

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 19<sup>th</sup> day of April 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:

JIM SIMMS	MAYOR PRO TEM
MADISON SCOTT	COMMISSIONER NO. 1
BRIAN EADES	COMMISSIONER NO. 2

Absent was Debra McCartt, Mayor, due to attending the Southern Municipal Conference meeting and Ronald Boyd, Commissioner No. 3, due to personal business. Also in attendance were the following administrative officials:

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

The invocation was given by Gene Shelburne, Anna Street Church of Christ.

Mayor Pro Tem Simms 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 Simms presented the minutes of the regular meeting held April 12, 2011. Motion was made by Commissioner Eades, seconded by Commissioner Scott, and unanimously carried, to approve the minutes.

ITEM 2: Mayor Pro Tem Simms presented an ordinance changing the zoning of a 12.00 acre tract of unplatted land in Section 40, Block 9, BS&F Survey, Randall County, in the vicinity of Coulter Street and Continental Parkway from Planned Development District-238 to Amended Planned Development District for an apartment complex and retail related uses. Mr. Atkinson stated that a petition was received representing more than 20 percent of the property owners in the 200 ft. notice area. Therefore, approval of this item will require a three-fourths majority vote of the City Commission. He advised that Commissioner Boyd submitted an affidavit to abstain from voting so in order for this item to pass it would require a unanimous vote of the City Commission present today. Mr. Shaw explained that this area is zoned for retail uses and the requested zoning change would allow for an apartment complex.

Bob Garrett, #7 Willow Bridge Drive, appeared representing the developer and landowner. He stated that the developer would be placing trees and fencing to provide for security concerns. He advised that to protect the residential property owners there would not be any windows, balconies or lights on the areas behind the residences. He commented that the developer has done everything recommended by City Staff to alleviate the concerns of the property owners.

Kit Carter, 4919 Cape Colony, Connie Brown, 4815 Cape Colony, Paula Bliss, 4903 Cape Colony, Leon Gillispie, 7602 Continental Parkway, Ashley Ivy, 7606 Continental Parkway, Jarrod Babbitt, 4905 Cape Colony, David Cox, 7508 Continental Parkway, Samantha Cox, 7508 Continental Parkway, Matt Griffith, 4211 Palacio, Chris Jensen, 6816 Zane Place, Paul Mercier, 7721 Pilgrim Dr., John Sawyers, P. O. Box 7154, and Barry Bedwell, 8003 New England, appeared against the zoning change. The residents stated concerns about security, noise, traffic, lighting, safety, and a decrease in property

values as reasons against the rezoning for an apartment complex. Most of the property owners commented that they were told this property was zoned for retail purposes and that was not a problem for any of them. It was stated by those who spoke that they would not have purchased a home or property in this area if the zoning would have allowed an apartment complex.

Commissioner Scott stated that he understands the concerns of the property owners and what could happen to their property if an apartment complex were to be built. Commissioner Eades commented that he believes it is important as an elected official to research issues they have to consider and obtain all the details in order to make good decisions and he has done his due diligence on this issue. Motion was made by Commissioner Scott, seconded by Commissioner Eades, to deny the zoning change. Voting AYE were Mayor Pro Tem Simms, Commissioners Scott and Eades; voting NO were none; the motion carried by a 3:0 vote of the Commission.

ITEM 3: Mayor Pro Tem Simms stated that the Amarillo City Commission approved, by resolution, a Notice of Intent to Issue Certificates of Obligation to partially fund a city-owned indoor recreation facility on March 22, 2011. He advised that this item allows the Commission to reconsider this matter and to either affirm or rescind the Notice of Intent. Mr. Atkinson advised that this provides the City Commission the opportunity to reconsider the Notice of Intent to issue \$6.12 million in Certificates of Obligation for a recreational center. He stated that a Development Agreement and an Operating Agreement had also been approved. He advised that the construction of the facility and the two agreements hinge around the City providing the funding for the facility. If the certificates of obligation are rescinded then they will not be issued and the project will be cancelled at this time.

Jimmy Lackey, President and CEO of Kid's Inc., appeared and advised the Commission that Kid's Inc. would like to be released from the agreement with the City of Amarillo for their partnership in a recreational facility. He stated that due to the political issues that have arisen from this partnership, he and the board members for Kid's Inc. feel it would be in their best interest to withdraw from the agreement.

Paul Gross, 4012 Gatewood, appeared and commented that Kid's Inc. is a good organization and this would have been a good opportunity for the children of our community. Joe Luscombe, 2328 LaReata, appeared on behalf of Kid's Inc. and stated that this would have been a win-win situation for our community. Jesse Pfrimmer, 5723 S. Milam, appeared against the facility because of the increase it would have on his taxes. He stated that there are other essential needs, such as a bike lanes east to west of the railroad tracks. John Ingerson, 4706 W. 36<sup>th</sup> Avenue, appeared and stated that he hopes we have not burned a bridge with Kid's Inc. and he looks forward to considering the project in the future. Alan Abraham, 7205 S.W. 35<sup>th</sup> Avenue, appeared and stated that this is not the time for this project. He stated that we need to slow down and look at all the options that could be possible for this downtown location. He stated that we can decide at a later time to consider this project with Kid's Inc. Robert Goodrich, 6510 Sandie Drive, appeared and stated that this was not the time to do this facility. Sandra Dunn, 2709 S. Van Buren, appeared and stated that this project should have been decided by the voters. William Sumerford, 6103 Blue Sage Circle, appeared against the recreation facility.

Commissioner Scott and Commissioner Eades stated that the City did a poor job of providing the right information to the public about this facility. Commissioner Eades commented that Kid's Inc. is a great organization and this project would have been a tremendous asset for our community. Commissioner Scott stated that he is confused about the senior citizens being against this project when their taxes would not increase. Mayor Pro Tem Simms apologized for causing Kid's Inc. to be put through this political issue. He stated that this project was about taking care of our kids and he hates that we are missing out on such a great opportunity.

Motion was made by Commissioner Eades, seconded by Commissioner Scott, to accept the withdrawal by Kid's Inc. and to rescind the Notice of Intent to issue Certificates of Obligation on May 3, 2011 and authorize the City Manager to execute all

necessary documents. Voting AYE were Commissioners Scott and Eades; voting NO was Mayor Pro Tem Simms; the motion carried by a 2:1 vote of the Commission.

ITEM 4: Mayor Pro Tem Simms advised that appointments are needed for certain boards and commissions. Motion was made by Commissioner Scott, seconded by Commissioner Eades, and unanimously carried, to the Tax Increment Reinvestment Zone No. 1 appoint Dr. David Woodburn to the expired term of Lilia Escajeda as the Amarillo College Representative, such term to expire March 20, 2014.

ITEM 5: Mayor Pro Tem Simms presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Commissioner Eades, seconded by Commissioner Scott, and unanimously carried, approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Contract – Water Main Reroute Project:

Low responsive bidder: Perry Williams, Inc. -- \$38,385.90

This approves a contract to re-route an existing six-inch water main in the vicinity of Southwest 34<sup>th</sup> Avenue and Bowie Street. The existing line in this area has recently experienced numerous breaks and this project will install a new main following a different alignment path. The new alignment will simplify the existing water main layout and will also accommodate an additional fire hydrant to improve fire protection in the area.

B. Contract - Water Main Replacement Project:

Low responsive bidder: Perry Williams, Inc. -- \$91,925.25

This approves a contract to replace a deteriorated two-inch water main in the vicinity of Oldham Circle. The current main is undersized and has insufficient capacity to meet demand and fire protection requirements. This project will replace approximately 1,200 linear feet of the existing main with a new six-inch main that meets all necessary flow and fire protection requirements. This replacement is part of an on-going project to replace existing two-inch water mains in several areas of the city.

C. Contract –Water Main Replacement Project:

Award to low responsive bidder:  
Amarillo Utility Contractors -- \$137,897.50

This approves a contract to replace a deteriorated two-inch water main in the alley between Cline and Parker Streets in the vicinity of 44<sup>th</sup> Avenue. The current main is undersized and has insufficient capacity to meet demand and fire protection requirements. This project will replace approximately 2,600 linear feet of the existing main with a new six-inch main that meets all necessary flow and fire protection requirements. This replacement is part of an on-going project to replace existing two-inch water mains in several areas of the city.

D. Contract – Water Main Valve Installation Project:

Low responsive bidder: Amarillo Utility Contractors -- \$258,385.00

This approves a contract to install one new twenty-inch and one new thirty-inch isolation valve in 34<sup>th</sup> Avenue near Osage Street and at the 58<sup>th</sup> Avenue elevated water storage tank. These valves will be installed on large water main segments where the existing valves are currently spaced too far apart to provide limited isolation of the mains for service or repair. Installation of these valves will help ensure that water service can be maintained to more customers during the repair or servicing of these water mains.

- E. Approval – Amarillo City Transit System Bus Stop Improvement Project:  
Low responsive bidder: Cruz & Associates, Inc. -- \$163,476.54

This approves a contract to install new concrete pads and to renovate existing contract pads at bus stops throughout the city. Following the completion of these improvements, the contractor will install new bus benches at all locations. The City previously purchased the new benches using grant funds made available through the Federal Transit Administration (FTA) and funds for this award are also available through FTA grant funds. Eighty percent (80%) of these costs are funded through the FTA grant with the required 20% local match on-hand and available in the approved Transit Department Capital Budget.

- F. Approval – Public Health Emergency Response Contract Amendment – FY 2011:  
Amendment Amount: \$30,000.00  
Contract Period: May 9, 2011 – July 31, 2011

This is the approval of a contract amendment from the Department of State Health Services (DSHS) to provide specific funding for a project to install the necessary equipment to provide data on potential disease outbreaks in the community. Under the terms of the amendment, a DSHS vendor will install the equipment in the two local hospitals and will provide all necessary training to properly accumulate the data while ensuring patient confidentiality and protection.

Mayor Pro Tem Sims 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.

Steve Dawson, 7902 Prosper, appeared and thanked Jimmy Lackey and the City Commission for the decision they had to make today and stated that this project could be considered again in the future. Jimmy Pressley Hammons, 1514 S. Pierce, stated that they want their property rights back. Victor Leal, 1516 S. Alabama, appeared and thanked the Commission for what they have to do and appreciates their efforts toward making our community a better place. Robert Goodrich, 6510 Sandie Drive, appeared and stated that the senior citizens taxes are frozen but the citizens need to be able to vote on projects before the City Commission approves them.

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

ATTEST:

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Donna DeRight, City Secretary

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Jim Simms, Mayor Pro Tem