

AGENDAS

FOR THE AMARILLO CITY COUNCIL WORK SESSION TO BE HELD ON TUESDAY, NOVEMBER 14, 2017 AT 3:00 P.M. AND THE REGULAR MEETING OF THE AMARILLO CITY COUNCIL AT 5:00 P.M., CITY HALL, 509 SOUTHEAST 7th AVENUE, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

Please note: The City Council may take up items out of the order shown on any Agenda. The City Council reserves the right to discuss all or part of any item in an executive session at any time during a meeting or work session, as necessary and allowed by state law. Votes or final decisions are made only in open Regular or Special meetings, not in either a work session or executive session.

WORK SESSION

- A. City Council will discuss or receive reports on the following current matters or projects.
- (1) Review agenda items for regular meeting and attachments;
 - (2) Solid Waste Update to include Dumpsters and Illegal Dumping;
 - (3) Presentation Golf Marketing Campaign;
 - (4) Updates on 2019 Legislature and West Texas Mayor's Meeting;
 - (5) Update on Domestic Violence Task Force;
 - (6) Consider Memorial and First Responders Fund;
 - (7) Environmental Health Presentation; and
 - (8) Consider future Agenda items and request reports from City Manager.
- B. The City Council will convene in Executive Session to receive reports on or discuss any of the following pending projects or matters:
- (1) Sec. 551.071 - Consult with attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter.
 - (a) Discussion regarding liability exposure associated with provision of Solid Waste services and related matters.
 - (b) Consult with attorney regarding MPEV construction contract negotiation.

REGULAR MEETING ITEMS

INVOCATION: Davlyn Duesterhaus, BSA Staff Chaplain

PROCLAMATIONS: "National Philanthropy Day"
"Small Business Saturday"

PUBLIC COMMENT: Citizens who desire to address the City Council with regard to matters on the agenda or having to do with the City's policies, programs, or services will be received at this time. The total time allotted for comments is 30-minutes with each speaker limited to three (3) minutes. City Council may not discuss items not on this agenda, but may respond with factual, established policy information, or refer to staff. The City Council may choose to place the item on a future agenda.
(Texas Attorney General Opinion. JC-0169.)

1. **CONSENT AGENDA:**

It is recommended that the following items be approved and that the City Manager be authorized to execute all documents necessary for each transaction:

THE FOLLOWING ITEMS MAY BE ACTED UPON BY ONE MOTION. NO SEPARATE DISCUSSION OR ACTION ON ANY OF THE ITEMS IS NECESSARY UNLESS DESIRED BY A COUNCILMEMBER, IN WHICH EVENT THE ITEM SHALL BE CONSIDERED IN ITS NORMAL SEQUENCE AFTER THE ITEMS NOT REQUIRING SEPARATE DISCUSSION HAVE BEEN ACTED UPON BY A SINGLE MOTION.

- A. **MINUTES:**
Approval of the City Council minutes of the regular meeting held on November 7, 2017.
- B. **ORDINANCE NO. 7686:**
(Contact: AJ Fawver, Planning and Zoning Director)
This is the second and final reading to consider amending the Planned Development District 386 (PD-386), by modifying specific screening requirements, for Lots 5A and a portion of Lot 5B, Block 8, Sunrise Addition Unit No. 4, and Lots 3, 4, and the west 38 feet of Lot 2, Block 8, Sunrise Addition Unit No. 2, in Section 123, Block 2, AB&M Survey, Potter County, Texas. (Vicinity: Carter Street and I-40 East Frontage Road.)
- C. **AWARD – HEXAGON SAFETY AND INFRASTRUCTURE COMPUTER-AIDED DISPATCH (CAD) MAINTENANCE:**
(Contact: Lt. Shannon Kuster, AECC)
Awarded to Intergraph Corporation - \$162,984.00
This item recommends award of the annual contract for the purchase of maintenance for the Hexagon CAD system at AECC.
- D. **AWARD – WEBRMS HARDWARE & SOFTWARE LICENSING:**
(Contact: Rich Gagnon, IT Director)
Dell EMC – \$212,266.02
This purchase will provide servers and data storage to migrate i/Leads to WebRMS. This is the records management software for the police department.
- E. **APPROVAL – INTERLOCAL AGREEMENT WITH POTTER COUNTY:**
(Contact: Ed Drain, Chief of Police)
This item approves an Interlocal Agreement between the City of Amarillo and Potter County to file a joint grant application with the Automobile Burglary Theft Prevention Authority of Texas in the amount of \$361,705 to support the Panhandle Auto Burglary Theft Unit (PABTU).
- F. **APPROVAL -- CONSIDER APPROVAL FOR THE PURCHASE OF REPLACEMENT ENGINES FOR TRANSIT BUSES:**
(Contact: Marita Wellage-Reiley, Transit Director)
WS Truck Repair -- \$105,809.30
Amarillo City Transit is requesting approval for the purchase and installation of 5 diesel engines to replace 5 expired engines in existing City buses. The replacement will extend the useful service life of the buses an additional five years or 100,000 miles. The bid is awarded to WS Truck Repair in the amount of \$105,809.30 as the sole responsive bidder.
- G. **APPROVAL -- CHANGE ORDER NO. 4: FOR THE 2016/2017 MILLING AND OVERLAY OF VARIOUS STREETS IN THE AMOUNT OF \$8,431.50:**
(Contact: Floyd Hartman, CP&DE Director)
- | | |
|-------------------------|-------------------|
| Original Contract: | \$1,429,471.05 |
| Previous Change Orders: | \$347,087.40 |
| Current Change Order: | <u>\$8,431.50</u> |
| Revised Contract Total: | \$1,784,989.95 |
- This item is to approve Change Order No. 4 which is a final unit adjustment for installed quantities on the project.

REGULAR AGENDA

2. **CONSIDERATION – COMMEMORATIVE OPTIONS FOR RECOGNIZING OFFICER JUSTIN SCHERLEN:**
(Contact: Jared Miller, City Manager)
Council will discuss the options for providing a commemorative recognition of Officer Justin Scherlen.

3. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7687:**
 (Contact: AJ Fawver, Planning and Zoning Director)
 This is a first reading to consider providing a variance to distance regulations prohibiting the sale or alcoholic beverages within 300 feet of a public school. The City Council, as the governing board of the City of Amarillo, Texas, and pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, may grant a variance to Section 14-3-5 of the City of Amarillo Municipal Code (enacted pursuant to Section 109.33(a)(1) of the Texas Alcoholic Beverage Code) for off-premise consumption at the following location: Block 1, Westhaven Park, Unit 1, Section 227, Block 2, AB&M Survey, Randall County, Texas.
4. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7688:**
 (Contact: David Lehfeltdt and Jonathan Lofton)
 This is the first reading of an ordinance amending Article IV, Chapter 8-3, Section 8-3-82 and Section 8-3-94; Article V, Chapter 8-3, Section 8-3-116 and adding Section 8-3-134; to provide for disposal of tires; providing for regulation of tire businesses.
5. **RESOLUTION – DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES:**
 (Contact: Floyd Hartman, CP&DE Director)
 This item considers adopting of the City of Amarillo, Design Manual for the Installation of Network Nodes and Node Support Poles Pursuant to Tex. Loc. Gov. Code, Chapter 284.
6. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7689:**
 (Contact: Floyd Hartman, CP&DE Director)
 This is a public hearing and first reading to consider an Ordinance to amend Chapter 4-6, Article I, Section 4-6-3 and Article V, Section 4-6-206 of the Amarillo Municipal Code. This Ordinance is to provide specific requirements for design, collection of fees, procedures for the issuance of permits and penalties for the installation of wireless facilities.
7. **ORDINANCE NO. 7685:**
 (Contact: AJ Fawver, Planning and Zoning Director)
 This is the second and final reading to consider rezoning of a 21.95 acres tract of land in Section 40, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to Heavy Commercial District (HC) and General Retail District (GR). (Vicinity: Interstate Highway 27 and Thunder Road.)
8. **ACCEPTANCE – PRESIDING JUDGE RESIGNATION:**
 (Contact: Michelle Bonner, Deputy City Manager)
 This item considers the acceptance of a letter of resignation from the Honorable Sonya Letson, Presiding Judge of the Amarillo Municipal Court, effective December 31, 2017.
9. **CONSIDER ACTION TO AUTHORIZE THE CITY MANAGER TO EMPLOY THE MOST EFFECTIVE AND EFFICIENT PROCUREMENT AND DELIVERY METHOD TO CONSTRUCT THE MULTI-PURPOSE EVENT VENUE.**

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (Southeast 7th Avenue) of the building. An access ramp leading to the main entry is located at the southwest corner of the building. Parking spaces for individuals with disabilities are available in the south parking lot. City Hall is equipped with restroom facilities, communications equipment and elevators that are accessible. Individuals with disabilities who require special accommodations or a sign language interpreter must contact the City Secretary's Office 48 hours prior to meeting time by telephoning 378-3013 or the City TDD number at 378-4229.

Posted this 10th day of November 2017.

Amarillo City Council meetings stream live on Cable Channel 10 and are available online at:

www.amarillo.gov/granicus

Archived meetings are also available.

Amarillo City Council Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	Best Practices
Department	Environmental Health		
Contact	Shaun May (Director of Environmental Health) and Anthony Spanel (Environmental Health Supervisor)		

Agenda Caption

Environmental Health Presentation on proposed updates to Food Establishment permitting and inspection regulations

Agenda Item Summary

Environmental Health will be presenting information on proposed updates and amendments to Amarillo City Ordinance Chapter 8-5 – Public Health. Changes will impact Food Establishment permitting and inspections within the City limits.

Environmental Health will request future consideration of the proposed ordinance updates and amendments. This is the first comprehensive update to the City’ ordinances related to Food Establishment rules and regulations since 2000. The goal is to improve the overall level of Food Safety within Amarillo. Our objectives are to 1) eliminate conflicts and redundancies by fully adopting the Texas Food Establishment Rules (TFER) 2) Reduce the regulatory burden 3) update the permitting and inspection process for Mobile Food Units 4) update Food Establishment closure policy and enforcement remedies 5) improve transparency and communication with the public regarding Food Establishment inspection reporting.

Requested Action

Environmental Health is requesting a work session on November 14th to solicit feedback from City Council. Consideration of the proposed updates and amendments by ordinance will be presented at a future date (estimated within the next 30 days).

Funding Summary

N/A

Community Engagement Summary

Level 3 Impact. Level 3 is defined as “High Impact on select area and/or community group”. The following community engagement activities have been completed:

- At least bi-weekly meetings with Panhandle Restaurant Association (PRA) representatives from May 2017 through August 2017.
- May 25, 2017 - met with PRA leadership and City Director of Utilities to discuss improvements to City’s Grease Trap Program
- August 14th -18th – media blitz: social media, City and department web pages, press release, media interviews (1 radio appearance, 6 television appearances, and 3 newspaper articles).
- Utilized EH Food Establishment Listserv to invite all Food Establishment permit holders to community engagement meetings

Amarillo City Council

Agenda Transmittal Memo



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- Community Workshops (all held at the Amarillo Civic Center, Regency Room B)
 - August 18, 2017 – 20 attendees
 - August 19, 2017 – 10 attendees
 - August 23, 2017 – 50 attendees
 - August 22, 2017 - PRA Board of Directors Meeting on regarding ordinance changes. We received full support from the PRA Board.
 - September 11, 2017 - PRA leadership and City Director of Utilities to discuss improvements to City's Grease Trap Program.
 - October 18, 2017 - PRA General Membership meeting to discuss Director of Utilities grease trap program, Fire Marshall new inspection fees, and EH food safety ordinance updates. (15 attendees)
 - November 7, 2017 - Bi-City-County Public Health District Board of Health. Proposed ordinance updates and amendments were unanimously approved by the Board.

Solicitation of Expert commentary

- Received and implemented feedback from Mr. Matt Gellar, President of the National Food Truck Association, on the updates to the mobile food unit ordinances.
- Consulted with City of Amarillo Planning and Zoning, Building Safety, and Office of the Fire Marshal.
- Received and implemented feedback from Environmental Health colleagues across Texas (sister cities with populations greater than 200,000) and the nation (North Carolina, Florida, Alabama, and Kentucky primarily).

Staff Recommendation

Staff will present information on proposed updates and amendments to Amarillo City Ordinance Chapter 8-5 – Public Health.

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STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 7th day of November 2017, the Amarillo City Council met at 3:00 p.m. for a work session, and the regular session was held at 5:00 p.m. in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

- | | |
|---------------|---------------------|
| GINGER NELSON | MAYOR |
| ELAINE HAYS | COUNCILMEMBER NO. 1 |
| FREDA POWELL | COUNCILMEMBER NO. 2 |
| EDDY SAUER | COUNCILMEMBER NO. 3 |
| HOWARD SMITH | COUNCILMEMBER NO. 4 |

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

- | | |
|-----------------|---------------------------|
| JARED H. MILLER | CITY MANAGER |
| MICHELLE BONNER | DEPUTY CITY MANAGER |
| MICK MCKAMIE | CITY ATTORNEY |
| ANDREW FREEMAN | ECONOMIC DEVELOPMENT MGR. |
| FRANCES HIBBS | CITY SECRETARY |

The invocation was given by Shawn Freeby, Hillside Christian Church. Mayor Nelson led the audience in the Pledge of Allegiance.

Proclamations were given for "Municipal Court Week," "Working Ranch Cowboys Association (WRCA)," "National Bible Week," and "National Hospice Care Month."

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

PUBLIC COMMENT:

James Schenck, 6216 Gainsborough Street, stated he wished to speak on the fallout from the resignation of Sherwin Cox. He inquired if Council had to file a disclosure of holdings and any conflicts of interest. Mr. McKamie replied Council is required to file a financial statement each April and they are public records. He further stated any conflicts of interest are also public records. Mr. Schenck inquired if there was an ethics code in the City Charter. Mr. McKamie replied there was not. Mr. Schenck commented the applications for board appointments were flooded, and expressed concern on the November 1 deadline. He further inquired why they were considering taking out the red light camera on Elmhurst Drive. Mr. Miller stated Mr. Cox had accepted a position as an employee of the City, but decided to resign yesterday. Cheryl Ashby, 8309 Progress Drive, spoke on Item 2, Ordinance No. 7685, she stated she was concerned about the drainage nearby. She inquired if the drainage would be assessed before approving the rezoning. She stated a six foot fence was not tall enough to separate the residential area. She also stated the traffic near I-27 traffic backs up and traffic diverts to her alley and there needs to be a sign indicating it was not a through street. Ken Miller, 8306 Progress Drive, also spoke on Item 2, Ordinance No. 7685. He presented photographs of the drainage area and stated it has not been maintained by the city very well. There were no further comments.

ITEM 1: Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Powell to approval the consent agenda, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting held on October 31, 2017.

- B. **ORDINANCE NO. 7683 – RENAMING OF CITY STREETS:**
 (Contact: Andrew Freeman, Economic Development Manager)
 This is the second and final reading of an ordinance establishing guidelines, criteria, and procedures related to the renaming of City streets.
- C. **ORDINANCE NO. 7684 – RENAMING OF CITY LAND AND FACILITIES:**
 (Contact: Andrew Freeman, Economic Development Manager)
 This is the second and final reading of an ordinance establishing guidelines, criteria, and procedures related to the renaming of City land and facilities.
- D. **APPROVAL – AVIATION CLEAR ZONE EASEMENTS:**
 (Contact: Jeffrey English, Planner 1)
 1) Aviation Clear Zone Easement, being 3,750 feet above mean sea level above the plat of Highland Park Village Unit No. 2, an addition to the City of Amarillo, being a replat of a portion of Lot 1, Block 23, Highland Park Village Unit No. 1, in Section 40, Block 2, AB&M Survey, Potter County, Texas.
 2) Aviation Clear Zone Easement, being 4,700 above mean sea level above the plat of South Georgia Place Unit No. 32, an addition to the City of Amarillo, being an unplatted tract of land in Section 183, Block 2, AB&M Survey, Randall County, Texas.
- E. **APPROVAL – CONCRETE DRIVE LANE ON 5TH AVENUE:**
 (Contact: Jerry Danforth, Facilities & Special Projects Administrator)
 Award to Tri-State General Contracting Group, Inc. -- \$139,299.00
 This item is for approval of a bid for the demo and installation of a new concrete drive lane on 5th Avenue between the Globe News Center and the Embassy Suites.
- F. **APPROVAL – DEMO OF AMARILLO CITY HALL PARKING LOT:**
 (Contact: Jerry Danforth, Facilities & Special Projects Administrator)
 Award to Holmes Construction -- \$149,945.00
 This item is for approval for a fixed price bid for the City of Amarillo Demo of Amarillo City Hall parking lot on the south side, landscape, underground utilities, 1 block of Lincoln Street, 2 blocks of 7th Avenue, and area south to 8th Avenue.
- G. **APPROVE -- INTERLOCAL CONTRACT WITH TEXAS DEPARTMENT OF PUBLIC SAFETY (“DPS”):**
 (Contact: Ed Drain, Chief of Police)
 This item approves the contract with Texas Department of Public Safety (“DPS”) General Stores for the purchase of Alcohol Blood Test Kits and other supplies.
- H. **APPROVAL -- CITY OF AMARILLO 2017 INVESTMENT POLICY:**
 (Contact: Laura Storrs, Finance Director)
 This item approves the City of Amarillo’s 2017 Investment Policy.
- I. **APPROVAL – SUPPLY AGREEMENT FOR THE PURCHASE OF FIRE TRUCK PARTS:**
 (Contact: Sam Baucom, Deputy Fire Chief)
 This item approves the supply agreement with Ferrara Apparatus, Inc. for \$70,000 for the purchase of proprietary parts for Ferrara built fire trucks of all types.

REGULAR AGENDA

ITEM 2. Mayor Nelson presented the first reading of an ordinance to consider rezoning of a 21.95 acres tract of land in Section 40, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to Heavy Commercial District (HC) and General Retail District (GR). (Vicinity: Interstate Highway 27 and Thunder Road.) This item was presented by Cody Balzen, Planner I. Floyd Hartman, CP&DE Director also spoke on this matter. Councilmember Hays inquired if this ordinance could require a taller fence. Mr. McKamie replied this was only a zoning change to this property. Mr. Miller commented

that the development standards could be changed. Mayor Nelson opened the public hearing. Wesley Ingram, 8308 Challenge Drive, stated he had privacy concerns and believed heavy commercial zoning could include a hotel and he was concerned about the traffic and light pollution. He further stated he had concerns about the flooding behind his house. James Schenck, 6216 Gainsborough Street, stated the city needs to restrict building because it would lead to additional drainage issues. There were no further comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, that the following captioned ordinance be passed:

ORDINANCE NO. 7685

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 HIGHWAY 27 AND THUNDER ROAD, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Powell, Sauer and Smith; voting NO were none; Councilmember Hays abstained, the motion carried by a 4:0:1 vote of the Council.

ITEM 3. Mayor Nelson presented the first reading of an ordinance to consider amending the Planned Development District 386 (PD-386), by modifying specific screening requirements, for Lots 5A and a portion of Lot 5B, Block 8, Sunrise Addition Unit No. 4, and Lots 3, 4, and the west 38 feet of Lot 2, Block 8, Sunrise Addition Unit No. 2, in Section 123, Block 2, AB&M Survey, Potter County, Texas. (Vicinity: Carter Street and I-40 East Frontage Road.) This item was presented by Jeffrey English, Planner 1. Mayor Nelson opened the public hearing. There were no comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Hays, seconded by Councilmember Powell, that the following captioned ordinance be passed:

ORDINANCE NO. 7684

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 CARTER STREET AND INTERSTATE 40 EAST FRONTAGE ROAD, POTTER COUNTY, TEXAS; PROVIDING FOR A SAVINGS CLAUSE, PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 4. Mayor Nelson presented an item approving Change Order No. 2 for the replacement of a storm sewer junction box with a fiberglass manhole under the intersection of Southeast 8th Avenue and Lincoln Street. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that this item be approved.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 5. Mayor Nelson presented an item approving the contract for the Amarillo River Road WRF Rehabilitation of Final Clarifiers 1, 2 and 6. This proposed project is to rehabilitate the three (3) existing Final Clarifiers whose equipment is beyond its service life and to be replaced with more efficient equipment. This item was presented by Floyd Hartman, CP&DE Director. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that this item be approved.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ATTEST:

Frances Hibbs, City Secretary

Ginger Nelson, Mayor

Amarillo City Council Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	Community Appearance
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Department	Planning Department	Contact Person	AJ Fawver
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Agenda Caption

Vicinity: Carter St. & I-40 E Frontage Rd.

Amendment to Planned Development District 386 (PD-386), by modifying specific screening requirements, for Lots 5A and a portion of Lot 5B, Block 8, Sunrise Addition Unit No. 4, and Lots 3, 4, and the west 38 feet of Lot 2, Block 8, Sunrise Addition Unit No. 2, in Section 123, Block 2, AB&M Survey, Potter County, Texas.

Agenda Item Summary

Staff's analysis of zoning change requests begins with referring to the Comprehensive Plan's Future Land Use and Character Map in order to identify what it recommends for future land uses. Staff also considers how any zoning change would impact the Comprehensive Plan's recommended Neighborhood Unit Concept (NUC) of development whereby non-residential land uses are encouraged at section-line arterial intersections with a transition to residential uses as development occurs away and inward from the arterial intersections. Staff also considers the principles and recommendations laid out within the Comprehensive Plan, as well existing zoning and development patterns in the area.

During the site visit, Planning Department staff noticed that - in all directions of this property are retail or commercial uses, except to the east, where there is empty undeveloped land and to the north where there were single family homes.

This rezoning request is consistent with the adopted 2010 Comprehensive Future Land Use and Character Map, which designates this area for a future "General Commercial (GC)" land use. The Comprehensive Plan states that the character and intensity of this land use category encompasses a broad range of commercial and retail uses.

The Neighborhood Unit Concept is also a key piece of the adopted plan, in which zoning transitions from areas of lower density at section line corners to areas of high density. This concept of development ensures that commercial areas will have less of an impact to residential areas. This concept does follow the Neighborhood Unit Concept as this request is near a section line intersection (East I-40 & South Eastern St.) where commercial and retail uses are highly recommended.

The adopted Comprehensive Plan contains a number of action strategies that are to be followed when making decisions about land use, development, and other community elements. These include:

- Emphasis on infill development and encouraging development in existing undeveloped portions of the city where utility services are already available. (page 3.3, *Growth Management & Capacity*)

Amarillo City Council

Agenda Transmittal Memo



The requested zoning change would keep the same boundaries and change only the PD site plan by replacing the rear side shrubbery with a 8' tall cedar wood fence.

Given the above, the resulting site plan conforms to the city's standards per the Site Plan Ordinance Sec. 4-10-226.

Requested Action

The applicant is requesting a Planned Development District Amendment of 5.58 acres from Planned Development District 386 to Planned Development District 386 in order to place a rear screening fence along SE 17th Avenue.

Funding Summary

N/A

Community Engagement Summary

The item was distributed to all applicable internal and external entities. Notices have been sent out to 15 property owners within 200 feet regarding this proposed rezoning. At the time of this writing, the Planning Department has received no comments regarding this request.

The item was recommended for approval by 5:0 vote of the Planning and Zoning Commission at its October 23, 2017 public meeting.

City Manager Recommendation

Planning Staff has reviewed the associated ordinance and exhibit and recommends the City Council approve the item as submitted.

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 CARTER STREET AND INTERSTATE 40 EAST FRONTAGE ROAD, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has held public hearings on proposed zoning changes on the property hereinafter described and has filed its final recommendation and report on such proposed zoning changes with the City Council; and,

WHEREAS, the City Council has considered the final recommendation and report of the Planning and Zoning Commission and has held public hearings on such proposed zoning changes, all as required by law; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO:

SECTION 1. The zoning map of the City of Amarillo adopted by Section 4-10 of the Amarillo Municipal Code and on file in the office of the Planning Director is hereby amended to reflect the following zoning use changes:

Rezoning of Lots 5A and a portion of Lot 5B, Block 8, Sunrise Addition Unit No. 4, and Lots 3, 4, and the west 38 feet of Lot 2, Block 8, Sunrise Addition Unit No. 2, in Section 123, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 386 (PD-386) to Planned Development District 386 (PD-386) for a rear screening fence along SE 17th Avenue.

SECTION 2. All ordinances and resolutions or parts thereof that conflict with this ordinance are hereby repealed, to the extent of such conflict.

SECTION 3. In the event this ordinance or any part hereof is found to be invalid, such invalidity shall not affect the remaining portions of the ordinance, and such remaining portions shall continue to be in full force and effect. The Director of Planning is authorized to make corrections and minor changes to the site plan or development documents to the extent that such does not materially alter the nature, scope, or intent of the approval granted by this ordinance.

SECTION 4. This ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the ____ day of November, 2017 and PASSED on Second and Final Reading on this the _____ day of November, 2017.

Ginger Nelson, Mayor

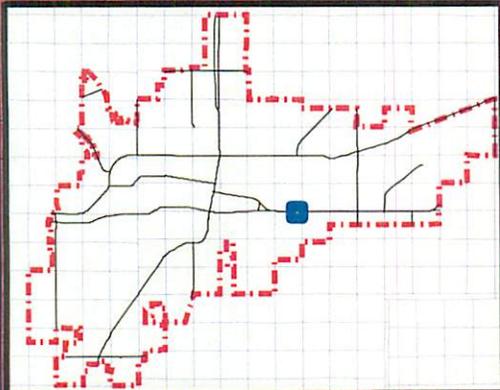
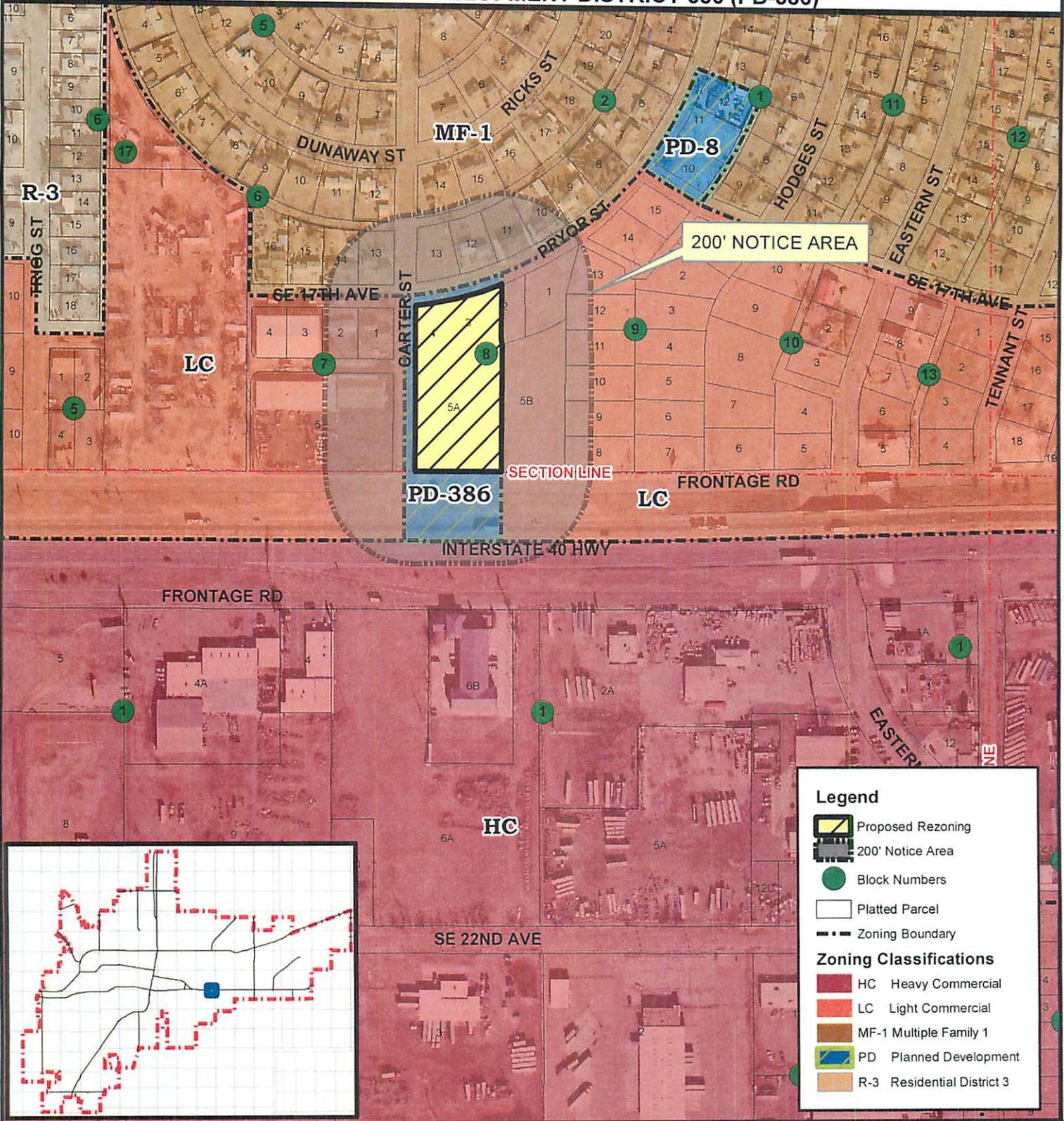
ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

CASE Z-17-31
REZONING FROM PLANNED DEVELOPMENT DISTRICT 386 (PD-386)
TO PLANNED DEVELOPMENT DISTRICT 386 (PD-386)



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 300 feet
Date: 10/11/2017



Rezoning of Lots 5A and a portion of Lot 5B, Block 8, Sunrise Addition Unit No. 4, and Lots 3, 4, and the west 38 feet of Lot 2, Block 8, Sunrise Addition Unit No. 2, in Section 123, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 386 (PD-386) to Planned Development District 386 (PD-386).

Applicant: Ian McClure
 Vicinity: I-40 E Frontage Rd. & Carter St.

DISCLAIMER: The City of Amarillo is providing this information as a public service. The information shown is for information purposes only and except where noted, all of the data or features shown or depicted on this map is not to be construed or interpreted as accurate and/or reliable; the City of Amarillo assumes no liability or responsibility for any discrepancies or errors for the use of the information provided.



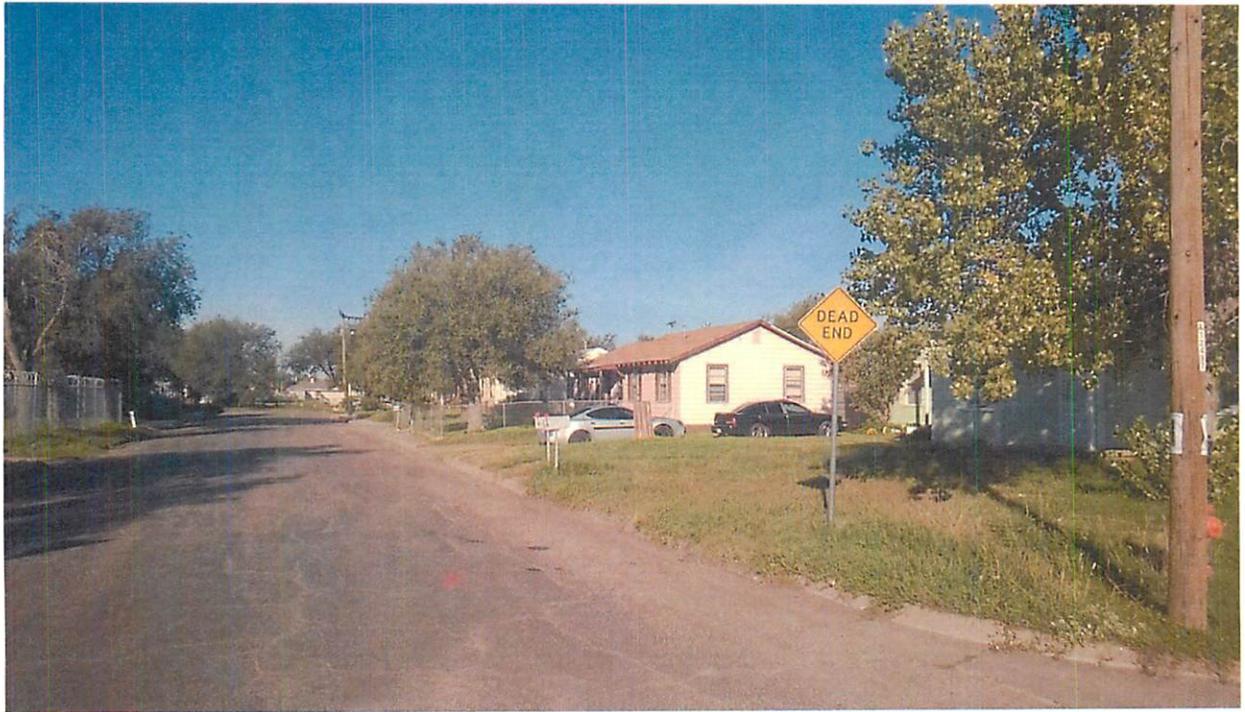
Looking northeast at SE 17th Avenue at the proposed fence location, Homes zoned MF-1. This is the location of the proposed screening fence.



Looking north up Carter St across from the proposed rezoning tract (Zoned MF-1).



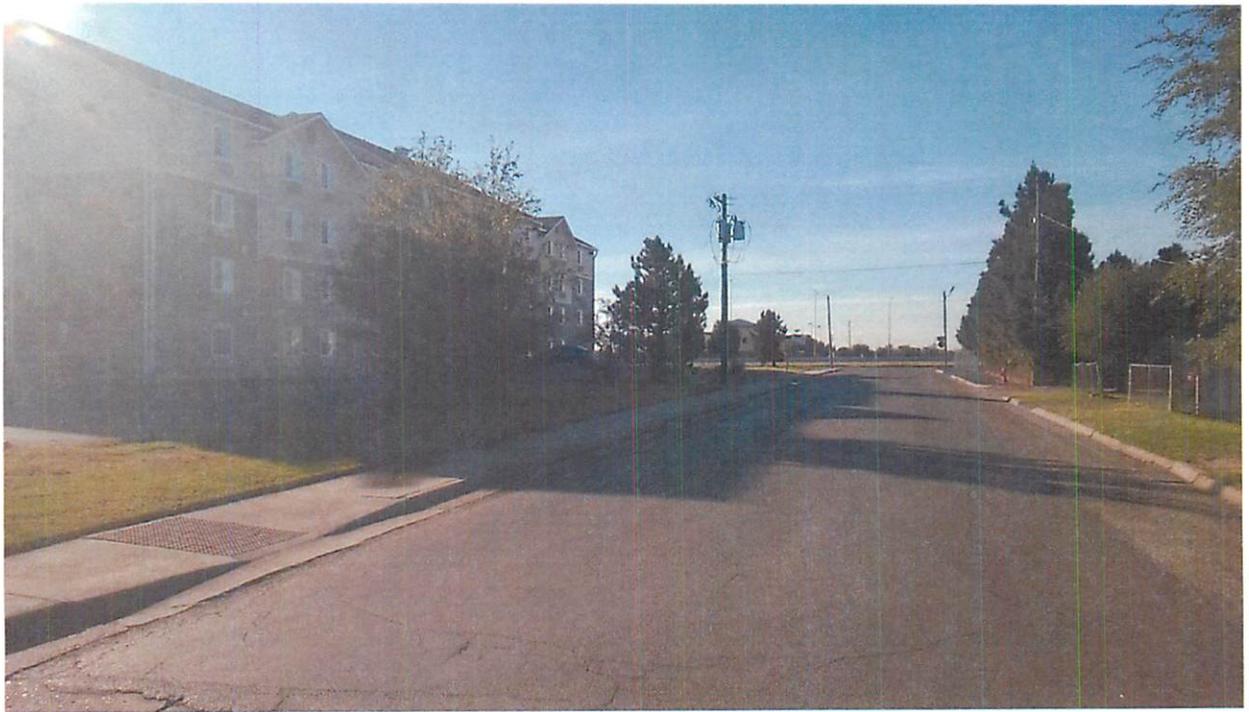
Looking northwest from the proposed rezoning tract up S Carter St & SE 17th Avenue. (Zoned MF-1).



Looking west down SE 17th Ave. across from the proposed rezoning tract (Zoned MF-1).



Looking southwest across from proposed rezoning tract down SW 17th Ave.



Looking south down Carter St. from proposed rezoning tract (Zoned LC on Right).



Looking southeast at the proposed rezoning tract (Zoned PD-386).

2

Amarillo City Council Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	
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Department	AECC	Contact Person	Lt. Shannon Kuster - AECC
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Agenda Caption

Award – Hexagon Safety and Infrastructure Computer-Aided Dispatch (CAD) Maintenance:
 Awarded to Intergraph Corporation - \$162,984.00
 This item recommends award of the annual contract for the purchase of maintenance for the Hexagon CAD system at AECC.

Agenda Item Summary

Award of Annual contract for Hexagon CAD Maintenance for use by the City of Amarillo AECC Department. Hexagon is the proprietary vendor for Hexagon CAD who is the sole source provider for maintenance on the Hexagon CAD.

Requested Action

Consider approval and award for the City Annual Contract for Hexagon CAD Maintenance.

Funding Summary

Funding is budgeted in Inventory account 1270.69300.

Community Engagement Summary

N/A

Staff Recommendation

City Staff is recommending approval and award of the contract.

Bid No. 5909 HEXAGON CAD MAINTENANCE RENEWAL FOR AECC
Opened 4:00 p.m. October 26, 2017

To be awarded as one lot

INTERGRAPH CORPORATION

Line 1 Law enforcement software sw
maintenance, per specifications

1 yr

Unit Price

\$162,984.000

Extended Price

162,984.00

Bid Total

162,984.00 ✓

Award by Vendor

162,984.00

Amarillo City Council Agenda Transmittal Memo



Meeting Date	11/14/2017	Council Priority	N/A
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Department	Information Technology
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Agenda Caption

Award – WebRMS Hardware & Software Licensing:
Dell EMC – \$212,266.02

Agenda Item Summary

This purchase will provide servers and data storage to migrate i/Leads to WebRMS. This is the records management software for the police department.

Requested Action

Approval of award to Dell EMC in the amount of \$212,266.02.

Funding Summary

Funding is available in Information Technology job 620064.17400.1080.

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of award.

Bid No. 5878 NETWORK HARDWARE & SOFTWARE LICENSES
Opened 4:00 p.m. September 25, 2017

To be awarded as one lot DELL EMC

Line 1 Servers, file, microcomputer vxrail
hardware, software and 5-yr pre-paid
main., per specifications

1 ea		
Unit Price	\$149,143.180	
Extended Price		149,143.18

Line 2 Storage area network data domain
storage for backups, per specifications

1 ea		
Unit Price	\$62,931.790	
Extended Price		62,931.79

Line 3 Shipping, handling & misc fees, per
specifications

1 ea		
Unit Price	\$191.050	
Extended Price		191.05

Bid Total		212,266.02
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Award by Vendor		212,266.02
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Amarillo City Council Agenda Transmittal Memo



E

Meeting Date	First Available	Council Priority	Routine
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Department	Police	Contact Person	Chief Drain
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Agenda Caption

Approval of Interlocal Agreement between the City of Amarillo and Potter County to file a joint grant application with the Automobile Burglary Theft Prevention Authority of Texas in the amount of \$361,705 to support the Panhandle Auto Burglary Theft Unit (PABTU).

Agenda Item Summary

The PABTU is a multijurisdictional auto theft and prevention and recovery unit. APD has three sergeants and a lieutenant assigned to the unit. The PABTU is housed at the Police Department. The PABTU is eligible to receive grant funds in the amount of \$361,705 for the current fiscal year from the Automobile Theft Prevention Authority of Texas. The 47th District Attorney's Office will submit the grant application. The City of Amarillo will contribute \$495,590 as an in-kind match based on salary and benefits of the assigned APD staff, and office space and other support provided to the PABTU. There is no direct transfer of cash associated with this agreement.

Requested Action

Request Council approve and Mayor sign.

Funding Summary

In-kind match based on salary and benefits of assigned staff, office space, and other support to the PABTU.

**2017 -2018
INTERLOCAL
AGREEMENT**

POTTER COUNTY, TEXAS	§
	§
CITY OF AMARILLO, TEXAS	§

This agreement is entered into by and between the City of Amarillo, a municipal corporation situated in Potter and Randall Counties of the State of Texas, hereinafter called "City", and Potter County, a political subdivision of the State of Texas, hereinafter called "County", pursuant to the Interlocal Cooperation Act, Chapter 791, Texas Government Code.

WITNESSETH

WHEREAS, the City and County wish to file a joint grant application with the Automobile Burglary Theft Prevention Authority of the State of Texas, for funding in the amount of \$361,705.00 for September 1, 2017, to August 31, 2018; and

WHEREAS, the City has agreed to contribute \$495,590.00 in matching funds if said joint application is approved; and

WHEREAS, the source of funds would not normally be used for this purpose; and

WHEREAS, the City and County believe it is in their best interests to join in an application to develop a multijurisdictional ABTPA Unit, the Panhandle Auto Burglary Theft Unit.

WHEREAS, the City and County agree to each accept the responsibility to adhere to all pertinent federal, state, and local laws or regulations.

NOW THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

ARTICLE I

PURPOSE

The purpose of this Agreement is to allow the City and County to file a joint application for a Grant, with the Texas Automobile Burglary and Theft Prevention Authority, which creates the Panhandle Auto Burglary Theft Unit, which application is attached hereto as Exhibit "A" and made a part hereof for all purposes.

ARTICLE

II TERM

The term of this Agreement is to commence on the execution by all parties to this Agreement and to end on August 31, 2018.

ARTICLE III

CONSIDERATION

As consideration for this Agreement, the City has agreed to contribute a total of \$495,590.00 in matching funds for the enhancement of the Panhandle Auto Burglary Theft Unit in the amount as follows:

CITY OF AMARILLO, TEXAS	\$495,590
COUNTY OF POTTER, TEXAS	\$54,000

Item Description	Amount	Method (Cash Paid/In Lieu of/In kind)
Unit Supervisor-Lieutenant	\$94,297.98	Salary paid by Amarillo Police Department in lieu of match
Unit Supervisor-Lieutenant	\$30,611.02	Fringe paid by Amarillo Police Department in lieu of match
Crime Prevention Coordinator	\$2,000.00	Portion of fringe paid with Amarillo Police Department cash contribution
APD Investigator #1	\$111,427.66	Allocated by Amarillo Police Department as in-kind match
APD Investigator #2	\$111,427.67	Allocated by Amarillo Police Department as in-kind match
APD Investigator #3	\$111,427.67	Allocated by Amarillo Police Department as in-kind match
APD Office Space	\$15,795.00	Allocated by Amarillo Police Department as in-kind match
APD Records Management	\$18,603.00	Allocated by Amarillo Police Department as in-kind match
Commander	\$21,649.00	Fringe paid with Potter County cash contribution
PCSO Investigator	\$18,944.00	Fringe paid with Potter County cash contribution
Crime Prevention Coordinator	\$13,407.00	Fringe paid with Potter County cash contribution

ARTICLE IV

ALLOCATION OF FUNDS

The specific allocation of the City and County funds is set out in the attachments of the Agreement marked as Exhibit "A" and made a part hereof for all purposes.

ARTICLE V

EQUIPMENT

Upon the termination of the Agreement, the ownership of equipment, hardware, and other non-expendable items will revert back to the applicant. The Automobile Burglary and Theft Prevention Authority of the State of Texas will be notified and inventory records will be updated.

ARTICLE VI

AMENDMENTS

This Agreement may be amended by the mutual agreement of the parties hereto in writing to be attached to and incorporated in to this Agreement.

ARTICLE VII

LEGAL CONSTRUCTIONS

In case any one or more of the provisions contained in this Agreement shall be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision herein, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

ARTICLE VIII

ENTIRE AGREEMENT

This Agreement supersedes other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof and no other agreement, statement, or promise relating to the subject matter of this Agreement, which is not contained herein, shall be valid or binding upon all parties.

EXECUTED IN MULTIPLE ORIGINAL COUNTERPARTS ON THE DATE(S) SHOWN BELOW:

CITY OF AMARILLO

POTTER COUNTY, TEXAS

By: _____
Ginger Nelson, Mayor

By: _____
Nancy Tanner, Potter County Judge

On: _____, 2017

On: _____, 2017

F

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	Transportation Systems
Department	Amarillo City Transit		
Contact	Marita Wellage-Reiley, Transit Director		

Agenda Caption

CONSIDER APPROVAL FOR THE PURCHASE OF REPLACEMENT ENGINES FOR TRANSIT BUSES

Agenda Item Summary

Amarillo City Transit is requesting approval for the purchase and installation of 5 diesel engines to replace 5 expired engines in existing City buses. The replacement will extend the useful service life of the buses an additional five years or 100,000 miles. The bid is awarded to WS Truck Repair in the amount of \$105,809.30 as the sole responsive bidder.

Requested Action

Request approval to award Quote 5874 Engine Replacement to WS Truck Repair in the amount of \$105,809.30 as the sole responsive bidder. Purchasing solicited bids from 7 local and 2 outside area vendors to provide parts and labor to replace the engines. WS Truck Repair was the sole responsive bidder to the purchasing request. The price per unit is approximately the same as a previous engine replacement award from September 2016.

The replacement engines will be installed in buses originally purchased in 2010 with over 250,000 miles on each expired engine. The rehab and continued use of these 5 buses is critical to efforts to implement the proposed Transit Master Plan. Procurement of new vehicles can take up to 2 years and would result in limitations on Amarillo City Transit's ability to move forward with implementation of the Transit Master Plan.

Funding Summary

Federal funding for the replacement engines will come from FY16/17 Federal Capital and Operating (TX-2016-014-00) Grant Preventive Maintenance line item. The allocation is 80% Federal and 20% Local share from the approved Transit Department budget.

Federal Capital and Operating Grant (Federal Share):	\$84,647.44 (80%)
Transit Department Maintenance Budget (Local Share):	\$21,161.86 (20%)
Total Purchase:	\$105,809.30

Community Engagement Summary

This award represents a Level 3 community engagement item (high impact on the service). Amarillo City Transit has conducted extensive community engagement related to implementation of the Transit Master Plan. This purchase is critical to the implementation of this plan.

Staff Recommendation

Staff recommends award to WS Truck Repair in the amount of \$105,809.30.

Bid No. 5874 ENGINE REPLACEMENTS ON THREE TRANSIT BUSES

Opened 4:00 p.m. October 26, 2017

To be awarded as one lot

WS TRUCK REPAIR

Line 1 Labor, misc: R&R engine for
replacement, per specifications

15 ea

Unit Price

\$90.000

Extended Price

1,350.00

Line 2 Labor, misc: remove and install
components from old to new engine, per
specifications

20 ea

Unit Price

\$90.000

Extended Price

1,800.00

Line 3 Labor, misc: R&R doc and dpf for
servicing, per specifications

2 ea

Unit Price

\$90.000

Extended Price

180.00

Line 4 Power plant (engine, belts, heads,
intake, rebuilding)remain long block,
turbo, hp fuel pump, per specifications

1 ea

Unit Price

\$17,431.860

Extended Price

17,431.86

To be awarded as one lot

WS TRUCK REPAIR

Line 5 Fuel, oil, grease and lubricant, fluid
and filters, per specifications

1 ea

Unit Price

\$300.000

Extended Price

300.00

Line 6 Shipping, handling & misc fees,
cleaner, zip ties and etc, per
specifications

1 ea

Unit Price

\$100.000

Extended Price

100.00

Line 7 Labor, miscellaneous R&R engine
for replacement, per specifications

15 ea

Unit Price

\$90.000

Extended Price

1,350.00

Line 8 Labor, miscellaneous R&R engine
for replacement, per specifications

20 ea

Unit Price

\$90.000

Extended Price

1,800.00

To be awarded as one lot

WS TRUCK REPAIR

Line 9 Labor, miscellaneous, doc and dpf
servicing, per specifications

2 ea

Unit Price

\$90.000

Extended Price

180.00

Line 10 Power plant, remain long block,
turbo, hp fuel pump, set of injections,
per specifications

1 ea

Unit Price

\$17,431.860

Extended Price

17,431.86

Line 11 Fuel, oil, grease and lubricate,
fluids and filters, per specifications

1 ea

Unit Price

\$300.000

Extended Price

300.00

Line 12 Shipping, handling, & misc fees,
cleaner, zip ties and etc, per
specifications

1 ea

Unit Price

\$100.000

Extended Price

100.00

To be awarded as one lot

WS TRUCK REPAIR

Line 13 Labor, miscellaneous, r&r engine
for replacement, per specifications

15 ea

Unit Price

\$90.000

Extended Price

1,350.00

Line 14 Labor, miscellaneous, remove
and install components from old to new
engine , per specifications

20 ea

Unit Price

\$90.000

Extended Price

1,800.00

Line 15 Labor, miscellaneous, r&r doc
and dpf for servicing, per specifications

2 ea

Unit Price

\$90.000

Extended Price

180.00

Line 16 Power plant (engine, belts, heads,
intake, rebuilding. Etc) remain long block,
turbo, hp, per specifications

1 ea

Unit Price

\$17,431.860

Extended Price

17,431.86

To be awarded as one lot

WS TRUCK REPAIR

Line 17 Fuel, oil, grease and lubricant,
fluid and filters, per specifications

1 ea

Unit Price

\$300.000

Extended Price

300.00

Line 18 Shipping, handling & misc fees
cleaner, zip ties, and etc, per
specifications

1 ea

Unit Price

\$100.000

Extended Price

100.00

Line 19 Shipping, handling & misc fees
cleaner, zip ties, and etc, per
specifications

1 ea

Unit Price

\$100.000

Extended Price

100.00

Line 20 Fuel, oil, grease and lubrication
fluids and filters, per specifications

1 ea

Unit Price

\$300.000

Extended Price

300.00

To be awarded as one lot

WS TRUCK REPAIR

Line 21 Power plant, remain long block,
turbo, hp fuel pump, set of injectors,
gasket sets, per specifications

1 ea

Unit Price

\$17,431.860

Extended Price

17,431.86

Line 22 Labor, misc r&r doc and dpf for
servicing, per specifications

2 ea

Unit Price

\$90.000

Extended Price

180.00

Line 23 Labor, misc remove and install
components from old to new engine, per
specifications

20 ea

Unit Price

\$90.000

Extended Price

1,800.00

Line 24 Labor, misc, r&r engine for
replacement, per specifications

15 ea

Unit Price

\$90.000

Extended Price

1,350.00

To be awarded as one lot

WS TRUCK REPAIR

Line 25 Power plant, remain long block,
turbo, hp fuel pump, set of injectors, per
specifications

1 ea

Unit Price

\$17,431.860

Extended Price

17,431.86

Line 26 Labor, misc r&r engine for
replacement, set of injectors, per
specifications

15 ea

Unit Price

\$90.000

Extended Price

1,350.00

Line 27 Labor, misc remove and install
components from old to new, per
specifications

20 ea

Unit Price

\$90.000

Extended Price

1,800.00

Line 28 Labor, misc r&r doc and dpf for
servicing, per specifications

2 ea

Unit Price

\$90.000

Extended Price

180.00

To be awarded as one lot

WS TRUCK REPAIR

Line 29 Fuel, oil, grease and lubricant
fluids and filters, per specifications

1 ea

Unit Price

\$300.000

Extended Price

300.00

Line 30 Shipping, oil, grease and lubricant
fluids and filters, per specifications

1 ea

Unit Price

\$100.000

Extended Price

100.00

Bid Total

105,809.30

Award by Vendor

105,809.30

Amarillo City Council Agenda Transmittal Memo



Meeting Date	11/14/2017	Council Priority	Infrastructure Initiative
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Department	Capital Projects & Development Engineering	Contact Person	Floyd Hartman, CP&DE Director
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Agenda Caption

Approval-Change Order No. 4: 2016/2017 Milling and Overlay of Various Streets

Original Contract:	\$	1,429,471.05
Previous Change Orders:	\$	347,087.40
Current Change Order:	\$	8,431.50
Revised Contract Total:	\$	1,784,989.95

Agenda Item Summary

This item is to approve Change Order No. 4 which is a final unit adjustment for installed quantities on the project.

Requested Action

Consider approval of Change Order No. 4

Funding Summary

Funding for this change order is available in the Current Project Number 420055.17400.1040 which was approved in the FY 16/17 CIP Budget. The construction expenses of this change order are funded from the General Fund.
BID # 5735

Community Engagement Summary

This project has been completed.

Staff Recommendation

City Staff is recommending approval of Change Order No. 4

Bid No. 5735 2017 Milling and Overlay of Various City Streets
 Opened 4:00 p.m., May 5, 2017

To be awarded as one lot	J Lee Milligan Inc	LA Fuller & Sons Constuction Ltd	Holmes Construction Company	D E Rice Construction Company Inc	R K Hall LLC
Line 1 Preparing the Righth of Way or Projet Site: Removal and disposal of concrete curb and gutter with saw cuts where necessary, (COA 3.03) complete, per specifications					
200 lf					
Unit Price	\$12.500	\$10.00	\$10.800	\$14.00	\$20.00
Extended Price	2,500.00	2,000.00	2,160.00	2,800.00	4,000.00
Line 2 Preparing the Righth of Way or Project Site: Concrete slab removal including walks, drives, valleys, etc and saw cuts where necessary, (COA 3.03) complete, per specifications					
480 sf					
Unit Price	\$3.500	\$1.90	\$6.000	\$12.00	\$8.00
Extended Price	1,680.00	912.00	2,880.00	5,760.00	3,840.00
Line 3 Preparing the Right of Way or Project Site: Removal and disposal of HMAC and saw cuts where necessary, (COA 3.03 complete, per specifications					
50 sy					
Unit Price	\$21.000	\$13.20	\$14.400	\$12.00	\$36.00
Extended Price	1,050.00	660.00	720.00	600.00	1,800.00
Line 4 Scarify, Reshape, Comapnt and Refinish Existing Base Material, (6") Depth (COA 4.05) complete, per specifications					
6,180 sy					
Unit Price	\$1.800	\$1.90	\$3.600	\$5.50	\$6.10
Extended Price	11,124.00	11,742.00	22,248.00	33,990.00	37,698.00

To be awarded as one lot	J Lee Milligan Inc	LA Fuller & Sons Constuction Ltd	Holmes Construction Company	D E Rice Construction Company Inc	R K Hall LLC
Line 5 Six inch (6") 3000 psi Concrete curb and gutter, (COA 430) complete, per specifications 200 lf					
Unit Price	\$28.150	\$30.00	\$27.600	\$33.00	\$57.00
Extended Price	5,630.00	6,000.00	5,520.00	6,600.00	11,400.00
Line 6 Eight inch (8") concrete flatwork (valleys and spandrels), minimum 4000 psi at 28 days, reinforced with #4 re reinforcing bars 12" OC both ways, subgrade preparation, complete with toewalls when required (COA 4.09) installed complete, per specifications 480 sf					
Unit Price	\$17.250	\$20.00	\$21.600	\$19.96	\$14.70
Extended Price	8,280.00	9,600.00	10,368.00	9,580.80	7,056.00
Line 7 Plane Existing Asphaltic Concrete Pavement (ACP) one and one half inches (1 1/2") and Stockpile Salvaged Materials, (COA 4.16), per specifications 4,710 sy					
Unit Price	\$3.000	\$3.50	\$2.750	\$2.41	\$3.50
Extended Price	14,130.00	16,485.00	12,952.50	11,351.10	16,485.00
Line 8 Plane existing Asphaltic Concrete Pavement (ACP) three (3") and stockpile salvaged materials, (COA 4.16) complete, per specifications 6,164 sy					
Unit Price	\$3.000	\$5.10	\$2.800	\$3.52	\$4.15
Extended Price	18,492.00	31,436.40	17,259.20	21,697.28	25,580.60

To be awarded as one lot	J Lee Milligan Inc	LA Fuller & Sons Constuction Ltd	Holmes Construction Company	D E Rice Construction Company Inc	R K Hall LLC
Line 9 Plane existing Asphaltic Concrete Pavement (ACP) from zero to one (0" to 1") inch and stockpile salvaged materials, (COA 4.16) complete, per specifications					
56,631 sy					
Unit Price	\$1.300	\$2.50	\$1.900	\$2.02	\$2.35
Extended Price	73,620.30	141,577.50	107,598.90	114,394.62	133,082.85
Line 10 Plane existing Asphaltic Concrete Pavment (ACP) ibe (1") inch and stockpile Salvaged Materials, (CO 4.16) complete , per specifications					
2,635 sy					
Unit Price	\$7.800	\$2.50	\$2.750	\$6.56	\$2.35
Extended Price	20,553.00	6,587.50	7,246.25	17,285.60	6,192.25
Line 11 Furnish, haul, place and compact one and one-half inch (1 1/2") hot-mix asphaltic concrete, type D, (COA 4.13) complete, per specifications					
4,905 sy					
Unit Price	\$8.150	\$10.50	\$12.000	\$8.14	\$11.90
Extended Price	39,975.75	51,502.50	58,860.00	39,926.70	58,369.50
Line 12 Furnish, haul, place and compact three inch (3") hot-mix asphaltic concrete, type D, (COA 4.13) complete, per specifications					
6,164 sy					
Unit Price	\$13.500	\$17.00	\$21.100	\$16.52	\$20.80
Extended Price	83,214.00	104,788.00	130,060.40	101,829.28	128,211.20
Line 13 Furnish, haul, place and compact one inch (1") hot-mix asphaltic concrete, type D, (COA 4.13) complete , per specifications					
185,087 sy					
Unit Price	\$6.000	\$5.95	\$6.600	\$7.68	\$8.60
Extended Price	1,110,522.00	1,101,267.65	1,221,574.20	1,421,468.16	1,591,748.20

To be awarded as one lot	J Lee Milligan Inc	LA Fuller & Sons Constuction Ltd	Holmes Construction Company	D E Rice Construction Company Inc	R K Hall LLC
Line 14 Remove and replace existing asphaltic concrete pavement, base course and subgrade adjacent to concrete flatwork and cutb and gutter as noted on plans as necessary, including saw cuts, installed per COA Paving Tie (Typ) detail (COA 4.02, 4.05 and 4.13) complete, per specifications					
50 sy					
Unit Price	\$41.000	\$55.00	\$84.000	\$5.50	\$132.00
Extended Price	2,050.00	2,750.00	4,200.00	275.00	6,600.00
Line 15 Water Valve Box Adjustment, installed complete, per specifications					
27 ea					
Unit Price	\$300.000	\$440.00	\$546.000	\$275.56	\$535.00
Extended Price	8,100.00	11,880.00	14,742.00	7,440.12	14,445.00
Line 16 Manhole Adjustment, installed complete, per specifications					
20 ea					
Unit Price	\$690.000	\$770.00	\$840.000	\$275.56	\$720.00
Extended Price	13,800.00	15,400.00	16,800.00	5,511.20	14,400.00
Line 17 Furnishm install and maintain Traffic Control Plan, (COA 9.04) complete, per specifications					
1 ls					
Unit Price	\$14,750.000	\$88,050.00	\$139,800.000	\$57,665.35	\$105,000.00
Extended Price	14,750.00	88,050.00	139,800.00	57,665.35	105,000.00
Bid Total	1,429,471.05	1,602,638.55	1,774,989.45	1,858,175.21	2,165,908.60

Awarded to Vendor	1,429,471.05
Change Order 1	200,000.00
Change Order 2	96,039.90
Change Order 3	51,047.50
Change Order 4	8,431.50
	1,784,989.95

Amarillo City Council Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	
Department	City Manager		
Contact	Jared Miller, City Manager		

Agenda Caption
CONSIDERATION OF COMMEMORATIVE OPTIONS FOR RECOGNIZING OFFICER JUSTIN SCHERLEN

Agenda Item Summary
Council will discuss the options for providing a commemorative recognition of Officer Justin Scherlen.

Requested Action
Council review the original request from Officer Roper to initiate renaming a segment of Meadow Drive to Justin Scherlen Drive and direct City staff on the commemorative recognition.

Funding Summary

Community Engagement Summary
Council met on July 18, 2017 and considered a request from Office William Roper to initiate renaming a segment of Meadow Drive to Justin Scherlen Drive. Vicinity: An entire block segment of Meadow Drive between Southwest 34th Avenue and South Western Street.

Staff Recommendation

Amarillo City Council Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	N/A
Department	Planning		
Contact	AJ Fawver, Planning and Zoning Director		

Agenda Caption
PRESENTATION AND CONSIDERATION OF ORDINANCE NO. _____.

Agenda Item Summary
This is a first reading to consider providing a variance to distance regulations prohibiting the sale or alcoholic beverages within 300 feet of a public school. The City Council, as the governing board of the City of Amarillo, Texas, and pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, may grant a variance to Section 14-3-5 of the City of Amarillo Municipal Code (enacted pursuant to Section 109.33(a)(1) of the Texas Alcoholic Beverage Code) for off-premise consumption at the following location: Block 1, Westhaven Park, Unit 1, Section 227, Block 2, AB&M Survey, Randall County, Texas.

Requested Action
Toot 'N Totum has applied to the TABC for a Wine and Beer Retailer's Off-Premise Permit for property located at 3320 S. Georgia. The distance from the property line of 3320 S. Georgia and Coronado Elementary School is less than 300 feet. Toot 'N Totum currently has a convenience store selling beer and wine for off-premise consumption located at 3310 Wimberly (also less than 300 feet from Coronado Elementary School). If a permit can be obtained for the 3320 S. Georgia location, the existing store located at 3310 Wimberly will be closed.

City staff has reviewed the request with Toot 'N Totum and drafted the ordinance for City Council consideration. There are several exceptions to the 300-foot rule: variances, renewals, and sales/transfers. In this particular instance, City Council may allow a variance of you find enforcement of the regulation:

- is not in the best interest of the public,
- constitutes waste or inefficient use of land or other resources,
- creates an undue hardship on an applicant for a license or permit,
- does not serve its intended purpose,
- is not effective or necessary, OR
- is, for any reason, after consideration of the health, safety, and welfare of the public and the equities of the situation, not in the best interest of the community.

Proximity restrictions related to the sale of alcoholic beverages exist for public schools, private schools, churches, public hospitals, day-care centers, and child-care facilities. The last request for this type of variance was in 2014. City staff has identified that there are approximately 100 of these types of variances issued City wide.

Funding Summary
N/A

Amarillo City Council Agenda Transmittal Memo



Community Engagement Summary

N/A

Staff Recommendation

City staff recommends issuance of a variance to distance regulations prohibiting the sale of alcoholic beverages within 300 feet of a public school based on enforcement of the distance regulation in this particular instance would not serve its intended purpose.

ORDINANCE NO. 7687

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS PROVIDING FOR A VARIANCE TO DISTANCE REGULATIONS PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A PUBLIC SCHOOL; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

WHEREAS, Section 109.33(a) of the Texas Alcohol Beverage Code enables cities to enact regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a public school;

WHEREAS, the City of Amarillo, Texas, has enacted Section 14-3-5 of the City of Amarillo Municipal Code prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a public school; and

WHEREAS, Section 109.33(e) of the Texas Alcoholic Beverage Code allows the governing body of a municipality to allow variances to the distance regulations in appropriate situations;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. Variance. That the City Council, as the governing board of the City of Amarillo, Texas and pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds and determines that enforcement of the distance regulation in this particular instance:

(choose all that apply)

- would not be in the best interest of the public.
- would constitute waste or inefficient use of land or other resources.
- would create an undue hardship on the applicant.
- would not serve its intended purpose.
- would not be effective or necessary.
- would not be in the best interest of the community.

Therefore, the City Council hereby approves and grants a variance to Section 14-3-5 of the City of Amarillo Municipal Code (enacted pursuant to Section 109.33(a)(1) of the Texas Alcoholic Beverage Code) for off-premise consumption at the following location:

Block 1, Westhaven Park, Unit 1, Section 227, Block 2, AB&M Survey, Randall County, Texas.

SECTION 2. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance,

that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 3. Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. Continuation. Nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired or liability incurred, or any cause of action acquired or existing, under any act or ordinance repealed by this ordinance.

SECTION 5. Effective Date. This ordinance shall be effective upon final adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 14th day of November, 2017; and PASSED on Second and Final Reading the 28th day of November, 2017.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

Amarillo City Council Agenda Transmittal Memo



Meeting Date	11/14/2017	Council Priority	Community Appearance
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Department	Solid Waste Disposal Building Safety	Contact Person	David Lehfeldt Jonathan Lofton
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Agenda Caption

This is the first reading of an ordinance amending Article IV, Chapter 8-3, Section 8-3-82 and Section 8-3-94; Article V, Chapter 8-3, Section 8-3-116 and Section 8-3-134; to provide for disposal of tires; providing for regulation of tire businesses; providing for severability; providing for repealer; providing for continuation of prior law; providing penalty; providing for publication and effective date.

Agenda Item Summary

This ordinance is intended to provide a cleaner, safer, and healthier environment by reducing illegal tire dumping practices which will reduce the number of breeding grounds for mosquitoes and rodents which carry disease.

Requested Action

Approval of Ordinance

Funding Summary

NA

Community Engagement Summary

Individual and group meetings with local tire retailers, transporters and storage facilities. The Environmental Task Force endorsed these changes at their last meeting.

Staff Recommendation

City staff recommends approval

11/6/2017 BSM _____

ORDINANCE NO. 7688

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, AMENDING CHAPTER 8-3, ARTICLE IV, SECTION 8-3-82; SECTION 8-3-94; AND ARTICLE V, SECTION 8-3-116; AND ADDING SECTION 8-3-134 TO PROVIDE REGULATION OF TIRE BUSINESSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the illegal dumping of used and scrap tires is an issue of major concern to the City of Amarillo and its citizens because the problem impacts every sector of the City; and

WHEREAS, safe and environmentally responsible removal, reuse and disposal of tires promotes public health and safety; and,

WHEREAS, to accomplish the aforementioned goals there is a need to impose an tire retailer environmental fee on the sale of tires; and,

WHEREAS, the City Council finds the provisions of this ordinance are necessary and reasonable to promote and protect the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. The Amarillo Municipal Code, Chapter 8-3, Article IV, Division 1, Section 8-3-82 is hereby amended to read as follows:

Sec. 8-3-82. - Disposal of tires.

(a) It shall be unlawful for any person to set out for collection or to place within any City owned refuse container a whole tire ~~or s~~ Split, quartered or shredded tire pieces may be disposed of as regular trash in City owned containers.

(b) It shall be unlawful for any person to dispose of a whole tire or a portion of a tire except as provided by Article V of Chapter 8-3.

~~(c) It shall be unlawful to deliver to the City landfill any tire except a whole tire or shredded tire pieces no larger than four (4) inches square. An off the road tire intended for use on heavy equipment may not be delivered to the landfill.~~

~~(d)~~ (c) The unlawful disposal of any whole or a portion of a tire is declared to be a public nuisance and shall be disposed of as required by the procedures specified in Article V of Chapter 8-3. The Declaration of Nuisance and all terms of this Article shall be applicable to and enforceable both within the city limits and for a distance of five thousand feet (5000') beyond the city limits or such other distance allowed by state law.

~~(e)~~ (d) Chapter 361 of the Texas Health and Safety Code concerning the disposal of tires and the administrative rules codified in Chapter 328 of the Texas Administrative Code,

Subchapter F, "Management of Used or Scrap Tires" as such now exists and hereafter amended or re-codified, are hereby adopted.

SECTION 2. The Amarillo Municipal Code, Chapter 8-3, Article IV, Division 2, Section 8-3-94 is hereby amended to read as follows:

Sec. 8-3-94. - Landfill use fees.

- (a) *Table of charges.* Except as hereinafter provided in subsections (b), (c) and (d) below, the fees charged for the use of the City sanitary landfill facility shall be computed at the rate of thirty dollars (\$30.00) per ton of waste with a minimum charge of five dollars (\$5.00) per load. If the net weight in tons of any load cannot be determined, the fees charged shall be as set out in Table Number Three.

TABLE NUMBER THREE

Fee Charged Solid Waste Volume Per load

- (1) Less than 3 cu. yds \$15.00
- (2) 3 cu. yds. or more, but less than 6 cu. yds 30.00
- (3) 6 cu. yds. or more, but less than 12 cu. yds 60.00
- (4) 12 cu. yds. or more, but less than 25 cu. yds 120.00
- (5) 25 cu. yds. or more 240.00
- (6) Automobile bodies, tanks, concrete beams and similar large, heavy or bulky items 110.00

(b) *Other landfill fees.*

- (1) Any Waste that requires special handling such as, but not limited to, treated special Wastes from health care related facilities, as defined by the Texas Commission on Environmental Quality, dead animals, slaughterhouse Wastes, or empty pesticide or herbicide containers shall be charged at a rate of forty-eight dollars (\$48.00) per ton of waste with a minimum charge of thirty-five dollars (\$35.00) per load.
- (2) Any person transporting Garbage or Trash or liquid Waste in violation of sections 8-3-46, 8-3-47, 8-3-48, or 8-3-49 shall be charged a rate two (2) times the regular rate as established by subsections (a) and (b) above.
- (3) a. Tires that are split, quartered or shredded to pieces no larger than

four (4) inches square shall be charged at the regular rate as established by subsection (a) above.
b. Whole tires shall be charged a disposal fee as set out below:

Tire (nominal in inches)	size diameter	Fee per tire
12	17.5	\$1.50
18	24.5	4.50
25 or larger		9.50

Passenger and LT tires (up to 17.0")	\$ 4.00
17.5, 19.5, 3 rib, 4 rib, Truck tires from 9.00-20 through 11R24.5 tires	\$ 9.00
13.00-24 through 16.9R38 tires	\$ 25.00
Pivot Sprinkler 11-22.5 through 11.2-38 tires	\$ 25.00
Rear tractor 15.5-38 through 480/85R-50 tires	\$ 50.00
OTR 17.5R25 through 26.5R25	\$300.00
Passenger tires on rim	\$ 10.00
Truck tires on rim	\$ 40.00
Rear tractor tires on rim	\$100.00

(c) -(d) [NO TEXT CHANGE]

SECTION 3. The Amarillo Municipal Code, Article V, Chapter 8-3, adding Section 8-3- to read as follows:

Sec. 8-3-134. - Tire Retailer Environmental Fee.

A Tire Business shall charge an environmental fee on each tire sold in Category I at the rate set out in the table in Sec. 8-3-94(b)(3)(b) as amended. The following chart and statement shall be prominently displayed in the sales area of all tire businesses doing business in the City of Amarillo.

TIRE RETAILER ENVIRONMENTAL FEE

Tire retailers are required to charge a *Tire Retailer Environmental* fee for each Category I tire sold in the City of Amarillo.

<u>Category</u>	<u>Type – Size of Tire</u>	<u>Fee</u>
<u>I</u>	<u>Passenger and LT tires (up to 17.0")</u>	<u>\$ 4.00</u>
	<u>17.5, 19.5, 3 rib, 4 rib, Truck tires from 9.00-20 through 11R24.5 tires</u>	<u>\$ 9.00</u>
<u>II</u>	<u>13.00-24 through 16.9R38 tires</u>	<u>\$ 25.00</u>
	<u>Pivot Sprinkler 11-22.5 through 11.2-38 tires</u>	<u>\$ 25.00</u>
	<u>Rear tractor 15.5-38 through 480/85R-50 tires</u>	<u>\$ 50.00</u>
	<u>OTR 17.5R25 through 26.5R25</u>	<u>\$300.00</u>
	<u>Passenger tires on rim</u>	<u>\$ 10.00</u>
	<u>Truck tires on rim</u>	<u>\$ 40.00</u>
	<u>Rear tractor tires on rim</u>	<u>\$100.00</u>

Secs. 8-3-13435- 8-3-140. - Reserved.

SECTION 4. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be

unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 5. Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 6. Continuation. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance and such prior law is continued in effect for purposes of such pending matter.

SECTION 7. Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

SECTION 8. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the _____ day of _____, 2017; and **PASSED** on Second and Final Reading the _____ day of _____, 2017.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM

William M. McKamie, City Attorney

Amarillo City Council Agenda Transmittal Memo



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Meeting Date	November 14, 2017	Council Priority	N/A
Department	Capital Projects and Development Engineering		
Contact Person	Floyd Hartman, Director of Capital Projects and Development Engineering		

Agenda Caption

Consideration of Resolution to Adopt the City of Amarillo, Design Manual for the Installation of Network Nodes and Node Support Poles Pursuant to Tex. Loc. Gov. Code, Chapter 284.

Agenda Item Summary

City staff is recommending approval of the Resolution Exhibit "A" to adopt the Design Manual for the Installation of Network Nodes and Node Support Poles Pursuant to Tex. Loc. Gov. Code, Chapter 284. The Texas Senate enacted SB 1004 authorizing Network Providers to install wireless facilities within the City of Amarillo's controlled public right-of-way. SB 1004 also allows the City to adopt a design manual which provides details for the for the installation and construction placement of wireless facilities within the City's right-of-way.

Requested Action

Consider and approval of the Resolution Exhibit "A" for the City of Amarillo Design Manual for the Installation of Network Nodes and Node Support Poles Pursuant to Tex. Loc. Gov. Code, Chapter 284.

Funding Summary

No funding required. No state or federal funds are involved.

Community Engagement Summary

Approval of this Resolution will have modest impact on the Stakeholders. By adopting this Design Manual the City of Amarillo will be able to provide Stakeholders the requirements for the installation and construction placement of wireless facilities City's right-of-way.

Staff Recommendation

City Staff is recommending approval of this Resolution to adopt the Design Manual for the Installation of Network Nodes and Node Support Poles Pursuant to Tex. Loc. Gov. Code, Chapter 284.

11/6/17 BSM _____

RESOLUTION NO. 11-1417

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO ADOPTING THE DESIGN MANUAL FOR WIRELESS FACILITIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City owns and controls the right-of-way within the City and as an agent of the State of Texas; and,

WHEREAS, the Texas legislature enacted SB 1004 (Chapter 284 of the Texas Government Code) authorizing a Network Provider to install its wireless facilities within the public right-of-way; and

WHEREAS, SB 1004 authorizes a city to adopt a design manual for the installation and construction of wireless facilities within the public right-of-way.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. That the City Council hereby approves and adopts the Design Manual for Installation of Network Nodes and Node Support Poles pursuant to Texas Local Gov't Code, Chapter 284 ("Design Manual") which provides for the installation and construction details for placement of Wireless Facilities in the public right-of-way by Network Providers.

SECTION 2. The City Council further finds that the Design Manual may be amended from time to time by resolution of the City Council.

SECTION 3. That this resolution shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this _____ day of _____, 2017.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

EXHIBIT "A"

City of Amarillo, Texas

Design Manual

for the

Installation of Network Nodes and Node Support Poles

pursuant to Tex. Loc. Gov. Code, Chapter 284.

November 14, 2017

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SECTION 1. PURPOSE AND APPLICABILITY.

The City of Amarillo, Texas ("City") recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities.

Purpose: Texas Loc. Gov. Code, Chapter 284 allows certain wireless Network Providers to install in the public rights-of-way their wireless facilities, described and defined in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 as "Micro Network Nodes", "Network Nodes", and "Node Support Poles".

As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.301¹, the City enacts these Design Guidelines in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment.

Applicability: This Design Manual is for siting and criteria for the installation Wireless Facilities, including Micro Network Nodes, Network Nodes, Node Support Poles and related ground equipment being installed pursuant to Loc. Gov. Code, Chapter 284

This Design Manual shall apply to any sitings, installations, collocations in, on, over or under the public rights-of-way of Network nodes, Node support poles, Micro network nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state law.

City of Amarillo Municipal Code Sec.4-6: A Network Provider shall comply with all applicable City ordinances except where in conflict with this Design Manual or Chapter 284, Subchapter C of Texas Local Govt. Code.

SECTION 2. DEFINITIONS.

The definitions as used in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual, unless otherwise noted in this Section 2, below.

Abandon and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by *Provider* in an unused or non-functioning condition for more than 120 consecutive calendar days unless, after notice to *Provider*, *Provider* has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means:

- (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes to the extent not inconsistent with Chapter 284.
- [C] City policies, codes, Charter and ordinances to the extent not inconsistent with Chapter 284.

City means the City of Amarillo, Texas or its lawful successor.

City Council means the municipal governing body of the City of Amarillo, Texas.

Chapter 284 means Tex. Loc. Gov. Code, Chapter 284.

Collocate and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Concealment or Camouflaged means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City advance approval under Chapter 284, Sec. 284.105 in Historic or Design Districts. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

Design District means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

Disaster emergency or *disaster* or *emergency* means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the

residents of the city is threatened, and includes, but is not limited to any declaration of emergency by city state or federal governmental authorities.

Distributed Antenna System or DAS shall be included as a type of "Network Node."

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Federal Communications Commission or FCC means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

GIS: a system designed to capture, store, manipulate, analyze, manage, and present all types of geographical data

GIS Shapefile: file(s) containing vector data formatted for storing the location with the use of polygons, points, polylines, and attributes of geographic features.

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Historic district means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Location means the City approved and lawfully permitted location for the Network Node.

Macro tower means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting antennas.

Mayor means the Mayor for the City of Amarillo, Texas, or designee.

Micro network node means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal park means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

Municipally owned utility pole means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

MUTCD means Manual of Uniform Traffic Control Devices.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

- (i) equipment associated with wireless communications;
- (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
- (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

- (i) an electric generator;
- (ii) a pole; or
- (iii) a macro tower

Network provider means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

- (i) network nodes; or
- (ii) node support poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a network node.

PID: Public Improvement District, a defined geographical area established to provide specific types of public improvements or maintenance which are financed by assessments against the property owners within the area.

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

Pole means a service pole, municipally owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as "Network Provider."

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

Public right-of-way management ordinance means an ordinance that complies with Chapter 284, Subchapter C.

SCADA or Supervisory Control and Data Acquisition systems means a category of software application programs and hardware used by the City for process control and gathering of data in real time from remote locations in order to monitor equipment and conditions of the City public water and wastewater utility facilities. These systems may utilize both cable and wireless communications.

Service pole means a pole owned and operated by a municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

Small cell shall be included as a type of "Network Node."

Street means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A "Street" is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements, a "Street" does not. A "street" does not include the curb or the sidewalk, if either is present at the time of a permit application or if added later.

Streetside - the area behind the back of the curb in the right of way that accommodates no vehicular activity. It extends from the face of the buildings or edge of the private property to the face of the curb. A well-designed streetside is important to the thoroughfare's function as a "public place."

SWPPP shall mean Storm Water Pollution Prevention Plan.

TAS means Texas Accessibility Standards.

Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

Underground Requirement Area shall mean means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground pursuant to municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

Utility pole means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities mean "Micro Network Nodes," "Network Nodes," and "Node Support Poles" as defined in Texas Local Government Code Chapter 284.

**SECTION 3. PROHIBITED AND PREFERRED
LOCATIONS OF MICRO NETWORK NODE, NETWORK
NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.**

A. Prohibited or Restricted Areas for Certain Wireless facilities, except with Separate City Agreement or Subject to Concealment Conditions.

1. ***Municipal Parks and Residential Areas.*** In accordance with Chapter 284, Sec. 284.104 (a), a Network Provider may not install a Node Support Pole in a public right-of-way without the City's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a Municipal park or is adjacent to a street or thoroughfare that is:

- a. not more than 50 feet wide of paved street surface, being the area measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area measured as the shortest distance

between the two parallel edges of the paved roadway for vehicular travel where there is no curb; and

b. adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

1.1 In accordance with Chapter 284, Sec. 284.104 (b), a Network Provider installing a Network Node or Node Support Pole in a public right-of-way described above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

1.2 Each permit application shall disclose if it is within a Municipal Park and Residential Areas as described above.

2. Historic District and Design Districts. In accordance with Chapter 284, Sec. 284.105, a Network Provider must obtain advance written approval from the City before locating or collocating Network Nodes or installing Node Support Poles in a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

2.1. As a condition for approval of Network Nodes or Node Support Poles in Design Districts with Decorative Poles or in a Historic District, the City shall require reasonable design or Concealment measures for the Network Nodes or Node Support Poles. Therefore, any request for installations in a Design District with Decorative Poles or in a Historic District, must be accompanied with proposed Concealment measures in the permit applications.

2.2. The City request that a Network Provider explore the feasibility of using Camouflage measures to improve the aesthetics of the Network Nodes, Node Support Poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in Design Districts or in an Historic District.

2.3. A Network Provider shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements, including, but not limited to, Section 106 of the National Historic Preservation Act.

2.4. Each permit application shall disclose if it is within a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

3. Historic Landmarks. A Network Provider is discouraged from installing a Network Node or Node Support Pole within 300 feet of a historic site or structure or Historic Landmark recognized by the City, state or federal government (*see, for example, and not limited to* §442.001(3) of the Texas Government Code, and 16 U.S.C. §470), as of the

date of the submission of the permit. It is recommended that each permit application disclose if it is with 300 feet of such a structure.

4. Compliance with Undergrounding Requirements. In accordance with Chapter 284, Sec. 284.107, a Network Provider shall comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

4.1 Areas may be designated from time to time by the City as Underground Requirement and or conversions of overhead to underground areas, as may be allowed by law.

4.2 Each permit application shall disclose if it is within an area that has undergrounding requirements.

B. Least preferable locations.

1. Residential Areas and Parks. A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way without written consent from the City if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

In accordance with Chapter 284, Sec. 284.104 (b) a Network Provider installing a Network Node or a Node Support Pole in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

2. Historic Districts, Design Districts and PIDs. A Network Provider is discouraged from installing a Network Node or a Node Support Pole in the public right-of-way in any area designated by the City as a Design Districts or in an area of the City zoned or otherwise designated as a Historic District or a PID unless such a Network Node or a new Node Support Pole is camouflaged.

C. Most preferable locations

1. *Industrial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

2. *Highway Rights-of-Way* areas if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

3. *Retail and Commercial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

D. Designated Areas.

1. The City Council may designate an area as a Historic District or a Design District under Chapter 284.105 at any time.

2. The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these Districts at any time. Such a designation does not require a zoning case.

3. While not required under Chapter 284 to designate Underground Compliance Areas to prohibit above ground Wireless facilities, the City may also, from time to time, also designate Underground Compliance Areas.

E. Exceptions

The City by its discretionary consent and agreement may grant exceptions to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner, as allowed or required by Chapter 284, Sec. 284.109 and Sec. 284.110. Exceptions will only be granted in instances that written justifications are presented to the City which include logical and factual based technical evidence supporting the request and a public engagement plan is included such that the *Provider* will ensure notice is provided to adjacent owners, civic clubs, historic districts, PIDs, and other impacted stakeholders and their responses are addressed.

F. Order of Preference regarding Network Node attachment to existing facilities and New Node Support Poles.

1. *Existing telephone or electrical lines between existing utility poles.* Micro Network Nodes shall only be lashed on existing telephone or electrical lines between existing utility poles (electric poles or telephones poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on Utility Poles, Node Support Poles or Service Poles.

2. *Existing Utility Poles* (electric poles or telephones poles), shall be the preferred support facility for Network Nodes and related ground equipment.

3. *Municipal Service Poles:*

a. *Non-decorative street lights* with a height of more than 20 feet.

b. *Traffic signal structures* when such installation will not interfere with the integrity of the facility and will not interfere with the safety of public and in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on or in proximity to any traffic signal structure shall be encased in a separate

conduit than the traffic light electronics, have a separate electric power connection than the traffic signal structure,

c. *Street signage* shall be a low priority use for attachment of a Network Node. Installations on all street signage structures shall not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node Facilities on any street signage structures that has electronics shall be encased in a separate conduit that City signage electronics and have a separate electric power connection than the signage structure.

d. *Other municipal Service pole* use including Decorative Street Lights is discouraged.

4. *New node support poles* shall be the least preferred type of allowed facility for attachment of Network Nodes.

SECTION 4. GUIDELINES ON PLACEMENT.

A. Generally.

In accordance with Chapter 284.102, a Network Provider shall construct and maintain Network Nodes and Node Support Poles in a manner that does not:

1. obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
2. obstruct the legal use of a public right-of-way by other utility providers;
3. violate nondiscriminatory applicable codes;
4. violate or conflict with the City's publicly disclosed public right-of-way management ordinances or this Design Manual.
5. violate or conflict with any laws, including but not limited to the Federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).
6. *Ground Equipment.* Ground equipment should be minimal and the least intrusive.

B. General Requirements and Information:

1. *Size Limits.* Network Providers shall provide detailed drawings, with calculations to show strict conformity to the size limitations as set forth in Chapter 284, in accordance with, but not limited to Chapter 284, Sec. 284.002, size of a Micro Network Node, Sec. 284.003, Size of Network Nodes, and Sec. 284.103, Max. pole height, with each application and with each request for a permit for each location.²

2. *State and Federal Rights-of-way permit.* If the project lies within a Highway Right-of-Way, the applicant must provide evidence of a permit from the State or Federal Government.

3. Confirmation of non-interference with City Safety Communication or SCADA Networks.

a. The Network Provider needs to provide analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, SCADA system, emergency operations and/or response systems or other city safety communications components in accordance with Chapter 284, Sec. 284.304.

b. It shall be the responsibility of the Network Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed Network Node. A Network Node shall not be installed in a location that causes any interference. Network Nodes shall not be allowed on City's public safety radio infrastructure or the City's SCADA system.

4. Improperly Located Network Node facilities, Node Support Poles and related ground equipment:

a. Improperly Located Network Node facilities, Node Support Poles and related ground equipment shall not impede pedestrian or vehicular traffic in the Right-of-Way. If any Network Node facilities, Node Support Poles or ground equipment is installed in a location that is not in accordance with the plans approved by the City and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable Laws, including the American Disabilities Act, then Network Provider shall promptly remove the Network Node facilities, Node Support Poles or ground equipment.

b. Notice to Remove unauthorized facilities and relocate and penalty: After 30 days' notice to remove of Network Node facilities, Node Support Poles or ground equipment that is located in the incorrect location, if not relocated, the Network Provider shall be subject to a penalty of \$500.00 per day penalty until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted Location, regardless of whether or not the Network Provider's contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City Rights-of-way management ord., and other applicable ordinances concerning improperly located facilities in the rights-of-way.

C. Underground Requirement Areas.

1. In accordance with Chapter 284.107, a Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

2. If a location is designated by the City to be an Underground Requirement Area, then a Network Provider's permit for the location of the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location will be revoked 90 days after the designation, with removal of said the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location within 90 days of such designation, or as otherwise reasonably allowed by the City for the transition of other overhead facilities.

3. Before commencing underground installation, The *Network Provider* must call 811 Dig Tess and the City so that the area can be flagged for underground utilities.

D. Network Node facilities placement:

1. *Right-of-Way*: Network Node facilities, Node Support Poles and related ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Right-of-Way line to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way.

2. *Height above ground*. Network Node attachments to a pole shall be installed at least eight (8) feet above the ground in accordance with Chapter 284, Sec. 284.108, and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

3. *Protrusions*. In accordance with Chapter 284, Sec. 284.003 (a) (1) (C), Sec. 284.003 (a) (2) (C) and Sec. 284.003 (a) (3) (B) no protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.

4. *Limit on number of Network Nodes per Site*. There shall be no more than one Network Node on any one Pole.

E. New Node Support Poles.

1. *New Node Support Poles Spacing*. New node support poles shall be spaced apart from existing utility poles or Node Support poles at the same as the spacing between utility poles in the immediate proximity, but no less than at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

2. *Height of Node Support Poles or modified Utility Pole*. In accordance with Chapter 284, Sec. 284.103 a Node support pole or modified Utility Pole may not exceed the lesser of:

a. 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or

b. 55 feet above ground level.

F. Ground Equipment.

1. *Ground Equipment near street corners and intersections*: Ground equipment should be minimal and the least intrusive. In accordance with Chapter 284.102 (1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on

a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within 75 feet of a street corner or a street intersection.

2. *Ground Equipment near Municipal Parks.* For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within 250 feet of the boundary line of a Park, unless approved by the City in writing.

3. *Minimize Ground equipment density:*

In accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City Engineer, or designee, may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more.

4. *Water, Sewer and Storm Drainage Lines:*

Special precautions must be taken where underground fiber optic cable is installed in public street right-of-ways commonly used for utility corridors.

a. Underground utilities and service connections must be identified prior to excavation. "Dig Alert," "One Call," 811, and the City or similar underground utility contractor must be contacted to identify the locations of subsurface utilities.

b. If temporary disruption of service is required, the installation contractor must notify the City, the service provider, and customers at least 24 hours in advance. No service on such lines may be disrupted until prior approval from the City and the service provider.

c. At locations where the fiber optic cable will cross other subsurface utilities or structures, the cable must be installed to provide a minimum of 12 inches of vertical clearance between it and the other subsurface utilities or structures, while still maintaining the other applicable minimum depth requirement. To maintain the minimum depth requirement, the cable must be installed under the existing utility. If the minimum 12-inch clearance cannot be obtained between the proposed cable facility and the existing utility, the fiber optic cable must be encased in steel pipe of avoid future damage.

d. *Existing Water Lines:* No communication lines shall be placed on top of a water line but may be placed to the side of a water line at least 4 feet from the center line of the water line. When crossing a water line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a water line.

e. *Existing Sewer Lines:* No communication lines shall be placed on top of a sewer line but may be placed to the side of a sewer line at least 4 feet from the center line of the sewer line. When crossing a sewer line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a sewer line.

f. *Existing Storm Drainage Lines:* No communication lines shall be placed on top of a storm drainage line but may be placed to the side of a storm drainage line at least 4 feet from the center line of the storm drainage line. When crossing a storm drainage line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a storm drainage line.

5. *Blocking streets, roads, alleys or lanes:*

Texas Department of Transportation (TxDOT) standards must be followed for work zone areas that will block streets, roads, alleys or lanes. A traffic plan must be submitted to the City Engineer and approved at least 15 days prior to construction.

G. Municipal Service Poles:

1. *In accordance with Agreement:* Installations on all Service Poles shall be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).

2. *Required industry standard pole load analysis:* Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the municipality with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.

3. *Height of attachments:* All attachments on all Service Poles shall be at least 8 feet above grade, in accordance with Chapter 284, Sec. 285.108 (a) (1) - (2) and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

4. *Installations on Traffic Signals:* Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on any traffic signal structures shall:

- a. Be encased in a separate conduit than the traffic light electronics;
- b. Have a separate electric power connection than the traffic signal structure; and

5. *Installations on Street signage:* Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of

the public. Installation of Network Node facilities on any street signage structures that has electrics shall:

- a. Be encased in a separate conduit than any City signage electronics;
- b. Have a separate electric power connection than the signage structure;

6. *Restoration of City facilities and private property:* The *Network Provider* shall be responsible for repairing any damage to any street, street right-of-way, ditch or any structure to its original condition immediately upon completing the installation and provide the industry standard 1 year warranty. Any change to the slope of the land must be remedied, and there must be replacement of top soil and grass to its original condition.

SECTION 5. GENERAL AESTHETIC REQUIREMENTS

A. Concealment.

1. Concealment of Network Nodes and Node support poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts pursuant to Chapter 284.105.

2. It is also the City's preference that all new node support poles be camouflaged, except those located in an area zoned or predominantly industrial area. Companies shall submit their proposal for camouflage with the permit application.

3. The Network Node facilities shall be concealed or enclosed as much as reasonably possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

4. The Network Node facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible, except to the extent not consistent with Chapter 284.

B. New Node Support Pole Spacing.

New node support poles shall be at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

C. Minimize Ground Equipment Concentration.

In order to minimize negative visual impact to the surrounding area, and in accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more to minimize effect on property values and aesthetics on the area.

D. Allowed Colors.

1. Colors in Historic Districts, Design Districts and PIDs must be in strict accordance with the City's applicable district standards, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. Colors in Historic Districts, Design Districts and PIDs must be approved by the corresponding District or PID Board or designated City representative from a palette of approved colors. Unless otherwise provided, all colors shall be earth tones or shall match the background of any structure the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design Districts shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

SECTION 6. ELECTRICAL SUPPLY

1. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.

2. Network Provider shall not allow or install generators or back-up generators in the Public Right-of-Way in accordance with Chapter 284, Sec. 284.002 (12) (B) (1).

3. Provide the City a GIS Shapefile showing the actual location of power supply

SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS.

1. Insurance, bonding and security deposits shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2. Indemnity shall be in accordance with Chapter 284, Sec. 284.302, as provided for in Chapter 283, Sec. 283.057 (a) and (b) of the Texas Loc. Gov't Code.

**SECTION 8. REQUIREMENTS IN REGARD TO REMOVAL,
REPLACEMENT, REPLACEMENT, MAINTENANCE AND REPAIR**

A. REMOVAL OR RELOCATION BY NETWORK PROVIDER.

1. Removal and relocation by the Network provider of its Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. If the Network Provider removes or relocates a Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, it shall notify the City in writing not less than 10 business days prior to removal or relocation. Network Provider shall obtain all Permits required for relocation or removal of its Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment prior to relocation or removal.

3. The City shall not issue any refunds for any amounts paid by Network Provider for Micro Network Node, Network Node facilities, Node Support Poles or related ground equipment that have been removed.

B. REMOVAL OR RELOCATION REQUIRED FOR CITY PROJECT.

1. Removal and Relocation of Network Provider's Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof required for a City project be without cost to the City, in compliance with this document and applicable ordinances, except to the extent not consistent with Chapter 284, Sec. 284.107, except as provided in existing state and federal law.

2. In accordance with Chapter 284, Sec. 284.107, except as provided in existing state and federal law, a Network Provider shall relocate or adjust Micro Network Node, Network Node, Node Support Pole and related ground equipment in a public right-of-way in a timely manner and without cost to the City managing the public right-of-way

3. Network Provider understands and acknowledges that the City may require Network Provider to remove or relocate its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or any portion thereof from the Right-of-Way for City construction projects as allowed by state and federal law, including the common-law.

4. Network Provider shall, at the City's direction, remove or relocate the same at Network Provider's sole cost and expense, except as otherwise provided in existing state and federal law, whenever the City reasonably determines that the relocation or removal is needed for any of the following purposes: Required for the construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City

construction or maintenance project of a street or public rights-of-way to enhance the traveling public's use for travel and transportation.

5. If Network Provider fails to remove or relocate the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof as requested by the City within 90 days of Network Provider's receipt of the request, then the City shall be entitled to remove the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof at Network Provider's sole cost and expense, without further notice to Network Provider.

6. Network Provider shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof.

C. REMOVAL REQUIRED BY CITY FOR SAFETY AND IMMINENT DANGER REASONS.

The City shall provide 90 days written notice to the Network Provider before removing a Micro Network Node, Network Node, Node Support Pole and related ground equipment under this Section, unless there is imminent danger to the public health, safety, and welfare.

1. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City if the City reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment:

- (A) is necessary to protect the public health, safety, welfare, or City property,
- (B) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or
- (C) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law in strict accordance with this document and the City's ordinances, except to the extent not consistent with Chapter 284.

Network Provider shall reimburse City for the City's actual cost of removal of Micro Network Node, Network Node, Node Support Pole and related ground equipment within 30 days of receiving the invoice from the City.

2. If the City reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not

consistent with Chapter 284. Network Provider shall reimburse City for the City's actual cost of removal of Micro Network Node, Network Node, Node Support Pole and related ground equipment within 30 days of receiving the invoice from the City.

SECTION 9. INSTALLATION AND INSPECTIONS

A. INSTALLATION.

1. Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner in strict accordance with this manual and City ordinances, except to the extent not consistent with Chapter 284

2. Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner and in accordance with the requirements promulgated by the City, as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the City. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment shall be in compliance with all applicable laws, ordinances, codes, rules and regulations of the City, applicable county, the state, and the United States ("Laws").

B. INSPECTIONS.

1. The City, or designee, will perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way shall be allowed in strict accordance with the City's ordinances, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. The City, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way as the City deems appropriate without notice. If the inspection requires physical contact with the Micro Network Node, Network Node, Node Support Poles or related ground equipment, the City shall provide written notice to the Network Provider within five business days of the planned inspection. Network Provider may have a representative present during such inspection.

SECTION 10. REQUIREMENTS UPON ABANDONMENT OF OBSOLETE MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

1. Abandoned or obsolete Micro Network Node, Network Node, Node Support Pole and related ground equipment shall be removed in strict accordance with these manual and applicable ordinances, except to the extent not consistent with Chapter 284.

2. Network Provider shall remove Micro Network Node, Network Node, Node Support Pole and related ground equipment when such facilities are Abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal

must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within the earlier of 90 days of the Micro Network Node, Network Node, Node Support Pole and related ground equipment being abandoned or within 90 days of receipt of written notice from the City. When Network Provider removes, or abandons permanent structures in the Right-of-Way, the Network Provider shall notify the City in writing of such removal or Abandonment and shall file with the City the location and description of each Micro Network Node, Network Node, Node Support Pole and related ground equipment removed or abandoned. The City may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

SECTION 11. GENERAL PROVISIONS.

1. As Built Maps and Records. Network Provider's as built maps and records shall be in strict accordance with the City's ordinance applicable ordinances and shall provide the City a GIS Shapefile, except to the extent not consistent with Chapter 284.

1.1 A Network Provider shall maintain accurate maps and other appropriate records of its Network Node facilities, Node Support Poles and related ground equipment as they are actually constructed in the Rights-of-Way, including, upon request, the use of Auto CAD/GIS digital format. Network Provider will provide additional maps to the City upon request.

2. Courtesy and Proper Performance. Courtesy and Proper Performance of Network provider's personnel, and contractors shall be in strict accordance with the City's ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2.1 A Network Provider shall make citizen satisfaction a priority in using the Right-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Micro Network Node, Network Node, Node Support Pole and related ground equipment in the Right-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the City or designee, Network Provider is not interacting in a positive and polite manner with citizens, he or she shall request Network Provider to take all remedial steps to conform to these standards.

3. Drug Policy.

3.1 It is the policy of the City to achieve a drug-free workforce and workplace. The manufacture, distribution, dispensation, possession, sale, or use of illegal drugs or alcohol by Network Provider's employees, contractors, subcontractors, sub-Network Provider's, or vendors while on City rights-of-way is prohibited.

4. Allocation of Fund for Removal and Storage. The City Council has currently appropriated no funds to pay for the cost of any removal or storage of Micro Network Node, Network Node, Node Support Pole and related ground equipment, as authorized under the law.

5. Ownership. Ownership of Network Node and related equipment shall be in strict accordance with the City's applicable codes and ordinances, except to the extent not consistent with Chapter 284.

5.1 No part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment erected or placed on the Right-of-Way by Network Provider will become, or be considered by the City as being affixed to or a part of, the Right-of-Way. All portions of the Micro Network Node, Network Node, Node Support Pole and related ground equipment constructed, modified, erected, or placed by Network Provider on the Right-of-Way will be and remain the property of Network Provider and may be removed by Network Provider at any time, provided the Network Provider shall notify the City prior to any work in the Right-of-Way.

6. Tree Maintenance. Tree maintenance shall be in strict accordance with the City's ordinances and other applicable law, except to the extent not consistent with Chapter 284.

6.1 A Network Provider, its contractors, and agents shall obtain written permission from the adjacent land owner and the City before trimming trees hanging over its Micro Network Node, Network Node, or Node Support Pole, to prevent branches of such trees from contacting attached Micro Network Node, Network Node, or Node Support Pole. The City shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section.

7. Signage. Signage shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

7.1 Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the Network Node facility that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City.

7.2 Except as required by law or by the Utility Pole owner, a Network Provider shall not post or allow to be posted any other signage or advertising on the Micro Network Node, Network Node, Node Support Pole, Service pole or Utility Pole.

8. Graffiti Abatement. Graffiti abatement shall be in strict accordance with the City's applicable ordinances, except to the extent not consistent with Chapter 284.

8.1 As soon as practical, but not later than fourteen (14) calendar days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its Micro Network Node, Network Node, Node Support Pole, and related ground equipment located in the Right of Way. The foregoing shall not relieve the Network Provider from complying with any City ordinance or regulation.

9. Restoration.

9.1 A Network Provider shall restore and repair of the public rights-of-way from any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation

activities (or any other of Network Provider's activities hereunder) in strict accordance with the City's ordinances, except to the extent not consistent with Chapter 284.

9.2 A Network Provider shall repair any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party and provide standard 1 year warranty to the owner resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) within 10 calendar days following the date of such removal or relocation, at Network Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable Location or did the work at such Location (even if Network Provider did not first obtain a Permit), including restoration or replacement of any damaged including but not limited to streets, roads, bridges, utilities, sidewalks, signs, poles, lights, cables, conduits, trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City.

10. Network provider's responsibility.

10.1 A Network Provider shall be responsible and liable for the acts and omissions of the Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions in strict accordance with the City's applicable ordinances and State Law, except to the extent not consistent with Chapter 284.

10.2 A Network Provider shall be responsible and liable for the acts and omissions of the Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole, Transport Facility and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions.

SECTION 12. ADMINISTRATIVE HEARING REQUEST FOR EXEMPTION

1. Should the Network Provider desire to deviate from any of the standards set forth in the Design Manual, the Network Provider may request an Administrative Hearing before a Board of Appeals. The Zoning Board of Adjustment shall act as the Board of Appeals for a Request for Exemption.

2. The process for an application, hearing and vote shall follow the process set out for a variance.

SECTION 13. RIGHT OF WAY RENTAL AND FEES

1. The Annual Network Node site rental rate for Fiscal Year 2017/18 will be \$250 per node due at the beginning of each fiscal year (Oct. 1 of each year). The first year fee will be prorated from the date the application is approved until the last day of the fiscal year.

2. The Annual Transfer Facility rental rate will be \$28 per node except to the extent not consistent with Chapter 284.

3. Application fee of \$500 for first 5 nodes and \$250 for each additional node except to the extent not consistent with Chapter 284.

4. All fees increases will be adjusted at the beginning of the City's fiscal year using the latest CPI consistent with Chapter 284.

SECTION 14-19 RESERVED

SECTION 20. DESIGN MANUAL - UPDATES

Placement or Modification of Micro Network Node, Network Node, Node Support Pole, Transport Facility, and related ground equipment shall comply with the City's Design Manual at the time the Permit for installation or Modification is approved and as amended from time to time.

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	N/A
Department	Capital Projects and Development Engineering		
Contact Person	Floyd Hartman, Director of Capital Projects & Development Engineering		

Agenda Caption

Conduct a Public Hearing and First Reading of Ordinance to amend Chapter 4-6, Article I, Section 4-6-3 and Article V, Section 4-6-206 of the Amarillo Municipal Code. This Ordinance is to provide specific requirements for design, collection of fees, procedures for the issuance of permits and penalties for the installation of wireless facilities.

Agenda Item Summary

Conduct a public hearing and first reading for an Ordinance to meet the requirements of Texas Senate Bill 1004 which requires Network Providers to meet the standards set out in the City of Amarillo Design Manual and requirements for the Installation of Network Nodes and Node Support Poles Pursuant to Tex. Loc. Gov. Code, Chapter 284. Senate Bill 1004 became effective on September 1, 2017.

This Ordinance will amend Chapter 4-6, Article I, Section 4-6-3 and Article V, Section 4-6-206 of the Amarillo Municipal Code and will provide specific requirements for design, collection of fees, procedures for the issuance of permits and penalties for wireless facilities.

Requested Action

Conduct a public hearing and first reading during the November 14th, City Council Regular Session. The final reading will occur at the November 28th Council Meeting.

Funding Summary

No funding required. No state or federal funds are involved.

Community Engagement Summary

This ordinance will have modest impact on the Stakeholders. The purpose of the ordinance is to meet the requirements of Texas Senate Bill 1004 for the deployment of network nodes in public right-of-way. Senate Bill 1004 became effective on September 1, 2017 and requires an ordinance prior to January 2, 2018. Contact has been made with Stakeholders to solicit comments and concerns.

Staff Recommendation

City Staff is recommending approval for final reading.

11/06/2017BSM

ORDINANCE NO. 7689

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING CHAPTER 4-6, ARTICLE I, SECTION 4-6-3 PROVIDING FOR THE COLLECTION OF FEES FOR WIRELESS FACILITIES AND AMENDING ARTICLE V, SECTION 4-6-206, PERTAINING TO PROCEDURES FOR ISSUANCE OF PERMITS FOR WIRELESS FACILITIES AND ADDING SPECIFIC REQUIREMENTS FOR THE SAME; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER; PROVIDING A PENALTY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Amarillo, Texas pursuant to the constitution and laws of the State of Texas including, but not limited to, Article 11, Section 5 of the Texas Constitution as a home rule city, has the authority to set forth ordinances and regulations and exercise its police powers for the public health, safety, morals, or general welfare of the citizens of the City of Amarillo; and

WHEREAS, the City Council for the City of Amarillo, Texas under the constitution and laws of the State of Texas and its City Charter including, but not limited to, Texas Transportation Code § 311.001 and Article II of the Amarillo City Charter, has exclusive control over and under its public highways, streets and alleys and may regulate the use thereof; and

WHEREAS, in 2017, the Texas Legislature enacted Chapter 284 of the Texas Local Government Code mandating that cities allow wireless service providers to use the public right-of-way and municipally-owned infrastructure for the installation of nodes and other wireless facilities described in said Chapter, and prescribing certain other terms, conditions, restrictions, fees, and duties as to cities and service providers; and

WHEREAS, the City Council of the City of Amarillo, finds the following addition and amendment to the Code of Ordinances for the City of Amarillo amending the permit approval process to provide for wireless facilities located on municipally-owned infrastructure and located in rights-of-way and alleys of the City of Amarillo is reasonable and beneficial for the public health, safety and general welfare of the citizens of Amarillo and a proper exercise of its police

power.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

SECTION 1. That Chapter 4-6, Article I, Section 4-6-3 be and hereby is amended, in part, to read as follows:

Sec. 4-6-3. - Fees.

(a) [NO TEXT CHANGE]

(b) Wireless Communication Facilities. For any entity that is governed by Chapter 284 of the Texas Local Government Code, such entity shall pay an annual Right-of-Way Fee of \$250 per node per year, a Node Pole Collocation fee of \$20 per pole per year and Transport Facility (as that term is defined in Tex. Loc. Gov't Chapter 284) fee of \$28 per node per month. For all other utilities, the fee shall be governed by applicable law or, for entities governed by Chapter 284 of the Texas Local Government Code, by the design manual adopted by the City Manager.

SECTION 2. That Chapter 4-6, Article V, Section 4-6-206 be and hereby is amended, in part, to read as follows:

Sec. 4-6-206. - General public right(s)-of-way use and construction.

(a) – (f) [NO TEXT CHANGE]

(g) Wireless Communication Facilities in the Rights-of-Way. For any entity that is governed by Chapter 284 of the Texas Local Government Code, the following shall apply:

(1) Permit Required. A permit is required for the installation, modification, or repair of a network node, node support pole, pole,

or other wireless communication facility that will encroach upon or be located in, on, or within a right-of-way street, alley, or other right-of-way within the City.

(2) Design Manual. Pursuant to the terms outlined in Chapter 284 of the Texas Local Government Code, the City Manager shall enforce any design manual adopted by the city and the terms and conditions of the design manual shall outline the terms and conditions of any permit issued hereunder and are binding upon any entity subject to this section.

(3) Construction. The terms and conditions of this section and any design manual adopted in accordance with Chapter 284 of the Texas Local Government Code shall be read in conjunction with this Article of the Amarillo Code of Ordinances. In the event of any discrepancy or ambiguity between this Article, this Code of Ordinances, the Design Manual, or Chapter 284 of the Texas Local Government Code, the later shall control.”

(4) City Council may establish a fee for issuance of a permit under this Article and any such fee may be included in fee schedule adopted by the City Council. For any entity that is governed by Chapter 284 of the Texas Local Government Code, the fee shall be \$500.00 per application covering up to five network nodes (as that term is defined in Tex. Loc. Gov't Chapter 284 as amended), \$250.00 for each additional network node per application and \$1,000.00 per application for each pole. All fees must be paid in full before any permit shall be issued by the City.”

SECTION 3. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of

the City Commission of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 4. Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 5. Penalty. It s an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

SECTION 6. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the _____ day of _____, 2017; and PASSED on Second and Final Reading the _____ day of _____, 2017.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM

William M. McKamie, City Attorney

Amarillo City Council Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	Best Practices
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Department	Municipal Court Michelle Bonner, Deputy City Manager
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Agenda Caption

CONSIDER ACCEPTANCE OF THE LETTER OF RESIGNATION OF THE HONORABLE SONYA LETSON, PRESIDING JUDGE OF THE AMARILLO MUNICIPAL COURT, EFFECTIVE DECEMBER 31, 2017

Agenda Item Summary

Judge Letson has tendered her letter of resignation, to be effective December 31. The Presiding Judge of the Amarillo Municipal Court is appointed by the City Council. Upon acceptance of the resignation, the Staff will begin the process of soliciting applications to fill this important position.

Requested Action

Accept the resignation, effective December 31, 2017.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

As the Presiding Judge is a Council appointee, Staff has no recommendation.

Amarillo City Council Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	
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Department	Planning Department	Contact Person	AJ Fawver
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Agenda Caption

Consideration in public hearing of a rezoning of a 21.95 acres tract of land in Section 40, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to Heavy Commercial District (HC) and General Retail District (GR).

Vicinity: Interstate Highway 27 & Thunder Road

Agenda Item Summary

Area Characteristics

Adjacent zoning consists of Residential District 1 (R-1) and Residential District 2 (R-2) to the west, Light Commercial District (LC) to the east, Heavy Commercial District (HC) to the north, and Agriculture District (A) to the south. Adjacent land use consists of residences to the west, vacant land to the north and south, and commercial uses to the east across IH27. The applicant's property is located in Southwest Amarillo along IH27 on the north side of Hollywood Road.

Analysis

Staff's analysis of zoning change requests begins with referring to the Comprehensive Plan's Future Land Use and Character Map in order to identify what it recommends for future land uses. Staff also considers how any zoning change would impact the Comprehensive Plan's recommended Neighborhood Unit Concept (NUC) of development whereby non-residential land uses are encouraged at section-line arterial intersections with a transition to residential uses as development occurs away and inward from the arterial intersections. Staff also considers the principles and recommendations laid out within the Comprehensive Plan, as well existing zoning and development patterns in the area.

This rezoning request is consistent with the adopted 2010 Comprehensive Future Land Use and Character Map, which designates this area for a future "general commercial" land use. The Comprehensive Plan states that the development type in this designation should be that associated with a wide range of commercial retail and service uses at varying scales and intensities that often have an auto oriented character that can be offset by enhanced building design or landscaping. The proposed zoning allows for this type of commercial and retail development, and being located along IH27 access road the proposed zoning districts would be consistent with the current auto oriented character of this area.

The Neighborhood Unit Concept is also a key piece of the adopted plan, in which zoning transitions from areas of higher density at section line corners to areas of lower density toward the center of the section.

Amarillo City Council Agenda Transmittal Memo



lighting. His comments were heard and noted, and the P&Z Commission took a vote. After the meeting staff informed him that within our development processes there are drainage study requirements and regulations on light pollution onto residences, and this seemed to help address most of his concerns.

The item was recommended for approval by a 5:0 vote of the Planning and Zoning Commission at its October 23, 2017 public meeting.

City Manager Recommendation

Planning Staff has reviewed the associated ordinance and exhibits and recommends the City Council approve the item as submitted.

ORDINANCE NO. 7685

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 HIGHWAY 27 AND THUNDER ROAD, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has held public hearings on proposed zoning changes on the property hereinafter described and has filed its final recommendation and report on such proposed zoning changes with the City Council; and,

WHEREAS, the City Council has considered the final recommendation and report of the Planning and Zoning Commission and has held public hearings on such proposed zoning changes, all as required by law; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO:

SECTION 1. The zoning map of the City of Amarillo adopted by Section 4-10 of the Amarillo Municipal Code and on file in the office of the Planning Director is hereby amended to reflect the following zoning use changes:

Rezoning of a 21.95 acres tract of land in Section 40, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to Heavy Commercial District (HC) and General Retail District (GR). Further described in Exhibits A and B.

SECTION 2. All ordinances and resolutions or parts thereof that conflict with this ordinance are hereby repealed, to the extent of such conflict.

SECTION 3. In the event this ordinance or any part hereof is found to be invalid, such invalidity shall not affect the remaining portions of the ordinance, and such remaining portions shall continue to be in full force and effect. The Director of Planning is authorized to make corrections and minor changes to the site plan or development documents to the extent that such does not materially alter the nature, scope, or intent of the approval granted by this ordinance.

SECTION 4. This ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the ____ day of November, 2017 and PASSED on Second and Final Reading on this the _____ day of November, 2017.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

EXHIBIT "A"

DESCRIPTION

A 21.95 acre tract of land being a portion of a 46.626 acre tract of land described in that certain Special Warranty Deed recorded under Clerk's File No. 00615576 of the Official Public Records of Randall County, Texas, and a portion of a 375.87 acre tract of land described in that certain Warranty Deed recorded in Volume 622, Page 139 of the Deed Records of Randall County, Texas, situated in Section 40, Block 9, B.S.& F. Survey, Amarillo, Randall County, Texas, and said tract of land being further described by metes and bounds as follows:

BEGINNING at the most easterly northeast corner of Westover Park Unit No. 18, an addition to the City of Amarillo, Randall County, Texas, according to the recorded map or plat thereof, of record under Clerk's File No. 025080 of the Official Public Records of Randall County, Texas, and same being the intersection of the northerly right-of-way line of Thunder Road, as dedicated by said Westover Park Unit No. 18 and the northwesterly right-of-way line of Interstate Highway No. 27, as dedicated by that certain instrument recorded in Volume 226, Page 88 of the Deed Records of Randall County, Texas;

Thence N. 62° 47' 05" W., (Directional Control – Record Plat), 50.00 feet along the northerly right-of-way line of said Thunder Road to the beginning of a curve to the right with a radius of 370.00 feet;

Thence Northwesterly, 177.71 feet along said curve with a chord of N. 49°01' 33" W., 176.00 feet and along the northerly right-of-way line of said Thunder Road to the end of said curve;

Thence N. 35° 16' 00" W., 264.07 feet along the northerly right-of-way line of said Thunder Road to the beginning of a curve to the left with a radius of 430.00 feet;

Thence Northwesterly, 206.01 feet along said curve, with a chord of N. 48° 59' 31" W., 204.05 feet and along the northerly right-of-way line of said Thunder Road to the end of said curve;

Thence N. 62° 43' 00" W., 50.00 feet along the northerly right-of-way line of said Thunder Road to the southwest corner of this tract of land;

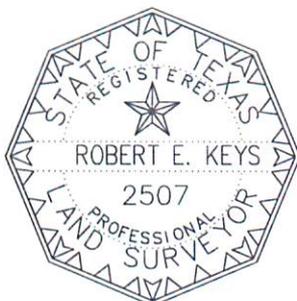
Thence N. 27°17' 00" E., 1077.73 feet along the southeasterly line of said Westover Park Unit No. 18 to the northwest corner of this tract of land;

Thence S. 89° 45' 50" E., 787.75 feet along the southerly line of a tract of land zoned Heavy Commercial (HC) to the northeast corner of this tract of land;

Thence S. 27° 12' 55" W., 1647.68 feet along the west right-of-way line of said Interstate Highway No. 27 to the **POINT OF BEGINNING**.

NOTE: This metes and bounds description is for rezoning purposes only, and not surveyed on the ground at this time, but prepared from previous surveys and record documents. It cannot be used for any other purpose.

Refer to Exhibit "B" attached



Robert Keys & Associates

Surveying / Mapping / Planning
7106 S. Bell Street, Amarillo, Texas 79109-7003
Voice: (806) 352-1782 Texas Firm No. 10034400
EMAIL: rka@keyssurveying.com
Web Site: www.keyssurveying.com
Prepared: September 5, 2017

**Robert E.
Keys**

Digitally signed by Robert E. Keys
DN: cn=Robert E. Keys, o=Robert
Keys and Associates, ou,
email=rkeys@keyssurveying.com,
c=US
Date: 2017.09.06 09:54:55 -05'00'

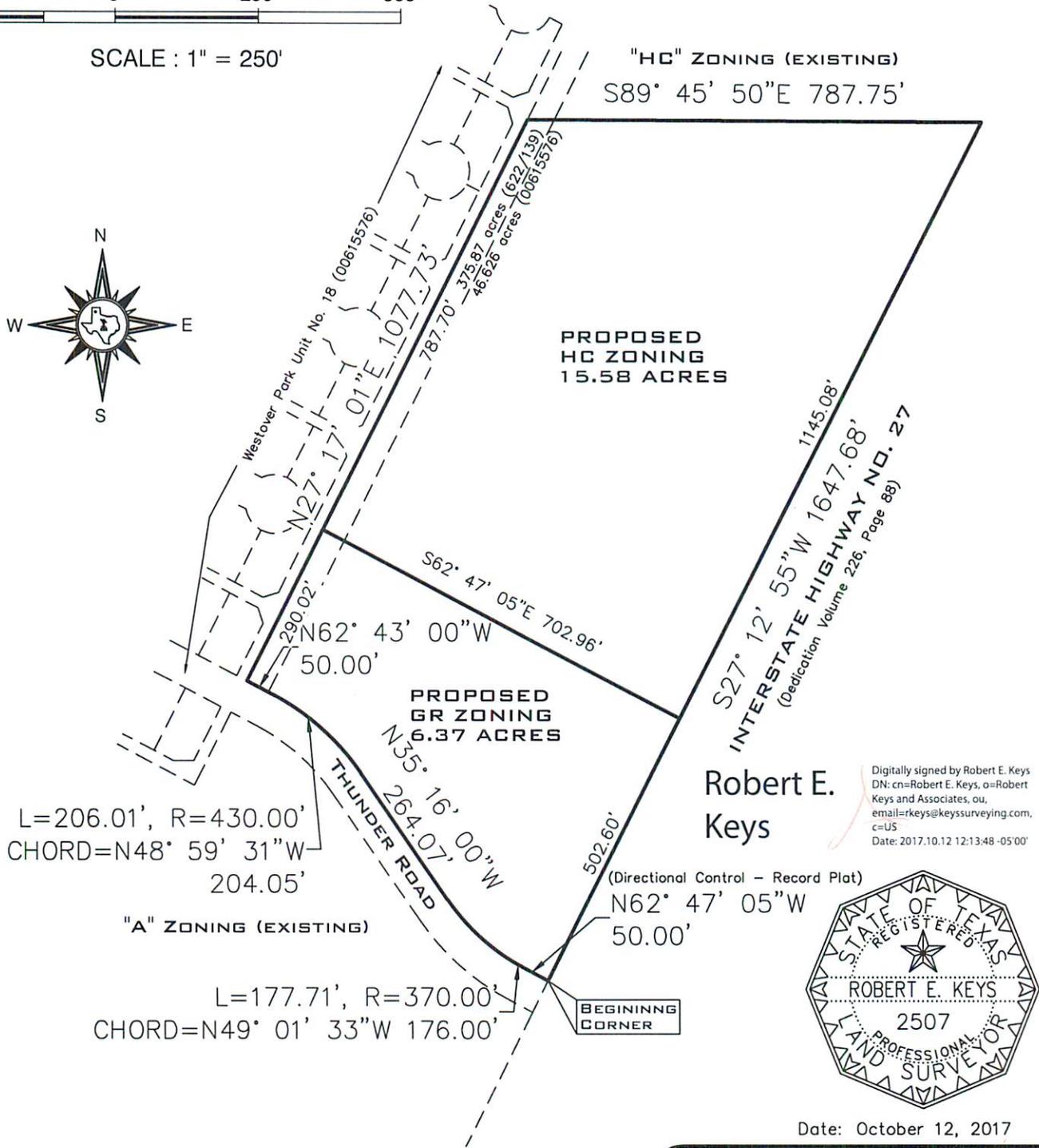
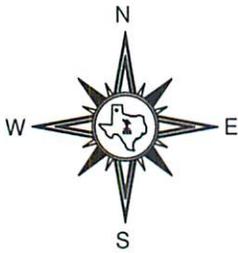
Registered Professional Land Surveyor

Exhibit "B"

"A" to "HC" & "GR" Zoning

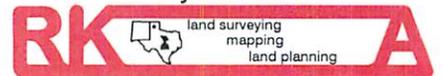


SCALE : 1" = 250'



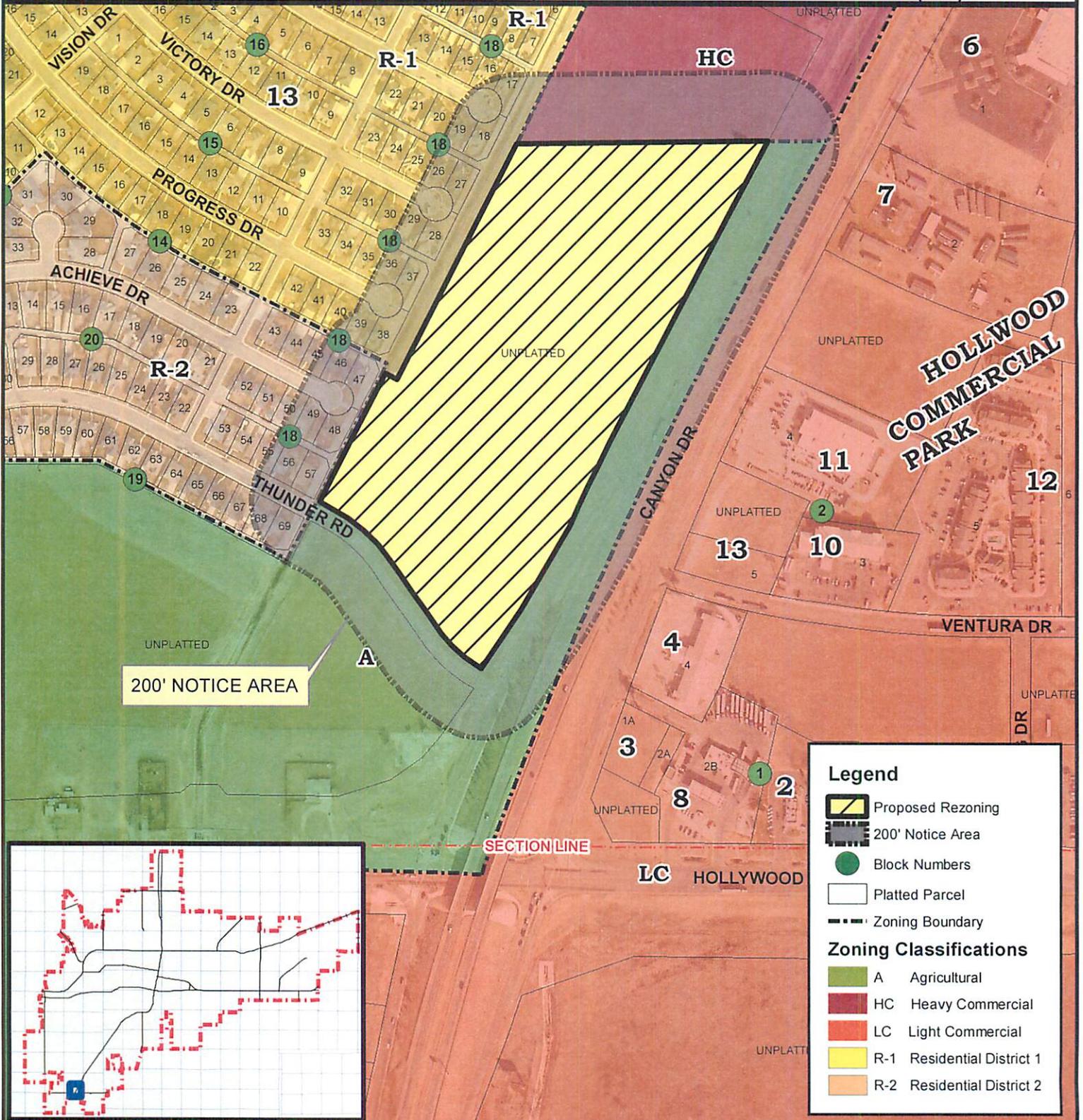
Date: October 12, 2017

Robert Keys & Associates



(806)352-1782 Email: rka@keyssurveying.com
7106 S. Bell Street, Amarillo, Texas 79109-7003
Firm No. 10034400 www.keyssurveying.com

**CASE Z-17-32
 REZONING FROM AGRICULTURAL DISTRICT (A)
 TO HEAVY COMERCIAL DISTRICT (HC) AND GENERAL RETAIL DISTRICT (GR)**



Legend

- Proposed Rezoning
- 200' Notice Area
- Block Numbers
- Platted Parcel
- Zoning Boundary

Zoning Classifications

- A Agricultural
- HC Heavy Commercial
- LC Light Commercial
- R-1 Residential District 1
- R-2 Residential District 2

**CITY OF AMARILLO
 PLANNING DEPARTMENT**

Rezoning of a 21.95 acres tract of land in Section 40, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to Heavy Commercial District (HC) and General Retail District (GR).

Scale: 1 inch = 400 feet
Date: 10/19/2017



Applicant: Robert Keys
Vicinity: IH27 & Thunder Rd.

DISCLAIMER: The City of Amarillo is providing this information as a public service. The information shown is for information purposes only and except where noted, all of the data or features shown or depicted on this map is not to be construed or interpreted as accurate and/or reliable; the City of Amarillo assumes no liability or responsibility for any discrepancies or errors for the use of the information provided.



Looking north from IH27 & Thunder Rd at tract for requested rezoning.



Looking west from IH27 & Thunder Rd at existing conditions.



Looking south from IH27 & Thunder Rd at major intersection.



Looking north from Thunder Rd & alley at existing conditions.



Looking east from Challenge Dr cul-de-sac at existing conditions.



Looking southeast from alley at northern portion of proposed rezoning tract.



Looking northeast from alley at existing HC developments.

Amarillo City Council Agenda Transmittal Memo



Meeting Date	November 14, 2017	Council Priority	Best Practices
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Department	Municipal Court Michelle Bonner, Deputy City Manager
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Agenda Caption

CONSIDER ACCEPTANCE OF THE LETTER OF RESIGNATION OF THE HONORABLE SONYA LETSON, PRESIDING JUDGE OF THE AMARILLO MUNICIPAL COURT, EFFECTIVE DECEMBER 31, 2017

Agenda Item Summary

Judge Letson has tendered her letter of resignation, to be effective December 31. The Presiding Judge of the Amarillo Municipal Court is appointed by the City Council. Upon acceptance of the resignation, the Staff will begin the process of soliciting applications to fill this important position.

Requested Action

Accept the resignation, effective December 31, 2017.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

As the Presiding Judge is a Council appointee, Staff has no recommendation.