

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 20th day of July 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 EADES	COMMISSIONER NO. 2
RONALD BOYD	COMMISSIONER NO. 3

Absent was Jim Simms, Commissioner No. 4, due to personal business. Also in attendance were the following administrative officials:

JARRETT ATKINSON	INTERIM CITY MANAGER
VICKI COVEY	ASSISTANT CITY MANAGER
KELLEY SHAW	PLANNING DIRECTOR
MARCUS NORRIS	CITY ATTORNEY
FRANCES HIBBS	ASSISTANT CITY SECRETARY

The invocation was given by Kevin Deckard, Polk Street United Methodist Church.

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 July 13, 2010. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, and unanimously carried, to approve the minutes.

ITEM 2: Mayor McCartt presented an ordinance changing the zoning of a tract of land in the vicinity of Southwest 34th Avenue and Western Street from Planned Development District 246 to Light Commercial District. There were no comments.

Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7224

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 SOUTHWEST THIRTY-FOURTH AVENUE AND WESTERN STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, and Boyd; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 3: Mayor McCartt presented an ordinance vacating a 10 foot Public Utility Easement and a 15 foot Public Utility Easement in the vicinity of Southwest 42nd Avenue and Georgia Street. This request will allow for redevelopment of this tract and the applicant will relocate the existing utilities from the easement. Upon relocation of these utilities the easement will be permanently abandoned. There were no comments.

Motion was made by Commissioner Scott, seconded by Commissioner Boyd, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7225

AN ORDINANCE DETERMINING LACK OF PUBLIC NECESSITY FOR A PUBLIC UTILITY EASEMENT IN THE VICINITY OF SOUTHWEST FORTY-SECOND AVENUE AND GEORGIA STREET, RANDALL COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN-DESCRIBED EASEMENT SAVE AND EXCEPT CREATION OF A UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE, PROVIDING A REPEALER CLAUSE; AND PROVIDING A SAVINGS CLAUSE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, and Boyd; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 4: Mayor McCartt presented an ordinance vacating a portion of a 20 foot alley in the vicinity of Southwest 42 Avenue and Georgia Street. This request will allow for redevelopment of this tract and a public utility easement will be retained to accommodate existing utilities. There were no comments.

Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7226

AN ORDINANCE DETERMINING LACK OF PUBLIC NECESSITY FOR AN ALLEY IN THE VICINITY OF SOUTHWEST FORTY-SECOND AVENUE AND GEORGIA STREET, RANDALL COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN-DESCRIBED ALLEY SAVE AND EXCEPT CREATION OF A UTILITY EASEMENT; PROVIDING AN EFFECTIVE DATE, PROVIDING A REPEALER CLAUSE; AND PROVIDING A SAVINGS CLAUSE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, and Boyd; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 5: Mayor McCartt presented an ordinance amending the Amarillo Municipal Code of Ordinances regarding the City of Amarillo's Downtown Urban Design Standards. The ordinance adopts the Design Standards, creates the Downtown Urban Design Review Board and amends existing sections of the Code to allow for the proper implementation and administration of the Standards. The shaded areas in the ordinance and Design Standards reflect changes made as a result of public comment and discussion. There were no comments. Motion was made by Commissioner Scott, seconded by Commissioner Boyd, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7223

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS AMENDING THE AMARILLO MUNICIPAL CODE: CHAPTER 2-6 TO ESTABLISH A DOWNTOWN URBAN DESIGN REVIEW BOARD; CHAPTER 4-10 TO CREATE A DIVISION 3 IN ARTICLE IV, ESTABLISHING A DOWNTOWN URBAN DESIGN OVERLAY DISTRICT WITH CORRESPONDING DEVELOPMENT STANDARDS AND PROCEDURES; CHAPTER 4-10, ARTICLE II, DIVISION 2 TO EXPAND AUTHORITY OF THE ZONING BOARD OF ADJUSTMENT; CHAPTER 4-10, ARTICLE XXI, TO CREATE SECTION 4-10-1002 (APPENDIX); AMENDING VARIOUS OTHER SECTIONS TO CONFORM TO THE AFOREMENTIONED AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Amy Taylor Restine, 721 Short Street, requested that the Ordinance be read in its entirety. Marcus Norris affirmed to the Mayor and Commission that copies had

previously been provided and there was no requirement to do so. Karl Restine, 721 Short Street, appeared stating the ordinance was burdensome for residents, very time consuming, it needed clarifying and the writing needed to be clearer. Don Seager, 617 West 7th, with the American Legion, appeared reminding the Mayor and City Commission that they worked for the citizens. He also stated that they needed to be honest, that if their property values go up so do their taxes. He inquired if there were any grants available from the government. He asked when are people of Amarillo were going to be able to vote on changes. Mayor McCartt stressed the importance in moving forward. Johnny Johnson, 708 E. St. Francis, appeared to ask why residential areas were involved, and why the design standards did not just exempt residential neighborhoods. Beth Duke, 3141 West 28th, reported that Center City had been working with voluntary urban design standards since 1995 and there had not been much difference made in historic preservation. It was time to move forward with vision and not just with downtown buildings but the surrounding neighborhoods. In order to not lose momentum in historical preservation, and to welcome the neighborhood and not to chop up downtown. Brian Eades commented that as a Commission, both present and past he apologized for allowing this beautiful district to slide. It should not have ever been allowed to occur; it should have maintained its structure. Many years of inattention needed to be rectified. Eloy Heras, 1604 S. Harrison, commented that she agreed that the City needed to maintain historical areas, but did not like being told what she could or could not do. Vincent Cardona, 1402 S. Lincoln, stated that residences need to be left out. He agreed it would raise taxes, and it put a strain on residents who need every penny. Many of whom are people on fixed, modest and frozen incomes. Susan Palmer, 1606 S. Harrison, commented she resented recent statements given because of the responses shown from people rolling their eyes. Also, the neighborhood was even not put into the design standards until two months ago. Melissa Dailey, with Downtown Amarillo, Inc. stated it is a challenge with property values, and help was needed to rebound downtown and catch up with the other growth in the City. Charlene Taylor, 906 Crockett, asked why Melissa Dailey was making decisions. What neighborhood was next? Is there a bigger master plan? Lou Ann Garrett, 7000 White Bluff Trail, stated that nowhere else in the City are design standards being enforced. Dan Rogers, 506 S. Lipscomb, stated the ordinance needed to be thoroughly thought out in case of fire because of replacement value, and the kind of insurance that is carried. He also suggested the neighborhood be grandfathered. Mark Burns, 1309 S. Taylor, commented he wished to have families in residences excluded. He also inquired about eminent domain and asked if the Commission would be willing to put in writing that there would be no eminent domain. Ron Boyd stated that it could not be done by state law. In response to continued outbursts from the audience, Debra McCartt interjected she had never been to a meeting like this one. Mayor McCartt asked for decorum. Marcus Norris reminded the Mayor and Commission that one person at a time should speak and that police officers were present. He went on to state that eminent domain could not be used for economic development. Condemnation could not be transferred to a private developer, although, the Legislature had three exceptions but they were not easily met. He stated that throughout the history of this City, the opportunity had presented itself but it had been turned down cold each time.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, and Boyd; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 6: Mayor McCartt presented a resolution authorizing the City of Amarillo submission of a financial assistance application to the Texas Water Development Board Water Infrastructure Fund (WIF) for the costs of constructing improvements and extensions to the City's Waterworks System from the Osage Treatment Plant to the Arden Road pump station. This application requests an amount not to exceed \$20,125,000. These improvements will provide an increased ability to deliver additional water from the Potter County Wellfield to the Arden Road Pump Station. There were no comments. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the following captioned resolution be passed:

RESOLUTION NO. 7-20-10-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS REQUESTING FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD; AUTHORIZING THE FILING OF AN APPLICATION FOR ASSISTANCE; AND MAKING CERTAIN FINDINGS IN CONNECTION THEREWITH.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, and Boyd; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 7: Mayor McCartt presented a resolution which will allow the City to be reimbursed from the bond proceeds for initial expenditures made for constructing improvements and extensions to the City's Waterworks System project from the Osage Potable Water Treatment Plant to the Arden Road pump station. This resolution is in conjunction with the requested financing from the Texas Water Development Board WIF Fund. There were no comments. Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned resolution be passed:

RESOLUTION NO. 7-20-10-2

A RESOLUTION OF THE AMARILLO CITY COMMISSION, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, and Boyd; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 8: Mayor McCartt presented a resolution which conducted a public hearing and authorized the City of Amarillo to submit fiscal year 2009/2010 federal and state operating and capital project assistance grant funding for the Amarillo City Transit Department. Notification was recently received regarding this grant application in the total amount of \$2,769,476 in funding from the Federal Transit Administration. Of this amount \$1,663,775 is for operating assistance and \$1,105,701 is for the capital project assistance. The City will receive grant funding in the amount of \$410,583 from the Texas Department of Transportation, which reduces the amount of funding the City must expend to fund Amarillo City Transit operations. This grant assistance will provide partial funding for Amarillo City Transit System Operating and Capital Project costs from October 1, 2009 to September 30, 2010. There were no comments. Motion was made by Commissioner Scott, seconded by Commissioner Boyd, that the following captioned resolution be passed:

RESOLUTION NO. 7-20-10-3

A RESOLUTION CONDUCTING A PUBLIC HEARING ON THE AMARILLO CITY TRANSIT PROGRAM OF PROJECTS; AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Comment was made by Commission Brian Eades that this program represented 1% of the City's total budget.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, and Boyd; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 9: Mayor McCartt presented resolution which conducted a final public hearing on, and authorizes the City of Amarillo to submit the 2010 to 2015 Consolidated Plan for Housing and Community Development to the U.S. Department of Housing and Urban Development (HUD). The Plan has been available for public comment for the required 30-day period. The Plan will guide the allocation of federal funding under the CDBG, HOME and homeless program over the next five years. Adoption of the Plan is recommended by the Community Development Advisory Committee. James Allen, Chairman of the Community Development Advisory Committee, discussed the process by which the five year plan was developed and recommended the Plan for adoption.

There were no other public comments. Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned resolution be passed:

RESOLUTION NO. 7-20-10-4

A RESOLUTION CONDUCTING A PUBLIC HEARING ON AND AUTHORIZING THE ADOPTION OF THE 2010-2015 CONSOLIDATED PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT AND SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, AS REQUIRED; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, and Boyd; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 10: Mayor McCartt presented a resolution which conducted the final public hearing and authorizes the City of Amarillo's submission of the 2010-2011 Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). This Annual Action Plan recommends allocation of \$2,945,268 in federal funding for programs, services and projects which benefit low and moderate income residents in our community. This is recommended for approval by the Community Development Advisory Committee. There were no other public comments. Motion was made by Commissioner Scott, seconded by Commissioner Boyd, that the following captioned resolution be passed:

RESOLUTION NO. 7-20-10-5

A RESOLUTION CONDUCTING A PUBLIC HEARING AND APPROVING THE 2010-2011 ANNUAL ACTION PLAN AND AUTHORIZING THE CITY MANAGER AS CHIEF ADMINISTRATIVE OFFICER TO EXECUTE AND FILE SAID PLAN WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, PROVIDING AN EFFECTIVE DATE; PROVIDING REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE.

James Allen, Chairman of the Community Development Advisory Committee, presented a PowerPoint on the recommended disbursements of funds for the 2010-2011 Annual Action Plan. He also stated all their meetings were open to the public.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, and Boyd; voting NO were none; the motion carried by a 4:0 vote of the Commission.

ITEM 11: Mayor McCartt presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Commissioner Boyd, seconded by Commissioner Eades with the correction to the amount in Item A to be \$294,277.50, and unanimously carried, to approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Approval – Amendment 2009/2011 Bioterrorism Public Health Preparedness Grant:

This item is the approval of an amendment to the Bioterrorism Public Health Preparedness Grant administered by the Texas Department of State Health Services (DSHS). The amendment changes the contract period to run from August 1, 2009 to July 31, 2011. Funding under this amendment remains level at \$249,277.50 and will ensure the continued delivery of these services.

B. Approval – Agreement for Engineering Services:

HDR Engineering, Inc. – maximum not to exceed \$1,428,070.00
This item is the approval of a contract for engineering services necessary to provide design and construction phase services for the project to connect the Osage Potable Water Treatment Plant to the Arden Road Pump Station. Funding for this project is being sought from the Texas Water Development Board Water

Infrastructure Fund (WIF) and this contract will be contingent upon receiving the requested financial assistance.

- C. Approval – Agreement for Bond Counsel:
Fulbright & Jaworski LLP – terms and conditions as noted
This item is the approval of an agreement for the firm of Fulbright & Jaworski, LLP to provide bond counsel services related to the project to connect the Osage Potable Water Treatment Plant to the Arden Road Pump Station. Funding for this project is being sought from the Texas Water Development Board Water Infrastructure Fund (WIF) and this agreement is contingent upon the City receiving the requested financial assistance.
- D. Approval – Working Agreement for Services to the Shelter Plus Care Program:
Texas Panhandle Mental Health Mental Retardation (TPMHMR)
This item is the approval of an agreement between the City of Amarillo and Texas Panhandle Mental Health Mental Retardation for administrative and supportive services associated with the Shelter Plus Care Program. This program provides rental subsidies to assist homeless, disabled individuals with a chronic mental illness and their families. The agreement consolidates two renewal grants from the U.S. Department of Housing and Urban Development (HUD) into one grant for the 2010/2011 year for a total amount of \$343,884 with TPMHMR providing the match 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. Jesse Pfrimmer, 5723 Milam, appeared concerning the bicycle accident on the Canyon E-way this past weekend. He wanted to encourage the motoring public to become more fit and watch for bikers on the road. Mayor McCartt commented that the new City buses now have bike racks on the front of them. Robert Morgan, 1320 S. Fillmore, inquired as to when there might be more signs. Jarrett Atkinson responded, hopeful this summer. There were no further comments. Mayor McCartt announced that the meeting was adjourned.

ATTEST:

Donna DeRight, City Secretary

Debra McCartt, Mayor