

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 15th 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 Madison Scott, Commissioner No. 1. Mayor McCartt led the Pledge of Allegiance.

A proclamation was presented for "MS Awareness Week".

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 8, 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 regulating the maximum rates and fees that may be charged for non-consent towing of motor vehicles from legally marked private property and for vehicles towed by participants in the City towing rotation program. Mr. Atkinson advised that the fee changes recommended last week have been made to the ordinance. He also noted that the fuel surcharge recommended last week is addressed in an item on the consent agenda. Mr. Frigo presented the fee amounts that were approved last week and in the revised ordinance. Ricky Cantu, 305 S. Williams, appeared concerning the fee charged for the medium duty truck. He stated that no one in the city has a truck that size. He advised that a medium size tow has to be done by a heavy duty truck to prevent damage to the vehicle. He asked the Commission to increase the medium duty truck to \$250 which is still less than the \$350 recommended by the state. He also asked for an increase in the drop fee. He stated that it is set at one-half the fee but the state does allow for a larger drop fee. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7270

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, TO AMEND CHAPTER 10-3, ARTICLE VII REGARDING NON-CONSENT TOWING AND POLICE ROTATION TOWING; 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 3: Mayor McCartt presented an ordinance adopting certain provisions of the Texas Transportation Code, 545.425 and establishing prohibitions regarding the use of wireless communication devices in school crossing zones (school zone) during the times the school zones are in effect. Under the terms of the ordinance, the use of wireless communications devices in a school zone shall be limited to certain exceptions such as public safety, emergencies, while stopped and with certain hands-free devices. Mayor McCartt asked Police Chief Taylor to speak on this item. Chief Taylor advised that a Police Officer would have to witness someone using the cell phone in order to be ticketed. Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7271

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING CHAPTER 16, ARTICLE IV OF THE MUNICIPAL CODE OF THE CITY OF AMARILLO, TO ADD DIVISION 6, SECOND 16-3-154, ENTITLED "USE OF WIRELESS COMMUNICATION DEVICES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; 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 the consent agenda and asked if any item should be removed for discussion or separate consideration. Mayor McCartt advised that a speaker had signed up to speak on Item 4 (D). She asked Mr. Atkinson to explain the fuel surcharge on Item 4(D). Mr. Atkinson advised that a fuel surcharge would be set by the Oil Price Information Service ("OPIS") according to the price on the 15th of each month. Jeni Ferril, 7904 Goodnight Trail, appeared and thanked the Commission for adding the fuel surcharge. She advised that their fuel costs continue to rise every month. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, and unanimously carried, to table Item 4 (F) and approve Items A through E on the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Purchase – Public Safety Radios:

Award on Houston Galveston Area Council (HGAC) Cooperative Purchasing Contract to WT Services/Motorola - \$138,396.11

This is the purchase of sixty (60) portable radios for use by the Amarillo Fire Department.

B. Purchase – Computer Hardware:

Award on Department of Information Resources (DIR) Cooperative Purchasing Contract to Dell - \$75,818.90

This is the purchase of sixty desktop and ten laptop computers for replacement of existing units.

C. Approval – Elevated Water Tank Rehabilitation Project Emergency Change Order No.1:

American Suncraft Construction, Inc.

Original Contract Amount: \$1,710,475.00

Change Order No. 1: \$ 53,625.00

Revised Contract Amount: \$1,764,100.00

This approves an emergency change order to the existing contract for the rehabilitation and repainting of the Soncy Elevated Tank. Extensive structural damage was located during the sand-blasting of the tank interior that must be repaired prior to completion of the rehabilitation. This project is time sensitive due to the need to return the elevated tank to service by May 1, 2011.

D. Approval – Wrecker Service Rotation Contract Addendum No. 1:

This is the approval of Addendum No. 1 to the Wrecker Service Rotation Contract to include the fuel surcharge. The fuel surcharge will be based on the Oil Price Information Service (“OPIS”) index that is used for other City contracts.

E. Approval – Representation Agreement:

Parties: City of Amarillo and Underwood Law Firm

This approves an agreement to obtain the services of the Underwood Law Firm to represent the City of Amarillo in potential groundwater rights transactions in specified locations.

F. Sale – Property:

Sheriff Sale Properties in Potter County awarded to the highest bidders.

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.

Jeni Ferril, 7904 Goodnight Trail, appeared and advised the Commission that if two wrecker companies are working an accident the first wrecker company called is criminally liable if either company’s equipment fails. She stated this is why there is a need for wrecker companies to own more than one heavy duty truck. Sandra Dunn, 7904 S. Van Buren, appeared concerning the lack of parking and lighting in the downtown area. She also commented that bicycle patrol in the downtown area could help make the area safer. Johnny Johnson, 708 E. St. Francis, appeared and asked if it was city policy for employees to watch people make purchases at home repair stores and follow them home to be sure they have the proper permits. He was advised that this is not a city policy. Sharlene Taylor, 906 s. Crockett, appeared concerning the term “sustainable development” used in the Downtown Strategic Action Plan. Gary Lindvay, 4802 Carole Lane, appeared and asked about the housing development, The Vineyard. He was advised that it is being developed by a private developer and it is not a city project. He commented that the City should be more conservative and hire local consultants instead of out of town consultants for city projects.

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