

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 4th day of May 2010, the Amarillo City Commission met at 1:30 p.m. at City Hall on the third floor in Room 303 in the Conference Room to review agenda items for the regular meeting.

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 J. EADES	COMMISSIONER NO. 2
RONALD BOYD	COMMISSIONER NO. 3
JIM SIMMS	COMMISSIONER NO. 4

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

ALAN M. TAYLOR	CITY MANAGER
JARRETT ATKINSON	DEPUTY CITY MANAGER
KELLEY SHAW	DIRECTOR OF PLANNING
MARCUS NORRIS	CITY ATTORNEY
DONNA DERIGHT	CITY SECRETARY

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

Proclamations were presented for "Elder Abuse Awareness Month", "Motorcycle Safety and Awareness Month" and "National Military Appreciation Month".

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 April 27, 2010. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, and unanimously carried, to approve the minutes.

Mayor McCartt advised that Item 6, Consent Agenda, and Item 7, Presentation and Approval – "Let It Ring" Program, would be considered at this time.

ITEM 2: Mayor McCartt presented an ordinance changing the zoning on a lot in the vicinity of S.E. 9th "Avenue and Johnson Street from Light Industrial District to Light Industrial District with a specific use permit for the addition of a crematory to existing mortuary services. This request was denied by the Planning and Zoning Commission and is being appealed by the applicant.

Mr. Shaw reviewed the reason for the specific use permit request. Keith Bassett, the applicant, appeared and explained how a crematory operates. He stated that it does not produce an odor or smoke and only hot, clean air comes from it. Jenny Clark, 1501 S. Crockett, appeared in favor. Jason Herrick, President of the Board of Directors for Center City, appeared against it due to the strategic action plan that has been started for the downtown revitalization plan. Joey Palguta, 6704 Elmhurst, appeared in favor of the request. Melissa Daily, Executive Director of Downtown Amarillo, Inc., appeared and stated that due to the focus that is being given on Polk Street and the Civic Center area in the revitalization of the downtown area she is against this request. Wes Knapp, co-owner of Western Builders, appeared and stated that having property close to the crematory causes him concern about the development of his property in the future and is therefore against it. Bob Goree appeared and stated that he owns property in the area of the crematory and he does not think this is the right place for one. He stated

that he is a supporter of the downtown revitalization project and does not want it to be affected by this type of business. Chad Rhinehart appeared and stated that he would like to see a crematory in Amarillo because he now uses one in Lubbock. He commented that he does not believe a crematory would be a problem for this area. Stephanie Bassett appeared and stated that the property is zoned for a mortuary and all they are asking is for a permit to allow them to also have a crematory. She commented that it would not affect the downtown project. Bryan Daley appeared in favor of the request. There were no further public comments.

The City Commission stated the importance of the Downtown Revitalization project and how long it has taken to get the project started. They stated with a plan now in place new businesses and residences are being encouraged to locate to the downtown area. They commented that they do not want anything to affect this plan. Motion was made by Commissioner Scott, seconded by Commissioner Simms, to deny the specific use permit request. 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 a resolution accepting a \$17,000 grant from the Texas Department of Transportation for selective traffic (seatbelt) enforcement activities during the upcoming Memorial Day Holiday. This grant will pay for overtime wages and other associated expenses for Amarillo Police Department officers participating in the enforcement program. There were no comments. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, that the following captioned resolution be passed:

RESOLUTION NO. 5-4-10-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AUTHORIZING THE CITY MANAGER TO ACCEPT FUNDS AND PARTICIPATE IN A PROGRAM PROVIDED BY THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (SEATBELTS) DURING THE MEMORIAL DAY HOLIDAY PERIOD 2010; 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 4: Mayor McCartt presented a resolution conducting a public hearing on and ordering the removal of a substandard structure located in the city. Mr. Taylor reviewed the property for consideration. There were no comments. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the following captioned resolution be passed:

RESOLUTION NO. 5-4-10-2

A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE PUBLIC NUISANCES AND REQUIRING THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS; PROVIDING FOR FILING OF LIENS; PROVIDING A REPEALER CLAUSE; PROVIDING SEVERANCE CLAUSE; PROVIDING 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 conducting a public hearing on and ordering the removal of substandard structures located in the city. Mr. Taylor reviewed the properties for consideration. He advised that a letter was received from R. G. Thurman on behalf of the property at 307 S. Louisiana asking the Commission not to condemn the structure on this property in order for it to be renovated. There were no comments. Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned resolution be passed:

RESOLUTION NO. 5-4-10-3

A RESOLUTION DECLARING THAT CERTAIN IMPROVEMENTS DESCRIBED HEREIN ARE PUBLIC NUISANCES AND REQUIRING THE TAKING DOWN AND REMOVAL OF SUCH IMPROVEMENTS;

PROVIDING FOR FILING OF LIENS; PROVIDING A REPEALER CLAUSE; PROVIDING SEVERANCE CLAUSE; PROVIDING 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 the consent agenda and asked if any item should be removed for discussion or separate consideration. It was noted that Items B and G would be removed for separate consideration. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, and unanimously carried, to approve Items A, and C through F on the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

Motion was made by Commissioner Boyd, seconded by Commissioner Eades, to approve Item B on the consent agenda. Voting AYE were Commissioners Scott, Eades, Boyd and Simms; voting NO were none; ABSTAINING was Mayor McCartt; the motion carried by a 4:0:1 vote of the Commission. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, to approve Item G on the consent agenda. 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.

A. Acceptance – Transitional Housing Program Grant Funds:

This is the acceptance of a grant award from the United States Department of Housing and Urban Development (HUD) to support the Transitional Housing Program in Amarillo. The grant award is for the period from April 1, 2010 to March 31, 2011 and will fund the following activities:

Supportive Services	\$ 41,908
Leasing	\$155,351
Administration	<u>\$ 9,305</u>
Total Award	\$206,564

The grant award under the Supportive Services category requires a 25% match, which will be provided by The Downtown Women's Center in the amount of \$10,477.00

B. Approval – Interlocal Agreement for Telecommunications System Use:

Parties: City of Amarillo
Texas Tech University Health Sciences Center

This is the approval of an Interlocal Agreement between the City of Amarillo and Texas Tech University Health Sciences Center (TTUHSC) for use of a City-owned telephone system located at the Laura Bush Institute for Women's Health at 1400 Wallace Boulevard. The City Department of Public Health previously leased space in this facility and installed the telephone system to support both the routine work of the employees and as part of the programmed emergency response plans. The City employees formerly occupying the leased space are now located in the new Department of Public Health building and the telephone system is not needed for routine duties. This agreement allows TTUHSC to use the telephone system for routine use and will require them to maintain the system and make it available to the City during any emergency response efforts. This no cost agreement is an excellent benefit for both parties and maximizes the use of this otherwise surplus equipment.

C. Approval – Wireless Telephone Service Agreement:

Parties: City of Amarillo and Verizon Wireless
Estimated Cost: \$69,000/year

This is the approval of a contract to provide wireless telephone equipment and service to City of Amarillo employees who are required to use a cellular telephone as part of their job duties. This contract is pre-negotiated through the

State Department of Information Resources (DIR) and provides the City with discounted service, no-cost telephones and no-cost access to the Wireless Priority Service system for emergency use. The contract is for one-year with the option to renewal for up to three additional one-year terms.

D. Approval – Women, Infants & Children (WIC) Contract Amendment:

Original Contract Amount	\$1,620,140.00
Proposed Amendment	<u>\$ 65,699.00</u>
Revised Contract Amount	\$1,685,839.00

This is the approval of an amendment to the contract between the City of Amarillo and the Texas Department of State Health Services (DSHS) for the provision of services to participants in the WIC program. DSHS has submitted this amendment to provide the City with a slight increase (\$0.31 per participant) in the reimbursement rate allowed to defray the City's cost of providing the necessary services.

E. Approval – Lift Station 32 Force Main Replacement Project Change Order #1:

Contractor: Amarillo Utility Contractors	
Original Contract Amount	\$219,094.50
Change Order #1	<u>\$ 42,829.00</u>
Revised Contract Amount	\$261,923.50

This is the approval of a change order to add an additional 437 linear feet of 18" force main and one fiberglass manhole to the Lift Station 32 Force Main replacement project. This additional force main was identified as necessary to the overall project and the additional manhole will contribute to more efficient and safe operation of the system in the future.

F. Water Transmission Pipeline Railroad Crossing Licenses:

License Obtainment Cost: \$10,000.00

These Pipeline License agreements are associated with the development of the Potter County Wellfield and a new 48" diameter water transmission pipeline that will be constructed from this wellfield south to the existing 24th Avenue Pump Station in northeast Amarillo. These licenses allow the pipeline to cross under the BNSF Railway Company rail line at two different locations.

G. Dedication and Acceptance – Aviation Clear Zone Easement:

5450 ft. MSL above the plat of South Side Acres Unit No. 22 from Toot'n Totum Food Stores, LLC.

ITEM 7: Mayor McCartt advised of an educational program about to launch called "Let It Ring". She explained that it is designed to improve traffic safety through educational activities by encouraging drivers to limit or eliminate the use of cellular telephones for texting while driving. This educational program is a cooperative effort of the City of Amarillo, AT&T and the Amarillo Independent School District. The City of Amarillo will provide \$20,000 from the traffic safety improvements generated by the photographic traffic enforcement system and AT&T has pledged funds to the program as well. Amarillo Independent School District staff are providing technical expertise and marketing assistance in the development and implementation of the program.

Melynn Huntley with Amarillo Independent School District appeared and explained that this program is to bring awareness to drivers of the dangers of texting while driving. Cameron Monroe with AT&T appeared and stated that the relationship created by the City of Amarillo and Amarillo Independent School District for this program is the first in the state of Texas. Mayor McCartt commented that she is excited about this program and how it will bring awareness to our citizens. Motion was made by Commissioner Eades, seconded by Commissioner Scott, and unanimously carried, to approve funding for this program.

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. Merrill Nunn, former City Attorney, appeared and asked if there were plans to eliminate the cost of living adjustment through the Texas Municipal Retirement System for the City's retirees. Mr. Taylor advised that City Staff is considering that as an option in the proposed budget due to the decrease in sales tax and the effect the decrease has had on the budget. He noted that the proposed budget has not yet been submitted to the City Commission. There were no further comments. Mayor McCartt announced that the meeting was adjourned.

ATTEST:

Donna DeRight, City Secretary

Debra McCartt, Mayor