, AB&M Survey, Randall County.
2. 3755 ft. MSL above the plat of Sunrise Park Unit No. 10, in Section 106, Block 2, AB&M Survey, Potter County.
- K. Dedication and Acceptance – Easements:
1. Dedication of a 200 square foot tract of land for right-of-way purposes in the vicinity of Southwest 9 Avenue and Coulter Street.
2. Dedication of a 15.74 square foot tract of land for right-of-way purposes in the vicinity of Bell Street and Morton Avenue.

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. The Texas Open Meetings law sets out the responses that can be made by the City Commission during the Public Forum. The responses are to provide a policy or state a fact that may address or answer the concern, direct the person to contact the City Manager or other City staff or consider placing the topic on a future meeting agenda for full discussion. In order to speak at this time an Appearance Registration form is to be completed and submitted to the City Secretary prior to the meeting.

Johnny Johnson, 708 E. St. Francis, appeared and read a letter concerning the downtown revitalization efforts. Jodie Maner, 3415 S. Austin, appeared stating that she does not feel this Commission is concerned about the citizens. She stated that it is apparent the Commission will not listen to the citizens by the actions they have taken on the golf course renovation as well as actions taken regarding other recent issues. John

Ingerson, 4706 W. 36th Avenue, appeared expressing that he feels the City Commission have become disconnected from the citizens. There were no other requests from the audience to appear before the City Commission.

Mayor McCartt stated that the meeting was adjourned and the City Commission would return to Closed Session.

ATTEST:

Donna DeRight, City Secretary

Debra McCartt, Mayor