

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 17th day of January 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 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:

LILIA ESCAJEDA	MAYOR PRO TEM
ELLEN ROBERTSON GREEN	COMMISSIONER NO. 1
BRIAN EADES	COMMISSIONER NO. 2
JIM SIMMS	COMMISSIONER NO. 4

Absent was Paul Harpole, Mayor, due to attending the United States Conference of Mayors meeting. Also in attendance were the following administrative officials:

JARRETT ATKINSON	CITY MANAGER
VICKI COVEY	ASSISTANT 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 Guest, Westover Fellowship United Methodist Church. Mayor Pro Tem Escajeda led the Pledge of Allegiance.

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

ITEM 1: Mayor Pro Tem Escajeda presented the minutes of January 10, 2012. Motion was made by Commissioner Simms, seconded by Commissioner Eades, and unanimously carried, to approve the minutes.

ITEM 2: Mayor Pro Tem Escajeda presented an ordinance changing the zoning of all of Blocks 9 thru 14, Lots 1 thru 8 in Block 15, Lots 1 thru 8 and Lots 25 thru 32 in Blocks 16 thru 23, and the north 480 feet of Block 24 to Heavy Commercial District and Lots 9 thru 24 in Blocks 16 thru 23, the south 480 feet of Block 24, and all of Blocks 25 thru 33 to Light Commercial District, all of which are currently zoned Residential District 1 and located in the Bel-Aire Addition, in Section 107, Block 2 AB&M Survey, Potter County, in the vicinity of Southeast 22nd Avenue and Eastern Street. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7310

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 SOUTHEAST TWENTY-SECOND AVENUE AND EASTERN STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Pro Tem Escajeda, Commissioners Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 3: Mayor Pro Tem Escajeda presented an ordinance changing the zoning of Block 47, Lot 7, Block 45, Mrs. M.D. Oliver-Eagle Addition and portions of vacated streets and alleys in Section 171, Block 2, AB&M Survey, Randall County, in the vicinity of Southeast 32nd Avenue and Fillmore Street, to change from Planned Development District 126B to Amended Planned Development District 126C for a vehicle storage building addition. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7311

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 SOUTHEAST THIRTY-SECOND AVENUE AND FILLMORE STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Pro Tem Escajeda, Commissioners Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 4: Mayor Pro Tem Escajeda presented an ordinance changing the zoning of a 140 feet by 304 feet tract of unplatted land adjacent to Lot 2, Block 7, Lawrence Place Unit No. 14 in Section 227, Block 2, AB&M Survey, Potter County, in the vicinity of Interstate-40 and Westlawn Avenue, to change from General Retail District to Planned Development District 370 for uses allowed in a General Retail District and an outdoor new/used auto sales lot. Motion was made by Commissioner Simms, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7312

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 INTERSTATE-FORTY AND WESTLAWN AVENUE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Pro Tem Escajeda, Commissioners Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 5: Mayor Pro Tem Escajeda presented ordinance vacating a 20-foot alley in Block 228 Holland's Subdivision, in Section 156, AB&M Survey, Potter County, in the vicinity of Northeast 2nd Avenue and Johnson Street. Motion was made by Commissioner Eades, seconded by Commissioner Green, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7313

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

Voting AYE were Mayor Pro Tem Escajeda, Commissioners Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 6: Mayor Pro Tem Escajeda presented an ordinance vacating a segment of Williams Street beginning at the southeast corner of Lot 2A, Block 326, Holland's Addition No. 7 and ending at the southern boundary of the Burlington Northern Railroad R.O.W., Potter County, in the vicinity of Southeast 2nd Avenue and Williams Street. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7314

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

Voting AYE were Mayor Pro Tem Escajeda, Commissioners Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 7: Mayor Pro Tem Escajeda presented an ordinance amending portions of Chapter 2-6 and Chapter 4-8 of the Amarillo Municipal Code. Mr. Atkinson explained that this amendment would repeal and abolish the Board of Appraisal Review, which is currently charged with the administration of fees collected under the previous Flood Ordinance. These fees are no longer collected and the duties of the Board are no longer needed. Fees currently on-hand will be expended in their basins of origin subject to approval by the City Commission. Motion was made by Commissioner Simms, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7315

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 2-6, ARTICLE XII, SECTION 2-6-221 TO 2-6-224 AND CHAPTER 4-8, SECTION 4-8-14, TO REPEAL AND ABOLISH THE BOARD OF APPRAISAL REVIEW; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING FOR EFFECTIVE DATE.

Voting AYE were Mayor Pro Tem Escajeda, Commissioners Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 8: Mayor Pro Tem Escajeda presented for consideration a petition for the annexation of a 320.78 acre tract of land in Section 63, Block 9, BS&F Survey, Randall County, in the vicinity of Soncy Road/Loop 335 and Hillside Road. Commissioner Eades stated that the Comprehensive Plan set out the need to review the annexation policy and how it could be done in a more orderly manner. Commissioner Simms stated that the Planning and Zoning Commission recommended denial of the request in order to allow the staff time to review and contact additional property owners about changes to the annexation. Motion was made by Commissioner Eades, seconded by Commissioner Green, and unanimously carried, to deny the annexation petition.

ITEM 9: Mayor Pro Tem Escajeda presented an ordinance to amend various provisions of the City of Amarillo Municipal Code. The changes are to assure compliance with current law and practice and to make non-substantive procedural changes. The affected sections of the Code include Chapter 4-10, Zoning to clarify the requirements of a super-majority of the Commission; Chapter 2-3, Assistant and Deputy City Attorney to clarify current practice; and Chapter 8-3 clarifying and amending the requirements for hauling solid waste within the City. Motion was made by Commissioner Green, seconded by Commissioner Simms, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7309

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING VARIOUS PROVISIONS OF THE AMARILLO MUNICIPAL CODE TO ASSURE COMPLIANCE WITH CURRENT LAW AND PRACTICES AND NON-SUBSTANTIVE PROCEDURAL MATTERS AS FOLLOWS: CHAPTER 4-10, SECTION 4-10-23 CLARIFYING CERTAIN ZONING VOTES; CHAPTER 2-3, SECTION 2-3-3 AMENDING AND CLARIFYING THE APPOINTMENT PROCESS FOR DEPUTY AND ASSISTANT CITY ATTORNEYS; CHAPTER 8-3, SECTIONS 8-3-46 THROUGH 8-3-49, PERTAINING TO HAULING SOLID WASTE, ARE MERGED AND AMENDED TO SHORTEN AND CLARIFY WITH NO SUBSTANTIVE CHANGE;

PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER;
PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Pro Tem Escajeda, Commissioners Green, Eades and Simms; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 10: Mayor Pro Tem Escajeda presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Commissioner Simms, 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 – Trash Bags:

Low responsive bidder: Dyna Pak Corporation -- \$74,445.00

This approves the annual purchase of trash bags. These bags are provided to solid waste customers on hand pickup routes throughout the city. Approximately 105,000 pounds of bags will be purchased under this contract.

B. Award – Sale of Scrap Metal:

High bidder: Amarillo Metals Company -- \$25,940.00

This is the sale of scrap brass and copper collected by the City throughout the year. The sale is for approximately 1,000 pounds of scrap copper and 10,000 pounds of scrap brass.

C. Award – Engineering Services Agreement:

Award to best evaluated proposer: Parkhill, Smith, and Cooper as follows:

Phase A: \$ 38,200.00

Phase B: \$105,400.00

Total not to exceed: \$143,600.00

This approves an engineering services agreement to provide design (Phase A) and construction related services (Phase B) for the connection of the Cell 4 landfill liner to the Cells 2 and 3 liners. The project will be the installation of liner on an unlined strip of land between the above-mentioned and currently lined cells. Design and installation of this liner is required by Texas Commission on Environmental Quality (TCEQ) regulations and is necessary for the landfill to remain in compliance. The liner will connect a synthetic liner system with a clay liner system. Upon completion, this will allow the continued deposition of solid waste both within Cell 4 and continuing into Cells 2 and 3.

D. Approval – Emergency Facilities & Land Use Agreement Renewal:

Parties: City of Amarillo and the Texas Forest Service

This agreement renews the Emergency Facilities and Land Use Agreement between the City and the Texas Forest Service. This agreement provides the Texas Forest Service with the use of specified facilities at the Rick Husband Amarillo International Airport to stage and operate both fixed and rotary-wing fire fighting aircraft. These aircraft will be stationed at the Airport on an as-needed basis to ensure prompt aerial response to wildfires in Amarillo and the surrounding region.

Mayor Pro Tem Escajeda 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.

Rusty Tomlinson, 3308 Eddy, Occupy Amarillo, appeared and asked about changing the street signs on N.E. 24th Avenue to Martin Luther King, Jr. Boulevard to reflect the correct name of the street. Mr. Norris advised that the street had only been designated not officially changed and that is the reason the street signs still reflect N.E. 24th

Avenue. Mr. Shaw stated that a petition to change the street name was submitted at one time but fifty percent of the property owners did not agree to the change. Therefore, the City Commission made the decision to designate it as Martin Luther King Jr. Boulevard. There were no further comments.

Mayor Pro Tem Escajeda advised that the meeting was adjourned and the Commission would return to Closed Session.

ATTEST:

Donna DeRight, City Secretary

Lilia Escajeda, Mayor Pro Tem