

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 22nd 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
DEAN FRIGO	ASSISTANT CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
DONNA DERIGHT	CITY SECRETARY

The invocation was given by Davlyn Duesterhaus, Chaplain, Baptist St. Anthony's Health Systems. 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 March 15, 2011. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, and unanimously carried, to approve the minutes.

ITEM 2: Mayor McCartt presented an ordinance changing the zoning of a 28.10 acre tract of unplatted land in Section 25, Block 9, BS&F Survey, Potter County, in the vicinity of Ravenwood Drive and Bridlewood Drive from Agricultural District to Residential District 2 for single-family detached homes. Donna Walton, 27 Citadel, appeared and stated concerns about the possible drainage problems that could occur from the overflow of the Citadel Pond and the water from Lost Canyon that drains into the pond that could affect the Citadel area. Commissioner Eades advised that with more development throughout the city the drainage problems have increased. He stated that the City is focusing on ways to alleviate the drainage issues. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7272

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 RAVENWOOD DRIVE AND BRIDLEWOOD DRIVE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION 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 amending the Amarillo Municipal Code, Chapter 2-4, Article III, Section 2-4-35, Contracts or Transactions with debtors. This amendment clarifies the definitions of debt and provides for a remedy period. It

also ensures that the City will not execute new contracts or approve new transactions with parties who have delinquent debts or other legally enforceable obligations in arrears to the City of Amarillo. Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7273

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 2-4, ARTICLE III, SECTION 2-4-35, DESCRIBING PERSONS INELIGIBLE FOR CITY CONTRACT; 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 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 a resolution accepting a grant from the Texas Department of Transportation for selective traffic (seatbelt) enforcement activities during the period of March 1, 2011 to September 30, 2011. This grant will pay for overtime wages and other associated expenses for Amarillo Police Department officers participating in the enforcement program. Motion was made by Commissioner Scott, seconded by Commissioner Simms, that the following captioned resolution be passed:

RESOLUTION NO. 03-22-11-1

A RESOLUTION APPROVING PARTICIPATION IN THE TEXAS DEPARTMENT OF TRANSPORTATION SELECTIVE TRAFFIC ENFORCEMENT GRANT PROGRAM; 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 5: Mayor McCartt presented a resolution creating the Amarillo Local Government Corporation (ALGC) under the authority of Chapter 431, Subchapter D, Texas Transportation Code. The ALGC is established to explore the feasibility of downtown redevelopment projects and other projects beneficial to the City of Amarillo. This resolution creates the ALGC, adopts the Articles of Incorporation, the Bylaws and appoints the initial Directors. The ALGC is a separate legal entity that will act on behalf of the City to implement approved projects on City land. The ALGC shall be subject to and operate in accordance with the requirements of the Texas Open Meetings Act and the Texas Public Information Act. Mr. Atkinson explained that the ALGC will oversee the downtown projects approved by the City Commission. He also stated that agendas will be posted as required for the Board meetings and for the quorum of Commissioners who will attend as Board members. Johnny Johnson, 705 E. St. Francis, appeared against another board being formed that will have the authority to approve projects and spend taxpayer monies. He suggested that the Commission wait and see if we even want a downtown. Robert Goodrich 6510 Sandie Drive, appeared stating that he would like to know more about the board and how he could be considered to serve on it. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, to appoint Les Simpson, Glen Parkey, Gary Pitner, Richard Brown, Brian Eades, Ron Boyd and Jim Simms to the Board of Directors for the ALGC and the following captioned resolution be passed:

RESOLUTION NO. 03-22-11-2

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: CREATING A LOCAL GOVERNMENT CORPORATION; 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 6: Mayor McCartt presented a resolution conducting a public hearing and establishing a public improvement district to be located in the subdivision known as "The Vineyards" in the vicinity of Broadway Drive and Hastings Avenue. This petition was submitted by Amarillo Vineyards, LLC as part of the process to develop a multi-phased 546 lot residential subdivision. This public improvement district is created to

fund the construction and maintenance of certain right-of-way improvements such as landscaping, green areas and decorative plantings. The cost of these improvements will be borne by the property owners within the subdivision as allocated equitably among all platted lots. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the following captioned resolution be passed:

RESOLUTION NO. 03-22-11-3

A RESOLUTION CONDUCTING A PUBLIC HEARING ON A PETITION REQUESTING ESTABLISHMENT OF A PUBLIC IMPROVEMENT DISTRICT TO BE KNOWN AS THE "THE VINEYARDS PUBLIC IMPROVEMENT DISTRICT," IN THE VICINITY OF ST. FRANCIS AVENUE AND HASTINGS AVENUE AND GEORGIA STREET AND BROADWAY DRIVE; CONCERNING ADVISABILITY OF CREATING SUCH DISTRICT; NATURE OF IMPROVEMENTS; ESTIMATED COST; METHOD AND APPORTIONING OF ASSESSMENTS; BOUNDARIES OF SUCH DISTRICT; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PUBLICATION 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 7: Mayor McCartt presented a resolution approving and authorizing the publication of a Notice of Intention to issue certificates of obligation for the construction of a recreation facility and associated costs, including incident and related matters. These certificates of obligation will be issued in an amount not to exceed \$6,120,000. Mr. Atkinson explained that this funding will provide the funding to construct the recreation center to be used by the City and Kid's, Inc.

Roy McDowell, 6013 Princeton, appeared and applauded the work that is done by Kid's, Inc. He expressed concern with the City partnering with them and funding the majority of the project because it could set a precedent that other organizations might expect. Mr. Lackey advised that other organizations could have responded to the request for proposal but there were no others. John Ingerson, 4706 W. 36th Avenue, appeared and stated that Kid's, Inc. is a great partner for this facility but he has concerns about the funding. He stated that once again bonds will be issued without the voters being able to vote and have a say in the project. Brent Auvermann, 6309 Basswood Lane, appeared in support of Kid's, Inc. and of the facility. Eddie Wynn, 6701 Adirondack, appeared in support of Kid's, Inc. but has concerns about the location and the security for the people using the facility. Bill Sumerford, 6103 Blue Sage, appeared and stated that he supports Kid's, Inc., is concerned about the facility being in an unsafe area, and about the way it is being funded. He commented that it should be put on the ballot for the voters to decide. Irma Heras, 1604 S. Harrison, appeared in support of Kid's, Inc. but she disagrees with the way it is being funded and it should be put on the ballot. She questioned what would happen to the revenue received by the school district now that they will not receive the rental fees for the use of the schools. Mr. Lackey advised that the school district does not make any money from their use of the schools. Commissioner Eades stated that the facility is in a central location so it would be easier for Police to monitor than the way it is now where events are spread out around the city. Robert Goodrich, 6510 Sandie Drive, stated that he is not in opposition to Kid's Inc. but a master financial plan is needed so that projects can be considered together and not separately. Dean Kelley, 6109 Hatfield, appeared and stated that he had concerns about the security of the facility but realized that it can be secured no matter where it is located. Commissioner Scott stated that it is a quality of life issue and important to our city. Commissioner Boyd commented that we need to do this for our youth.

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

RESOLUTION NO. 03-22-11-4

A RESOLUTION OF THE AMARILLO CITY COMMISSION, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

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 advised that appointments are needed for certain boards and commissions. Motion was made by Commissioner Eades, seconded by Commissioner Scott, and unanimously carried, to the Amarillo Economic Development Corporation reappoint Cliff Bickerstaff, such term to expire March 31, 2014, to the Community Development Advisory Committee reappoint James Allen as Chairman, Thomas Jones as the representative for the northeast area, Chuck Parr as the representative for the southwest area, Ruben Rivera as the representative for the southeast area, such terms to expire December 31, 2013 and to the expired term of Rudy Mendez appoint Mary Jane Nelson as the representative for the southeast area, such term to expire December 31, 2013, and to the unexpired term of Lani Hall appoint Bill Bandy as the representative for the southwest area, such term to expire December 31, 2011, and to the Tax Increment Reinvestment Zone (TIRZ) No. 1 reappoint Paula Bliss as the City of Amarillo representative, such term to expire March 20, 2013 and reappoint Richard Brown as Chairman, such term to expire March 20, 2012.

ITEM 9: Mayor McCartt presented the consent agenda and asked if any item should be removed for discussion or separate consideration. The Mayor advised that Item 9A would be considered for separate discussion.

Mr. Atkinson advised that the City issued a request for proposal for a participant in a sports facility to be constructed by the City and located on City owned property. It asked for the participant to operate the facility and to provide a portion of the funding for the construction. Kid's, Inc. was the only proposal received and it included \$2 million for construction with an agreement to operate the facility. Dean Frigo, Assistant City Manager, stated that the City put a \$6 million cap on the funding for the facility. He advised that with the issue of the certificates of obligations to fund this facility there would be an increase in taxes. Larry Offerdahl, Director of Parks and Recreation, appeared and stated that the City has a difficult time getting the necessary space for the adult volleyball program with over 200 teams. He stated that this facility will provide the space that is needed and will also allow for the expansion of this and other recreation programs sponsored through the City.

Jimmy Lackey, President and CEO of Kid's, Inc., appeared and stated that there is a tremendous need for volleyball and basketball space and this facility would meet those needs. He stated that they would be able to provide summer camps at a more reasonable rate or at no cost to the kids who are unable to attend other camps. He commented that it could also be available for tournaments and provide overflow for trade shows and other events at the Civic Center. Jennifer Stanley, 5818 Middleboro, of Kid's Inc., Dean Crump, 6609 Kingsbury, Dwayne Gidden, 6118 Cornell, Thomas Jones, and Dean Kelley, 6109 Hatfield, appeared on behalf of Kid's, Inc. and in favor of the new facility. They commented on how fortunate our city and our children are to have an organization such as Kid's Inc. to provide sports opportunities for kids in all areas of the city. It was stated that it is difficult to find court times and this facility would alleviate that problem. It was also stated that it is centrally located to all areas of the city and it would be available for use by organizations other than Kid's, Inc. It was noted that Kid's, Inc. does not receive funding from United Way. Robert Goodrich, 6510 Sandie Drive, stated that it is a wonderful project. He questioned why it was not put with other downtown projects as one bond issue to be voted on by the voters. Mr. Atkinson stated that Kid's, Inc is a unique situation and needs to be done now and the other projects are part of a Master Plan that is not ready to be addressed. Commissioner Eades stated that this facility will provide fitness activities for our children and families. Johnny Johnson, 708 E. St. Francis, appeared and stated concern about the location being so close to the rail yard. He expressed concern for the safety of the children. He questioned the effect it would have on the Civic Center expansion. Mr. Atkinson stated that there are no plans for the Civic Center at this time. He noted that according to previous plans, the expansion of the Civic Center was to expand to the east. Mr. Lackey commented that safety was a concern but with the lighting required by the design standards and with the Police Department patrolling the area security would not be any more of a concern here than in any other location. Paul Harpole, 6803 Stoneham, appeared and expressed that this is a perfect public/private partnership that

shows we are being fiscally responsible and it will be great for our city. Danny South, 7003 Windridge, appeared and commented on the amount of debt the City has incurred. He questioned why this project is being funded by the taxpayers and Kid's Inc. is not getting a loan from the bank. Christy Craft, 4009 Tucson, appeared and asked if in-line skating and hockey would be a part of the facility. Mr. Lackey advised that the surfaces for this facility would not work for skating or hockey. Commissioner Scott stated that this facility provides for the quality of life that is important to our community. He commented that the debt for our city is low and our sales tax is better. Commissioner Simms stated that Kid's Inc. is the envy of many communities. He commented that other cities and universities have come to see this program. He stated that to be a vibrant, growing community we need this type of facility to meet the needs of our children and to encourage people to bring their families to live in our city.

Motion was made by Commissioner Simms, seconded by Commissioner Boyd, and unanimously carried, approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Approval – Indoor Recreation Center Development Contract and Operating Agreement:

Award to sole proposing party – Kids, Incorporated of Amarillo, Texas.

This approves a development contract and operating agreement for the construction and operation of an Indoor Recreation Center on City-owned land north of the Amarillo Civic Center. The City and Kids, Inc. will work together to cause the construction of a multi-court, convertible recreation center that will be for the use of the City and Kids, Inc. for approved activities. The City of Amarillo will commit up to \$6 million and Kids, Inc. will commit at least \$2 million in cash and in-kind contributions towards the construction of the Center. Upon completion, Kids, Inc. will assume the operations, management and maintenance of the facility at no cost to the City. This facility will provide new and expanded indoor, court-based recreational opportunities for the community with no on-going support cost to the City.

B. Approval – Carson County Agricultural Land Lease Agreement:

Parties:	City of Amarillo and Leven Farms
Acreage:	640 +/-
Lease Term:	3 years
Price per Year:	\$22,400.00
Total Lease Price:	\$67,200.00

This approves the lease of one section (+/-) of City-owned land in Carson County for agricultural purposes. The lease is recommended to the high bidder, Leven Farms, who will operate the property as a dry-land agricultural operation for the three year lease period.

C. Approval – Transportation Security Administration Law Enforcement Officer Reimbursement Program Agreement:

Parties: City of Amarillo and the Transportation Security Administration (TSA)

This approves an agreement between the City of Amarillo and the TSA to allow for reimbursement of a portion of the law enforcement support mandated by 49 C.F.R. 1542. Federal regulations require the City to provide law enforcement support to the TSA Screening Checkpoint at the Rick Husband Amarillo International Airport for an estimated 5,512 hours per year. Under the terms of this agreement, the TSA will reimburse the City for a portion of the direct costs of complying with these regulations, which is estimated at \$107,484. This agreement does not obligate the City to provide any additional services but rather provides for the partial reimbursement of services currently funded by the City.

D. Award – Landfill Methane Gas Monitor Wells Project:

Award to best evaluated proposer: Talon/LPE - \$59,302.89

This approves a contract to install seven (7) additional passive methane gas monitoring wells at the City of Amarillo Landfill. These wells are required by state regulation and are necessary to continue to maintain appropriate regulatory compliance.

E. Approval – Construction of North Coulter Street Contract Change Order #4:

Award to: L.A. Fuller and Sons Construction, LTD.

Original Contract Amount:	\$709,461.40
Previous Change Orders:	\$ 3,942.50
Change Order #4:	\$ 63,285.60
Revised Contract Amount:	\$776,689.50

This approves Change Order #4 to the contract for the construction of North Coulter Street north of the Lorenzo DeZavala School. This project is jointly funded by the City of Amarillo and the Texas Department of Transportation and the requested change order is necessary to account for additional costs incurred due to the side slopes adjacent to the street and associated utility conflicts. The City portion of this change order is \$35,541.20. The entire project is under the estimated budget and it is estimated that the City of Amarillo will receive a net refund in the amount of \$241,870.46 upon final completion.

ITEM 10: Mayor McCartt asked Joe Esch with Wallace Bajalli Development Partners to make a presentation on the development process of the downtown revitalization projects. Mr. Esch presented the steps to the overall goal of the projects. He explained the decision factors and milestones that will begin the development of the program. He advised that there are steps for public communication and discussion. Mr. Esch stated that further details regarding projects for consideration would be presented in late July or early August.

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.

Karl Taylor-Restine, 721 Short Street, appeared and expressed concern about the growing amount of debt by the City. He stated that he is not against downtown but is against spending money without voter approval. Jimmy Hammonds, 1514 S. Pierce, appeared and stated concern about the funding approved by the TIRZ Board to Polk Street United Methodist Church. He does not believe the TIRZ can afford this type of project. Irma Heras, 1604 S. Harrison, appeared and stated that people are concerned about the economy everywhere she goes and that is why she decided to run for City Commissioner.

No one else from the audience requested to appear before the City Commission. Mayor McCartt stated that the meeting was adjourned.

ATTEST:

Donna DeRight, City Secretary

Debra McCartt, Mayor