

AGENDAS

FOR THE AMARILLO CITY COUNCIL WORK SESSION TO BE HELD ON TUESDAY, SEPTEMBER 19, 2017 AT 4:00 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) Discuss Wastewater Discharge permit fees (grease trap and industrial inspections fees);
 - (3) Discuss recycling; and
 - (4) Consider future Agenda items and request reports from City Manager.
- B. City Council may 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 status of negotiations – MPEV lease agreement and related matters.

REGULAR MEETING ITEMS

INVOCATION: Harmon Gipson

PLEDGE OF ALLEGIANCE: Kevin Woodward

RECOGNITION: APD TPCA - Texas Law Enforcement Agency Best Practices Recognition Program

PROCLAMATIONS: "National Life Insurance"
"Constitution Week"

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 special and regular meetings held on September 12, 2017.
- B. **ORDINANCE NO. 7693:**
(Contact: Randy Schuster, Building Official)
This is the second and final reading of an ordinance amending Amarillo Municipal Code:
- Chapter 2-6, Article VIII, providing for the renaming of the Construction Advisory and Appeals Board to the Construction Advisory and Appeals Commission; and providing for the creation of the Condemnation Appeals Commission.
 - Chapter 4-3, Article I, to revise procedures and regulations concerning substandard dangerous structures; providing for severability; providing for repealer; providing for continuation of prior law; providing penalty; and providing for publication and effective date.
- C. **ORDINANCE NO. 7694:**
(Contact: Mick McKamie, City Attorney)
This is the second and final reading of an ordinance approving the Municipal Court Judges appointment.
- D. **APPROVAL – PURCHASE OF (4) FOUR FEDERAL SIGNAL 508 SIRENS FOR THE AMARILLO/POTTER/RANDALL OFFICE OF EMERGENCY MANAGEMENT OUTDOOR WARNING SYSTEM:**
(Contact: Chip Orton, Emergency Management Coordinator)
This purchase is to replace three older sirens and add one new siren to the Amarillo/Potter/Randall Office of Emergency Management Outdoor Warning System. The locations are as follows:
- Siren #2 – Replace an old siren at 2605 Southwest 1st Avenue
 - Siren #3 – Replace an old siren at 4004 Ingram Drive
 - Siren #29 – Add a new siren at Gem Lake and Amarillo Boulevard
 - Siren #63 – Replace an old siren at Westgate Mall
- E. **AGREEMENT FOR SERVICES WITH CENTER CITY OF AMARILLO, INC.:**
(Contact: Michelle Bonner, Assistant City Manager)
This item approves a one (1) year agreement with Center City of Amarillo, Inc. for services associated with the preservation, improvement and revitalization of the Central Business District of Amarillo. Two sources of funding are included in the agreement:
- The City will provide \$90,000 for administrative operations.
 - The City will provide \$70,000 as matching funds for a Center City façade grant program up to \$20,000 to a business for exterior building improvements.
- The Tax Increment Reinvestment Zone #1 will provide \$150,000 for matching grants up to \$50,000 for streetscape improvements in the City's right of way.
- F. **APPROVAL – PROFESSIONAL SERVICES AGREEMENT – AMENDMENT #2 ENGINEERING SERVICES – FILTER IMPROVEMENTS 1-4 AT OSAGE WATER TREATMENT PLANT:**
(Contact: Russell Grubbs, Director of Utilities)
Alan Plummer Associates, Inc.
- | | |
|---------------------|-------------|
| Original Contract: | \$64,120.00 |
| Previous Amendment: | \$20,500.00 |
| Current Amendment: | \$15,000.00 |
| Revised Contract: | \$99,620.00 |
- This item would approve Amendment #2 to a January 7, 2014 agreement for engineering services to perform additional engineering construction services. This amendment provides for the additional services by Alan Plummer Associates, Inc.

G. **APPROVAL -- INTERLOCAL AGREEMENT WITH POTTER AND RANDALL COUNTIES FOR THE APPOINTMENT AND COMPENSATION OF DESIGNATED NIGHT MAGISTRATES:**

(Contact: Mick McKamie, City Attorney)

The City, Potter County and Randall County have reached an Interlocal Agreement to appoint and fund designated night magistrates to receive after-hours contacts from law enforcement agencies in the two-county area, to review affidavits for search and arrest warrants, and to provide juvenile warnings.

REGULAR AGENDA

2. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7695:**

(Contact: AJ Fawver, Planning & Zoning Director)

This is the first reading of an ordinance considering and possible action on approving the vacation of 80' ROW known as South Lincoln Street between Southeast 8th Avenue and Southeast 7th Avenue and 80' ROW known as Southeast 7th Avenue. between South Buchanan Street and South Johnson Street along with two 20' wide Public Utility Easements located in Block 111, Plemons Addition Unit No. 1, in Section 170 and Block 112, Mirror Addition Unit No. 1, in Section 155, all of which is located in Block 2, AB&M Survey, Potter County, Texas. This vacation was reviewed and recommended for approval by a 4:0 vote from the Planning and Zoning Commission. (Address: South of 509 Southeast 7th Avenue.)

3. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7696:**

(Contact: AJ Fawver, Planning & Zoning Director)

This is the first reading of an ordinance rezoning of Lots 5 and 6, Block 1, Westway Unit No. 5, in Section 6, Block 9, BS&F Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 91A (PD-91A) to Planned Development 91A (PD-91A). (Vicinity: Southwest 53rd Avenue and South Western Street.)

4. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7697:**

(Contact: AJ Fawver, Planning & Zoning Director)

This is the first reading of an ordinance rezoning of Lot 5, Block 1, Georgia Plaza Unit No. 2, in Section 184, Block 2, AB&M Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 205 (PD-205) to General Retail District (GR). (Vicinity: Southwest 46th Avenue and Hardin Drive)

5. **RESOLUTION – AUTHORIZING THE TAX INCREMENT REINVESTMENT ZONE NUMBER TWO (EAST GATEWAY TIRZ) 2017/2018 FISCAL YEAR BUDGET:**

(Contact: Andrew Freeman, Economic Development Manager)

This resolution approves the 2017/2018 fiscal year budget for the Tax Increment Reinvestment Zone Number Two (East Gateway TIRZ). This budget is recommended for approval by the TIRZ #2 Board of Directors.

6. **CORRECTION OF THE SEPTEMBER 12, 2017 AGENDA LANGUAGE WORDING FOR THE RESOLUTION AUTHORIZING THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) APPLICATION:**

(Contact: Michelle Bonner, Assistant City Manager)

The Amarillo Police Department will use the \$50,599 which is the City's portion of the grant to purchase refrigeration units and an explosive locker.

7. **RESOLUTION AUTHORIZING THE AMARILLO POLICE DEPARTMENT TO APPLY FOR A GRANT FOR RIFLE RESISTANT BODY ARMOR:**

(Contact: Ed Drain, Chief of Police)

The Amarillo Police Department is requesting consent to apply for a Grant through the Office of the Governor. This grant would allow the Department to use Grant funds to purchase Rifle Resistant Body Armor for members of the Police Department SWAT Team and EOD unit. These units work closely together on critical incidents involving Barricaded Persons, Hostage situations, as well as Search Warrants. This Grant would allow the Department to outfit 23

officers, (17 SWAT and 6 EOD) with Rifle Grade protection for use during Critical Incidents.

8. **RESOLUTION – AUTHORIZING THE AMARILLO POTTER EVENTS VENUE DISTRICT 2017/2018 FISCAL YEAR BUDGET:**

(Contact: Michelle Bonner, Assistant City Manager)

This resolution approves the 2017/2018 Budget for the Amarillo-Potter Events Venue District. This budget is funded through a 5% car rental tax and a 2% hotel occupancy tax. The Amarillo-Potter Events Venue District operates and maintains voter approved entertainment venues within the City. This budget is recommended for approval by the Amarillo Potter Events Venue District Board.

MISCELLANEOUS

1. Planning and Zoning Commission, minutes of August 28, 2017.

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 15th day of September 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.

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 12th day of September 2017, the Amarillo City Council met at 4:00 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
ELAINE HAYS
FREDA POWELL
EDDY SAUER
HOWARD SMITH

MAYOR
COUNCILMEMBER NO. 1
COUNCILMEMBER NO. 2
COUNCILMEMBER NO. 3
COUNCILMEMBER NO. 4

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

JARED H. MILLER
BOB COWELL
MICK MCKAMIE
ANDREW FREEMAN
FRANCES HIBBS

CITY MANAGER
DEPUTY CITY MANAGER
CITY ATTORNEY
ECONOMIC DEVELOPMENT MGR.
CITY SECRETARY

The invocation was given by Burt Palmer, Polk Street United Methodist Church. Mayor Nelson led the Pledge of Allegiance.

A proclamation was presented for "Citizenship Day."

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 appreciated the city beginning the promotion of golf. He asked the City to wait and see if the number of rounds of golf picks up. He stated he was disappointed no one considered decreasing the tax rate instead of absorbing the windfall that came from property evaluations. Rusty Tomlinson, 5700 Canyon Drive, spoke on the confederate statute and slavery. Jim White, 4445 Summit Circle, stated the City of Amarillo has always been known to have great golf. He stated the golf courses should not be compared to country clubs. He suggested implementing a 2-3 year program. Allen Finegold, 2601 North Grand Street, inquired if the LGC or the City would issue the bonds or general obligations for the MPEV. John Ingerson, 48 St. Andrews, thanked the Council for listening and discussing the golf fees. 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 of the consent agenda, seconded by Councilmember Hays.

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting held on September 5, 2017.

B. **ORDINANCE NO. 7679:**

(Contact: Kelley Shaw, Housing Administrator)

This is the second and final of an ordinance adopting the 2017/2017 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Heritage Hills Public Improvement District (PID). The Heritage Hills PID is generally located at Hollywood and Soncy Roads in Amarillo.

C. **ORDINANCE NO. 7680:**

(Contact: Kelley Shaw, Housing Administrator)

This is the second and final of an ordinance adopting the 2017/2018

budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Town Square Public Improvement District (PID). The Town Square PID is generally located at the northwest corner of Soncy and Hillside Roads in Amarillo.

D. **ORDINANCE NO. 7681:**

(Contact: Kelley Shaw, Housing Administrator)

This is the second and final of an ordinance adopting the 2017/2018 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Point West Public Improvement District (PID). The Point West PID is generally located at the northwest corner Amarillo Boulevard West and Research Street.

E. **ORDINANCE NO. 7682:**

(Contact: Kelley Shaw, Housing Administrator)

This is the second and final of an ordinance adopting the 2017/2018 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Vineyards Public Improvement District (PID). The Vineyards PID is generally located at the northwest corner of East Hastings Avenue and Broadway Drive.

F. **ORDINANCE NO. 7683:**

(Contact: Kelley Shaw, Housing Administrator)

This is the second and final of an ordinance adopting the 2017/2018 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Redstone Public Improvement District (PID). The Redstone PID is generally located at the southwest corner of Coulter Street and Hollywood Road in Amarillo.

G. **ORDINANCE NO. 7684:**

(Contact: Kelley Shaw, Housing Administrator)

This is the second and final of an ordinance adopting the 2017/2018 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Quail Creek Public Improvement District (PID). The Quail Creek PID is generally located at the intersection of Clear Meadow Circle and Plum Creek Drive.

H. **ORDINANCE NO. 7685:**

(Contact: Kelley Shaw, Housing Administrator)

This is the second and final of an ordinance adopting the 2017/2018 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Tutbury Public Improvement District (PID). The Tutbury PID is generally located at the intersection of Tutbury Court and Van Winkle Drive.

I. **ORDINANCE NO. 7686:**

(Contact: Kelley Shaw, Housing Administrator)

This is the second and final of an ordinance adopting the 2017/2018 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Colonies Public Improvement District (PID). The Colonies PID is generally located at the northeast corner of Hillside and Soncy Roads.

J. **ORDINANCE NO. 7690:**

(Contact: Cody Balzen, Planner I)

This is the second and final rezoning of a 10.37 acre tract of land in Section 1 (Contact: Cody Balzen, Planner I) 83, Block 2, AB&M Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to Residential District 3 (R-3). (Vicinity: West Farmers Avenue and Nasa Avenue.)

K. **ORDINANCE NO. 7691:**

(Contact: Cody Balzen, Planner I)

This is the second and final rezoning of 14.97 acres of land in Section 65, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural

District (A) to Residential District 3 (R-3). (Vicinity: Crestline Drive and Cagle Drive.)

L. ORDINANCE NO. 7692:

(Contact: Cody Balzen, Planner I)

This is the second and final rezoning of 13.79 acres of land in Section 65, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to Residential District 3 (R-3). (Vicinity: Arlo Drive and Cagle Drive.)

M. AWARD – RADIO READ WATER METERS:

(Contact: Trent Davis, Purchasing Agent)

Awarded to HD Supply Waterworks -- \$64,234.79

This award is to approve a contract for the purchase of Radio Water Meters.

N. APPROVAL -- CHANGE ORDER NO. 1 FOR 2-INCH WATER MAIN REPLACEMENT AT VARIOUS LOCATIONS – PHASE I:

(Contact: Floyd Hartman, CIP Director)

Original Contract: \$ 1,621,258.00

Current Change Order: \$ 278,439.00

Revised Contract Total: \$ 1,899,697.00

This item is to approve Change Order No. 1 for the relocation of water main and storm water force main in Southeast 8th Avenue from Buchanan Street to Johnson Street.

O. APPOINTMENTS – BOARDS AND COMMISSIONS:

An appointment is needed for the following board:

Texas Panhandle Centers (2-year terms)

10/14/2003

Patty Ladd

09/01/2017

Reappointment requested

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.

REGULAR AGENDA

ITEM 2: Dr. Wendler, President of West Texas A&M University presented an update on the University's commitment to be a good servant to the Texas Panhandle. He stated he appreciated the working relationship between the University and the City of Amarillo. The proximity of Amarillo is important. He further stated next year the University will be engaged in programs not offered in Canyon and because of the commitment from so many people.

ITEM 3: Mayor Nelson presented an ordinance adopting the City of Amarillo budget for the 2017/2018 fiscal year. This budget allows for the City to continue providing effective public services, programs and assistance to Amarillo residents in the upcoming year. Councilmember Sauer motioned to adopt Ordinance No. 7688, adopting the budget for the fiscal year October 1, 2017, through September 30, 2018, for the City of Amarillo. It was seconded by Councilmember Smith and the following captioned ordinance passed on second and final reading:

ORDINANCE NO. 7688

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2017, THROUGH SEPTEMBER 30, 2018, FOR THE CITY OF AMARILLO; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET; AMENDING VARIOUS TERMS AND PROVISIONS OF THE AMARILLO MUNICIPAL CODE TO ADD, MODIFY, INCREASE, OR DELETE VARIOUS FEES AND RATES; CHAPTER 4-6, ARTICLE 1, AND CHAPTER 4-1, ARTICLE I, CONCERNING VARIOUS FEES FOR PLAN REVIEW, INSPECTIONS AND PERMITS; CHAPTER 8-5, ARTICLE IV, CONCERNING CERTAIN ENVIRONMENTAL HEALTH FEES; CHAPTER 10-1 CONCERNING

FIRE PREVENTION FEES; CHAPTERS 12-1 AND 12-4 CONCERNING ZOO FEES AND GOLF RATES; CHAPTERS 18-2, 18-3, AND 18-4, CONCERNING VARIOUS WATER AND SEWER RATES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; 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.

Councilmember Powell motion to include the family passes and spouse rate in the golf fees and authorize the City Manager to establish those fees, motion was seconded Councilmember Hays.

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 ordinance approving the City of Amarillo tax roll, setting an ad valorem property tax rate and levying a tax on all property subject to taxation within the City for the 2017 tax year. This ordinance establishes an ad valorem tax rate of \$0.32698 per \$100.00 property valuation for City maintenance and operations expenses and \$0.03666 per \$100.00 property valuation for existing debt expenses resulting in a total ad valorem rate of \$0.36364 per \$100.00 property valuation. This tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 8.33 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$0.00. Councilmember Smith moved that the property tax rate be increased by the adoption of a tax rate, being \$0.36364, which is effectively a 8.33% increase in the tax rate. The motion was seconded by Councilmember Sauer and the following captioned ordinance passed on second and final reading:

ORDINANCE NO. 7689

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: APPROVING TAX ROLL; SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF AMARILLO FOR THE TAX YEAR 2017; ESTABLISHING AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES.

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: Motion was made by Councilmember Hays to ratify the City of Amarillo Tax Rate and Budget, pursuant to Texas Local Government Code, section 102.007(c), moved that we ratify the budget and tax rate, as adopted, recognizing such budget will require more revenue from property taxes than did the budget adopted last year. seconded by Councilmember Powell.

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 6: Mayor Nelson presented the second and final reading of an ordinance adopting the 2017/2018 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Greenways Public Improvement District (PID). The Greenways PID is generally located at the southwest corner of Hillside Road and Coulter Street. This ordinance is recommended for approval by a unanimous vote of the Greenways Public Improvement District Advisory Board. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that the following captioned ordinance be passed:

ORDINANCE NO. 7687

AN ORDINANCE LEVYING AN ASSESSMENT ON PROPERTY WITHIN THE GREENWAYS PUBLIC IMPROVEMENT DISTRICT AS AUTHORIZED BY CHAPTER 372 OF THE TEXAS LOCAL GOVERNMENT CODE FOR FISCAL YEAR 2017-2018; ADOPTING A

BUDGET FOR FISCAL YEAR 2017-2018 AND FIVE-YEAR SERVICE PLAN; DESCRIBING THE AREA WITHIN THE PUBLIC IMPROVEMENT DISTRICT; OBLIGATING THE AREA TO PAY THE COSTS ASSOCIATED WITH THE PUBLIC IMPROVEMENT DISTRICT; ESTABLISHING AN ESTIMATE OF THE TOTAL COST OF PROVIDING SPECIAL SERVICES WITHIN THE DISTRICT; SPECIFYING THE METHOD OF PAYMENT OF THE ASSESSMENT; ESTABLISHING THAT ASSESSMENTS MAY BE PAID IN PERIODIC INSTALLMENTS AND OBLIGATING PERSONS PURCHASING PROPERTY WITHIN THE PUBLIC IMPROVEMENT DISTRICT TO PARTICIPATE IN THE PAYMENT OF ASSESSMENTS; PROVIDING SAVINGS AND SEVERABILITY CLAUSES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR PENALTIES AND AN EFFECTIVE DATE.

Mayor Nelson noted that two letters were received.

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

ITEM 7: Mayor Nelson presented the first reading first reading of an ordinance amending Amarillo Municipal Code:

- Chapter 2-6, Article VIII, providing for the renaming of the Construction Advisory and Appeals Board to the Construction Advisory and Appeals Commission; and providing for the creation of the Condemnation Appeals Commission.
- Chapter 4-3, Article I, to revise procedures and regulations concerning substandard dangerous structures; providing for severability; providing for repealer; providing for continuation of prior law; providing penalty; and providing for publication and effective date.

This item was presented by Randy Schuster, Building Official. Motion was made by Councilmember Smith, seconded by Councilmember Hays, that the following captioned resolution be passed:

ORDINANCE NO. 7693

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 2-6, ARTICLE VIII; PROVIDING FOR THE RENAMING OF THE CONSTRUCTION ADVISORY AND APPEALS BOARD TO THE CONSTRUCTION ADVISORY AND APPEALS COMMISSION; PROVIDING FOR THE CREATION OF THE CONDEMNATION APPEALS COMMISSION; AMENDING CHAPTER 4-3, ARTICLE I, TO REVISE PROCEDURES AND REGULATIONS CONCERNING SUBSTANDARD DANGEROUS STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND 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 8: Mayor Nelson presented the first reading of an ordinance approving the Municipal Court Judges. This item was presented by Mick McKamie, City Attorney. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that the following captioned resolution be passed:

ORDINANCE NO. 7694

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: APPOINTING MUNICIPAL COURT JUDGES FOR FISCAL YEARS 2017-2018 AND 2018-2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; 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 9: Mayor Nelson presented a resolution approves the 2017/2018 budget and associated program of services for the Amarillo Hospital District. This budget is recommended for approval by the Amarillo Hospital District Board of Managers. This item was presented by Michelle Bonner, Assistant City Manager. Smith Ellis, 5 Champion Circle, AHD Chairman, stated they worked diligently to extend the contract. Motion was made by Councilmember Sauer, seconded by Councilmember Powell, that the following captioned resolution be passed:

RESOLUTION NO. 09-12-17-1
A RESOLUTION OF THE CITY OF AMARILLO CITY COUNCIL:
ADOPTING THE BUDGET OF THE AMARILLO HOSPITAL DISTRICT
FOR THE FISCAL YEAR OCTOBER 1, 2017 TO SEPTEMBER 30, 2018.

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 10: Mayor Nelson presented a resolution suspending SPS's proposed effective date in the Statement of Intent to raise rates from September 25, 2017 for 135 days until February 7, 2018. This item was presented by Jared Miller, City Manager. Wes Reeves, 2117 South Harrison Street, thanked the Council for their action and knowing it was very critical. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, that the following captioned resolution be passed:

RESOLUTION NO. 09-12-17-2
A RESOLUTION BY THE CITY OF AMARILLO, TEXAS SUSPENDING SOUTHWESTERN PUBLIC SERVICE COMPANY'S PROPOSED EFFECTIVE DATE IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT AUGUST 21, 2017; CONTINUING THE CITY'S PARTICIPATION IN THE ALLIANCE OF XCEL MUNICIPALITIES; DIRECTING THE ACTIVITIES OF LAWYERS AND CONSULTANTS RELATED TO SPS'S RATE PROCEEDINGS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING SPS TO PROVIDE PROOF OF PUBLICATION OF NOTICE; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING 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 11: Mayor Nelson presented a resolution to adopt a new fee schedule for services performed at the Department of Public Health. This item was presented by Casie Stoughton, Public Health Director. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that the following captioned resolution be passed:

RESOLUTION NO. 09-12-17-3
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO SETTING FEES FOR SERVICES PERFORMED BY THE DEPARTMENT OF PUBLIC HEALTH; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND 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 12: Mayor Nelson presented a resolution approving the application for the 2017 JAG Grant and the related Interlocal Agreement with Potter County. Under the terms of the grant, the City of Amarillo will apply for \$101,198.00 and will allocate the grant proceeds on an equal basis with Potter County. The Amarillo Police Department will use \$50,599.00 which is the City's portion of the grant to purchase computer equipment for patrol cars. This item was presented by Ed Drain, Police Chief. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that the following captioned resolution be passed:

RESOLUTION NO. 09-12-17-4
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO,

TEXAS: AUTHORIZING 2017 APPLICATION FOR EDWARD BYRNE JUSTICE ASSISTANCE GRANT; AUTHORIZE INTERLOCAL AGREEMENT TO SHARE GRANT FUNDS WITH POTTER COUNTY; AUTHORIZING ADMINISTRATIVE ADJUSTMENTS TO DOCUMENTS AS NEEDED; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND 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 13: Mayor Nelson presented a resolution authorizing the City of Amarillo to revise the grant application to the Federal Transit Administration (FTA) for fiscal year 2017-2018 for the full FTA apportionment of \$3,278,528. A public hearing was conducted on July 25, 2017 authorizing an FTA grant application of \$2,891,534. The City of Amarillo funds required to match the original FTA grant was \$2,350,923 and \$369,039 in TXDOT support. The City of Amarillo portion has been adjusted to \$1,987,050. We are able to take advantage of a provision that allows the City to use 10 percent of the total FTA allocation (\$3,278,528) to pay for Non-Fixed Route ADA (Spec Tran) Service at an 80/20 match. We shifted other allowable costs (Janitor Expenses) from Operating to Preventive Maintenance to further reduce the local funding requirements. This item was presented by Marita Wellege-Reiley, Transit Director, Motion was made by Councilmember Hays, seconded by Councilmember Powell, that the following captioned resolution be passed:

RESOLUTION NO. 09-12-17-5

A RESOLUTION OF THE CITY COUNCIL OF AMARILLO, TEXAS; AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE FEDERAL TRANSIT ADMINISTRATION FOR A GRANT UNDER THE FIXING AMERICA'S SURFACE TRANSPORTATION ACT OF 2015, AS AMENDED; USING THE ADJUSTED AMOUNTS

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 14: Mayor Nelson presented an item approving a TxDot offer to Purchase Parcel 7 (City of Amarillo Well #425) which consists of 39,701 square feet located on the North Side of FM 2186 (West Hollywood Road) ±3,050' West of South Soncy Road at a cost of \$809,258.00. This item was presented by Floyd Hartman, CIP Director. Motion was made by Councilmember Powell, seconded by Councilmember Smith, 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.

Mayor Nelson advised that the meeting was adjourned.

ATTEST:

Frances Hibbs, City Secretary

Ginger Nelson, Mayor

Amarillo City Council Agenda Transmittal Memo



| | | | |
|---------------------|--------------------|-------------------------|-----|
| Meeting Date | September 19, 2017 | Council Priority | N/A |
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| Department | Building Safety/Legal | Contact Person | Randy Schuster, Building Official |
|-------------------|-----------------------|-----------------------|-----------------------------------|

Agenda Caption
PRESENTATION AND CONSIDERATION OF ORDINANCE NO. _____

Agenda Item Summary
This is the first reading of an ordinance amending Amarillo Municipal Code:

- Chapter 2-6, Article VIII, providing for the renaming of the Construction Advisory and Appeals Board to the Construction Advisory and Appeals Commission; and providing for the creation of the Condemnation Appeals Commission.
- Chapter 4-3, Article I, to revise procedures and regulations concerning substandard dangerous structures; providing for severability; providing for repealer; providing for continuation of prior law; providing penalty; and providing for publication and effective date.

Requested Action
Request City Council consider modification of Amarillo Municipal Code, Chapter 2-6 and Chapter 4-3 to expedite the notice and hearing process on such properties to the extent feasible, while also giving due regard to private property rights of the owners, occupants, and lien holders of such properties; and, this ordinance is adopted pursuant to Sections 217.042, 54.032, 54.033, and 54.043 of the Texas Local Government Code, defining nuisances, providing for the appointment of a commission by the governing body of the municipality to hear cases related nuisances, and establishing an alternative adjudication process while still assuring due process in the enforcement of such ordinance relating to dangerously damaged or deteriorated buildings or conditions and as otherwise provided for in Section 54.032.

Funding Summary
Not applicable.

Community Engagement Summary
The proposed amendment has been developed through City Management, Building Safety, Legal, and Community Development to expedite the notice and hearing process for substandard dangerous properties.

Staff Recommendation
Staff recommends adoption of the proposed amendment to Amarillo Municipal Code, Chapter 2-6 and Chapter 4-3.

ORDINANCE NO. 7693

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 2-6, ARTICLE VIII; PROVIDING FOR THE RENAMING OF THE CONSTRUCTION ADVISORY AND APPEALS BOARD TO THE CONSTRUCTION ADVISORY AND APPEALS COMMISSION; PROVIDING FOR THE CREATION OF THE CONDEMNATION APPEALS COMMISSION; AMENDING CHAPTER 4-3, ARTICLE I, TO REVISE PROCEDURES AND REGULATIONS CONCERNING SUBSTANDARD DANGEROUS STRUCTURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Council desires to expedite the notice and hearing process on such properties to the extent feasible, while also giving due regard to private property rights of the owners, occupants, and lien holders of such properties; and,

WHEREAS, this ordinance is adopted pursuant to Sections 217.042, 54.032, 54.033, and 54.043 of the Texas Local Government Code, defining nuisances, providing for the appointment of a commission by the governing body of the municipality to hear cases related nuisances, and establishing an alternative adjudication process while still assuring due process in the enforcement of such ordinance relating to dangerously damaged or deteriorated buildings or conditions and as otherwise provided for in Section 54.032 thereof;

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

SECTION 1. That the Amarillo Municipal Code, Chapter 2-6, Article VIII, be and hereby is amended to read as follows:

ARTICLE VIII. - CONSTRUCTION ADVISORY AND APPEALS BOARD COMMISSION.

Sec. 2-6-70. - Created.

There is hereby created a Construction Advisory and Appeals ~~Board~~ Commission for the City.

Sec. 2-6-71. Members.

This ~~Board~~ Commission shall consist of nine (9) voting members selected as follows:

[(a) – (i)] [NO TEXT CHANGE]

Sec. 2-6-72. - Powers and duties.

This ~~Board~~ Commission shall have the following powers and duties:

- (a) All provisions of Article I of this chapter that are not in conflict with this Article.

(b) Hear appeals of decisions of the Building Official concerning the Building, Electrical, Mechanical and Plumbing Codes adopted by the City; determine the suitability of alternate materials and alternate types of construction; establish licensing regulations; and interpret and recommend changes in the requirements of the Building, Electrical, Mechanical and Plumbing Codes adopted by the City; Condemnation hearings related to substandard or dangerous structures pursuant to Section 4-3-3 of the Code.

(1) The Condemnation Appeals Commission will be directly appointed by the City Council from the Commission members for the purpose of hearing cases related to substandard or dangerous structures and shall be composed of five (5) members that shall be appointed for a term of two (2) years.

(2) The City Council may remove a Condemnation Appeals Commission member appointed upon written charge and only after a public hearing on the matter if a hearing is requested by the commission member subject to the removal action.

(3) The City Council may provide for the appointment of additional alternate members of the Condemnation Appeal Commission from the members of the Construction Advisory and Appeals Commission.

(c) Hear appeals of decisions by the Fire Marshal; determine the suitability of alternate materials and alternate types of construction; and interpret and recommend changes in the requirements of the Uniform Fire Code as adopted by the City Council.

(d) Develop recommendations to the City Council for amendments of the Building, Electrical, Mechanical, Plumbing, and Codes adopted by the City, the Construction Advisory and Appeals Board Commission. The Board Commission may create subcommittees to review and make recommendations to the Board Commission for proposed amendments of those chapters or for the adoption of later editions of the codes adopted in those chapters. The Board Commission shall specify the task assigned to and the term of each subcommittee, and shall disband each subcommittee once the subcommittee's task is completed.

(1) Each subcommittee shall consist of five (5) members, one (1) of which shall be a member of the Construction Advisory and Appeals Board Commission who shall act as chairman of the subcommittee and who shall report the findings of the subcommittee to the Board Commission. The remaining four (4) members may be chosen from the Board-Commission, or may be chosen from the general public on the basis of their specialized knowledge or experience in a trade related to the chapter or topic under consideration, or a combination. The staff liaison or designee shall serve as an ex officio member and secretary to each subcommittee.

(2) Members of the general public appointed to serve on subcommittees shall be subject to all of the requirements of this Chapter and the State as though they were members of the board Commission.

(e) Other powers, duties, exceptions, privileges, and immunities accorded by applicable law and any assignments or delegations by the City to ~~this board~~ the Commission.

Sec. 2-6-73. - Requests for board Commission consideration.

Except for appeals related to substandard or dangerous structures, A any person who desires to schedule any item before the Construction Advisory and Appeals Board Commission shall submit a written request to the staff liaison. Appeals of decisions of the Building Official or Fire Marshal shall also include a fifty-dollar (\$50.00) application fee. Such written request shall include justification for the action requested of the Board. Appeals related to substandard or dangerous structures shall be held in accordance with Chapter 4-3 of this Code.

Sec. 2-6-74. - Appeals from the eConstruction aAdvisory and aAppeals board Commission.

Unless provided otherwise in the Code, Aany person who is dissatisfied with a decision of the Construction Advisory and Appeals Board may appeal to the City Council within ten (10) days from the date of notification of the Board-Commission's ruling by filing a written request with the City

Secretary that the appeal be heard by the City Council. Upon appeal the staff liaison shall transmit to the City Council all papers constituting the record of the appealed action. The City Secretary shall thereupon fix a time for a hearing before the City Council and shall notify those known to be interested. The decision of the City Council concerning the appeal shall be final. Appeals from the decision of the Condemnation Appeals Commission shall be appealed in accordance with Section 4-3-3(i) of the Amarillo Municipal Code as amended.

SECTION 2. That the Amarillo Municipal Code, Chapter 4-3, Article I, Section 4-3-3 be and hereby is amended, to read as follows:

Sec. 4-3-3. - Abatement of substandard structures.

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

(e) *Notice of Condemnation Hearing.*

(1) In the event that the Interested Persons shall fail, neglect or refuse: (1) to comply with the Initial Notice of violation to repair or rehabilitate; or (2) to demolish the Dangerous Structure or portion thereof; or, (3) to timely and substantially complete the terms of a provisional permit, then the Building Official shall ~~notify the City Manager of such fact.~~

~~(2) The City Manager shall~~ cause to be presented to the Condemnation Appeals Commission ~~City Council~~ a resolution setting a date for a condemnation hearing, which allows for not less than ten (10) days notice to the Interested Persons in the property, and ordering that a written notice of such hearing be promptly sent to such person(s) at the last known address for such person(s), and by publication of a notice of such hearing one (1) time in a newspaper of general circulation in the City prior to the date of such hearing. In addition, the Building Official may post notice of the hearing on the property.

(f) *Conduct of Hearing.*

(1) ~~The Mayor~~ chairman of the Commission or acting chairperson in the absence of the chairman shall announce the case and administer an oath or affirmation to all persons desiring to testify in the matter.

(2) The Building Official or designee shall present photographs, documents, and other relevant and material testimony and evidence concerning (i) the conditions existing on and at the property; (ii) problems and nuisances arising out of same, (iii) the notices sent or effort to locate Interested Persons; and (iv) the existence and status of any provisional permit or reasons for denial of same by the Building Official. At the conclusion of the Building Official's testimony, the ~~Mayor~~ chairman shall admit the file into the record of the proceeding and for individual review and questioning by any ~~City Council member~~ Condemnation Appeals Commission member.

(3) [NO TEXT CHANGE]

(4) Any other person desiring to offer testimony about the matter shall then be heard by the ~~City Council~~ Condemnation Appeals Commission.

(5) [NO TEXT CHANGE]

(6) ~~The City Council~~ Condemnation Appeals Commission may adopt such other procedural rules it deems reasonable and helpful for the conduct of such

hearings. The Mayor chair shall, in consultation with the City Attorney as needed, rule on all procedural questions in order to do substantial justice with due regard for notions of fair play, judicial efficiency, private property rights, and public health and safety concerns posed by the condition of property.

- (7) Upon conclusion of all testimony from interested persons, the Mayor chair shall close the hearing. The ~~City Council~~ Condemnation Appeals Commission shall publicly deliberate its decision, giving due consideration to and weighing the following factors: validity of the violations as alleged by the Building Official; the severity of such violations and any corresponding danger to the public; due regard for private property rights; fair opportunity for the Interested Persons to have been notified of the problems and a corresponding opportunity to repair, remediate, or remove the defects or Dangerous Structure; weighing the private property interests of neighbors affected by further delay or deterioration of the subject property; and any other relevant consideration unique to the circumstances of that case but which may materially affect due process and equal protection of involved persons. The ~~City Council~~ Condemnation Appeals Commission shall then announce its decision during that meeting and issue its resolution order:

(i) – (ii) [NO TEXT CHANGE]

- (iii) Finding the Structure is a danger and ordering its removal ten (10) days after notice of decision, however, further finding that good cause exists to grant a reprieve on that order to allow the Interested Persons in the property to seek to qualify for and obtain a provisional permit during that period, and if obtained then the reprieve shall continue for the duration of such permit or successor permit, as provided in this Section. The reprieve granted under this subsection shall expire upon the later of the expiration of time to apply for and obtain a provisional permit or the expiration of such permit. If at expiration of the reprieve the Building Official finds that the defects that gave rise to the finding of a Dangerous Structure have been abated, then the prior order of the ~~City Council~~ Condemnation Appeals Commission to remove the Structure is moot; or, if the defects remain, then the Building Official shall proceed to carry out the ~~City Council's~~ Condemnation Appeals Commission's prior order to remove the Dangerous Structure; or,

- (iv) Finding good cause exists to defer the adjudication of the case and directing reinstatement or extension of a prior provisional permit, for a period of time determined by the ~~City Council~~ Condemnation Appeals Commission not exceeding sixty (60) days from date of the hearing. If at the end of the deferral period, the Building Official finds that there has been no substantial progress toward abatement of the defects, ~~then such fact~~ shall be reported to the City Manager who the Building Official shall request the ~~City Council~~ Condemnation Appeals Commission to set a new hearing and proceed with an adjudication of whether the Structure is dangerous or not, in accordance with the procedures of subsection (e).

- (g) *Notice of Decision.* A copy of the decision (resolution, order, or other document) of the ~~City Council~~ Condemnation Appeals Commission shall be promptly sent to the Interested Persons in the Dangerous Structure or Premises in the same manner provided in subsection (b)(3) of this Section.

- (h) *Default; assessment of costs; lien; law suit.*

- (1) If the Interested Persons shall fail, refuse, or neglect: (i) to remove or remedy the Dangerous Structure in accordance with the ~~City Council's~~ Condemnation Appeals Commission's resolution order not later than ten (10) days after notice of same is sent or posted; or (ii) either to apply for or to timely and

substantially perform the terms of a provisional permit or extended provisional permit as ordered by the ~~City Council~~ Condemnation Appeals Commission, (iii) or to timely and fully comply with the terms of a deferred adjudication, then the Building Official shall proceed to execute the ~~City Council's~~ Condemnation Appeals Commission's finding and order to remove the Dangerous Structure.

(2) -(4) [NO TEXT CHANGE]

(i) *Appeal.* The findings and decision of the ~~City Council~~ Condemnation Appeals Commission may be appealed to the district court within thirty (30) days after receiving notice of the decision in accordance with Section 214.0012 of the Texas Local Government Code as amended.

(j) [NO TEXT CHANGE]

SECTION 3. That the Amarillo Municipal Code, Chapter 4-3, Article I, Section 4-3-2 be and hereby is amended, to read as follows:

(a) – (e) [NO TEXT CHANGE]

(f)(1)-(f)(2) [NO TEXT CHANGE]

(3) The ~~Assistant City Manager~~ Condemnation Appeals Commission shall conduct an administrative hearing on the abatement of weeds under this section if, not later than the 30th day after the date of the abatement, the property owner files with said official a written request for a hearing.

(f)(4)-(f)(5) [NO TEXT CHANGE]

SECTION 4. That the Amarillo Municipal Code, Chapter 4-3, Article I, Section 4-3-6 be and hereby is amended, to read as follows:

(a) – (d) [NO TEXT CHANGE]

(e) *Issuance of permit; fee; exceptions.* When the Building Official has found that the application requirements of subsection (c) and (d) above have been satisfied, and after the applicant has paid the permit fee as set forth in this chapter, then he shall issue the respective demolition or moving permit to the applicant.

EXCEPTION: Substandard structures demolished pursuant to an order of the ~~City Council~~ Condemnation Appeals Commission by a contractor employed by the City are exempt from the permit fees, and lot clearance deposit requirements of this section.

(f) – (g) [NO TEXT CHANGE]

SECTION 5. 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 6. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 7. Continuation. That nothing in this ordinance shall be construed to affect any suit or proceeding pending, or any rights acquired, or liability incurred, or any cause of action acquired or existing under any act or ordinance repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 8. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

SECTION 9. 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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: APPOINTING MUNICIPAL COURT JUDGES FOR FISCAL YEARS 2017-2018 AND 2018-2019; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Amarillo Charter, Art. II, Sec. 22[ff] authorizes the Amarillo Municipal Court and judicial appointments for such court, and Chapter 2-8 of the Amarillo Municipal Code of Ordinances has been adopted, providing for two-year terms;

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

SECTION 1. That pursuant to the above recited provisions of the City of Amarillo Charter and Amarillo Municipal Code of Ordinances, that:

A. SONYA LETSON is hereby re-appointed to the office of Presiding Judge of the City of Amarillo Municipal Court, to have and exercise all rights, privileges, powers, and duties appertaining to that position by state law, local ordinance, and City Charter.

B. JENNIFER CATES, INDA CRAWFORD and SUNNY RATLIFF is each hereby re-appointed to the office of Associate Judge of the City of Amarillo Municipal Court. Each of these to have and exercise all rights, privileges, powers, and duties appertaining to that position by state law, local ordinance, and City Charter. Each shall work such days, hours, cases, and other tasks as assigned by the Presiding Judge or in the absence of the Presiding Judge.

C. Any person who may subsequently be appointed to any vacant position that may arise among any of positions stated above, during the term set by Section 2 of this Ordinance, shall serve the unexpired portion of such term, to have and exercise all rights, privileges, powers, and duties appertaining to that position by state law, local ordinance, and City Charter.

SECTION 2. The term of each appointment in Section 1 is for the City's fiscal years 2017-2018 and 2018-2019, inclusive.

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

SECTION 5. Continuity of office. Unless removed for judicial misconduct or accusation of a felony or crime of moral turpitude, or other legal disqualification, then a judge appointed by this

ordinance shall continue to serve after expiration of this term appointment until such time as a successor is appointed and qualifies to assume the office.

SECTION 6. Effective Date. This ordinance shall be effective upon adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 12th day of September, 2017; and **PASSED** on Second and Final Reading the 19th day of September, 2017.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

Amarillo City Council Agenda Transmittal Memo



D

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|---------------------|-----------|-------------------------|----------------|
| Meeting Date | 9/12/2017 | Council Priority | Infrastructure |
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| Department | Emergency Management | Contact Person | Chip Orton |
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Agenda Caption

Approval of purchase of (4) four Federal Signal 508 sirens for the Amarillo/Potter/Randall Office of Emergency Management Outdoor Warning System

Agenda Item Summary

This purchase is to replace three older sirens and add one new siren to the Amarillo/Potter/Randall Office of Emergency Management Outdoor Warning System. The locations are as follows:
Siren #2 – Replace an old siren at 2605 SW 1st Ave.
Siren #3 – Replace an old siren at 4004 Ingram Dr.
Siren #29 – Add a new siren at Gem Lake and Amarillo Blvd.
Siren #63 – Replace an old siren at Westgate Mall.

Requested Action

The Office of Emergency Management recommends that the City Council authorize the purchase of four sirens in the amount of \$76,347.64

Funding Summary

This was approved in the 2016-2017 Community Investment Program - Bond Proposal #2

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of this purchase.

Bid No. 5852 FEDERAL SIGNAL SIRENS FOR OUTDOOR WARNING SYSTEM
Opened 4:00 p.m. September 28, 2017

To be awarded as one lot FEDERAL SIGNAL CORP

Line 1 Sirens, Horns and back up alarms,
electro-mechanical siren, per
specifications

| | | |
|----------------|-------------|-----------|
| 4 ea | | |
| Unit Price | \$7,467.000 | |
| Extended Price | | 29,868.00 |

Line 2 Sirens, Horns and back up alarms,
DCFCTBD cntrl, per specifications

| | | |
|----------------|-------------|-----------|
| 4 ea | | |
| Unit Price | \$4,678.560 | |
| Extended Price | | 18,714.24 |

Line 3 Sirens, Horns and back up alarms,
YAGI10 antenna, per specifications

| | | |
|----------------|-----------|----------|
| 4 ea | | |
| Unit Price | \$365.820 | |
| Extended Price | | 1,463.28 |

Line 4 Sirens, Horns and back up alarms,
AMB-P, per specifications

| | | |
|----------------|-----------|--------|
| 4 ea | | |
| Unit Price | \$102.600 | |
| Extended Price | | 410.40 |

To be awarded as one lot

FEDERAL SIGNAL CORP

Line 5 Shipping and handling and misc
fees, per specifications

1 ea

Unit Price \$2,971.520

Extended Price 2,971.52

Line 6 Sirens, horns and back-up alarm ES-
Radio, per specifications

4 ea

Unit Price \$704.410

Extended Price 2,817.64

Line 7 Sirens, horns and back-up alarm ES-
SMV, per specifications

4 ea

Unit Price \$100.000

Extended Price 400.00

Line 8 Sirens, horns and back-up alarm ,
per specifications

4 ea

Unit Price \$3,570.000

Extended Price 14,280.00

To be awarded as one lot

FEDERAL SIGNAL CORP

Line 9 Sirens, horns and back-up alarm
2001 TREBP, per specifications

4 ea

Unit Price \$1,355.640

Extended Price 5,422.56

Bid Total 76,347.64

Award by Vendor 76,347.64

E

Amarillo City Council Agenda Transmittal Memo



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|---------------------|--------------------|-----------------------|---------------|
| Meeting Date | September 19, 2017 | Council Pillar | Redevelopment |
|---------------------|--------------------|-----------------------|---------------|

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| Department | City Manager Michelle Bonner, Assistant City Manager |
|-------------------|---|

Agenda Caption

AGREEMENT FOR SERVICES WITH CENTER CITY OF AMARILLO, INC.

This item approves a one (1) year agreement with Center City of Amarillo, Inc. for services associated with the preservation, improvement and revitalization of the Central Business District of Amarillo. Two sources of funding are included in the agreement:

- The City will provide \$90,000 for administrative operations.
- The City will provide \$70,000 as matching funds for a Center City façade grant program up to \$20,000 to a business for exterior building improvements
- The Tax Increment Reinvestment Zone #1 will provide \$150,000 for matching grants up to \$50,000 for streetscape improvements in the City's right of way.

Agenda Item Summary

This item approves a one (1) year agreement with Center City of Amarillo, Inc. for services associated with the preservation, improvement and revitalization of the Central Business District of Amarillo.

Requested Action

Council consideration and approval of the resolution.

Funding Summary

N/A

Community Engagement Summary

The Tax Increment Reinvestment Zone Number One 2017/2018 fiscal year budget has been reviewed and approved by the Tax Increment Reinvestment Zone Number One board (August 17, 2017) and approved by the Amarillo City Council on August 29, 2017.

Staff Recommendation

The Center City of Amarillo, Inc. 2017/2018 request includes a \$15,000 increase for operations and a \$30,000 façade grant funding increase. City staff recommendation is to approve the 2017/2018 agreement for services with Center City of Amarillo, Inc. at the same level as the 2016/2017 fiscal year, with no funding increase for the 2017/2018 year.

**AGREEMENT FOR SERVICES BETWEEN
CENTER CITY OF AMARILLO INCORPORATED,
TAX INCREMENT REINVESTMENT ZONE NO. 1
AND
THE CITY OF AMARILLO**

This Agreement is entered into by and between the CITY OF AMARILLO, a municipal corporation situated in Potter and Randall Counties, Texas ("the CITY") and CENTER CITY OF AMARILLO INCORPORATED ("CENTER CITY"), a Texas nonprofit corporation and Tax Increment Reinvestment Zone #1 ("TIRZ #1").

WHEREAS, the CITY is interested in maintaining a viable downtown that would be attractive to the development of office complexes, residential complexes and supportive retail uses; and,

WHEREAS, in order to maintain and promote any area of the city, private entities must be interested in and support the CITY's efforts in maintaining and revitalizing the area; and,

WHEREAS, such improvements will aid and promote both tourism and economic development (jobs and stimulation of commercial and economic activity); and,

WHEREAS, on December 19, 2006, the City Commission approved Ordinance No. 7012 establishing Tax Increment Reinvestment Zone Number One, City of Amarillo, Texas, (the "Zone") in accordance with the Tax Increment Grant Act, as amended (V.T.C.A., Tax Code, Chapter 311) to promote development and redevelopment in the area through the use of tax increment financing;

WHEREAS, CENTER CITY and the TAX INCREMENT REINVESTMENT ZONE No. 1 are organized and dedicated to the preservation, improvement and revitalization of the downtown area of Amarillo to accomplish the goals and outcomes referenced just above, and are a valuable source of these services to the CITY; and,

WHEREAS, the parties wish to work cooperatively to develop, maintain, preserve, improve, and revitalize the downtown area, and enter into this agreement to further those purposes; THEREFORE:

W I T N E S S E T H:

1.PURPOSE. CENTER CITY will use all means available to improve and revitalize Amarillo's downtown area while preserving the historic integrity of the district. It will strive to reduce further deterioration of downtown structures, promote and assist in the revitalization and redevelopment of

downtown Amarillo through marketing and organizing activities and projects, encourage economic investment and development in targeted areas, and develop ways and means to implement portions of the Downtown Amarillo Strategic Action Plan. CENTER CITY will strive to achieve its goals by pursuing sources of funding, including working cooperatively with Tax Increment Reinvestment Zone No. 1 on certain improvements in the public right of way when appropriate, obtaining planning and other consulting services and coordinating various projects affecting downtown Amarillo.

2. BUSINESS FAÇADE INCENTIVE PROGRAM. In Fiscal Year 2017-2018, the CITY shall pay CENTER CITY a maximum of ONE HUNDRED SIXTY THOUSAND DOLLARS (\$160,000.00) as follows:

- a) NINETY THOUSAND DOLLARS (\$90,000.00) in equal quarterly installments for administrative costs (payment dates to be determined by the CITY Director of Finance).
- b) A maximum of SEVENTY THOUSAND DOLLARS (\$70,000.00) payable quarterly to CENTER CITY to provide a one dollar (\$1.00) match for every one dollar (\$1.00) of private money spent for the Business Facade Incentive projects as described in this Section.

2.A. All requests for payment will be reviewed by the CITY's Director of Finance. CENTER CITY will submit to the Director of Finance a quarterly report showing the activities and progress of each project which CENTER CITY undertakes with funds for façade grants.

2.B. The City finds that there is a significant public purpose to be served by the revitalization of the downtown area, which can be fulfilled by improving the aesthetic qualities of the downtown area. To accomplish such public purpose, in part, CENTER CITY will establish a Building Facade Incentive program that will provide matching grants (consistent with Downtown Amarillo Strategic Action Plan and the Downtown Urban design Standards) up to a maximum of \$20,000 per property for the following exteriors of properties, visible from public streets:

- Masonry cleaning and repair
- Sign repair or replacement
- Awning repair or replacement
- Painting

- Facade restoration
- Landscaping

The grants will be reviewed and approved by the CENTER CITY Board and work will be completed prior to the matching payment by the City's Director of Finance. All payments will be made to CENTER CITY. CENTER CITY will submit to the CITY an annual audit of CENTER CITY within 90 days following the expiration of the Term of this agreement.

3. TIRZ STREETSCAPE GRANT PROGRAM. In Fiscal Year 2017-2018, upon recommendation by the Tax Increment Reinvestment Zone #1 Board of Directors, the CITY shall pay to Center City a maximum of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000) to be used in combination with money provided for the Façade Grant Program described in Section 2 of this Agreement and in accordance with the following provisions.

3.A. All requests for payment will be reviewed by the City's Director of Finance. Center City will submit to the Director of Finance a quarterly report showing the activities and progress of each streetscape project City Center undertakes with TIRZ funds.

3.B. The Tax Increment Reinvestment Zone #1 Board of Directors find that there is a significant public purpose that is served by the Center City Façade Incentive Program as it relates to the revitalization of the downtown area and the goals stated within the Tax Increment Reinvestment Zone #1 Project and Financing Plan. To accomplish such public purpose, the Tax Increment Reinvestment Zone #1 (TIRZ #1) will coordinate its efforts with the Center City Façade Incentive Program by making available from the tax increment fund the sum stated above to be used by Center City, on a first-completed–first-served basis, as grants to qualifying applicants of up to FIFTY THOUSAND DOLLARS (\$50,000) per property for streetscape elements that meet the following criteria:

- TIRZ #1 funds must be used for improvements located only within public right-of-way or on public property.
- TIRZ #1 funds are available only for improvements consisting of street trees, sidewalks, benches, and pedestrian lights. TIRZ funds shall be used only for

purchase of the commodities for the improvements, with the applicant bearing the installation costs as a match to this grant.

- Street trees must be installed within 2-4 feet of the curb edge and be a minimum of 3-inch caliper. Street trees must be irrigated by a permanent irrigation system. Planting distance shall be a maximum of 25 feet. Exceptions may be made to accommodate curb cuts, fire hydrants (and other fixed infrastructure elements), and building entrances. Trees must be planted flush with the sidewalk surface using tree gates or planting wells. Street trees planted must be of a species recommended by the Downtown Amarillo Urban Design District standards.
- Pedestrian lights installed must be the designated type and design as approved for those properties within the Downtown Amarillo Urban Design District. Maximum spacing for lights is 50 feet and shall be located approximately mid-point between street trees. Spacing requirements can be adjusted to accommodate mature existing trees, curb cuts, fire hydrants (and other fixed infrastructure elements), steps and buildings. Lights must be installed between the pedestrian walkway and the curb edge
- All sidewalks shall have a minimum of 7 feet of linear, unobstructed pedestrian way. Sidewalk material must be concrete, brick, high quality concrete pavers, or a combination of these.
- All other streetscape elements not specifically mentioned within this agreement must conform to the Downtown Amarillo Urban Design standards.
- TIRZ #1 funding is available under this Streetscape Grant program only in conjunction with a project that has been approved for a Center City Business Façade Incentive Program.

3.C. In order to be eligible for a TIRZ Streetscape grant, the applicant must be approved by the Center City Board for a façade grant. All approved TIRZ –funded streetscape work must be completed in accordance with this Agreement prior to being eligible for reimbursement of TIRZ-funded streetscape improvements. All payments to applicants will be disbursed by Center City on each qualifying project from funds available from this TIRZ program. Center City shall regularly report to

the TIRZ Board of Directors on all approved Streetscape applications.

4. TERM & CANCELLATION. The Term of this agreement is from October 1, 2017 to September 30, 2018. However, this contract may be cancelled by either CITY, TAX INCREMENT REINVESTMENT ZONE NO. 1, or CENTER CITY by giving sixty (60) days prior written notice of such intention by United States certified mail, return receipt requested and addressed as provided below.

5. RELATIONSHIP. CENTER CITY is an independent contractor and has no authority to act for or in behalf of CITY or to bind CITY to any contract or in any other manner.

EXECUTED this _____ day of September ____, 2017.

CITY OF AMARILLO, TEXAS

CENTER CITY INC.

By _____
Jared Miller, City Manager

By _____
_____, Board President

ATTEST:

ATTEST:

Frances Hibbs, City Secretary

City of Amarillo
P. O. Box 1971
Amarillo TX 79105-1971

Center City of Amarillo, Inc.
1000 S. Polk
Amarillo TX 79101

TAX INCREMENT REINVESTMENT ZONE NO. 1

By. _____
Scott Bentley, Chairman of Board

Amarillo City Council Agenda Transmittal Memo



| | | | |
|---------------------|--------------------|-------------------------|---------------------------|
| Meeting Date | September 26, 2017 | Council Priority | Infrastructure Initiative |
|---------------------|--------------------|-------------------------|---------------------------|

| | | | |
|-------------------|-----------------|-----------------------|----------------|
| Department | Water Utilities | Contact Person | Russell Grubbs |
|-------------------|-----------------|-----------------------|----------------|

Agenda Caption

Approval – Professional Services Agreement – Amendment #2 Engineering Services - Project No. 521248 – Filter Improvements 1-4 at Osage Water Treatment Plant by Alan Plummer Associates Inc.

Original Contract \$64,120.00

Previous Amendment - \$20,500.00

Current Amendment - \$15,000.00

Revised Contract - \$99,620.00

This item would approve Amendment #2 to a January 7, 2014 Agreement for Engineering Services to perform additional engineering construction services. This amendment provides for the additional services by Alan Plummer Associates Inc.

Agenda Item Summary

Approval of Amendment #2 to increase and revise Professional Services Agreement for APAI

Requested Action

Consider approval of Amendment #2 for Construction Services Contract

Funding Summary

Funding for this amendment is available in the approved Capital Improvement Program Project #521248.17400.1040.

Community Engagement Summary

N/A

Staff Recommendation

City Staff is recommending approval of Amendment #2



INTER-OFFICE MEMORANDUM

September 12, 2017

To: Jared Miller
City Manager

Thru: Russell Grubbs *RG 9/12/17*
Director of Utilities

From: Jonathan Gresham *JG 9/12/17*
Assistant Director of Utilities

Subject: Amendment No. 2 to Agreement for Engineering Services between City of Amarillo and Alan Plummer Associates, Inc. (APAI)

City staff is requesting the referenced amendment be placed on the next available City Council Agenda for consideration of approval.

The additional services requested (\$15,000) were provided by APAI on their contract for construction services for the improvements of filters 1-4 at the Osage Water Treatment Plant. The original contract for design services was \$64,120 with a construction services amendment No. 1 for \$20,500. The revised contract total would be \$99,620.

There were construction issues by the contractor which prolonged the construction phase of the project and required additional engineering support beyond the original scope of work. The issues included performance test failures for filters 3 and 4 and construction damage to Filter 4 which required additional review and approval process by APAI.

If approved, funding for this amendment is available in Utilities Division CIP Project # 521248.

**AMENDMENT No. 2 -MODIFICATION TO AGREEMENT FOR
ENGINEERING SERVICES BETWEEN CITY OF AMARILLO
AND ALAN PLUMMER ASSOCIATES, INC.**

Whereas, the City of Amarillo (OWNER) and ALAN PLUMMER ASSOCIATES, Inc. (ENGINEER) have executed an Agreement for Engineering Services dated January 7, 2014, (Agreement); and

Whereas, OWNER and ENGINEER entered into Amendment No. 1 to the Agreement on or about January 6, 2016 in which the ENGINEER agreed to perform additional engineering services; and

Whereas, pursuant to the terms of the Agreement ENGINEER has requested a modification to the Scope of Services performed by ENGINEER under the Agreement;

NOW THEREFORE the parties agree that the Agreement is modified by addition of the following:

- A. ENGINEER hereby requests and OWNER hereby agrees to pay for additional engineering services performed by ENGINEER as more particularly described in Exhibit A "Osage Water Treatment Plant Filter Nos. 1-4 Services for Period Beyond our Contract Scope" which is attached hereto and by reference made a part hereof.
- B. ENGINEER agrees to accept for all additional services provided under this Modification to Agreement a lump sum fee not to exceed \$15,000.00. Payment to ENGINEER for the additional services will be made in accordance with Article III of the Agreement.

Except as herein modified all terms and conditions of the Agreement are hereby ratified by the parties and remain in full force and effect.

ATTEST:

CITY OF AMARILLO
(OWNER)

Frances Hibbs, City Secretary

Jared Miller, City Manager

Date: _____

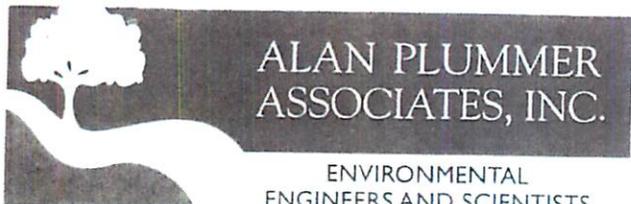
ALAN PLUMMER ASSOCIATES, INC.
(ENGINEER)

By: 

Printed Name: ALAN E. DAVIS, P.E.

Title: PRINCIPAL

Date: 9-6-2017



ALAN PLUMMER
ASSOCIATES, INC.

ENVIRONMENTAL
ENGINEERS AND SCIENTISTS

0458-027-02

June 6, 2017

Mr. Jonathan Gresham, P.E.
Assistant Director of Utilities
Simms Building
808 South Buchanan
Amarillo, Texas 79101

Re: Osage Water Treatment Plant Filter Nos. 1-4
Services for Period Beyond our Contract Scope

Dear Mr. Gresham:

As recommended by Russell Grubbs after our site visit to observe the final filter air test, the purpose of this letter is to request a change to our construction contract. Our contract provided for meetings, site visits, and construction administration services over a 9-month construction period, beginning February 28, 2016. Red River Constructors (RRC) substantially completed the project in May 2017 – six months over the allotted time for the contract.

There were construction issues beyond our control that prolonged completion of the project and required engineering support outside of what was anticipated for the construction phase of the project, including (1) performance test failures for Filter 3 and 4, (2) construction damage to Filter 4, and (3) the subsequent review and approval process for repairs. The construction schedule was also impacted by the TCEQ review process.

APAI's construction administration contract was for \$20,500. We have spent over \$35,500 on the project. APAI requests an amendment to the contract allowing us to submit an invoice for this additional \$15,000. For reference the construction contract for RRC is \$1,579,900.

If you agree with this amendment, please sign and return one copy of this letter for our files. Thank you for the opportunity to work with the City of Amarillo on this important project and for the opportunity to submit this request.

Sincerely yours,

ALAN PLUMMER ASSOCIATES, INC.

Alan E. Davis, P.E.
Practice Leader

1320 SOUTH UNIVERSITY DRIVE
SUITE 300
FORT WORTH, TEXAS 76107
PHONE 817.806.1700
FAX 817.870.2536
www.apaienv.com
TBPE Firm No. 13

\\Fw-fs-fw.apai\share\projects\0458\027-02\3-0 Administration\3-1 CONTRACT AGREEMENT\3-1-1 CONTRACTS\Gresham_L1_addl compensation.docx



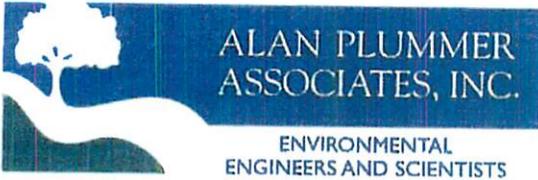
Mr. Jonathan Gresham, P.E.
Page 2
June 6, 2017

Accepted by:
CITY OF AMARILLO

Russell Grubbs
Director of Utilities

AED/vlw

cc: Mr. David A. Gudal, P.E., Principal, Alan Plummer Associates, Inc.



1320 South University Drive, Suite 300
Fort Worth, Texas 76107

City of Amarillo
Osage Water Treatment Plant
P.O. Box 1971
Amarillo, TX 79105

August 24, 2017
Project No: 0458-027-02
Invoice No: 000000041158
Project Manager: Alan Davis
Basic Services 20,500.00
Additional Services: 15,000.00
Total 35,500.00

Project 0458-027-02 Construction Services Osage WTP Filter Modifications

Professional Services through August 24, 2017

Fee

| Billing Phase | Fee | Percent Complete | Amount Billed | Previous Billed | This Invoice |
|---------------------------|-----------|------------------|---------------|-----------------|--------------------|
| Basic Services | 20,500.00 | 100.00 | 20,500.00 | 20,500.00 | 0.00 |
| Additional Services | 15,000.00 | 100.00 | 15,000.00 | 0.00 | 15,000.00 |
| Total Fee | 35,500.00 | | 35,500.00 | 20,500.00 | 15,000.00 |
| Total Fee | | | | | 15,000.00 |
| Total this Invoice | | | | | \$15,000.00 |

| Billings to Date | Current | Prior | Total | Payments | A/R Balance |
|------------------|-----------|-----------|-----------|-----------|-------------|
| | 15,000.00 | 20,500.00 | 35,500.00 | 20,500.00 | 15,000.00 |

Authorized By: 
Alan Davis

Date: 8-24-2017

Amarillo City Council Agenda Transmittal Memo



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|---------------------|--------------------|-------------------------|--|
| Meeting Date | September 19, 2017 | Council Priority | |
|---------------------|--------------------|-------------------------|--|

| | | | |
|-------------------|----------|-----------------------|--------------|
| Department | Judicial | Contact Person | Sonya Letson |
|-------------------|----------|-----------------------|--------------|

Agenda Caption

Approval -- Interlocal Agreement with Potter and Randall Counties for the Appointment and Compensation of Designated Night Magistrates

Agenda Item Summary

The City, Potter County and Randall County have reached an Interlocal Agreement to appoint and fund designated night magistrates to receive after-hours contacts from law enforcement agencies in the two-county area, to review affidavits for search and arrest warrants, and to provide juvenile warnings.

Requested Action

Approval of the Interlocal Agreement

Funding Summary

Each entity has agreed to provide up to \$15,000 per year for funding. Compensation will be made per call, at the rate of \$60 per hour with a minimum of two hours per call.

Community Engagement Summary

None

Staff Recommendation

**INTERLOCAL AGREEMENT
BETWEEN RANDALL COUNTY, TEXAS,
POTTER COUNTY, TEXAS
and THE CITY OF AMARILLO, TEXAS,
(Night Magistrate Services)**

This Agreement is made between Randall County, (hereafter, "RANDALL"), Potter County, (hereafter, "POTTER"), and the City of Amarillo, Texas (hereafter, "AMARILLO"). Pursuant to the authority granted by the "Texas Interlocal Cooperation Act," Chapter 791, Texas Government Code, as amended, providing for the cooperation between local governmental bodies, the parties hereto, in consideration of the premises and mutual promises contained herein, agree as follows:

1. Entity. Each party is a local government entity within the State of Texas.

2. Public Benefit & Purpose. The respective governing body of each party finds that: the subject of this Agreement is necessary for the benefit of the public; each party has the legal authority to perform and to provide the governmental function or service which is the subject matter of this Agreement; the division of cost fairly compensates the performing party for the services performed under this Agreement; and, the performance of this Agreement is in the common interest of all parties.

3. Effective Date & Term. This Agreement shall become effective on October 1, 2017 and shall remain in full force and effect for a term of one (1) year from the effective date hereof. This Agreement shall automatically be renewed for additional one-year terms unless and until a Party cancels it by giving thirty (30) days written notice to the other Parties.

4. Current Revenues. Both the party performing a service and the parties paying for the performance of governmental functions or services shall, respectively, render performance and make payments from current revenues legally available to the party.

5. Mutual Obligations. AMARILLO now promises to perform and provide to RANDALL and POTTER certain judicial services for compensation paid by all three entities in equal shares. AMARILLO hereby accepts the duties, terms, conditions, limitations, procedures, fees, and scope of services stated in Exhibit A, and promises to perform its obligations stated therein. RANDALL and POTTER agree to the timely payment of fees for compensating AMARILLO in the performance of those services stated in Exhibit A.

6. Exhibit Incorporated & Authorized Adjustments. The provisions of Exhibit A are incorporated herein by this reference as though stated here verbatim. Further, the governing body of each Party hereby authorizes its point-of-contact to mutually agree (without the need of further approval by either governing body) to make minor adjustments in the operational procedures, terms, and conditions described in Exhibit A, and to facilitate greater efficiencies, reduce opportunity for errors, and better serve the public, so long as such adjustments do not require or constitute a material change in the fees, costs, or performance required of any Party hereto.

7. Liability. The purpose of this Agreement is only to set forth the rights and duties of the Parties with regard to the governmental function or services described. This Agreement does not create any right, benefit, expectation, warranty, promise, or cause of action for any other person or entity who is not a party to this Agreement. By executing this Agreement, no

Party waives, or shall be deemed to waive, any immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions. Each Party shall be solely responsible for any attorney fees, costs, loss, damages, injury, or death to others or their property arising out of or related to the acts or omissions only of the Party's employees or agents and not those of any other Party.

8. Venue. Each Party agrees that if legal action is brought under this Agreement, then exclusive venue shall lie in the county in which the defendant Party is located and, if located in more than one county, in the county in which the principal offices of the defendant Party are located.

9. No Joint Venture or Third Party Beneficiary. Nothing herein shall be deemed to create a joint venture. This Agreement has no third-party beneficiaries.

10. Severance & Survival. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any request, such invalidity, illegality, or unenforceability shall not affect any other provision contained herein and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained. The provisions of paragraphs 7 through 9, inclusive, shall survive termination, cancellation, expiration or non-renewal of this Agreement.

11. Amendments. This Agreement with attached Exhibit contains all the commitments and the agreements of the Parties, and any oral or written commitments not contained herein shall have no force or affect to alter any term or condition of this Agreement. This Agreement shall supersede all prior agreements regarding the same subject matter. This Agreement may be amended or modified in writing by the mutual agreement of the Parties. In the event of a conflict between the terms of this Agreement and Exhibit A, then the terms of Exhibit A shall control.

IN WITNESS WHEREOF, each Party has caused this Agreement to be executed by its respective official signing below, being duly and lawfully authorized on or before the day and year written below to legally bind the Party to this Agreement.

RANDALL COUNTY, TEXAS

CITY OF AMARILLO, TEXAS

By: _____

By: _____

Ernie Houdashell, County Judge

Jared Miller, City Manager

Date: _____

Date: _____

POTTER COUNTY, TEXAS

By: _____

Nancy Tanner, County Judge

Date: _____

EXHIBIT A – JUDICIAL SERVICES

The purpose of this Exhibit A and the Interlocal Agreement, which is attached to state the terms, conditions, and consideration by which the City of Amarillo will provide after-hours magistrates to review search warrants for crimes committed in Randall and Potter Counties. To the extent of any conflict between the Interlocal Agreement and this Exhibit A, this Exhibit controls.

Terms and Conditions: AMARILLO agrees to provide Judicial Services for RANDALL and POTTER subject to these terms and conditions:

A. Hours: AMARILLO agrees to hire two Associate City Judges on a contractual basis who will be designated Night Magistrates. AMARILLO will ensure that a magistrate is available to review warrants between the hours of 5:00 p.m. and 8:00 a.m. on weekdays and 5:00 p.m. each Friday to 8:00 a.m. the following Monday. AMARILLO will also make a magistrate available from 5:00 p.m. on the day before a county holiday to 8:00 a.m. on the next working day. The magistrates shall be supervised and scheduled by the Presiding City Judge. The Presiding City Judge and all Associate City Judges may be assigned night magistrate duties at the same compensation as contract Night Magistrates.

B. Compensation: Compensation shall be paid to Night Magistrates by AMARILLO at the rate of \$60 per hour, with a two hour minimum per call. The cost for compensation shall be borne in equal shares by AMARILLO, RANDALL and POTTER, regardless of the jurisdiction from which a warrant originates up to a total cost of \$45,000 during a single term. Should the total cost exceed \$45,000 in a given term, the parties shall set forth in an addendum their agreement to commit a specific amount of additional funds for the remainder of the term. If the parties cannot agree on an amount of additional funds, this agreement shall be suspended until the beginning of the next term. AMARILLO shall ensure that Night Magistrates report all warrant calls and their duration to the Presiding City Judge. These reports shall be provided to RANDALL and POTTER monthly accompanied by an invoice for RANDALL'S and POTTER'S share of the compensation for that month. Payment shall be due 30 days from receipt of the invoice.

C. Training: AMARILLO will provide all necessary judicial training for Night Magistrates solely at its expense.

D. Contacts: Each party hereby designates the following person as its Point of Contact for administering this agreement:

City of Amarillo
Sonya Letson
Presiding Judge
City of Amarillo Municipal Court
P.O. Box 1366
Amarillo, Texas 79105

Randall County
Ernie Houdashell
County Judge
501 16th Street, Suite 303
Canyon, TX 79015

Potter County
Nancy Tanner
County Judge
500 Fillmore, Suite 103
Amarillo, Texas 79101

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Amarillo City Council Agenda Transmittal Memo



| | | | |
|---------------------|--------------------|-------------------------|----------------|
| Meeting Date | September 19, 2017 | Council Priority | Infrastructure |
|---------------------|--------------------|-------------------------|----------------|

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|-------------------|----------|---------------------|-----------|
| Department | Planning | Contact Name | AJ Fawver |
|-------------------|----------|---------------------|-----------|

Agenda Caption

Address: South of 509 SE 7th Avenue

Consideration and possible action on an ordinance approving the vacation of 80' ROW known as South Lincoln Street between SE 8th Ave. & SE 7th Ave. and 80' ROW known as SE 7th Ave. between S Buchanan St. and S Johnson St. along with two 20' wide Public Utility Easements located in Block 111, Plemons Addition Unit No. 1, in Section 170 and Block 112, Mirror Addition Unit No. 1, in Section 155, all of which is located in Block 2, AB&M Survey, Potter County, Texas. This vacation was reviewed and recommended for approval by a 4:0 vote from the Planning and Zoning Commission.

Agenda Item Summary

This requested vacation is for the purpose of closing streets and former alleys (which are now PUEs and have been since 1967 and 1988) to get the ground ready for the MPEV construction.

Per Section 12, "Dedications and Vacations" of the City of Amarillo's Development Policy Manual, the developer is required to pay the fair market value of the "use" of the land to the city; since the property is already owned by the city, this requirement is unnecessary. Also, street signs have been posted to give citizens a phone number to contact for questions and a notice that the streets will be vacated and eventually closed per the "Dedications and Vacations" Section 12 of the City of Amarillo's Development Policy Manual.

Planning, Utilities, and Engineering Departments have reviewed the vacations, and concluded that there are no issues.

Requested Action

Planning staff and Planning & Zoning Commissioners have reviewed the associated ordinance and exhibit and recommend the City Council approve the item as submitted.

Funding Summary

Chapter 272 of the Texas Local Government Code allows the conveyance of an easement for fair market value when the easement is being vacated. At the City Commission level, it requires a resolution for passage. The resolution is used in the vacation of an easement, which the developer is required to pay the fair market value. This fair market value requirement was waived by the Deputy City Manager for Development Services.

Amarillo City Council Agenda Transmittal Memo



Community Engagement Summary

No mailing notices were required. Street signs were posted to inform the public that the streets will be closed eventually and to contact the planning department if they had any questions.

The item was considered by the Planning and Zoning Commission in a public hearing on September 11th at which there were no public comments.

Staff Recommendation

Staff and P&Z Commissioners recommend the approval of this Ordinance.

ORDINANCE NO. 7695

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS DETERMINING LACK OF PUBLIC NECESSITY FOR RIGHT-OF-WAY AND NEARBY PUBLIC UTILITY EASEMENTS IN THE VICINITY OF SOUTHEAST 8TH AVENUE AND SOUTH BUCHANAN STREET, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN-DESCRIBED RIGHT-OF-WAY AND NEARBY PUBLIC UTILITY EASEMENTS; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Amarillo found that no public necessity currently exists for the right-of-way and public utility easement described herein and recommends to the City Council for such right-of-way and public utility easement be vacated; and

WHEREAS, the City Council reviewed said recommendation and considered all relevant information pertaining to the proposed vacation described herein, and finds that such right-of-way and public utility easement is no longer needed for public purposes; and

WHEREAS, the City Council further determines that the vacation of said right-of-way and easement is not detrimental or injurious to the community's public health, safety or general welfare and is in the community's best interests.

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

SECTION 1. The City Council of the City of Amarillo hereby vacates and abandons for public purposes the herein-described right-of-way and public utility easement:

V-17-05 Vacation of 80' ROW known as South Lincoln Street between SE 8th Ave. & SE 7th Ave. and 80' ROW known as SE 7th Ave. between S Buchanan St. and S Johnson St. along with two 20' wide Public Utility Easements located in Block 111, Plemons Addition Unit No. 1, in Section 170 and Block 112, Mirror Addition Unit No. 1, in Section 155, all of which is located in Block 2, AB&M Survey, Potter County, Texas. (Vicinity: SE 8th Ave. & S Buchanan St.)

SECTION 2. City Manager is authorized to execute an instrument of conveyance to abutting land owner(s) as allowed or required by law.

SECTION 3. All ordinances and resolutions or parts thereof that conflict with this ordinance are hereby repealed, to the extent of such conflict.

SECTION 4. 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.

SECTION 5. This Ordinance shall become and be effective on and after its adoption.

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

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

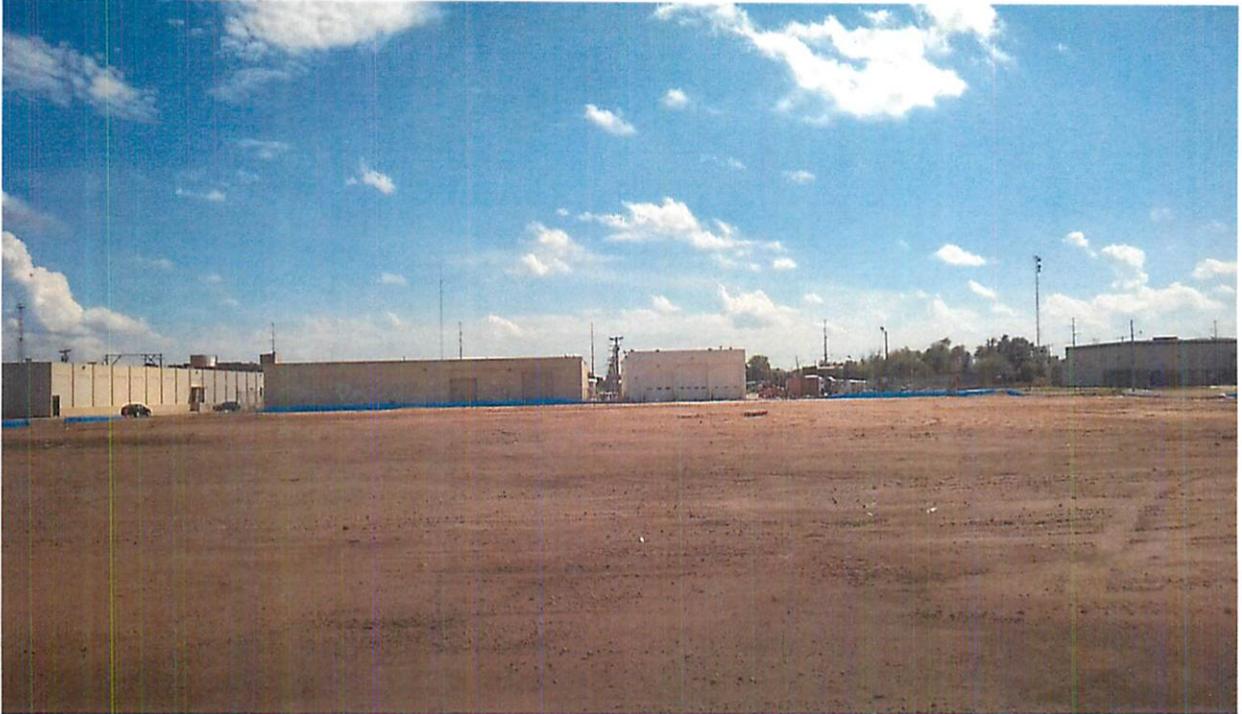
William M. McKamie, City Attorney



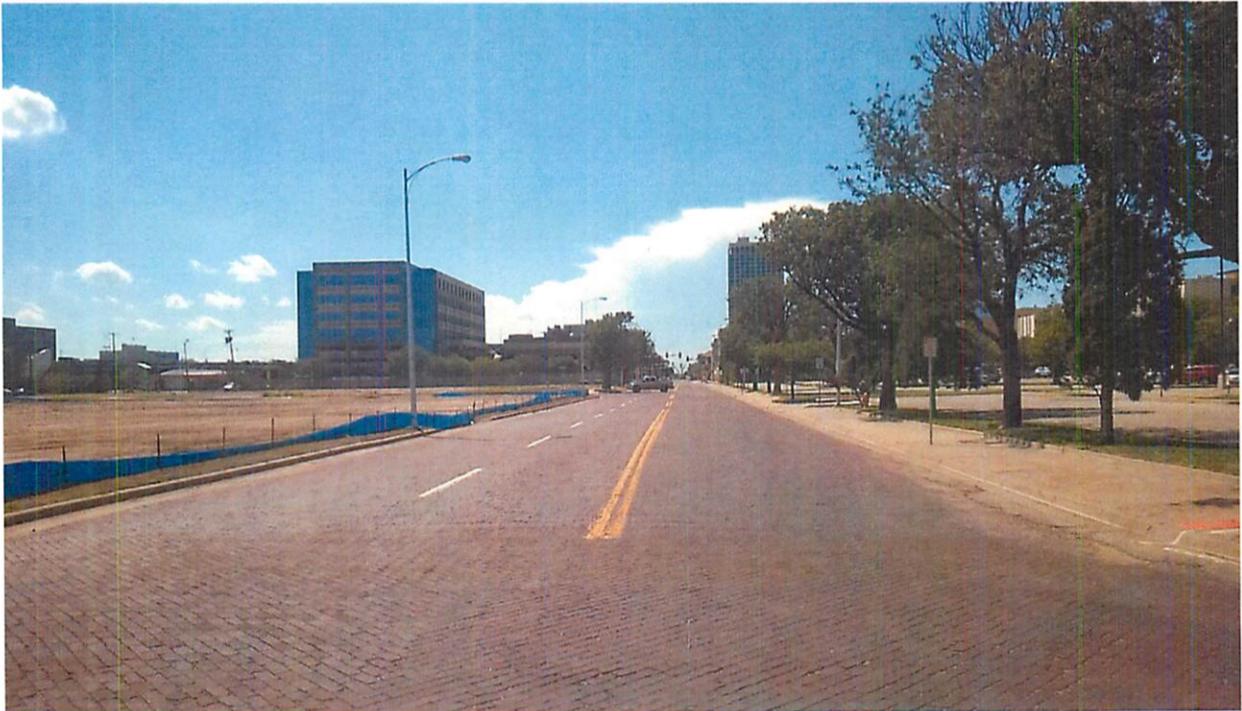
Looking north up S Lincoln Street (80' ROW) towards City Hall.



Looking south down S Lincoln Street (80' ROW) away from City Hall.



Looking south down the East Public Utility Easement (PUE 20'), alley vacated in 1967.



Looking west down SE 7th Avenue in front of city hall.



Looking east down SE 7th Avenue in front of City Hall.



Looking north up the west Public Utility Easement (PUE 20'), alley vacated in 1988.



Photos taken days later when notice signs were posted, looking down SE 7th Ave in front of City Hall.



Signage at the north entrance of S Lincoln Street in front of city hall.



Signage at the east entrance to SE 7th Ave along S Johnson Street in front of City Hall.



Signage at the south entrance to S Lincoln Street at the intersection of SE 8th Ave. City Hall in background.

Amarillo City Council Agenda Transmittal Memo



| | | | |
|---------------------|--------------------|-------------------------|----------------------|
| Meeting Date | September 19, 2017 | Council Priority | Community Appearance |
|---------------------|--------------------|-------------------------|----------------------|

| | | | |
|-------------------|---------------------|-----------------------|-----------|
| Department | Planning Department | Contact Person | AJ Fawver |
|-------------------|---------------------|-----------------------|-----------|

Agenda Caption
Vicinity: SW 53rd Ave. & S Western St.

Rezoning of Lots 5 and 6, Block 1, Westway Unit No. 5, in Section 6, Block 9, BS&F Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 91A (PD-91A) to Planned Development 91A (PD-91A).

Agenda Item Summary

This tract of land use to be zoned General Retail (GR) before it changed to PD-91 in 1977 with an amendment following years later being approved in 1982. The property has been zoned Planned Development District 91-A (PD-91A) since then. The new proposed buildings on the existing site meet city standards regarding setbacks and building code.

The items associated with this Planned Development hearing are: the establishment of PD-91A regulations and the associated site plan for the proposed new additions of the existing PD-91A site plan. Per Section 4-10-104 of the Zoning Ordinance, a site plan shall be approved and filed as part of the Planned Development ordinance, meaning the approval of the PD ordinance shall constitute approval of the associated site plan as well.

As for the Neighborhood Unit Concept that was adopted in the 1980s, this request does not follow the NUC per say but that is mainly because Interstate 27 (I-27) cuts right through this Section Map (K-15). This allows for the retail and commercial development patterns to follow along this interstate route while the rest of the section adheres to the NUC pattern. This property is in an area that follows the I-27 corridor. Therefore, staff believes this property is in compliance with the NUC development pattern.

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:

- Future Land Use Map: General Commercial allows Wide range of commercial retail and service uses at varying scales and intensities (*page 2.13, Land Use and Community Character*).
- Encourage infill development to achieve more efficient utilization of the City's existing resources and infrastructure. (*page 3.3, Growth Management & Capacity*).
- Promote infill development of various types as appropriate areas to reduce urban sprawl and duplication of public services thereby saving tax dollars. (*page 3.3, Growth Management & Capacity*).

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

Amarillo City Council Agenda Transmittal Memo



4-10-226. Staff also asserts that the request will not have any detrimental impacts on the nearby area.

Requested Action

The applicant is requesting a Planned Development District Amendment of 5.58 acres from Planned Development District 91-A to Planned Development District 91-A in order to expand on the current site and add additional storage capacity to the U-Haul location.

Funding Summary

N/A

Community Engagement Summary

The item was distributed to all applicable internal and external entities. Notices have been sent out to 26 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 4:0 vote of the Planning and Zoning Commission at its September 11, 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 SW 53rd AVE. & S WESTERN ST, 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 Lots 5 and 6, Block 1, Westway Unit No. 5, in Section 6, Block 9, BS&F Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 91A (PD-91A) to Planned Development 91A (PD-91A) for additional storage.

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 September, 2017 and PASSED on Second and Final Reading on this the _____ day of September, 2017.

Ginger Nelson, Mayor

ATTEST:

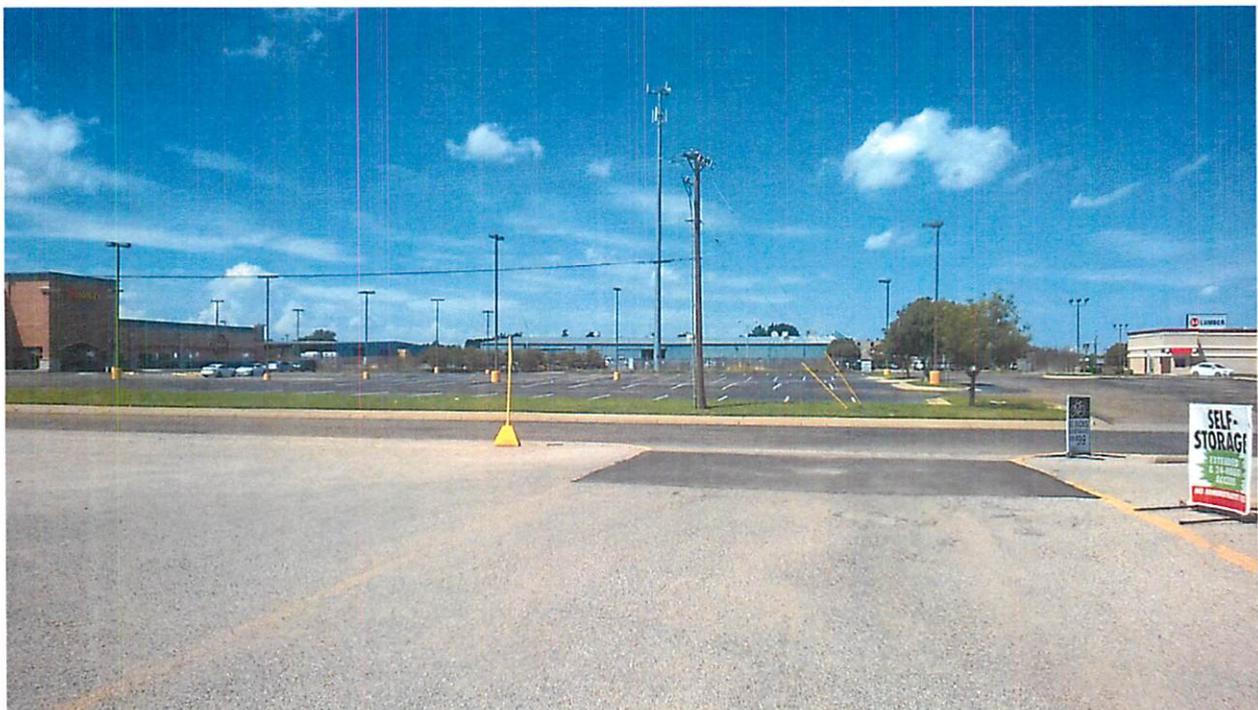
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney



Looking southwest from SW 53rd Ave towards the existing building located on the property for consideration.



Looking north across SW 53rd Ave from the property of consideration, that property is zoned GR.



Looking west at the northside of the existing property along SW 53rd Ave.



Looking south from the property of consideration at Interstate 27, Lots to the south of here zoned LC.



Looking east from the property of consideration at Interstate 27 and S Western St. This Gas station lot seen here is also zoned GR.

Amarillo City Council Agenda Transmittal Memo



| | | | |
|---------------------|--------------------|-------------------------|----------------------|
| Meeting Date | September 19, 2017 | Council Priority | Community Appearance |
|---------------------|--------------------|-------------------------|----------------------|

| | | | |
|-------------------|---------------------|-----------------------|-----------|
| Department | Planning Department | Contact Person | AJ Fawver |
|-------------------|---------------------|-----------------------|-----------|

Agenda Caption

Vicinity: SW 46th Avenue & Hardin Drive

Rezoning of Lot 5, Block 1, Georgia Plaza Unit No. 2, in Section 184, Block 2, AB&M Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 205 (PD-205) to General Retail District (GR).

Agenda Item Summary

Planning Department Staff's analysis of requests for zoning change 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.

The original PD-205 zoning district was created for the placement of a plumbing shop water center for Culligan of Amarillo which appears to have never been developed on the site since the rezoning took place, which changed the lot from GR (which is what is currently being requested with this application) to PD zoning. This rezoning request would eliminate the current PD zoning which limited the use very exclusively to one proposal and allow other types of retail-related uses which were previously allowed prior to the established PD.

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 depending on the site. GR allows for a wide range of retail and related uses while prohibiting more intensive commercial types of uses which would be better suited for a more intensive designation of "industrial".

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. This concept of development ensures that commercial areas will have less of an impact to residential areas. This rezoning request does follow the Neighborhood Unit Concept as it would allow for a higher density type of uses near the section corner at SW 45th Avenue and South Georgia Street. The request would also not change the general intensity of use on the lot as the PD allowed a retail use currently.

Amarillo City Council

Agenda Transmittal Memo



This section currently follows the Neighborhood Unit Concept with greater intensity of uses such as retail and commercial at the section corners and residential development toward the center.

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. One of these strategies is an 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) This action strategy is supported in this situation as the requested zoning change would create the opportunity to develop a wider range of retail options while maintaining the same intensity of uses. The PD that was established on the site had indicated a specific use which appears to have never been developed by the owner. The owner has recently sold the lot to a developer who wants to establish a different retail use than that specifically established within the PD ordinance.

Requested Action

The applicant is requesting the rezoning of Lot 5, Block 1, Georgia Plaza Unit No. 2, in Section 184, Block 2, AB&M Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 205 (PD-205) to General Retail District (GR) in order to develop the site with a retail oriented building.

Funding Summary

N/A

Community Engagement Summary

The item was distributed to all applicable internal and external entities. Notices have been sent out to 36 property owners within 200 feet regarding this proposed rezoning. At the time of this writing, the Planning Department has received 3 calls inquiring about the request; however, once the location of the request was clarified no caller expressed any concerns.

The item was recommended for approval by 4:0 vote of the Planning and Zoning Commission at its September 11, 2017 public meeting.

City Manager Recommendation

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

ORDINANCE NO. 7697

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SOUTHWEST 46TH AVENUE AND HARDIN DRIVE, 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 Lot 5, Block 1, Georgia Plaza Unit No. 2, in Section 184, Block 2, AB&M Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 205 (PD-205) to General Retail District (GR).

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 September, 2017 and PASSED on Second and Final Reading on this the _____ day of September, 2017.

Ginger Nelson, Mayor

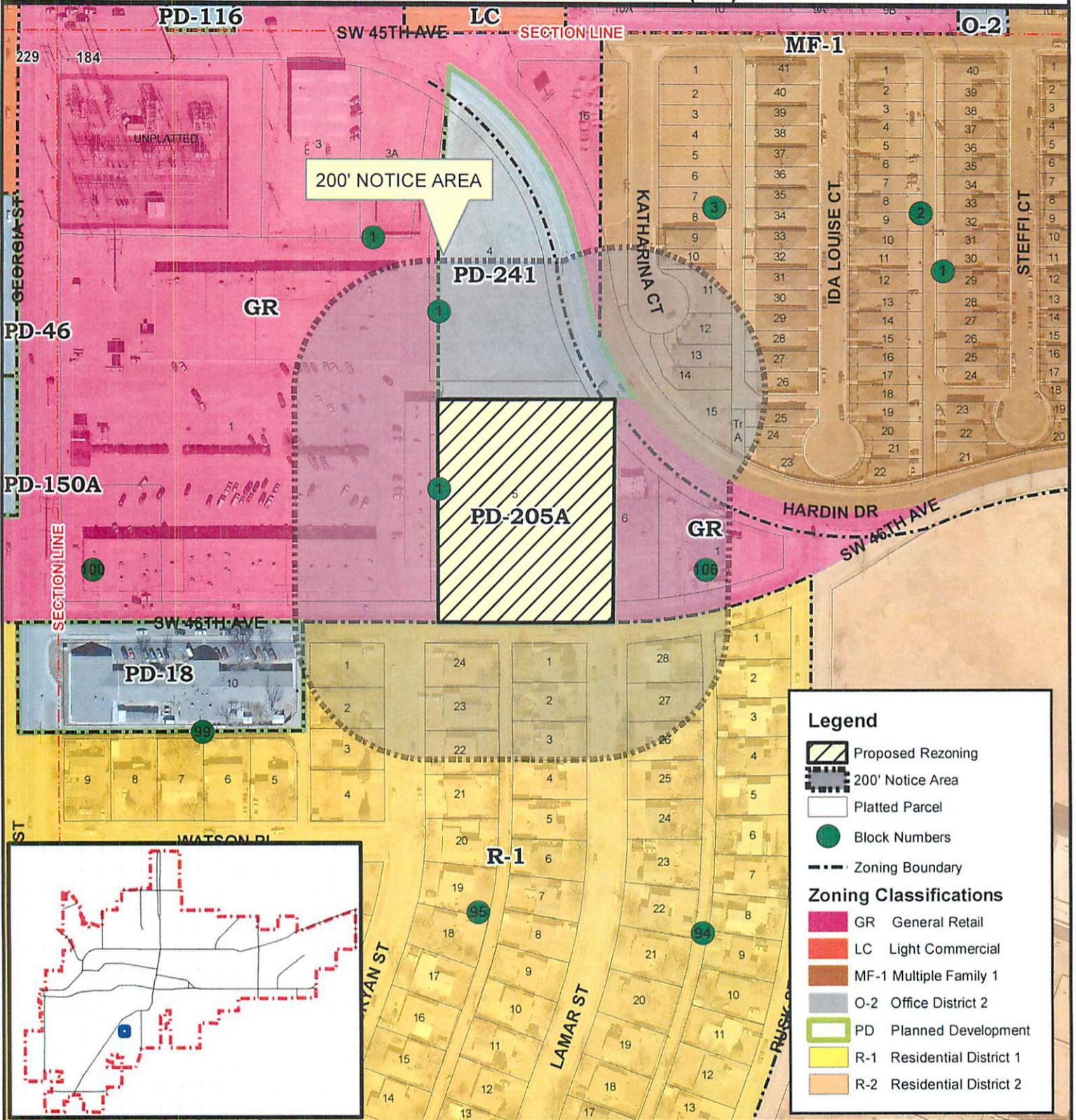
ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

**CASE Z-17-26
REZONING FROM PLANNED DEVELOPMENT 205 (PD-205)
TO GENERAL RETAIL DISTRICT (GR)**



Legend

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

Zoning Classifications

- GR General Retail
- LC Light Commercial
- MF-1 Multiple Family 1
- O-2 Office District 2
- PD Planned Development
- R-1 Residential District 1
- R-2 Residential District 2

**CITY OF AMARILLO
PLANNING DEPARTMENT**

Scale: 1 inch = 200 feet
Date: 8/30/2017



Rezoning of Lot 5, Block 1, Georgia Plaza Unit No. 2, in Section 184, Block 2, AB&M Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 205 (PD-205) to General Retail District (GR).

Applicant: Tod Kitts
Vicinity: SW 46th Ave. & Hardin Dr.

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.

Amarillo City Council Agenda Transmittal Memo



| | | | |
|---------------------|--------------------|-----------------------|---------------|
| Meeting Date | September 19, 2017 | Council Pillar | Redevelopment |
|---------------------|--------------------|-----------------------|---------------|

| | |
|-------------------|---|
| Department | Finance Laura Storrs, Finance Director |
|-------------------|---|

Agenda Caption

RESOLUTION – AUTHORIZING THE TAX INCREMENT REINVESTMENT ZONE NUMBER TWO (EAST GATEWAY TIRZ) 2017/2018 FISCAL YEAR BUDGET

This resolution approves the 2017/2018 fiscal year budget for the Tax Increment Reinvestment Zone Number Two (East Gateway TIRZ). This budget is recommended for approval by the TIRZ #2 Board of Directors.

Agenda Item Summary

This resolution approves the 2017/2018 fiscal year budget for the Tax Increment Reinvestment Zone Number Two (East Gateway TIRZ).

Requested Action

Council consideration and approval of the resolution.

Funding Summary

N/A

Community Engagement Summary

The 2017/2018 fiscal year budget has been reviewed and approved for Council consideration at the August 31, 2017 Tax Increment Reinvestment Zone Number Two board meeting.

Staff Recommendation

Staff recommendation is to approve the 2017/2018 fiscal year budget for the Tax Increment Reinvestment Zone Number Two (East Gateway TIRZ).

RESOLUTION NO. _____
A RESOLUTION OF THE CITY OF AMARILLO CITY
COMMISSION: ADOPTING THE BUDGET OF THE TAX
INCREMENT REINVESTMENT ZONE NO. 2, CITY OF
AMARILLO FOR THE FISCAL YEAR OCTOBER 1, 2017, TO
SEPTEMBER 30, 2018.

WHEREAS, Tax Increment Reinvestment Zone No. 2, City of Amarillo was created in November 2016, by municipal ordinance pursuant to state law, and it is required that the budget of said Zone be presented to the governing body of the City of Amarillo for final approval; and

WHEREAS, a budget for the fiscal year October 1, 2017, to September 30, 2018, has been prepared under the direction of the Board of Directors of said Zone as required by law; and

WHEREAS, the proposed budget has been filed with the City Secretary for more than fifteen (15) days immediately prior to a public hearing upon the budget; and after considering the comparative expenditures, other financial considerations and public comment, the City Council finds that the budget should be approved; now, therefore,

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

SECTION 1. That the budget as filed, together with any amendments made in public meetings, for the Tax Increment Reinvestment Zone No. 2 for the fiscal year October 1, 2017, to September 30, 2018, be and the same is hereby approved, adopted and ratified together with any amendments made in public meeting at which it is considered.

SECTION 2. That the chair may authorize adjustments and transfers between and among line items in the budget so long as such does not increase the total expenses or obligations in excess of the budget here approved in Section 1.

INTRODUCED AND PASSED by the City Council on the _____ day of _____, 2017.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM

William M. McKamie, City Attorney

MEMO



To: Mayor Nelson
From: Laura Storrs, Finance Director
Date: September 12, 2017
Subject: Center City Tax Increment Reinvestment Zone #2 2017/2018 Budget

Attached is the proposed 2017/2018 budget for the Tax Increment Reinvestment Zone #2 (East Gateway TIRZ). The Board met on August 31, 2017 and approved the attached budget.

The proposed budget reflects revenue of \$21,656 including \$21,556 of participation from the taxing entities, Potter County, City of Amarillo, Amarillo College and the Panhandle Groundwater District. The Potter Randall Appraisal District (PRAD) has prepared the 2017 certified taxable value of \$48.17 million with \$6.42 million in new improvements compared to 2016 certified values of \$39.98 million.

Total expenses of \$18,425 include \$10,000 to fund travel for Board member training opportunities and \$5,000 to fund legal fees for the Board to consult with outside legal counsel if needed.

The cash flow reflects beginning year (10/01/2017) available cash flows of \$0 and estimates ending available cash of \$3,231 which is right at the targeted reserve of \$4,606.

9271 - TIRZ #2
Budget 2017/2018

Proposed
Budget
2017/18

Beginning Cash 0

Revenue

Potter County 11,655
City of Amarillo 6,134
Amarillo College 3,628
Panhandle Groundwater District 139

30310 TIRZ Participation 21,556

37109 Interest Earnings 100

TREVENUE Total Revenues 21,656

Expenditures

51110 Office Expense 400

61300 Advertising 375

61400 Dues 850

62000 Professional 5,000

74000 Printing and Binding 250

75100 Travel 10,000

75300 Meals and Local 1,550

Total Recurring Expenses 18,425

Ending Cash 3,231

Targeted Fund Balance

90 days operating reserve 4,606

Targeted Fund Balance 4,606

City of Amarillo

Tax Increment Reinvestment #2

| DESCRIPTION | Actual 2014 | Actual 2015 | Budget 2016 | RevEst 2016 | Dept Req 2017 |
|-------------------------------|----------------|----------------|----------------|----------------|------------------|
| 30310 Collec Potter County As | 0 | 0 | 0 | 0 | 21,556 |

| [Entity] Budget Detail Desc. | Total |
|------------------------------|--------|
| [92711] COA | 6,134 |
| [92711] Potter County | 11,655 |
| [92711] Amarillo College | 3,628 |
| [92711] PGWD | 139 |
| Total | 21,556 |

| | | | | | |
|---------------------------------------|----------|----------|----------|----------|---------------|
| 30300 Current Year's Levy | 0 | 0 | 0 | 0 | 21,556 |
| 30200 Ad Valorem Tax Collectio | 0 | 0 | 0 | 0 | 21,556 |
| 37110 Interest Income | 0 | 0 | 0 | 0 | 100 |
| 37109 Interest Earnings | 0 | 0 | 0 | 0 | 100 |
| TREVENUE Total Revenues | 0 | 0 | 0 | 0 | 21,656 |
| 51110 Office Expense | 0 | 0 | 0 | 0 | 400 |
| 51000 Supplies | 0 | 0 | 0 | 0 | 400 |
| 61300 Advertising | 0 | 0 | 0 | 0 | 375 |
| 61400 Dues | 0 | 0 | 0 | 0 | 850 |
| 62000 Professional | 0 | 0 | 0 | 0 | 5,000 |
| 60000 Contractual Services | 0 | 0 | 0 | 0 | 6,225 |
| 74000 Printing and Binding | 0 | 0 | 0 | 0 | 250 |
| 75100 Travel | 0 | 0 | 0 | 0 | 10,000 |
| 75300 Meals and Local | 0 | 0 | 0 | 0 | 1,550 |
| 70000 Other Charges | 0 | 0 | 0 | 0 | 11,800 |
| TEXPENSES Total Expenses | 0 | 0 | 0 | 0 | 18,425 |

Amarillo City Council Agenda Transmittal Memo



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|---------------------|--------------------|-----------------------|--|
| Meeting Date | September 19, 2017 | Council Pillar | |
|---------------------|--------------------|-----------------------|--|

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|-------------------|---|
| Department | City Manager Michelle Bonner, Assistant City Manager |
|-------------------|---|

Agenda Caption

CORRECTION OF THE SEPTEMBER 12, 2017 AGENDA LANGUAGE WORDING FOR THE RESOLUTION AUTHORIZING THE 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) APPLICATION:

The Amarillo Police Department will use the \$50,599 which is the City's portion of the grant to purchase refrigeration units and an explosive locker.

Agenda Item Summary

This Amarillo Police Department will use the \$50,599 which is the City's portion of the grant to purchase refrigeration units and an explosive locker.

Requested Action

Council consideration and approval of the wording correction.

Funding Summary

N/A

Community Engagement Summary

On September 12, 2017 the Council approved the resolution authorizing the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) application.

Staff Recommendation

Staff recommends that the City Council approve this correction to the agenda language wording.

5/25/2016 _____

RESOLUTION NO. 09-19-17-_____
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
AMARILLO, TEXAS: AUTHORIZING 2017 APPLICATION
FOR EDWARD BYRNE JUSTICE ASSISTANCE GRANT;
AUTHORIZE INTERLOCAL AGREEMENT TO SHARE
GRANT FUNDS WITH POTTER COUNTY; AUTHORIZING
ADMINISTRATIVE ADJUSTMENTS TO DOCUMENTS AS
NEEDED; PROVIDING SEVERABILITY CLAUSE;
PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

WHEREAS, the U.S. Department of Justice is seeking applications for the 2017 Edward Byrne Justice Assistance Grant, and the City of Amarillo is eligible to apply for the sum of \$101,198; and,

WHEREAS, if such grant is approved by the Justice Department, then as in past years, Amarillo would share one-half of the grant proceeds with Potter County;

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

SECTION 1. That the City Manager or designee is authorized to apply for the 2017 Edward Byrne Justice Assistance Grant, and to execute all necessary documents and assurances reasonably needed to complete the application and award process.

SECTION 2. That if the City receives the grant, then the City Council hereby approves the sharing of fifty percent (50%) of the grant proceeds pursuant to the terms of the attached Interlocal Agreement, which the City Manager or designee is authorized to execute.

SECTION 3. That the City Manager or designee is authorized to make such necessary amendments to the grant application, acceptance, and Interlocal Agreement as may be required in order to: (a) conform such documents to the actual award amount if different from that stated herein and the attached Agreement; and (b) any further assurances or adjustments in the administrative aspects of the grant program for this year to satisfy the federal agency requirements.

SECTION 4. That should any part of this resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this resolution.

SECTION 5. That should any word, phrase, or part of this resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

SECTION 6. 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 19th day of September 2017.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

GMS Application Number: 2017-H3078-TX-DJ

INTERLOCAL AGREEMENT

BETWEEN THE CITY OF AMARILLO, TEXAS AND COUNTY OF POTTER, TEXAS

2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)

PROGRAM LOCAL COLICITATION

This Agreement is made and entered into this ___ day of September, 2017, by and between The County of Potter, acting by and through its governing body, the Commissioners Court, hereinafter referred to as COUNTY, and the City of Amarillo, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Potter County, State of Texas, witnesseth:

WHEREAS, this Agreement is made under the authority of Chapter 791, of the Texas Government Code; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services of functions under this agreement; and

WHEREAS, the CITY agrees to provide the County \$50, 599.00 from the FY Edward Byrne Memorial Justice Assistance Program, Local Solicitation award for the Potter County Criminal Justice-Justice Assistance Grant (JAG) Program; and

WHEREAS, the CITY and COUNTY, believe it to be in their best interests to reallocate the JAG funds as stated herein.

NOWHEREFORE, the COUNTY and CITY agree as follows:

Section 1.

CITY agrees to pay COUNTY a total of \$50,599.00 of JAG funds. All amounts to be paid will be from currently available revenues.

Section 2.

COUNTY agrees to use said \$50,599 for the Potter County Criminal Justice-Justice Assistance Grant (JAG) Program until September 30, 2019.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against COUNTY other than claims for which liability may be imposed by the Texas Tort Claims Act and further, nothing herein constitutes any waiver of immunity or defense available to such claim.

Section 4.

Nothing in the performance of this Agreement shall impose any liability for claims against CITY other than claims for which liability may be imposed by the Texas Tort Claims Act and further, nothing herein constitutes any waiver of immunity or defense available to such claims.

Section 5.

Each party to this agreement will be responsible for its own acts and omissions of its employees in providing services under this agreement and, neither party shall not be liable for any civil liability, claims, damages, attorney fees, or costs that arise out of or relate to the furnishing of the services by the other party.

Section 6.

The parties to his Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7.

By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 8.

COUNTY understands and agrees that as sub-recipient of a federal grant, it must comply with each term, condition, assurance and rule of the program providing the funds in the same manner as if COUNTY were the primary recipient. Moreover, to assure performance of this obligation, COUNTY agrees to provide at its expense copies to CITY of all financial records, invoices, contracts, correspondence, policies, reports and other documents that establish COUNTY'S compliance with the terms of the grant conditions and assurances.

CITY OF AMARILLO, TEXAS



City Manager

COUNTY FO POTTER, TEXAS

County Judge

ATTEST:



City Secretary

APPROVED AS TO FORM:

County Attorney

APPROVED AS TO FORM:



City Attorney

Amarillo City Council Agenda Transmittal Memo



| | | | |
|---------------------|--------------------|-------------------------|--|
| Meeting Date | September 19, 2017 | Council Priority | |
|---------------------|--------------------|-------------------------|--|

| | | | |
|-------------------|--------|-----------------------|----------------|
| Department | Police | Contact Person | Chief Ed Drain |
|-------------------|--------|-----------------------|----------------|

Agenda Caption

Resolution Authorizing the Amarillo Police Department to apply for a Grant for Rifle Resistant Body Armor.

Agenda Item Summary

The Amarillo Police Department is requesting consent to apply for a Grant through the Office of the Governor. This grant would allow the Department to use Grant funds to purchase Rifle Resistant Body Armor for members of the Police Department SWAT Team and EOD unit. These units work closely together on critical incidents involving Barricaded Persons, Hostage situations, as well as Search Warrants. This Grant would allow the Department to outfit 23 officers, (17 SWAT and 6 EOD) with Rifle Grade protection for use during Critical Incidents. The Grant Resolution has the required language that the City of Amarillo Agrees to provide applicable matching funds; however, there is no match requirement under this program. During the last year, The SWAT Team responded to 83 specific calls for service. 74% of those, the SWAT Team had reason to believe the suspect was armed with a rifle, based on evidence, statements made by the suspect or witness, or by the nature of the crime itself. City Staff, as directed by the Office of the Governor, was instructed to use the resolution exactly as worded. The Resolution states "the City of Amarillo agrees to provide applicable matching funds for the said project as required by the Rifle-Resistant Body Armor Grant Program grant application." There is, however, no match requirement under this program.

Requested Action

We request that the City Council of the City of Amarillo pass the included resolution authorizing The Amarillo Police Department to apply for this State funded grant and purchase Rifle Resistant Body Armor.

Funding Summary

The requested items under this program will cost approximately \$29,384.80. This cost will be covered entirely by the Rifle-Resistant Body Armor Grant Program. City Staff, as directed by the Office of the Governor, was instructed to use the resolution exactly as worded. The Resolution states the City of Amarillo agrees to provide applicable matching funds for the said project as required by the Rifle-Resistant Body Armor Grant Program grant application. There is no match requirement under this program.

AMARILLO POLICE DEPARTMENT
INTER-DEPARTMENT OFFICE COMMUNICATION

To: Chief Drain 

Date: September 13, 2017

From: Sgt. K. Hawley

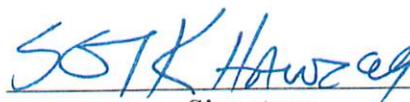
Subject: Rifle Resistant Body Armor Grant

The Amarillo Police Department SWAT team and EOD unit would like to participate in a grant program funded by the Office of the Governor (OOG). The OOG announced they will be spending an estimated \$25 million to fund Rifle Resistant Body Armor. The Grant began from Senate Bill 12, which created the grant program in response to the July 7th, 2016 shooting of numerous police officers in Dallas, Texas.

During the last 12 months, our SWAT Team has been utilized for 83 different calls. 20 of those were full activations to include some combination of command staff, negotiators, and/or EOD officers. Of the 83 Calls for service during the last 12 months, the SWAT team had reason to believe the suspect was armed with a rifle 74% of the time. This belief came from statements by a suspect or witness, the nature of the crime, or one was found at the conclusion of the event. The EOD unit has been included because of the possibility of being exposed to rifle fire during a SWAT/Bomb interoperability event where booby traps and improvised explosive devices are expected.

The funding for this grant is limited to rifle-resistant body armor. Currently our SWAT Team is utilizing older body armor passed down. Participating in this grant would allow us to outfit all current SWAT and EOD operators with new lighter weight rifle resistant body armor. This will allow officers to reduce the weight they are carrying by 6-7 pounds. Under this grant, there is NO match requirement.

I have included the Grant Application, a proposed Resolution for the City Council, and all the other required documents. We have started looking at quotes. We estimate that we would request \$29,384.80. Again under this grant with no matching funds required, however, the resolution has a required line stating that the City of Amarillo agrees to provide applicable matching funds.


Signature

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS (“CITY”) AUTHORIZING THE SUBMISSION OF A FUNDING YEAR (“FY”) 2018 GRANT APPLICATION TO THE GOVERNOR’S CRIMINAL JUSTICE DIVISION (CJD); DESIGNATING THE MAYOR TO ACT AS THE CITY’S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO CITY’S PARTICIPATION IN THE CJD GRANT PROGRAM; AND PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

WHEREAS, grant funds are available through the Criminal Justice Division (CJD) of the Governor’s Office of the State of Texas to provide assistance to local law enforcement agencies for the public purpose of combating criminal activity; and

WHEREAS, the City of Amarillo Police Department is eligible to apply for said grant funds; and

WHEREAS, the City Council finds it in the best interest of the City of Amarillo’s citizens that the CJD Funds be used for purchases regarding the Police Department’s Rifle-Resistant Body Armor Grant Project operated for the FY 2018; and

WHEREAS, the City Council agrees to provide applicable matching funds for the said project as required by the Rifle Resistant Body Armor Grant Program grant application; and.

WHEREAS, the City Council further agrees that in the event of loss or misuse of the Office of the Governor funds, the City assures that such funds will be returned to the Office of the Governor in full; and

WHEREAS, the City Council designates the Mayor as the grantee’s authorized official with the power to apply for, accept, reject, alter, or terminate the grant on behalf of the applicant agency.

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

Section 1. The City Council does hereby approve the submission of the grant application for the Rifle Resistant Armor Project to the Office of the Governor.

Section 2. The City Council further designates the Mayor as the designated official to execute on behalf of the City all necessary documents for the grant application to the Governor’s Office in regards to the Rifle Resistant Armor Project for the Police Department.

Section 3. Should any part of this Resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this Resolution.

Section 4. Should any word, phrase, or part of this Resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

Section 5. This Resolution shall be effective on and after its adoption.

PASSED AND APPROVED this 19th day of September, 2017.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED:

William M. McKamie, City Attorney

Amarillo City Council Agenda Transmittal Memo



| | | | |
|---------------------|--------------------|-------------------------|---------------|
| Meeting Date | September 19, 2017 | Council Priority | Redevelopment |
|---------------------|--------------------|-------------------------|---------------|

| | |
|-------------------|---|
| Department | City Manager Michelle Bonner, Assistant City Manager |
|-------------------|---|

Agenda Caption

RESOLUTION – AUTHORIZING THE AMARILLO POTTER EVENTS VENUE DISTRICT 2017/2018 FISCAL YEAR BUDGET

This resolution approves the 2017/2018 Budget for the Amarillo-Potter Events Venue District. This budget is funded through a 5% car rental tax and a 2% hotel occupancy tax. The Amarillo-Potter Events Venue District operates and maintains voter approved entertainment venues within the City. This budget is recommended for approval by the Amarillo Potter Events Venue District Board.

Agenda Item Summary

This resolution approves the 2017/2018 fiscal year budget for the Amarillo Potter Events Venue District.

Requested Action

Council consideration and approval of the resolution.

Funding Summary

N/A

Community Engagement Summary

The 2017/2018 fiscal year budget has been reviewed and approved for Council consideration at the September 7, 2017 Amarillo Potter Events Venue District Board meeting and at the September 19, 2017 Potter County Commissioner’s Court meeting.

Staff Recommendation

Staff recommendation is to approve the 2017/2018 fiscal year budget for the Amarillo Potter Events Venue District.

RESOLUTION NO. _____
A RESOLUTION OF THE CITY OF AMARILLO, TEXAS:
APPROVING THE PROPOSED OPERATING BUDGET FOR
THE FISCAL YEAR 2017-2018 FOR THE AMARILLO
POTTER EVENT VENUE DISTRICT.

WHEREAS, the Amarillo-Potter Event Venue District (hereafter, District) was formed and exists for the purpose of constructing and maintaining voter approved entertainment venues within the city, for the public welfare, in accordance with state law; and

WHEREAS, the revenue for the District derives from a tax on car rentals and hotel occupancy, to be used for the above stated activities by the District; and

WHEREAS, the Bylaws of the District require that it submit its annual budget to the City Council for approval; and

WHEREAS, the Board of Directors of the District has prepared, approved and submitted a proposed budget; and

WHEREAS, the City Council finds that the proposed budget is in order and should be approved; now, therefore,

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

SECTION 1. That the Proposed Budget for the period of October 1, 2017 to September 30, 2018 of the Amarillo-Potter Events Venue District, a copy of which is appended to this Resolution and incorporated herein by reference, is hereby approved, together with any amendments made in public meeting at which it is considered.

SECTION 2. The City Secretary shall certify a copy of this Resolution to the District.

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

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM

William M. McKamie, City Attorney

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STATE OF TEXAS §
 COUNTIES OF POTTER §
 AND RANDALL §
 CITY OF AMARILLO §

On the 28th day of August, 2017, the Amarillo Planning and Zoning Commission met in a work session at 2:45 PM to review agenda items, then convened in regular session at 3:00 PM in the City Council Chamber on the third floor of City Hall, 509 East 7th Avenue, Amarillo, Texas, with the following members present:

| VOTING MEMBERS | PRESENT | NO. MEETINGS HELD | NO. MEETINGS ATTENDED |
|--------------------------|---------|-------------------|-----------------------|
| Mike Good, Vice-Chairman | Y | 122 | 87 |
| Dean Bedwell | Y | 207 | 196 |
| Rob Parker, Chairman | Y | 75 | 62 |
| Rick Thomason | Y | 45 | 38 |
| Bowden Jones | Y | 36 | 28 |
| Dick Ford | Y | 20 | 15 |
| Terry Harman | Y | 19 | 19 |

PLANNING DEPARTMENT STAFF:

AJ Fawver, AICP, CNU-A, Planning Director
 Cody Balzen, Planner I

Jeffrey English, Planner I
 Jan Sanders, Recording Secretary

Chairman Parker opened the meeting, established a quorum and conducted the consideration of the following items in the order presented. Cody Balzen and Jeffrey English gave the recommendation for the agenda items.

- I. Call to order and establish a quorum is present.
- II. Public Comment: Citizens who desire to address the Planning and Zoning Commission with regard to matters on the agenda or having to do with policies, programs, or services will be received at this time. The total time allotted for comments is three (3) minutes per speaker. Planning and Zoning Commission may not discuss items not on this agenda, but may respond with factual, established policy information, or refer to staff.
 (Texas Attorney General Opinion. JC-0169)

No comments were made.

- III. Consent Agenda: The Commission may request a consent agenda item to be moved to the Regular Agenda for presentation and comment. Otherwise, the consent agenda will be considered in one vote. Consent agenda items are routine items recommended for approval, and which do not include requests for waivers or variances.

- 1: Approval of the minutes of the August 14, 2017 meeting.

A motion to approve the Consent Agenda was made by Commissioner Bedwell, seconded by Commissioner Thomason, and carried unanimously.

- IV. Regular Agenda:

- 1: Rezoning: The Planning & Zoning Commission makes recommendation for approval or denial; appeals may be directed to City Council.

- A: Z-17-21 Rezoning of 14.97 acres of land in Section 65, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to Residential District 3 (R-3). (14.97 Acres) (Vicinity: Crestline Dr. & Cagle Dr.)

Mr. English advised this request is to develop the next phase of the Heritage Hills subdivision with single family development. The request is consistent with the preliminary plan for the development which was approved in 2015, follows along with the principles of growth management of the 2010 Comprehensive Plan, and consistent with the neighborhood unit

concept. Mr. English advised staff believes the request is appropriate and recommends approval as submitted.

Chairman Parker asked if anyone wanted to speak in favor of or against said request. No comments were made.

A motion to approve Z-17-21 was made by Commissioner Ford, seconded by Commissioner Good, and carried unanimously.

- B. Z-17-22 Rezoning of 13.79 acres of land in Section 65, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to Residential District 3 (R-3). (13.79 Acres) (Vicinity: Arlo Dr. & Cagle Dr.)

Mr. English advised this request is to further develop the next phase of the Heritage Hills subdivision with single family development. The request is consistent with the preliminary plan for the development which was approved in 2015, follows along with the principles of growth management of the 2010 Comprehensive Plan, and consistent with the neighborhood unit concept. Mr. English advised staff believes the request is appropriate and recommends approval as submitted.

Chairman Parker asked if anyone wanted to speak in favor of or against said request. No comments were made.

A motion to approve Z-17-22 was made by Commissioner Bedwell, seconded by Commissioner Thomason, and carried unanimously.

- C. Z-17-20 Rezoning of a 10.37 acre tract of land in Section 183, Block 2, AB&M Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to Residential District 3 (R-3). (Vicinity: West Farmers Ave. & Nasa Ave.)

Mr. Balzen advised this request is to further develop the next phase of the South Georgia Place subdivision, and is a continuation of the current zoning within the subdivision. The request is consistent with the 2010 Comprehensive Future Land Use and Character Map, which designates this area for a future suburban residential land use. Mr. Balzen advised staff believes the request is appropriate and recommends approval as submitted.

Chairman Parker asked if anyone wanted to speak in favor of or against said request. No comments were made.

A motion to approve Z-17-20 was made by Commissioner Thomason, seconded by Commissioner Bedwell, and carried unanimously.

2: Planning Director's Report.

Ms. Fawver briefed the Commission of an annexation staff is currently working on, and is nearing completion. The North Heights and Barrio Neighborhood Plans are continuing to move forward along their designated schedules.

3: Discuss Items for Future Agendas.

No further comments were made and the meeting was adjourned at 3:15 P.M.



AJ Fawver, AICP, CNU-A
Planning & Zoning Commission