

AGENDA
**FOR A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE
HELD ON NOVEMBER 8, 2022, AT 1:00 P.M., CITY HALL, 601 SOUTH
BUCHANAN STREET, COUNCIL CHAMBER ON THE THIRD FLOOR OF
CITY HALL, AMARILLO, TEXAS.**

*City Council Mission: Use democracy to govern the City efficiently and effectively to
accomplish the City's mission.*

*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.*

INVOCATION: Greg Dowell, Central Church of Christ

PROCLAMATIONS: "Municipal Court Week"

ANNOUNCEMENT: Andrew Freeman

PUBLIC ADDRESS:

(For items on the agenda for City Council consideration)

The public will be permitted to offer public comment on agenda items. Public Address
signup times are available from Sunday at 8:00 a.m. until Tuesday at 12:45 p.m. at
[https://www.amarillo.gov/departments/city-manager/city-secretary/public-address-
registration-form](https://www.amarillo.gov/departments/city-manager/city-secretary/public-address-registration-form) or by calling the City Secretary's office at (806) 378-3014.

AGENDA

**1. City Council will discuss or receive reports on the following current matters or
projects:**

- A. Review agenda items for regular meeting and attachments;
- B. Discuss Solid Waste update;
- C. Discuss City Plan Kick-Off Presentation by MIG
- D. Discuss upcoming debt issuances; and
- E. Request future agenda items and reports from City Manager.

2. CONSENT ITEMS:

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. CONSIDER APPROVAL – MINUTES:

(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the regular meeting
held on October 25, 2022.

B. CONSIDERATION OF ORDINANCE NO. 8027:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning a
0.86-acre tract of unplatted land in Section 4, Block 9, B.S.&F. Survey, Randall

County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 3 to Moderate Density District. (VICINITY: Bell St. and Ventura Dr.; APPLICANT/S: Che Shadle on behalf of Nazcon Group LP)

C. **CONSIDERATION OF ORDINANCE NO. 8028:**

(Contact: Martin Birkenfeld, Chief of Police)

This item is a second and final reading to consider an ordinance amending the Amarillo Municipal Code, Chapter 10-4, Article I, to add Sections 10-4-12 through 10-4-14 to create a Police Reserve Force.

D. **CONSIDERATION OF ORDINANCE NO. 8029:**

(Contact: Martin Birkenfeld, Chief of Police)

This item is a second and final reading to consider an ordinance amending the Amarillo Municipal Code, Chapter 10-4, Article II, Section 10-4-23 to allow any city department to benefit from certain unclaimed property held by the Amarillo Police Department.

E. **CONSIDERATION OF ORDINANCE NO. 8030:**

(Contact: Donna Knight, Director of Court Services)

This is a second and final reading of an ordinance amending Amarillo Municipal Code, Chapter 16-5, Sections 16-5-6 and 16-5-7 to reflect the City's changes in paid parking. Section 16-5-24 is also amended to clearly reference insurance requirements for valet services.

F. **CONSIDERATION OF ORDINANCE NO. 8031:**

(Contact: Laura Storrs, Assistant City Manager)

This item is a second and final reading to consider an ordinance regulating parking within the Downtown Parking Garage and amending parking fees.

G. **CONSIDER APPROVAL – TEXAS DEPARTMENT OF TRANSPORTATION ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT – TxDOT CSJ NO. M23204AMRI:**

(Contact: Michael W. Conner, Director of Aviation)

Grantor: Texas Department of Transportation (TxDOT)

Grant Amount: Up to \$50,000.00

This item considers approval of a TxDOT 2022 RAMP grant that is awarded to is to aid state airports with the funding needed for operations/maintenance tasks throughout the year. The RAMP grant will match funds, at 50%, up to \$100,000.00 of total project costs. Projects and services are selected based on Airport needs and evaluated for funding eligibility under the General Maintenance guidelines in this grant agreement.

H. **CONSIDERATION OF RESOLUTION NO. 11-08-22-1:**

(Contact: Martin Birkenfeld, Police Chief)

This item considers a resolution authorizing the application for and administration of a bullet-resistant shield grant program award from the Office of the Governor, Public Safety Office.

I. **CONSIDER APPROVAL – LETTER OF CONSENT FOR INTERNATIONAL AEROSPACE COATINGS, INC. (IAC):**

(Contact: Michael W. Conner, Director of Aviation)

This item considers approval of a letter of consent for International Aerospace Coatings, INC. (IAC) to have a new majority interest in their company by Tiger Infrastructure Partners. IAC has a multi-hangar lease (September 26, 2019) at

the Rick Husband Amarillo International Airport to operate an aircraft paint operation, which requires the city's consent.

J. **CONSIDER AWARD - REPLACEMENT OF SIMMS MUNICIPAL BUILDING UNINTERRUPTIBLE POWER SUPPLY (UPS) PROJECT:**

(Contact: Jerry Danforth, Facilities Director)

Award to: Brown Construction Services -- \$315,000.00

This item considers the award of a contract for the replacement of the Uninterruptible Power Supply (UPS) located at the Simms Municipal Building. This UPS will replace the existing outdated Liebert UPS system that is currently in operation and will provide emergence battery power backup for the Simms Municipal Building, including 911 Dispatch and the Emergency Operations Center (EOC).

K. **CONSIDER APPROVAL – PROFESSIONAL SERVICES AGREEMENT FOR ADDITIONAL CONSTRUCTION PHASE SERVICES AND MATERIALS TESTING FOR LIFT STATION 32 – PROJECT NO. 521805:**

(Contact: Kyle Schniederjan, Director of Capital Projects Development & Engineering)

Award to: Kimley-Horn and Associates, Inc. – Not to exceed \$110,000.00

This item considers approval of a professional services agreement for additional construction phase services, which includes an extension of construction phase services and materials testing for the project. Additional time is needed for the project to be constructed and completed by the contractor.

L. **CONSIDER AWARD – VACCINE ANNUAL CONTRACT:**

(Contact: Casie Stoughton, Director of Public Health)

Award to: Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) - \$300,000.00

This item considers the award of an annual supply contract for vaccines needed for clinical services to patients and to fulfill grant deliverables.

M. **CONSIDER AWARD –KRONOS ANNUAL SUPPORT AND MAINTENANCE RENEWAL:**

(Contact: Rich Gagnon, Assistant City Manager and CIO)

Award to: Kronos Incorporated -- \$101,859.18

This item considers the award of a one-year renewal for support and maintenance of Kronos hardware and software. Kronos is a time management/tracking platform used by all City employees.

N. **CONSIDER RATIFICATION – SETTLEMENT AGREEMENT:**

(Contact: Bryan McWilliams, City Attorney)

This agenda item ratifies the Settlement Agreement and Release with L.A. Fuller & Sons Construction, Ltd. related to the case styled as City of Amarillo, Texas v. Brandt Engineers Group, Ltd., L.A. Fuller & Sons Construction, Ltd., and Mission Clay Products, LLC.; Cause No. 106315-E-CV pending in the 108th Judicial District Court of Potter County, Texas. Per the agreement, L.A. Fuller and Sons Construction, Ltd., agrees to pay or cause to be paid the total sum of \$5, 000,000.00 to the City of Amarillo to settle disputed claims alleged in the aforementioned cause and further authorizes the City Manager to execute the same.

3. **NON-CONSENT ITEMS:**

A. **PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 8032:**

(Contact: Andrew Freeman, Assistant City Manager)

This item is a public hearing and first reading to consider an ordinance on the 20-year extension of Tax Increment Reinvestment Zone Number One, City of Amarillo, Texas for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code which was originally created in 2006 for a 30-year term.

B. PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 8033:
(Contact: Andrew Freeman, Assistant City Manager)

This item is a public hearing and first reading to consider an ordinance on the creation of South Gateway Tax Increment Reinvestment Zone Number Three, City of Amarillo, Texas for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code and its benefits to the City and the properties to be included in the Zone. The 1,046-acre Zone would be located in the area of Interstate Highway 27 and Loop 335.

C. CONSIDERATION OF RESOLUTION NO. 11-08-22-2:
(Contact: Emily Koller, Assistant Director of Planning)

This item is the consideration of a resolution recognizing SJN Amarillo, or SJNA, as the Recognized Neighborhood Association for the San Jacinto Neighborhood.

D. CONSIDERATION OF RESOLUTION NO. 11-08-22-3:
(Contact: Laura Storrs, Assistant City Manager)

This item is the discussion and consideration of all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation, including the adoption of a resolution pertaining thereto.

E. CONSIDER AWARD – CONSTRUCTION CONTRACT FOR THE NEW TRANSIT MULTIMODAL TERMINAL LOCATED AT 6TH AVENUE & BOWIE ST IN AMARILLO TEXAS:
(Contact: Jerry Danforth, Facilities Director)
Award to: Tri-State General Contractors Group, Inc. - \$8,661,800.00

This item considers the award of a construction contract for the demolition, site preparation, site security, and construction of a New Transit Multimodal Terminal located at 6th Avenue & Bowie St in Amarillo, Texas. Funding for this project is provided through a combination of federal grants and local matching funds.

F. CONSIDER BOARD AND COMMISSION APPOINTMENTS:
(Contact: Stephanie Coggins, City Secretary)

This item is to consider annual appointments needed for the following boards and commissions:

Advisory Committee for People with Disabilities
Airport Advisory Board
Amarillo Animal Management and Welfare Advisory Board
Amarillo Area Public Health Board
Amarillo Economic Development Corporation
Amarillo Hospital District Board of Managers
Amarillo-Potter Events Venue District
Beautification and Public Arts Advisory Board
Board of Review for Landmarks, Historic Districts and Downtown Design
Canadian River Municipal Water Authority
Center City Tax Increment Reinvestment Zone #1 Board of Directors
Civil Service Commission

Colonies Public Improvement District Advisory Board
Condemnation Appeals Commission
Construction Advisory and Appeals Commission
Convention and Visitors Bureau
Council Audit Committee
East Gateway Tax Increment Reinvestment Zone #2 Board of Directors
First Responders Excellence and Innovation Fund
Greenways Public Improvement District Advisory Board
Library Advisory Board
Pedestrian and Bicycle Safety Advisory Committee
Parks and Recreation Board
Greenways Public Improvement District Advisory Board
Planning and Zoning Commission
Quail Creek Public Improvement District Advisory Board
Traffic Advisory Board
Texas Panhandle Centers
Zoning Board of Adjustment

4. EXECUTIVE SESSION:

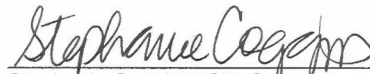
The City Council may convene in Executive Session to receive reports on or discuss any of the following pending projects or matters:

- A. 551.071 – Consult with Attorney about pending or contemplated litigation or settlement of same or 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
 - i. In re City of Amarillo, Cause #110998-D-CV

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (601 S. Buchanan Street) 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.

Watch the meeting live: <http://amarillo.gov/city-hall/city-government/view-city-council-meetings>.

I certify that the above notice of meeting was posted on the electronic bulletin board in City Hall, 601 S. Buchanan, Amarillo, Texas, and the City website (www.amarillo.gov) on or before the 4th day of November 2022, at 4:00 p.m. in accordance with the Open Meetings Laws of the State of Texas, Chapter 551, Texas Government Code.


Stephanie Coggins, City Secretary

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 25th of October 2022 the Amarillo City Council met at 1:00 p.m. for a regular meeting held in Council Chamber, located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

GINGER NELSON	MAYOR
FREDA POWELL	MAYOR PRO TEM/COUNCILMEMBER NO.2
COLE STANLEY	COUNCILMEMBER NO. 1
EDDY SAUER	COUNCILMEMBER NO. 3

Absent was Howard Smith, Councilmember No. 4. Also in attendance were the following administrative officials:

JARED MILLER	CITY MANAGER
ANDREW FREEMAN	ASSISTANT CITY MANAGER
RICH GAGNON	ASSISTANT CITY MANAGER
FLOYD HARTMAN	ASSISTANT CITY MANAGER
LAURA STORRS	ASSISTANT CITY MANAGER
BRYAN MCWILLIAMS	CITY ATTORNEY
STEPHANIE COGGINS	CITY SECRETARY

A quorum was established by Mayor Nelson, Mayor Pro Tem Powell and Councilmembers Sauer and Stanley. Mayor Nelson called the meeting to order at 1:00 p.m., welcomed those in attendance, and the following items of business were conducted.

The invocation was given by Davlyn Duesterhaus, BSA Chaplin. Mayor Nelson led the Pledge of Allegiance.

A proclamation was for "Elevate Amarillo" was read by Councilmember Sauer and presented to Skylar Gallop. A proclamation for "National Family Caregiver's Month" was read by Councilmember Stanley and presented to Jaime Sharp. A proclamation for "Paralegal Day" was read by Mayor Pro Tem Powell and presented to Rhonda Brashears.

The Finance and Accounting teams were recognized for their achievement of the "Triple Crown Award" from the Government Finance Officer's Association.

PUBLIC ADDRESS

Ricardo Cantu, of Amarillo, spoke against Agenda Item No. 3K. Daniel Martinez, of Amarillo, spoke against Agenda Item No. 3K. There were no further speakers.

ITEM 2 – CONSENT ACTION ITEMS:

Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. A motion was made to approve the consent agenda as presented by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

A. **CONSIDER APPROVAL – MINUTES:**
(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the regular meeting held on October 11, 2022.

B. **CONSIDERATION OF ORDINANCE NO. 8023:**
(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning of a 5.24-acre tract of unplatted land, in Section 191, Block 2, A.B.&M. Survey,

Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to Residential District 3. (VICINITY: Hastings Ave. and Broadway Dr.; APPLICANT/S: Tommy Nielsen for FAEC Holdings 396537 LLC)

C. CONSIDERATION OF ORDINANCE NO. 8024:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning of a 7.08-acre tract of unplatted land, in Section 191, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to Planned Development District 402 for a mini-storage facility. (VICINITY: Hastings Ave. and Broadway Dr.; APPLICANT/S: Tommy Nielsen for FAEC Holdings 396537 LLC)

D. CONSIDERATION OF ORDINANCE NO. 8025:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning of a 1.509 acre tract of land out of the east portion of Lot 5A, Block 42, Westgate Mall Unit No. 6, an addition to the City of Amarillo, in Section 42, Block 9, B.S.&F. Survey, Potter and Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Planned Development District 359 to Planned Development District 359A to add Adult Day Care as an allowed use. (VICINITY: Westgate Pkwy. and Soncy Rd.; APPLICANT/S: Julito Uy for 5JUYS LLC)

E. CONSIDERATION OF ORDINANCE NO. 8026:

(Contact: Kevin Carter, Amarillo Economic Development Corporation)

This item is a second and final reading of an ordinance to consider designating certain areas of the City as Reinvestment Zone No. 21 for commercial and industrial tax abatement. The zone is approximately 30.03 acres in the vicinity of Centerport Boulevard and Folsom Road.

F. CONSIDER PURCHASE – AIRPORT MOWING TRACTOR AND MOWING DECK:

(Contact: Michael Conner, Director of Aviation)

Award to: Western Equipment - \$106,020.53

This item considers the purchase of an airport mowing tractor and mowing deck that will be utilized to support airside mowing operations required per the Federal Aviation Administration.

G. CONSIDER PURCHASE – TWO SERVICE TRUCKS FOR RICK HUSBAND INTERNATIONAL AIRPORT:

(Contact: Michael Conner, Director of Aviation)

Award to: Silsbee Ford - \$100,021.25 (TIPS USA # 210907)

This item considers the purchase of one crew cab 4x4 service truck and one regular cab 4x4 service truck. The two service trucks will be used by the Airport's facilities department in their daily operations.

H. CONSIDER APPROVAL – CHANGE ORDER NO. 3 TO THE CONTRACT FOR THE SRE BUILDING MODIFICATIONS CONSTRUCTION PROJECT:

(Contact: Michael Conner, Director of Aviation)

Award to: Panhandle Steel Buildings, Inc.

Original Award	\$911,687.00
Previous Change Orders	\$ 12, 323.46
Change Order No. 3	<u>\$ 53,723.97</u>
Total Award	\$977,734.43

This item considers approval of a change order to the SRE Building Modifications Construction project at Rick Husband International Airport for structural roof framing modifications and a no-cost contract extension of 87 days. This item will be 90% funded through Federal Aviation Administration grant funds.

I. **CONSIDER AWARD – ANNUAL SUPPLY CONTRACT FOR GOLF PRODUCTS:**

(Contact: George Priolo, GM of Golf Operations)

Award to: Acushnet Company – Not to exceed \$200,000.00

This item considers the award of an annual supply contract for the wholesale purchase of Titleist, Foot-Joy, and Pinnacle golf products to provide inventory for retail sale at both pro shops and authorizes the City Manager to execute the contract.

J. **CONSIDER AWARD – CONSTRUCTION CONTRACT FOR PARKING GARAGE ELEVATOR INSTALLATION AND MODERNIZATION PROJECT:**

(Contact: Michael Conner, Director of Aviation)

Award to: Tri-State General Contracting Group, Inc. (Sourcewell Contract # TX-PH-GC-101619-JRT)

Base Bid Amount (Installation)	\$ 678,966.00
Additive Alt Amt (Modernization)	\$ 474,034.00
Total award	\$1,153,000.00

This item considers the award of a construction contract for installation of a new elevator and modernization of an existing elevator in the parking garage at Rick Husband International Airport.

K. **CONSIDERATION OF RESOLUTION NO. 10-25-22-1**

(Contact: Floyd Hartman, Assistant City Manager)

This item considers a resolution approving a Rule 11 Settlement Agreement with L.A. Fuller & Sons Construction, Ltd. related to the case styled as City of Amarillo, Texas v. Brandt Engineers Group, Ltd., L.A. Fuller & Sons Construction, Ltd., and Mission Clay Products, LLC.; Cause No. 106315-E-CV pending in the 108th Judicial District Court of Potter County, Texas. Per the agreement, L.A. Fuller and Sons Construction, Ltd., agrees to pay or cause to be paid the total sum of \$5,000,000.00 to the City of Amarillo to settle disputed claims alleged in the aforementioned cause and further authorizes the City Manager to execute the same.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 3 – NON-CONSENT ITEMS:

ITEM 3E: Mayor Nelson introduced an item to consider awarding a Location Incentive Agreement between Amarillo Economic Development Corporation and Coast Packing Company - South. A motion was made to award a Location Incentive Agreement (LIA) between Amarillo Economic Development Corporation and Coast Packing Company – South. Under the LIA, AEDC will provide Coast \$720,000 for the creation of jobs, to be paid out over 10 years as they are created, and will convey 30.03 acres, valued at \$1,200,000.00, to Coast by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 3F: Mayor Nelson introduced an item to consider awarding a Location Incentive Agreement between the City of Amarillo, Amarillo Economic Development Corporation, and Coast Packing Company - South. A motion was made to award a Tax Abatement Agreement between the City of Amarillo, Amarillo Economic Development Corporation (AEDC), and Coast Packing Company – South (Coast), which would. The agreement would provide for an abatement of future taxes on the construction and equipment costs at 80% abatement for 8 years on \$30,000,000.00 estimated cost of improvements by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 1 – CITY COUNCIL WILL DISCUSS OR RECEIVE REPORTS ON THE FOLLOWING CURRENT MATTERS OR PROJECTS:

- A. Review agenda items for regular meeting and attachments;
- B. Discuss Solid Waste update;
- C. Discuss Board and Commission appointments;
- D. Updates from Councilmembers serving on outside boards and commissions
 - i. Convention and Visitors Bureau;
 - ii. Beautification and Public Arts Advisory Board;
 - iv. Amarillo Local Government Corporation; and
- E. Request future agenda items and reports from City Manager.

ITEM 3 – NON-CONSENT ITEMS:

ITEM 3A: Mayor Nelson introduced a public hearing and consideration of a resolution stating no objection for an application for 2023 Non-Competitive Housing Tax Credits to the Texas Department of Housing and Community Affairs Housing Tax Credit Program by Astoria Park Apartments II, LLC, a private entity, for Astoria Park Apartments, a redevelopment of an existing complex for affordable rental property located at 3118 W. 15th Avenue. Mayor Nelson opened a public hearing. There were no speakers. Mayor Nelson closed the public hearing. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Stanley.

RESOLUTION NO. 10-25-22-2

A RESOLUTION OF THE CITY OF AMARILLO STATING NO OBJECTION TO THE ASTORIA PARK APARTMENTS II, LLC 4% HOUSING TAX CREDIT APPLICATION TO TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR PROPOSED REHABILITATION OF ASTORIA PARK APARTMENTS IN AMARILLO, TEXAS TO PROVIDE AFFORDABLE RENTAL HOUSING.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 3B: Mayor Nelson introduced a public hearing and consideration of a resolution stating no objection for an application for 2023 Non-Competitive Housing Tax Credits to the Texas Department of Housing and Community Affairs Housing Tax Credit Program by North Grand Villas, LP, a private entity, for North Grand Villas, a redevelopment of an existing complex for affordable rental property located at 2801 N. Grand Street. Mayor Nelson opened a public hearing. There were no speakers. Mayor Nelson closed the public hearing. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

RESOLUTION NO. 10-25-22-3

A RESOLUTION OF THE CITY OF AMARILLO STATING NO OBJECTION TO THE NORTH GRAND VILLAS, LP 4% HOUSING TAX CREDIT APPLICATION TO TEXAS

DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS
FOR PROPOSED REHABILITATION OF NORTH GRAND
VILLAS IN AMARILLO, TEXAS TO PROVIDE AFFORDABLE
RENTAL HOUSING.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 3C: Mayor Nelson introduced a public hearing and first reading to consider an ordinance rezoning a 0.86-acre tract of unplatted land in Section 4, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 3 to Moderate Density District in the vicinity of Bell Street and Ventura Drive. Brady Kendrick, Planner II, presented the item. Mayor Nelson opened a public hearing. There were no speakers. Mayor Nelson closed the public hearing. A motion was made to approve Ordinance No. 8027 as stated on the agenda by Councilmember Stanley, seconded by Councilmember Sauer.

ORDINANCE NO. 8027

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 BELL STREET AND VENTURA DRIVE,
RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS
CLAUSE; PROVIDING A REPEALER CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson and Councilmembers Sauer and Stanley; voting NO were none; absent were Mayor Pro Tem Powell and Councilmember Smith; the motion passed by a 3-0 vote.

ITEM 3D: Mayor Nelson introduced a approve Western Builders, Inc as Construction Manager at Risk for the renovation of the Amarillo Hardware Building for the new City Hall. Jerry Danforth, Facilities Director, presented the item. A motion was made to approve Western Builders, Inc as Construction Manager at Risk for the renovation of the Amarillo Hardware Building for the new City Hall and further authorize the City Manager to negotiate and execute a final agreement for the construction of the same with a price not to exceed \$28,000,000.00 along with all other necessary documents related to the same by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmember Sauer; voting NO was Councilmember Stanley; absent was Councilmember Smith; the motion passed by a 3-1 vote.

ITEM 3G: Mayor Nelson introduced a first reading to consider an ordinance amending the Amarillo Municipal Code, Chapter 10-4, Article I, to add Sections 10-4-12 through 10-4-14 to create a Police Reserve Force. Assistant Chief Ken Funtek presented the item. A motion was made to approve the below captioned ordinance by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 8028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AMARILLO, TEXAS: AMENDING THE AMARILLO
MUNICIPAL CODE, CHAPTER 10-4, ARTICLE I, TO ADD
SECTIONS 10-4-12 THROUGH 10-4-14 TO CREATE A
POLICE RESERVE FORCE; PROVIDING FOR
SEVERABILITY, REPEALER, CONTINUATION OF PRIOR
LAW, AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 3H: Mayor Nelson introduced a public hearing and first reading to consider an ordinance amending the Amarillo Municipal Code, Chapter 10-4, Article II, Section 10-4-23 to allow any city department to benefit from certain unclaimed property held by the Amarillo Police Department. Assistant Police Chief Kenneth Funtek presented the item. A motion was made to adopt the below captioned ordinance by Mayor Pro Tem Powell, seconded by Councilmember Stanley.

ORDINANCE NO. 8029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-4, ARTICLE II, SECTION 10-4-23 TO ALLOW ANY CITY DEPARTMENT TO BENEFIT FROM CERTAIN UNCLAIMED PROPERTY HELD BY THE AMARILLO POLICE DEPARTMENT; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 3I: Mayor Nelson introduced a public hearing and first reading to consider an ordinance amending Amarillo Municipal Code, Chapter 16-5, Sections 16-5-6 and 16-5-7 to reflect the City's changes in paid parking and amending Section 16-5-24 to clearly reference insurance requirements for valet services. Donna Knight, Director of Court Services, presented the item. A motion was made to adopt the below captioned ordinance by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 8030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-5; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING CIVIL PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 3J: Mayor Nelson introduced a public hearing and first reading to consider an ordinance regulating parking within the Downtown Parking Garage and amending parking fees. Mr. Miller and Ms. Storrs presented the item. A motion was made to adopt Ordinance No. 8031 as stated on the agenda by Councilmember Stanley, seconded by Councilmember Sauer.

ORDINANCE NO. 8031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO: REGULATING PARKING WITHIN THE DOWNTOWN PARKING GARAGE; AMENDING PARKING FEES; PROVIDING SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR CRIMINAL PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 3K: Mayor Nelson introduced an item to consider awards a contract to T-Miller for wrecker services. Assistant Chief Funtek presented the item. A motion was made to award a contract to T-Miller for wrecker services related to abandoned, impounded, junked, and disabled vehicles related to all City operations, including but not limited to public safety and emergency incidents and further authorize the City Manager to finalize and execute an agreement with T-Miller Wrecker Services for the same by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion passed by a 4-0 vote.

ITEM 4 – EXECUTIVE SESSION:

Mr. Williams advised at 3:07 p.m. that the City Council would convene in Executive Session per Texas Government Code: 1) 551.071 – Consult with Attorney about pending or contemplated litigation or settlement of same or 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: i) Stennett v. City of Amarillo and ii) In re City of Amarillo, Cause #110998-D-CV; and 2) 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: i) Request for Federal EB-5 Loan Program Participation from Producer Owned Beef, LLC.

Mr. Williams announced that Executive Session was adjourned at 4:36 p.m. and recessed the Regular Meeting.

ATTEST:

Stephanie Coggins, City Secretary

Ginger Nelson, Mayor

Amarillo City Council Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Consent agenda
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Department	Planning and Development Services Brady Kendrick – Planner II
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Agenda Caption

CONSIDERATION OF ORDINANCE NO. 8027

Second and final reading to consider an ordinance rezoning a 0.86 acre tract of unplatted land in Section 4, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 3 to Moderate Density District.

VICINITY: Bell St. and Ventura Dr.

APPLICANT/S: Che Shadle on behalf of Nazcon Group LP

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Residential District 1 and General Retail District to the north, Light Commercial District to the south, Moderate Density District to the east, and Residential District 1 to the west.

Adjacent land uses consist of Single-family detached homes and vacant land to the north, vacant land to the south, single-family attached homes to the east, and vacant land to the west.

Proposal

The applicant is proposing a change in zoning to develop the tract with single-family attached homes (townhomes).

Analysis

Analysis of a zoning change begins with referring to the Comprehensive Plan's Future Land Use and Character Map in addition to the Neighborhood Unit Concept of Development (NUC). Additionally, existing zoning and development patterns are also examined when considering a request.

The Future Land Use Map category identifies the applicant's tract as being in the General Commercial Category. This category calls for a wide range of commercial retail and service uses, at varying scales, being the primary focus of development.

While the applicant's request would not conform with this category, it is noted that the applicant's tract is located at the southern periphery of a single-family neighborhood with single family detached homes north and single-family attached townhomes east. It is the Planning and Zoning Commission's opinion that the applicant's request and proposed development type would be a more logical development type to have on the periphery of a single-family neighborhood rather than commercial retail or service uses.

Regarding the NUC, this concept calls for more intensive land uses and zoning to be located at or near section line intersections with a transition in zoning occurring to lower intensity land uses away from those intersections.

The applicant's tract is located at the periphery of a Light Commercial zoning district that contains a gas station at the intersection and an upcoming retail store site. Given the higher intensity of uses and zoning at the intersection to the south of the applicant's tract, the tract is in a location in which the next logical zoning district would be moderate density residential or office type development.

It is the Planning and Zoning Commission's opinion that the applicant's request would provide the typical transitional zoning and would serve as a logical transition from the higher intensity uses to the south to the single-family detached homes to the north, similar to what has been established east of the applicant's tract.

**Requested Action/Recommendation**

The first expressed that they were not opposed to townhomes but had concerns about Moderate Density District allowing for apartments.

Considering the above, the Planning and Zoning Commission recommends **APPROVAL** of the request as presented with a unanimous vote (6-0).

ORDINANCE NO. 8027

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 BELL STREET AND VENTURA DRIVE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted the "Amarillo Comprehensive Plan" on October 12, 2010, which established guidelines in the future development of the community for the purpose of promoting the health, safety, and welfare of its citizens; and

WHEREAS, the Amarillo Municipal Code established zoning districts and regulations in accordance with such land use plan, and proposed changes must be submitted to the Planning and Zoning Commission; and

WHEREAS, after a public hearing before the Planning and Zoning Commission for proposed zoning changes on the property hereinafter described, the Commission 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; and

WHEREAS, the City Council further determined that the request to rezone the location indicated herein is consistent with the goals, policies, and future land use map of the Comprehensive Plan for the City of Amarillo, Texas.

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

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2. The zoning map of the City of Amarillo adopted by Section 4-10 of the Amarillo Municipal Code and on file in the office of the Planning Director is hereby amended to reflect the following zoning use changes:

Rezoning of a 0.86 acre tract of unplatted land in Section 4, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 3 to Moderate Density District, being further described in Exhibit A.

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

SECTION 5. 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 25th day of October, 2022 and PASSED on Second and Final Reading on this the 8th day of November, 2022.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins
City Secretary

APPROVED AS TO FORM:

Bryan McWilliams,
City Attorney

DRAFT

EXHIBIT A

FIELD NOTES for a 0.86 acre tract of land out of Section 4, Block 9, B. S. & F. Survey, Randall County, Texas, and more particularly described as follows:

BEGINNING at a 1/2" iron rod found at the intersection of the south right-of-way line of Venture Drive and the west line of a 20' alley being the northwest corner of Hollywood Addition Unit No. 17 for the northeast corner of this tract.

THENCE S. 02° 33' 04" W., along said west alley line, a distance of 132.18 feet to a 1/2" iron rod found on said alley line at the southwest corner of said Hollywood Addition Unit No. 17 for the southeast corner of this tract.

THENCE in a northwesterly direction along a curve to the left with a radius equal to 519.45 feet, a long chord bearing of N. 82° 22' 38" W. and a long chord distance of 141.56 feet, a curve length of 142.01 feet to a 3/8" iron rod found at the end of said curve for a corner of this tract.

THENCE S. 89° 47' 28" W. a distance of 144.65 feet to a 3/8" iron rod found for the southwest corner of this tract.

THENCE N. 00° 12' 32" W. a distance of 130.00 feet to the said south right-of-way line of said Ventura Drive for the northwest corner of this tract.

THENCE N. 89° 47' 28" E., along said right-of-way line, a distance of 145.02 feet to a 1/2" iron rod found on said right-of-way line at the beginning of a curve to the right for a corner of this tract.

THENCE in a southeasterly direction continuing along said south right-of-way line and along said curve with a radius equal to 628.22 feet, a long chord bearing of S. 83° 28' 43" E. and a long chord distance of 147.25 feet, a curve length of 147.59 feet to the place of BEGINNING and containing 0.86 acres (37,624 square feet) of land.

* * * * *

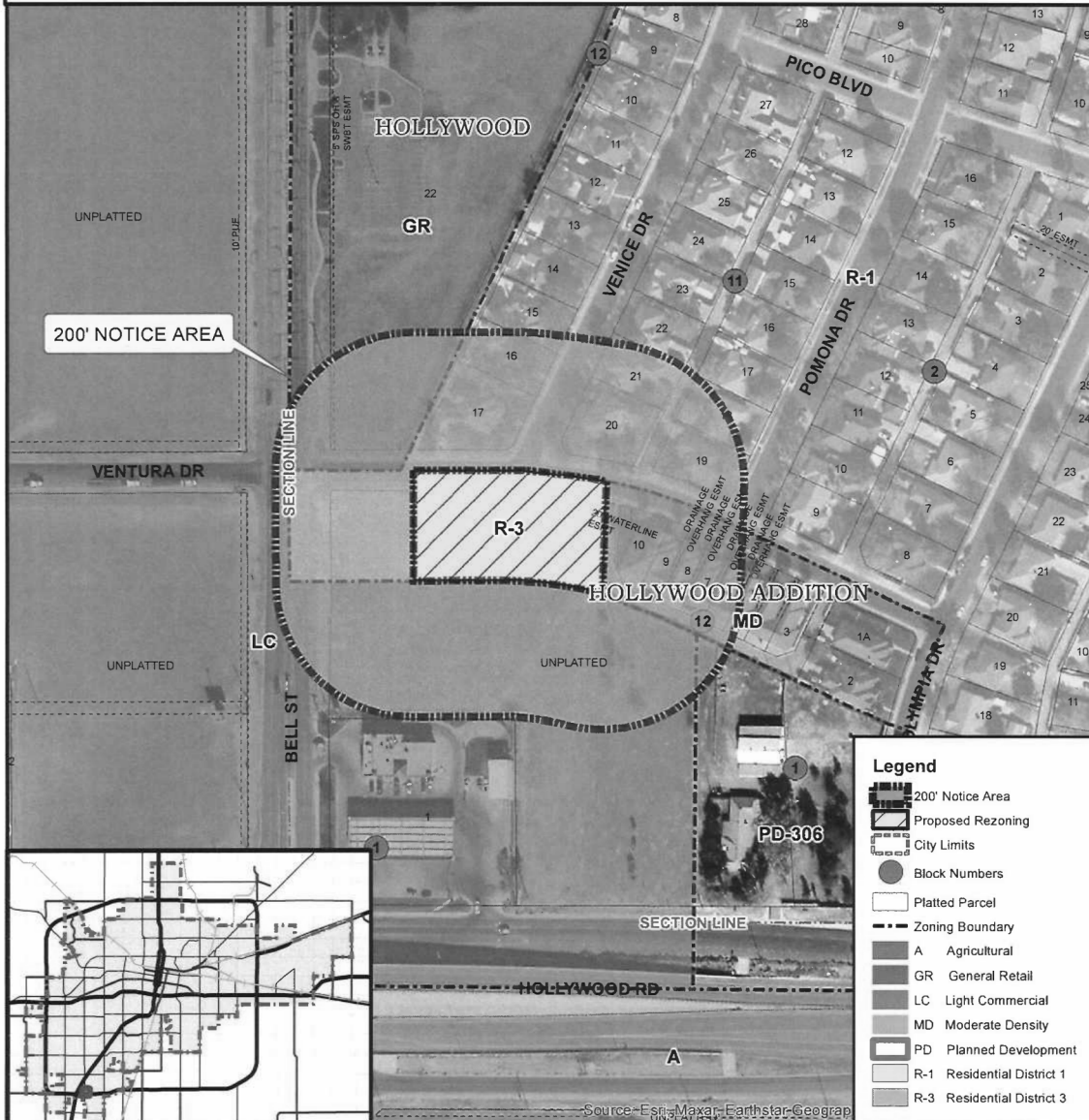
STATE OF TEXAS : KNOW ALL MEN BY THESE PRESENTS, that I,
COUNTY OF COLLINGSWORTH : Richard E. Johnson, Registered
Professional Land Surveyor, do hereby
certify that I did cause to be surveyed
on the ground the above described tract of land, and to the best of my
knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal, this the 6th day of September, A.D.,
2022.




Richard E. Johnson
Registered Professional
Land Surveyor #4263

REZONING FROM R-3 TO MD



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 200 feet
Date: 9/12/2022
Case No: Z-22-34



Z-22-34 Rezoning of a 0.86 acre tract of unplatted land in Section 4, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 3 to Moderate Density District.

VICINITY: Bell St. and Ventura Dr.
APPLICANT/S: Che Shadle on behalf of Nazcon Group LP

AP: K-17

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



AGENDA ITEM NO. **2C**

Meeting Date	November 8, 2022	Council Priority	Public Safety
Department	Police 1610		
Contact	Chief Martin Birkenfeld		

Agenda Caption

CONSIDERATION OF ORDINANCE NO. 8028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-4, ARTICLE I, TO ADD SECTIONS 10-4-12 THROUGH 10-4-14 TO CREATE A POLICE RESERVE FORCE; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

Agenda Item Summary

This ordinance creates a police reserve force, under the direction and control of the chief of police. The ordinance establishes composition and size, qualifications, and training as required by the chief of police. The police reserve force will be a volunteer force comprised of honorably retired or discharged former Amarillo Police officers.

Requested Action

Approval of the amendment to ordinance 10-4, ARTICLE I, TO ADD SECTIONS 10-4-12 THROUGH 10-4-14 to create a police reserve force.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval.

ORDINANCE NO. 8028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-4, ARTICLE I, TO ADD SECTIONS 10-4-12 THROUGH 10-4-14 TO CREATE A POLICE RESERVE FORCE; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

WHEREAS, Section 341.012 of the Texas Local Government Code authorizes the governing body of a municipality to establish a police reserve force; and

WHEREAS, if a municipality establishes a police reserve force, the governing body must establish qualifications and standards of training for members of the reserve force, and may limit the size of the reserve force; and

WHEREAS, the Chief of Police recommends that a police reserve force is necessary to augment the Amarillo Police Department, especially during unusual emergencies; and

WHEREAS, honorably retired and other former Amarillo police officers wish to continue to contribute to the safety of the citizens of Amarillo and could continue to do so as police reserve officers; and

WHEREAS, the City Council has determined that it is in the best interests of the City and its residents to create a police reserve force;

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

SECTION 1. The Amarillo Municipal Code, Chapter 10-4, Article I, is hereby amended to add Sections 10-4-12 through 10-4-14, as follows:

Sec. 10-4-12. - Police reserve force--Created.

- (a) Created. There is hereby created a police reserve force known as the Amarillo Police Reserve Force, such force to be separate and distinct from the Amarillo Police Department.
- (b) Composition and Size. The Police Reserve Force shall be composed of qualified volunteers who have been appointed by the Chief of Police and approved by the City Council. The number of such reserve members shall not exceed the greater of 20 members or 5% of the authorized number of active full-time police officers at any given time.
- (c) Supervision by Chief of Police. The Chief of Police shall be the head of the Police Reserve Force, and the reserve members shall be under the

authority, control, and command of the Chief of Police, subject to all of the provisions of the City Charter, ordinances, and policies, and the laws of the state. The Chief of Police may, by order, establish additional rules, policies, and requirements governing the Police Reserve Force.

Sec. 10-4-13. – Same--Applications; qualifications; appointment; training.

- (a) Applications. Applications for membership in the Police Reserve Force shall be filed with the Chief of Police on forms prescribed by the Chief of Police.
- (b) Qualifications. Each applicant for membership in the Police Reserve Force shall furnish satisfactory proof of good moral character and possess the physical ability to perform the duties of the position for which they seek appointment. Applicants must be either an honorably retired Amarillo police officer or a former Amarillo police officer.
- (c) Appointment. The Chief of Police shall present to the City Council for approval a list of recommended applicants for appointment to such Police Reserve Force.
- (d) Training. It shall be the individual responsibility of each Police Reserve member to maintain their standing as a certified police officer and to receive such training as is required to maintain such certification. The Police Reserve members shall further maintain and complete any continuing training required by the Chief of Police.
- (e) Members are not entitled to civil service status under Texas Local Government Code Chapter 143.

Sec. 10-4-14. – Same--Badges, uniforms.

The Chief of Police shall prescribe the badges and uniforms to be worn by Police Reserve Force members and shall direct the manner in which they shall be worn.

Secs. 10-4-125—10-4-20. - Reserved.

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

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

SECTION 3. Repealer. Subject to the provision in Section 4 (Continuation of Prior Law), all ordinances and resolutions, or parts thereof, in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. Continuation of prior law. Nothing in this ordinance or any code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause of action acquired existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just, vested, or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5. Effective Date 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 this the 25th day of October 2022; and PASSED on Second and Final Reading the 8th day of November 2022.

Ginger Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Coggins, City Secretary

Bryan S. McWilliams, City Attorney

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Public Safety
Department	Police 1610		
Contact	Chief Martin Birkenfeld		

Agenda Caption

CONSIDERATION OF ORDINANCE NO. 8029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-4, ARTICLE II, SECTION 10-4-23 TO ALLOW ANY CITY DEPARTMENT TO BENEFIT FROM CERTAIN UNCLAIMED PROPERTY HELD BY THE AMARILLO POLICE DEPARTMENT; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

Agenda Item Summary

This ordinance amends Section 10-4-23 of the municipal code to allow the police department to convert unclaimed property for use by any department of the City of Amarillo, after the required waiting period and any other statutory requirements have been met.

Requested Action

Approval of the ordinance amending Section 10-4-23 of the municipal code.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval.

ORDINANCE NO. 8029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-4, ARTICLE II, SECTION 10-4-23 TO ALLOW ANY CITY DEPARTMENT TO BENEFIT FROM CERTAIN UNCLAIMED PROPERTY HELD BY THE AMARILLO POLICE DEPARTMENT; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

WHEREAS, Section 10-4-23 of the Amarillo Municipal Code authorizes the Amarillo Police Department to hold an annual public sale of certain unclaimed property held by the Amarillo Police Department; and

WHEREAS, Section 10-4-23 of the Amarillo Municipal Code also authorizes the Amarillo Police Department to withhold from that annual sale property which could be placed into beneficial use by the Amarillo Police Department; and

WHEREAS, the City Council of the City of Amarillo finds that other City departments could also benefit from the use of certain unclaimed property held by the Amarillo Police Department;

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

SECTION 1. The Amarillo Municipal Code, Chapter 10-4, Article II, Section 10-4-23 be and hereby is amended in part to now read as follows:

Sec. 10-4-23. - Public sale—Authorized; waiting period; date.

- (a) If property belonging to persons unknown remains preserved, stored and unclaimed for a period of three (3) months, a public sale of such unclaimed property shall be held by the Police Department at the annual regular public sale date.
- (b) The Chief of Police is hereby authorized to fix the date of the annual public sale.
- (c) The Chief of Police may withhold from sale property which remains unclaimed after three (3) months and which could be placed into beneficial use by ~~the Police Department~~ any department of the City of Amarillo.

SECTION 2. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 3. Repealer. Subject to the provision in Section 4 (Continuation of Prior Law), all ordinances and resolutions, or parts thereof, in conflict with this ordinance are hereby repealed to

the extent of conflict with this ordinance.

SECTION 4. Continuation of prior law. Nothing in this ordinance or any code hereby adopted shall be construed so as to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause of action acquired existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just, vested, or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5. Effective Date. 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 this the 25th day of October 2022; and PASSED on Second and Final Reading the 8th day of November 2022.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan S. McWilliams, City Attorney

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Public Safety
Department	Office of Civil Hearings		
Contact	Donna Knight, Director of Court Services		

Agenda Caption

CONSIDERATION OF ORDINANCE NO. 8030

Agenda Item Summary

This is the first reading of an ordinance amending Amarillo Municipal Code, Chapter 16-5, Sections 16-5-6 and 16-5-7 to reflect the City's changes in paid parking. Section 16-5-24 is also amended to clearly reference insurance requirements for valet services.

Requested Action

Approval of ordinance 8030.

Funding Summary

No funding source is needed.

Community Engagement Summary

Level 1 – Modest impact on selected area and/or community group.

Staff Recommendation

Staff recommends approval of the amendments to Chapter 16-5.

ORDINANCE NO. 8030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-5; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING CIVIL PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, studies show that timed parking for a fee encourages parking space turnover, thereby increasing the amount of individuals that can access parking within a given period of time, while also increasing businesses' access to available parking spaces.

WHEREAS, the City Council desires to amend timed parking for a fee within a designated area of the Central Business District by authorizing a thirty (30) minute free parking period prior to payment being required and adding new holiday exemptions;

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

SECTION 1. Section 16-5-6 of the Amarillo Municipal Code is hereby amended to read as follows:

Sec. 16-5-6. - Fee due for parking vehicle; form of payment.

(a) [NO TEXT CHANGE]

(b) ~~The required fee to be paid for parking in a paid parking space or zone is one~~
~~dolla (\$1.00) per hour or portion thereof~~ There will be no charge for initial thirty (30) minutes
in a paid parking space or zone, thereafter the required fee to be paid for parking in a paid
parking space or zone is one dollar (\$1.00) per hour or portion thereof. An individual is only
able to park in one (1) paid parking space or zone per an eight (8) hour period with no charge
during a calendar day.

(c) – (i) [NO TEXT CHANGE]

SECTION 2. Section 16-5-7 of the Amarillo Municipal Code is hereby amended to read as follows:

Sec. 16-5-7. EXEMPTIONS.

(a) [NO TEXT CHANGE]

(b) Sections 16-5-5 (Time Limits on Paid Parking) and 16-5-6 (Fee Due for Parking) do not apply:

(1) On the following days each year: New Years Day; ~~MLK~~ Martin Luther King Day;
President's Day; Good Friday; Memorial Day; Juneteenth; Independence Day; Labor Day;
Veteran's Day; Thanksgiving and the day after; and Christmas Eve and Day;

(2) [NO TEXT CHANGE]

SECTION 3. Section 16-5-24 of the Amarillo Municipal Code is hereby amended to read as follows:

Sec. 16-5-24. - Application; amendments; transfer.

(1) – (5) [NO TEXT CHANGE]

(6) Proof of the minimum insurance required by Section 16-5-~~2930~~ as amended; and,

(7) [NO TEXT CHANGE]

SECTION 4. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 5. Repealer. All ordinances, 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 6. Penalty. A violation of this parking ordinance is a civil violation punishable in accordance with Section 1-1-5 of this Code of Ordinances.

SECTION 7. 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 25th day of October 2022; and PASSED on Second and Final Reading the 8th day of November 2022.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

Amarillo City Council Agenda Transmittal Memo



AGENDA ITEM NO. 2F

Meeting Date	November 8, 2022	Council Pillar	Fiscal Responsibility
Department	City Manager		
Contact	Laura Storrs, Assistant City Manager		

Agenda Caption

CONSIDERATION OF ORDINANCE NO. 8031 – AMENDING THE DOWNTOWN PARKING GARAGE FEES
(Contact: Laura Storrs, Assistant City Manager)

This item considers amendments to the daily and hourly downtown parking garage fees.

Agenda Item Summary

This Ordinance amends the daily and hourly downtown parking garage rates to \$11 per day and \$4 per hour.

Requested Action

Approve the Ordinance.

Funding Summary

N/A

Community Engagement Summary

The Amarillo Local Government Corporation Board of Directors met on August 17, 2022 and was presented different scenarios of parking fee structures. The Board voted to recommend the City Council increase the downtown parking garage daily rates from \$7 to \$10 and the hourly rates from \$2 to \$4.

Staff Recommendation

City staff is recommending approval of the Ordinance.

ORDINANCE NO. 8031

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO: REGULATING PARKING WITHIN THE DOWNTOWN PARKING GARAGE; AMENDING PARKING FEES; PROVIDING SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR CRIMINAL PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Downtown Parking Garage, to be operated by the City under an Agreement with the Amarillo Local Government Corporation, shall be available for public parking and for parking pursuant to Agreement with either the City of Amarillo or the Amarillo Local Government Corporation; and

WHEREAS, the City Council finds that it is in the best interests of both public safety and convenience to take each action below related to fees for parking within the Downtown Parking Garage;

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

SECTION 1. That the following fees for public parking in the Downtown Parking Garage are hereby AMENDED as follows:

DOWNTOWN PARKING GARAGE PARKING DAILY RATES

<u>Period</u>	<u>Rate</u>	<u>Rate incl. Tax</u>
0 - 2 Hour	\$3.70	\$4.00
Each Additional 2 Hour	\$3.70	\$4.00
Maximum Per Day	\$10.16	\$11.00

PARKING PROVIDED UNDER AGREEMENT WITH LGC OR CITY

- (1) Monthly Lease: \$25.00 per work-week (M-F, between hours of 7:00 am and 6:00 pm), \$1,300.00 annually with 12 month lease;
- (2) Full Access Lease (24-hours, 7-day a week access): \$30.00 per week, \$1,500.00 annually with 12 month lease; or
- (3) As provided in the Agreement.

** The above rates include Tax.

EVENT PARKING RATES

- (1) \$11.00 TO \$17.00 per day, as determined by CITY garage operator for each event.

** The above rates include Tax.

Notes: (1) Sales tax currently at 8.25%,
(2) Customers with valid handicapped license plates do not pay for parking,
(3) Rates are set so the customer can pay with minimal use of change, avoiding pennies, after tax is applied.

SECTION 2. That fees for parking provided under an Agreement between either the City of Amarillo or the Amarillo Local Government Corporation and a person, firm or corporation, shall be charged and paid at such rates as are provided in such Agreement.

SECTION 3. That should any part of this ordinance conflict with any other ordinance, then such other ordinance is repealed to the extent of the conflict with this ordinance.

SECTION 4. That should any word, phrase, or part of this ordinance 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. Penalty. Upon conviction for a violation of this ordinance, the offender shall be subject to fine or other penal or civil sanctions as prescribed in Section 1-1-5 or as otherwise provided by law.

SECTION 6. Publication 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 25th day of October, 2022; and **PASSED** on Second and Final Reading the 8th day of November, 2022.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Transportation
Department	Aviation		
Contact	Michael W. Conner: Director of Aviation		

Agenda Caption

CONSIDERATION of the Texas Department of Transportation (TxDOT) Routine Airport Maintenance Program (RAMP) Grant agreement for the Rick Husband Amarillo International Airport.

Agenda Item Summary

Rick Husband Amarillo International Airport is a recipient of the TxDOT Ramp Grant due to its classification as a non-hub primary airport. The scope of the grant is to aid state airports with the funding needed for operations/maintenance tasks throughout the year. The Department of Aviation is seeking approval of the 2022 RAMP Grant agreement. This grant will match funds, at 50%, up to \$100,000.00 of total project costs. Projects and services are selected based on Airport needs and evaluated for funding eligibility under the General Maintenance guidelines in this grant agreement.

Requested Action

Approve the Texas Department of Transportation RAMP Grant, TxDOT CSJ No.: M23204AMRI.

Funding Summary

The City's 50% match will come from the FY 22/23 Airport O&M Budget.

Community Engagement Summary

Level 1 – Modest impact on selected area and/ or community group.

Staff Recommendation

Department staff recommend the approval of TxDOT CSJ No.: M2304AMRI.

**TEXAS DEPARTMENT OF TRANSPORTATION
GRANT FOR ROUTINE AIRPORT MAINTENANCE PROGRAM
(State Assisted Airport Routine Maintenance)**

TxDOT Project ID: M2304AMRI

Part I - Identification of the Project

TO: The City of Amarillo, Texas

FROM: The State of Texas, acting through the Texas Department of Transportation

This Grant is made between the Texas Department of Transportation, (hereinafter referred to as the "State"), on behalf of the State of Texas, and the City of Amarillo, Texas, (hereinafter referred to as the "Sponsor").

This Grant Agreement is entered into between the State and the Sponsor shown above, under the authority granted and in compliance with the provisions of the Transportation Code Chapter 21.

The project is for **airport maintenance** at the AMARILLO - RICK HUSBAND AMARILLO INTL Airport.

Part II - Offer of Financial Assistance

1. For the purposes of this Grant, the annual routine maintenance project cost, Amount A, is estimated as found on Attachment A, Scope of Services, attached hereto and made a part of this grant agreement.

State financial assistance granted will be used solely and exclusively for airport maintenance and other incidental items as approved by the State. Actual work to be performed under this agreement is found on Attachment A, Scope of Services. State financial assistance, Amount B, will be for fifty percent (50%) of the eligible project costs for this project or \$50,000.00, whichever is less, per fiscal year and subject to availability of state appropriations.

Scope of Services, Attachment A, of this Grant, may be amended, subject to availability of state funds, to include additional approved airport maintenance work. Scope amendments require submittal of an Amended Scope of Services, Attachment A.

Services will not be accomplished by the State until receipt of Sponsor's share of project costs.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

Work shall be accomplished by August 31, 2023, unless otherwise approved by the State.

2. The State shall determine fair and eligible project costs for work scope. Sponsor's share of estimated project costs, Amount C, shall be as found on Attachment A and any amendments.

It is mutually understood and agreed that if, during the term of this agreement, the State determines that there is an overrun in the estimated annual routine maintenance costs, the State may increase the grant to cover the amount of the overrun within the above stated percentages and subject to the maximum amount of state funding.

The State will not authorize expenditures in excess of the dollar amounts identified in this Agreement and any amendments, without the consent of the Sponsor.

3. Sponsor, by accepting this Grant certifies and, upon request, shall furnish proof to the State that it has sufficient funds to meet its share of the costs. The Sponsor grants to the State the right to audit any books and records of the Sponsor to verify expended funds.

Upon execution of this Agreement and written demand by the State, the Sponsor's financial obligation (Amount C) shall be due in cash and payable in full to the State. State may request the Sponsor's financial obligation in partial payments. Should the Sponsor fail to pay their obligation, either in whole or in part, within 30 days of written demand, the State may exercise its rights under Paragraph V-3. Likewise, should the State be unwilling or unable to pay its obligation in a timely manner, the failure to pay shall be considered a breach and the Sponsor may exercise any rights and remedies it has at law or equity.

The State shall reimburse or credit the Sponsor, at the financial closure of the project, any excess funds provided by the Sponsor which exceed Sponsor's share (Amount C).

4. The Sponsor specifically agrees that it shall pay any project costs which exceed the amount of financial participation agreed to by the State. It is further agreed that the Sponsor will reimburse the State for any payment or payments made by the State which are in excess of the percentage of financial assistance (Amount B) as stated in Paragraph II-1.

5. Scope of Services may be accomplished by State contracts or through local contracts of the Sponsor as determined appropriate by the State. All locally contracted work must be approved by the State for scope and reasonable cost. Reimbursement requests for locally contracted work shall be submitted on forms provided by the State and shall include copies of the invoices for materials or services. Payment shall be made for no more than 50% of allowable charges.

The State will not participate in funding for force account work conducted by the Sponsor.

6. This Grant shall terminate upon completion of the scope of services.

Part III - Sponsor Responsibilities

1. In accepting this Grant, if applicable, the Sponsor guarantees that:
 - a. it will, in the operation of the facility, comply with all applicable state and federal laws, rules, regulations, procedures, covenants and assurances required by the State in connection with this Grant; and
 - b. the Airport or navigational facility which is the subject of this Grant shall be controlled by the Sponsor for a period of at least 20 years; and
 - c. consistent with safety and security requirements, it shall make the airport or air navigational facility available to all types, kinds and classes of aeronautical use without discrimination between such types, kinds and classes and shall provide adequate public access during the period of this Grant; and
 - d. it shall not grant or permit anyone to exercise an exclusive right for the conduct of aeronautical activity on or about an airport landing area. Aeronautical activities include, but are not limited to scheduled airline flights, charter flights, flight instruction, aircraft sales, rental and repair, sale of aviation petroleum products and aerial applications. The landing area consists of runways or landing strips, taxiways, parking aprons, roads, airport lighting and navigational aids; and
 - e. through the fence access shall be reviewed and approved by the State; and

- f. it shall not permit non-aeronautical use of airport facilities, unless noted on an approved Airport Layout Plan, without prior approval of the State/FAA. This includes but is not limited to: the process of land disposal, any changes to the aeronautical or non-aeronautical land uses of the airport, land's deeded use from non-aeronautical to aeronautical, requests of concurrent use of land, interim use of land, approval of a release from obligations from the State/FAA, any of which will require 18 months, or longer; and
- g. the Sponsor shall submit to the State annual statements of airport revenues and expenses when requested; and
- h. all fees collected for the use of the airport shall be reasonable and nondiscriminatory. The proceeds from such fees shall be used solely for the development, operation and maintenance of the airport or navigational facility; and
- i. an Airport Fund shall be established by resolution, order or ordinance in the treasury of the Sponsor, or evidence of the prior creation of an existing airport fund or properly executed copy of the resolution, order, or ordinance creating such a fund, shall be submitted to the State. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole. All fees, charges, rents, and money from any source derived from airport operations must be deposited in the Airport Fund and shall not be diverted to the general revenue fund or another revenue fund of the Sponsor. All expenditures from the Airport Fund shall be solely for airport purposes. Sponsor shall be ineligible for a subsequent grant or loan by the State unless, prior to such subsequent grant or loan, Sponsor has complied with the requirements of this subparagraph; and
- j. the Sponsor shall operate runway lighting at least at low intensity from sunset to sunrise; and
- k. insofar as it is reasonable and within its power, Sponsor shall adopt and enforce zoning regulations to restrict the height of structures and use of land adjacent to or in the immediate vicinity of the airport to heights and activities compatible with normal airport operations as provided in Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Sponsor shall also acquire and retain aviation easements or other property interests in or rights to use of land or airspace, unless sponsor can show that acquisition and retention of such interest will be impractical or will result in undue hardship to Sponsor. Sponsor shall be ineligible for a subsequent grant or loan by the State unless Sponsor has, prior to subsequent approval of a grant or loan, adopted and passed an airport hazard zoning ordinance or order approved by the State.

1. mowing services will not be eligible for state financial assistance. Sponsor will be responsible for 100% of any mowing services.
2. The Sponsor, to the extent of its legal authority to do so, shall save harmless the State, the State's agents, employees or contractors from all claims and liability due to activities of the Sponsor, the Sponsor's agents or employees performed under this agreement. The Sponsor, to the extent of its legal authority to do so, shall also save harmless the State, the State's agents, employees or contractors from any and all expenses, including attorney fees which might be incurred by the State in litigation or otherwise resisting claim or liabilities which might be imposed on the State as the result of those activities by the Sponsor, the Sponsor's agents or employees.
3. The Sponsor's acceptance of this Offer and ratification and adoption of this Grant shall be evidenced by execution of this Grant by the Sponsor. The Grant shall comprise a contract, constituting the obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the project and the operation and maintenance of the airport.

If it becomes unreasonable or impractical to complete the project, the State may void this agreement and release the Sponsor from any further obligation of project costs.

4. Upon entering into this Grant, Sponsor agrees to name an individual, as the Sponsor's Authorized Representative, who shall be the State's contact with regard to this project. The Representative shall receive all correspondence and documents associated with this grant and shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor, and coordinate schedule for work items as required.
5. By the acceptance of grant funds for the maintenance of eligible airport buildings, the Sponsor certifies that the buildings are owned by the Sponsor. The buildings may be leased but if the lease agreement specifies that the lessee is responsible for the upkeep and repairs of the building no state funds shall be used for that purpose.
6. Sponsor shall request reimbursement of eligible project costs on forms provided by the State. All reimbursement requests are required to include a copy of the invoices for the materials or services. The reimbursement request will be submitted no more than once a month.
7. The Sponsor's acceptance of this Agreement shall comprise a Grant Agreement, as provided by the Transportation Code, Chapter 21, constituting the contractual obligations and rights of the State of Texas and the Sponsor with respect to the accomplishment of the airport maintenance and compliance with the assurances and conditions as provided. Such Grant Agreement shall become effective upon the State's written Notice to Proceed issued following execution of this agreement.

Part IV - Nomination of the Agent

1. The Sponsor designates the State as the party to receive and disburse all funds used, or to be used, in payment of the costs of the project, or in reimbursement to either of the parties for costs incurred.
2. The State shall, for all purposes in connection with the project identified above, be the Agent of the Sponsor. The Sponsor grants the State a power of attorney to act as its agent to perform the following services:
 - a. accept, receive, and deposit with the State any and all project funds granted, allowed, and paid or made available by the Sponsor, the State of Texas, or any other entity;
 - b. enter into contracts as necessary for execution of scope of services;
 - c. if State enters into a contract as Agent: exercise supervision and direction of the project work as the State reasonably finds appropriate. Where there is an irreconcilable conflict or difference of opinion, judgment, order or direction between the State and the Sponsor or any service provider, the State shall issue a written order which shall prevail and be controlling;
 - d. receive, review, approve and pay invoices and payment requests for services and materials supplied in accordance with the State approved contracts;
 - e. obtain an audit as may be required by state regulations; the State Auditor may conduct an audit or investigation of any entity receiving funds from TxDOT directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the State Auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.
 - f. reimburse sponsor for approved contract maintenance costs no more than once a month.

Part V - Recitals

1. This Grant is executed for the sole benefit of the contracting parties and is not intended or executed for the direct or incidental benefit of any third party.
2. It is the intent of this grant to not supplant local funds normally utilized for airport maintenance, and that any state financial assistance offered under this grant be in addition to those local funds normally dedicated for airport maintenance.

3. This Grant is subject to the applicable provisions of the Transportation Code, Chapters 21 and 22, and the Airport Zoning Act, Tex. Loc. Govt. Code Ann. Sections 241.001 et seq. (Vernon and Vernon Supp.). Failure to comply with the terms of this Grant or with the rules and statutes shall be considered a breach of this contract and will allow the State to pursue the remedies for breach as stated below.
 - a. Of primary importance to the State is compliance with the terms and conditions of this Grant. If, however, after all reasonable attempts to require compliance have failed, the State finds that the Sponsor is unwilling and/or unable to comply with any of the terms of this Grant, the State, may pursue any of the following remedies: (1) require a refund of any financial assistance money expended pursuant to this Grant, (2) deny Sponsor's future requests for aid, (3) request the Attorney General to bring suit seeking reimbursement of any financial assistance money expended on the project pursuant to this Grant, provided however, these remedies shall not limit the State's authority to enforce its rules, regulations or orders as otherwise provided by law, (4) declare this Grant null and void, or (5) any other remedy available at law or in equity.
 - b. Venue for resolution by a court of competent jurisdiction of any dispute arising under the terms of this Grant, or for enforcement of any of the provisions of this Grant, is specifically set by Grant of the parties in Travis County, Texas.
4. The State reserves the right to amend or withdraw this Grant at any time prior to acceptance by the Sponsor. The acceptance period cannot be greater than 30 days after issuance unless extended by the State.
5. This Grant constitutes the full and total understanding of the parties concerning their rights and responsibilities in regard to this project and shall not be modified, amended, rescinded or revoked unless such modification, amendment, rescission or revocation is agreed to by both parties in writing and executed by both parties.
6. All commitments by the Sponsor and the State are subject to constitutional and statutory limitations and restrictions binding upon the Sponsor and the State (including Sections 5 and 7 of Article 11 of the Texas Constitution, if applicable) and to the availability of funds which lawfully may be applied.

Part VI - Acceptances

Sponsor

The City of Amarillo, Texas, does ratify and adopt all statements, representations, warranties, covenants, agreements, and all terms and conditions of this Grant.

The City of Amarillo, Texas

Sponsor

Sponsor Signature

City Manager

Sponsor Title

Date

Acceptance of the State

Executed by and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs and grants heretofore approved and authorized by the Texas Transportation Commission.

STATE OF TEXAS

TEXAS DEPARTMENT OF TRANSPORTATION

Signature

Title

Date

Attachment A

Scope of Services
TxDOT Project ID: M2304AMRI

Eligible Scope Item	Estimated Costs Amount A	State Share Amount B	Sponsor Share Amount C
GENERAL MAINTENANCE	\$100,000.00	\$50,000.00	\$50,000.00
TOTAL	\$100,000.00	\$50,000.00	\$50,000.00

Sponsor Signature

City Manager
Sponsor Title

Date

GENERAL MAINTENANCE: As needed, Sponsor may contract for services / purchase materials for routine maintenance / improvement of airport pavements, signage, drainage, AWOS systems, approach aids, lighting systems, utility infrastructure, fencing, herbicide / application, sponsor owned and operated fuel systems, hangars, terminal buildings and security systems; professional services for environmental compliance, approved project design. Special projects to be determined and added by amendment.

Only work items as described in Attachment A, Scope of Services of this Grant are reimbursable under this grant.

CERTIFICATION OF AIRPORT FUND

TxDOT Project ID: M2304AMRI

The City of Amarillo, Texas, does certify that an Airport Fund has been established for the Sponsor, and that all fees, charges, rents, and money from any source derived from airport operations will be deposited for the benefit of the Airport Fund and will not be diverted for other general revenue fund expenditures or any other special fund of the Sponsor and that all expenditures from the Fund will be solely for airport purposes. The fund may be an account as part of another fund, but must be accounted for in such a manner that all revenues, expenses, retained earnings, and balances in the account are discernible from other types of moneys identified in the fund as a whole.

Sponsor Signature

City Manager

Sponsor Title

Date

Certification of State Single Audit Requirements

I, Jared Miller, do certify that the City of Amarillo, Texas, will comply with all requirements of the State of Texas Single Audit Act if the City of Amarillo, Texas, spends or receives more than the threshold amount in any grant funding sources during the most recently audited fiscal year. And in following those requirements, the City of Amarillo, Texas, will submit the report to the audit division of the Texas Department of Transportation. If your entity did not meet the threshold in grant receivables or expenditures, please submit a letter indicating that your entity is not required to have a State Single Audit performed for the most recent audited fiscal year.

Sponsor Signature

City Manager
Sponsor Title

Date

DESIGNATION OF SPONSOR'S AUTHORIZED REPRESENTATIVE

TxDOT Project ID: M2304AMRI

The City of Amarillo, Texas, designates,

Michael N. Conner, Director of Aviation as the Sponsor's authorized
(Name, Title)

representative, who shall receive all correspondence and documents associated with this grant and who shall make or shall acquire approvals and disapprovals for this grant as required on behalf of the Sponsor.

Sponsor Signature

City Manager
Sponsor Title

Date

DESIGNATED REPRESENTATIVE

Michael Conner

First Name, Last Name

Director of Aviation
Title

Department of Aviation
10801 Airport Blvd.
Address Amarillo, Texas 79111

806-335-1671

Phone Number

Michael.Conner@amarillo.gov

Email Address

Amarillo City Council

Agenda Transmittal Memo



AGENDA ITEM NO. **2H**

Meeting Date	November 8, 2022	Council Priority	Public Safety
Department	Police 1610		
Contact	Chief Martin Birkenfeld		

Agenda Caption

CONSIDERATION OF RESOLUTION NO. 11-08-22-1

CONSIDER APPROVAL OF THE POLICE DEPARTMENT GRANT APPLICATION FOR BULLET-RESISTANT SHIELD GRANT PROGRAM, FY2023.

Agenda Item Summary

This item approves the Amarillo Police Department application for a grant from the Office of the Governor, Public Safety Office - Criminal Justice Division titled "Bullet-Resistant Shield Grant Program, FY2023." This grant will fund the purchase of approximately 50 bullet resistant shields for police school liaison officers, special operations officers, and patrol supervisors. The shields provide additional life saving protection for police officers during armed encounters.

Requested Action

Council approval of the grant application.

Funding Summary

Requested grant amount is approximately \$196,860. No matching funds are required.

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval.

RESOLUTION NO. 11-08-22-1

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AUTHORIZING THE APPLICATION FOR AND ADMINISTRATION OF A BULLET-RESISTANT SHIELD GRANT PROGRAM AWARD FROM THE OFFICE OF THE GOVERNOR, PUBLIC SAFETY OFFICE; AUTHORIZING THE ASSISTANT CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED OFFICIAL IN ALL MATTERS PERTAINING TO THE AWARD; PROVIDING OTHER CLAUSES AND AN EFFECTIVE DATE.

WHEREAS, the Office of the Governor, Public Safety Office has established the Bullet-Resistant Shield Grant Program (the "**Program**"), which provides assistance to law enforcement agencies to equip peace officers with bullet-resistant shields; and,

WHEREAS, the City of Amarillo is eligible to apply for, and has applied for, \$198,680 in Program funding; and,

WHEREAS, the City Council wishes to ratify the Program application and designate specific City staff to efficiently administer a Program award, if any.

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

SECTION 1. The Program application is hereby ratified on behalf of the City with the corresponding Governor's Office.

SECTION 2. The City Council authorizes Laura Storrs, Assistant City Manager and CFO, as the City's authorized official to apply for, accept, reject, alter, or terminate the application or subsequent award on behalf of the City.

SECTION 3. In the event of loss or misuse of Office of the Governor funds, the City Council assures that those funds will be returned to the same in full.

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

SECTION 6. This Resolution shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this 8th day of November 2022.

Ginger Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Stephanie Coggins, City Secretary

Bryan S. McWilliams, City Attorney

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Transportation Systems
Department	Aviation		
Contact	Michael W. Conner, Director of Aviation		

Agenda Caption

CONSIDER – APPROVAL OF THE LETTER OF CONSENT FOR INTERNATIONAL AEROSPACE COATINGS, INC. (IAC) TO HAVE A NEW MAJORITY OWNERSHIP INTEREST IN THEIR COMPANY BY TIGER INFRASTRUCTURE PARTNERS. IAC HAS A MULTI-HANGAR LEASE (SEPTEMBER 26, 2019) AT THE RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT TO OPERATE AN AIRCRAFT PAINT OPERATION, WHICH REQUIRES THE CITY'S CONSENT. AIRPORT MANAGEMENT BELIEVES THIS TO BE A POSITIVE CHANGE WHICH COULD ALLOW FOR MORE INVESTMENT BY IAC IN THEIR OPERATIONS AND INFRASTRUCTURE AT THE AIRPORT.

Agenda Item Summary

IAC's letter of consent requires approval.

Requested Action

Please approve the letter of consent for International Aerospace Coatings, Inc.

Funding Summary

N/A.

Community Engagement Summary

N/A

Staff Recommendation

Airport staff recommends approval.



October 27, 2022

The City of Amarillo
Director of Aviation
Rick Husband Amarillo International Airport
10801 Airport Blvd.
Amarillo, TX 79111
Attention: Michael Conner
Email: michael.conner@amarillo.gov

Re: Airport Lease Agreement dated September 26, 2019 with The City of Amarillo (the "Agreement")

Dear Mr. Conner:

As I discussed with you, International Aerospace Coatings, Inc. (the "Company") is contemplating a transaction whereby Tiger Infrastructure Partners would acquire, directly or indirectly, a majority ownership interest in and control of the Company (the "Transaction"). As discussed, the business of the Company will not be interrupted by the Transaction, and the same management team will remain in place immediately following the Transaction.

The Agreement contains a provision under which the Transaction may be considered an assignment or otherwise may require notice to you or your consent. This letter is being sent to you to obtain your consent to the Transaction in the event it is consummated. By executing and returning this letter, you are acknowledging that you consent to the Transaction, that no other notice or documentation is required under the Agreement in connection with the Transaction, and that the consummation of the Transaction does not constitute a breach, violation or default under the Agreement.

Please return an executed version of this letter to me by e-mail to scott.olson@iac.aero. If you have any questions regarding the foregoing, please do not hesitate to contact me at 310.985.1034. Thank you for your prompt attention to this matter.

Sincerely,
International Aerospace Coatings, Inc.


Scott Olson
General Counsel

Agreed, consented to and accepted by:

The City of Amarillo

By: _____
Name:
Title:
Dated:

Expert. Innovative. Consistent.

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Public Safety
Department	Facilities Department		
Contact	Jerry Danforth, Facilities Director		

Agenda Caption

AWARD-REPLACEMENT OF SIMMS BUILDING UNINTERRUPTIBLE POWER SUPPLY (UPS) PROJECT
 (Contact: Jerry Danforth, Facilities Director)
 Brown Construction Services -- \$315,000.00

This award is for the replacement of the Uninterruptible Power Supply (UPS) located at the Simms Building. This UPS will replace the existing outdated Liebert UPS system that is currently in operation. This UPS will provide emergence battery power backup for the Simms Building, including 911 Dispatch as well as the EOC.

Agenda Item Summary

This award is for the replacement of the Uninterruptible Power Supply (UPS) located at the Simms Building.

Requested Action

Approval and award of the replacement of the Uninterruptible Power Supply (UPS) located at the Simms Building, for the amount of \$315,000.00

Funding Summary

Funding is available through Job Number: 411505.17400.1040

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of contract award to Brown Construction Services for the replacement of the Uninterruptible Power Supply (UPS) located at the Simms Building.

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Infrastructure Initiative
Department	Capital Projects & Development Engineering		
Contact	Kyle Schniederjan		

Agenda Caption

CONSIDER APPROVAL – PROFESSIONAL SERVICES AGREEMENT FOR ADDITIONAL CONSTRUCTION PHASE SERVICES AND MATERIALS TESTING FOR LIFT STATION 32 – PROJECT NO. 521805
(Contact: Kyle Schniederjan, Director of Capital Projects Development & Engineering)
Award to: Kimley-Horn and Associates, Inc. – Not to exceed \$110,000.00

This item considers approval of a professional services agreement for additional construction phase services, which includes an extension of construction phase services and materials testing for the project. Additional time is needed for the project to be constructed and completed by the contractor.

Agenda Item Summary

This item is to consider approval of the professional services agreement, which includes an extension of construction phase services and materials testing for the project. Additional time is needed for the project to be constructed and completed by the contractor. Kimley-Horn and Associates, Inc. was selected under RFQ 06-13 for Contract No. 1 of this project. This agreement is on an hourly and not-to-exceed basis.

Requested Action

Consider approval of agreement with Kimley-Horn Engineers, Inc. in the amount of \$110,000.00 for execution by the City Manager.

Funding Summary

Funding for this project is available in the Project Budget Number 521805.17400.1050.

Community Engagement Summary

Award for professional services will have minimal impact the community. The engineer will facilitate coordination with the contractor, RPR, and the City during the construction phase of the project.

Staff Recommendation

City Staff is recommending approval of the contract.

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Fiscal Responsibility
Department	Public Health		
Contact	Casie Stoughton, Director of Public Health		

Agenda Caption

CONSIDER AWARD – VACCINE ANNUAL CONTRACT

Award to: Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) - \$300,000

Agenda Item Summary

This is to award the Vaccine Annual Contract – Bid 7385 to Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP). Medical supplies needed for clinical services to patients and to fulfill grant deliverables.

Requested Action

Consider for award the Vaccine Annual Contract – Bid 7385 to MMCAP.

Funding Summary

Various funding

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends award of this contract.

Bid No. 7385 MMCAP VACCINE ANNUAL CONTRACT
 Opened 4:00 p.m. October 27,

To be awarded as one lot		MMCAP
Line 1 Serums, toxids, and vaccines, per specifications		
1 ea		
Unit Price	\$300,000.000	
Extended Price		300,000.00
Bid Total		300,000.00
Award by Vendor	\$	300,000.00
City		St. Paul, MN

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	N/A
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Department	Information Technology – Rich Gagnon
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Agenda Caption

CONSIDER AWARD –KRONOS ANNUAL SUPPORT AND MAINTENANCE RENEWAL:
Kronos Incorporated -- \$101,859.18

Agenda Item Summary

This item represents a 1-year support and maintenance renewal for Kronos hardware and software. Kronos is the time management/tracking platform utilized by all City employees.

Requested Action

Approval of award to Kronos Incorporated in the amount of \$101,859.18.

Funding Summary

Funding is available in 62021.69300 and 62021.68620.

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of award.

Bid No. 7371 Kronos Support Annual Contract Renewal
 Opened 4:00 p.m. September 28, 2022

To be awarded as one lot. KRONOS INC.

Line 1 Kronos Enterprise Archive V8-2,250
 Licenses; WorkForce Employee V8-900
 Licenses; WF Intergration Manager V8-2550
 Licenses; WF Intergration Manager V8 to
 Telestaff; WF Manager V8-305 Licenses; WF
 Timekeeper V8-2,550 Licenses , per
 specifications

1 ea	
Unit Price	\$86,522.230
Extended Price	86,522.23

Line 2 Data Collection: InTOUCH-36 Licenses.
 Options: InTOUCH-24 Licenses, per
 specifications

1 ea	
Unit Price	\$15,336.950
Extended Price	15,336.95

Bid Total 101,859.18

Award by Vendor
 City

\$ 101,859.18
 Lowell, MA

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	
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Department	Legal	Contact Person	Bryan McWilliams
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Agenda Caption

CONSIDER RATIFICATION –SETTLEMENT AND RELEASE AGREEMENT WITH L.A. FULLER & SONS CONSTRUCTION, LTD.

Agenda Item Summary

This agenda item ratifies the Settlement Agreement and Release with L.A. Fuller & Sons Construction, Ltd. related to the case styled as *City of Amarillo, Texas v. Brandt Engineers Group, Ltd., L.A. Fuller & Sons Construction, Ltd., and Mission Clay Products, LLC.; Cause No. 106315-E-CV* pending in the 108th Judicial District Court of Potter County, Texas. Per the agreement, L.A. Fuller and Sons Construction, Ltd., agrees to pay or cause to be paid the total sum of \$5, 000,000.00 to the City of Amarillo to settle disputed claims alleged in the aforementioned cause and further authorizes the City Manager to execute the same.

Requested Action

Ratification of the Settlement Agreement by Council in accordance with Resolution 10-25-22-1 and approval for City Manager to execute the same and all other related documents

Funding Summary

N/A

Community Engagement Summary

Council adopted Resolution No. 10-25-22-1 at their meeting on October 25, 2022 unanimously.

Staff Recommendation

Staff recommends approval as presented.

SETTLEMENT AGREEMENT AND RELEASE

I. Parties

1.01 This Settlement Agreement and Release ("Agreement") is entered into by and among the following parties (the "Parties," and individually a "Party," as defined below), effective as of the date of the last signature to this Agreement ("Execution Date"):

- (i) The City of Amarillo, Texas ("City");
- (ii) L.A. Fuller & Sons Construction, Ltd. ("Fuller").

1.02 For the purposes of the releases set forth below, the term or reference to a Party or Parties includes that Party's or Parties' respective past, present, and future officers, directors, managers, members, shareholders, stockholders, agents, joint venturers, representatives, employees, former employees, owners, parent companies, subsidiaries, affiliates, partners, insurers, assigns, third-party administrators, and predecessors and successors in interest.

II. Acknowledgment of Representation and Statement of Intent

2.01 The Parties expressly represent and warrant that they have read this Agreement and its exhibits, if any; have participated in the negotiation and preparation of this Agreement; and are executing this Agreement voluntarily, without any duress or coercion. The Parties fully understand that if any facts concerning the claims giving rise to this Agreement should be found to be other than or different from the facts now believed to be true, it is agreed that this Agreement shall be and will remain in full force and effect notwithstanding such difference in facts and shall be fully binding upon the Parties.

III. Recitals

3.01 **WHEREAS**, the City entered into an agreement with Fuller ("Construction Contract") for the construction of an 8,400 linear foot sanitary sewer main located in the Hillside Terrace Estates neighborhood of Amarillo, Texas ("Sewer Main");

3.02 **WHEREAS**, the City has alleged—and Fuller disputes—that the construction of the Sewer Main and materials used therein were inadequate and caused the Sewer Main to prematurely fail (the "Dispute");

3.03 **WHEREAS**, the City filed suit against Fuller and others in the case styled *City of Amarillo, Texas v. Brandt Engineers Group, Ltd., L.A. Fuller & Sons Construction, Ltd., and Mission Clay Products, LLC*; Cause No. 106315-E-CV pending in the 108th Judicial District Court of Potter County, Texas ("Lawsuit"); and

3.04 **WHEREAS**, the Parties mutually desire to resolve the Dispute and claims against Fuller in the Lawsuit and enter into this Agreement upon the following terms and conditions;

3.05 **NOW, THEREFORE**, in consideration of the payment of the sum(s) hereinafter stated; the mutual covenants, agreements, and releases contained herein; and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the Parties agree as follows:

IV. Agreement

A. Payment; Terms.

4.01 Fuller agrees to pay or cause to be paid (by its primary liability and/or excess insurance carrier) to the City the following total sum: **FIVE MILLION DOLLARS and 00/100 DOLLARS (\$5,000,000)** (the "**Settlement Payment**") within sixty (60) days of the later of (i) the Execution Date; or (ii) the date the City Council ratifies this Agreement. The City agrees that Fuller may make the Settlement Payment by separate checks from its insurance carriers. Fuller or its insurance carriers shall make any checks payable to the City of Amarillo and mail or otherwise deliver the Settlement Payment check(s) to counsel for the City, Amy Emerson, at Allensworth, 303 Colorado Street, Suite 2800, Austin, Texas 78701.

B. Releases.

4.02 In exchange for the Settlement Payment and any other terms referenced in Paragraph 4.01 above, each Party to this Agreement agrees to, and does hereby, fully release and forever discharge each other Party to this Agreement from any and all claims, causes of action, losses, expenses, damages, and injuries arising out of (i) the construction services Fuller provided for the Sewer Main and under the Construction Contract; (ii) the Dispute; or (iii) the Lawsuit, whether known or unknown as of the Execution Date, whether or not such claim was or could have been asserted, and regardless of the cause of action, including but not limited to breach of contract, negligence, or any other theory.

4.03 In exchange for the Settlement Payment, the Parties specifically intend that this is a full and complete general release of all claims between the City and Fuller regarding any and all services performed by, expected to be performed by or believed to be performed by Fuller under the Construction Contract.

4.04 Reserved and excepted from the releases set forth in Sections 4.02 and 4.03 above are all other claims arising out of or relating in any way to a breach of this Agreement.

4.05 The Parties agree to execute such other and further documents and releases, consistent with the terms of this Agreement, as may be reasonably required by any Party to evidence the Agreement reached herein.

C. Covenants.

4.06 Each Party hereby covenants, represents, and warrants to each other Party that:

- (i) Such Party is correctly described and named in this Agreement;
- (ii) Before executing this Agreement, such Party became fully informed of the terms, contents, provisions, and effect of this Agreement;
- (iii) The signatory to this Agreement signing on behalf of such Party is fully authorized and legally competent to execute this Agreement as the legal, valid, and binding act and deed of such Party;
- (iv) This Agreement is fully and forever binding on and enforceable against such Party in accordance with its terms;
- (v) Such Party will not sue any other Party for claims released in this Agreement at any time after the execution of this Agreement;
- (vi) The execution and delivery of this Agreement and any other documents, agreements, or instruments executed or delivered by such Party pursuant hereto and the consummation of the transactions herein or therein contemplated does not conflict with or result in a breach of any of the terms or provisions of, or constitute a default under, any material agreement or instrument to which such Party is a party; any provision of law, statute, rule, or regulation applicable to such Party; or any judicial or administrative order or decree by which such Party is bound;
- (vii) The claims, if any, that were or could have been asserted on behalf of any of the Parties were and are currently owned solely by such Party free and clear of all liens, encumbrances, pledges, claims, and security interests of any kind or nature. Each Party further represents that it has not assigned or transferred any claim that was or could have been asserted on behalf of any of the Parties, except as specifically stated in this Agreement;
- (viii) In entering into and signing this Agreement, such Party has had the benefit of the advice of attorneys of such Party's own choosing and enters into this Agreement freely, upon its own investigation and knowledge, and by such Party's own choosing and judgment, without duress or other influence;
- (ix) Such Party has made an investigation to such Party's satisfaction of all facts and reasons why such Party should enter into this Agreement and

agrees, based upon such Party's knowledge, experience, and investigation, that this Agreement is fair and just; and

- (x) Such Party acknowledges that its aforesaid representations are a material inducement to every other Party to enter into this Agreement.

D. Miscellaneous.

4.07 **Full Satisfaction.** Except as stated herein, the Parties understand and agree that the Settlement Payment is being paid in full satisfaction of the claims released herein, and that no Party will receive any further sums of money for legal fees, costs, expenses, interest, or taxes in satisfaction of the released claims, subject to the terms and conditions in Paragraph 4.01.

4.08 **Amendments.** Neither this Agreement nor any term hereof may be changed, waived, discharged, or terminated orally, but only by written agreement signed by all of the Parties hereto.

4.09 **Headings.** The headings of the sections and the subsections of this Agreement are inserted for convenience only and shall not be deemed to constitute a part of this Agreement.

4.10 **Authorship.** The Parties agree that this Agreement has been mutually drafted, authored, and extensively reviewed by the Parties prior to its execution, and that it shall not be construed against any one Party by reason of any rule of authorship.

4.11 **Binding Effect.** This Agreement, in accordance with its terms, shall be and is binding upon, and shall inure to the benefit of, the Parties to this Agreement and their respective heirs, beneficiaries, descendants, and present, former, and future directors, officers, shareholders, managers, agents, attorneys, consultants, parents, subsidiaries, owners, affiliates, employers, partners, insurers, underwriters, administrators, executors, representatives, successors, and assigns, and any and all persons and entities in privity with them.

4.12 **Entire Agreement.** THIS AGREEMENT REPRESENTS THE ENTIRE AGREEMENT BETWEEN THE PARTIES WITH RESPECT TO THE SUBJECT MATTER HEREOF AND SUPERSEDES ANY AND ALL PRIOR AGREEMENTS, UNDERSTANDINGS, CONDITIONS, REPRESENTATIONS, AND/OR WARRANTIES, WHETHER ORAL OR WRITTEN, WITH RESPECT TO THE SUBJECT MATTER HEREOF. THE TERMS OF THIS AGREEMENT ARE CONTRACTUAL AND NOT MERE RECITALS. NO ORAL UNDERSTANDINGS, STATEMENTS, PROMISES, OR INDUCEMENTS CONTRARY TO THE TERMS OF THIS AGREEMENT EXIST.

4.13 **Waiver of Reliance.** The Parties expressly warrant and represent that no statement, representation, promise, agreement, inducement, or warranty not

contained in the Agreement has been made to any Party, except as set forth in the Agreement. The Parties expressly warrant and represent that, in entering into this Agreement, none of the Parties are acting or relying upon any statement, representation, promise, agreement, inducement, or warranty by the Parties or their agents and expressly waive any reliance thereon. Instead, the Parties are relying on their own judgment in entering into the Agreement.

4.14 **Valid Agreement.** This Agreement has been duly authorized and constitutes a legal, valid, and binding obligation of all Parties hereto and is enforceable against each of them in accordance with its terms.

4.15 **Counterparts.** This Agreement may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall be deemed one and the same Agreement. No Party to this Agreement shall be bound hereby until a counterpart of this Agreement has been executed by all Parties hereto. It shall not be necessary for each Party to execute the same counterpart, but each Party hereto shall receive one or more counterparts signed by all other Parties hereto.

4.16 **No Admission of Liability.** The Parties understand and agree that by this Agreement they are settling disputed claims; that certain claims have been made and denied; that they are entering into this Agreement to compromise and settle such disputed claims; that by entering into this Agreement, they are seeking to avoid the expense and uncertainty of litigation and to buy peace; and that this Agreement does not constitute or even imply any admission of liability, wrongdoing, or fault of any kind, but that the Parties all expressly deny all liability or fault for all claims that have been or that could have been asserted by the Parties.

4.17 **Applicable Law and Venue.** The Parties acknowledge that this Agreement shall be governed by and construed in accordance with the internal laws of the State of Texas without regard to conflict-of-laws principles and is performable in Potter County, Texas. Venue of any proceedings to enforce the terms of this Agreement shall lie in Potter County, Texas.

4.18 **Further Assurances.** Each Party agrees to execute, acknowledge, and deliver, from time to time, such additional documents as any of the Parties may reasonably require to effectuate the terms of this Agreement and the intentions of the Parties hereto.

4.19 **Time is of the Essence.** The Parties shall adhere to all dates and time periods in this Agreement, which dates and time periods are of the essence, unless the context clearly and unequivocally allows otherwise.

4.20 **Legal Construction.** In the event any one or more of the provisions contained in the Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and the Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

4.21 **Confidentiality.** The Parties agree to keep the terms and existence of this settlement confidential to the extent allowed by law, provided that nothing in this paragraph shall prevent the City from following its disclosure obligations under Chapter 552 of the Texas Government Code.

4.22 **Attorneys' Fees.** The Parties agree that any attorneys' fees or costs incurred in connection with the Lawsuit, Dispute, or preparation of this Agreement shall be paid by the Party incurring same. In a proceeding to enforce this Agreement, the prevailing party shall be entitled to recover reasonable and necessary attorneys' fees.

Signature Pages Follow

IN WITNESS WHEREOF, the Parties to this SETTLEMENT AND RELEASE AGREEMENT have approved and executed it on the dates specified below.

CITY OF AMARILLO, TEXAS

By: _____

Title: _____

Date: _____

L.A. FULLER & SONS CONSTRUCTION, LTD.

By: Mike Fuller

Title: Partner

Date: OCT. 28, 2022

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Economic Development/Redevelopment
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Department	City Manager's Office	Contact Person	Andrew Freeman, Assistant City Manager
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Agenda Caption

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 8032:

This item is a public hearing and first reading to consider an ordinance on the 20-year extension of Tax Increment Reinvestment Zone Number One, City of Amarillo, Texas for tax increment financing purposes pursuant to Chapter 311 of the Texas Tax Code which was originally created in 2006 for a 30-year term.

Agenda Item Summary

TIRZ #1 was established in 2006 with the goal of revitalizing Downtown Amarillo by establishing a dedicated revenue stream for facilitating new private investment and the improvement of downtown infrastructure. Over the last few years, the City Council and TIRZ #1 have had regular discussions about the benefits of extending the timeframe of the zone. It is currently set to expire in 2036 but has many outstanding goals yet to be achieved. The following is a recent performance snapshot:

Progress Summary – July 2021

	<u>Current</u>	<u>Goal</u>	<u>% of Goal</u>
Hotel - Rooms	448	1200	37%
Hotel - Investment	65.9MM	67MM	98%
Urban Residential - Units	283	2100	13%
Urban Residential - Investment	16MM	249MM	6%
Office/Commercial/Retail - SF	308,563	1,625,000	19%
Office/Commercial/Retail - Investment	79.6MM	140.9MM	56%
Retail Only - SF	80,000	283,077	28%
Office/Commercial Only - SF	228,563	1,325,000	17%

Sec. 311.007 of the Tax Code has procedures in place allowing for expanding the boundaries or term of an existing Zone. This is done by ordinance of the governing body that originally created the zone, after public hearing and notice is given. Other taxing entities are not required to participate but can do so by written agreement.

Based on past feedback received from City Council and TIRZ #1, staff is recommending the Zone be extended for twenty years to 2056, at a 50% participation rate of the City's tax increment.

Requested Action

Approval of the ordinance

Funding Summary

The City would be deferring \$14.6MM in tax revenues to only be invested in the zone.

Community Engagement Summary

Extension of TIRZ #1 has been discussed during multiple meetings of the TIRZ #1 Board (July 8, 2021; February 14, 2019; August 9, 2018) and the City Council most recently discussed on October 26, 2021. City staff has also had preliminary discussions with other taxing entities currently contributing to the Zone.

Staff Recommendation

Staff recommends approval as presented

ORDINANCE NO. 8032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING ORDINANCE NO. 7012 APPROVING A 20 YEAR EXTENSION TO THE ZONE; EXTENDING THE BOUNDARIES; APPROVING CITY PARTICIPATION IN SUCH ZONE; AMENDING THE PROJECT AND FINANCE PLAN FOR TAX INCREMENT REINVESTMENT ZONE NO.1 CITY OF AMARILLO, TEXAS IN ACCORDANCE WITH THE SAME; PROVIDING RATIFICATION, SEVERABILITY, AND REPEALER; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Amarillo City Council (City Council) desires to continue promoting the process of development or redevelopment of a certain contiguous geographic area in the City of Amarillo (City), which is more specifically described in Ordinance No. 7012, enacted on December 19, 2006, which created Tax Increment Reinvestment Zone #1 (the "Zone") in accordance with the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code; and,

WHEREAS, the City Council desires to extend the boundaries of the zone as described in Exhibit "A" and the term of the zone to 2056 at a participation rate of 50% to begin in 2036 in order to continue to enhance and encourage development within the Zone; and,

WHEREAS the City Council finds that said amendments to the Plan: (i) are consistent as possible with the preliminary plan developed for the Zone; (ii) are feasible; and, (iii) conforms to the master plan of the municipality;

WHEREAS on November 8, 2022 a public hearing was conducted by the City Council allowing for reasonable opportunity for (i) all interested persons, or their attorneys, to speak for or against the extension of the Zone, its boundaries or the concept of tax increment financing and (ii) owners of real property in the Zone to protest inclusion of their property in the Zone, as required by Sections 311.003(c) and (d) of the Texas Tax Code;

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

SECTION 1. That the City Council hereby extends the boundaries of the Zone as described by the metes and bounds and depicted by map attached hereto as **Exhibit "A"** and made part of this Ordinance for all purposes in accordance with Chapter 311 of the Texas Tax Code.

SECTION 2. That Ordinance No. 7012, Section 4, is hereby amended in part, to read as follows:

Section 4. Effective Date Of Zone

That the Zone shall take effect upon the adoption of this Ordinance and terminate on the earlier of (i) December 31, ~~2036~~ 2056 or, (ii) at an earlier termination date designated by a subsequent ordinance adopted after the effective date of this Ordinance, or (iii) the date on which all project costs, tax increment bonds and interest on those bonds have been paid in full.

SECTION 3. That Ordinance No. 7012, Section 6, is hereby amended in part, to read as follows:

Section 6. Tax Increment Fund

A tax increment fund for the Zone (“**TIF Fund**”) is hereby created and established. The TIF Fund may be divided into such accounts as may be authorized by subsequent resolution or ordinance of the City ~~Commission~~ Council. The TIF Fund shall consist of (i) the percentage of the tax increment, as defined by Section 311.012(a) of the Texas Tax Code, that each taxing unit which levies real property taxes in the Zone, other than the City, has elected to dedicate to the TIF Fund under an agreement with the City authorized by Section 311.013(f) of the Tax Code, plus (ii) one hundred percent (100%) of the City’s tax increment until 2036 and then fifty (50%) until the termination of the zone, as defined by Section 311.012(a) of the Texas Tax Code, subject to any binding agreement executed at any time by the City that pledges a portion of such tax increment or an amount of other legally available funds whose calculation is based on receipt of any portion of such tax increment. The TIF Fund shall be maintained in an account at a depository bank of the City and shall be secured in the manner prescribed by law for Texas cities. In addition, all revenues from (i) the sale of any obligations hereafter issued by the City and secured in whole or part from the tax increments; (ii) revenues from the sale of any property acquired as part of a tax increment financing plan adopted by the Board; and (iii) other revenues dedicated to and used in the Zone shall be deposited into the TIF Fund. TIF Funds will be used solely in accordance with Section 311.014 of the Texas Tax Code.

SECTION 4. That the Project and Finance Plan for Tax Increment Reinvestment Zone #1, City of Amarillo, Texas is hereby amended and approved.

SECTION 5. All other terms and provisions of Ordinance No. 7012 and subsequent amendments not specifically amended hereinabove are hereby ratified and same shall remain in full force and effect as adopted.

SECTION 6. 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 7. 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 8. 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 8th day of November, 2022; and PASSED on Second and Final Reading the 13th day of December, 2022.

Ginger Nelson, Mayor

ATTEST:

APPROVED TO AS TO FORM:

Stephanie Coggins, City Secretary

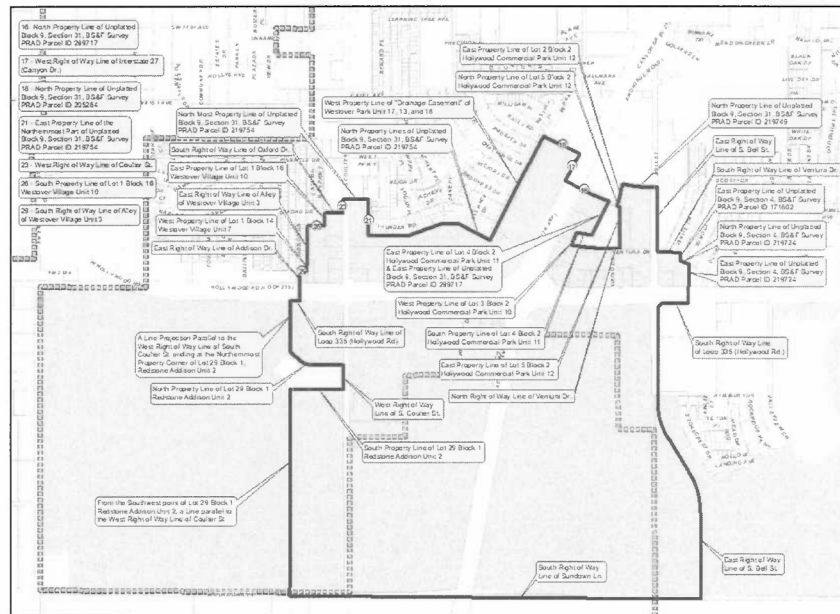
Bryan McWilliams, City Attorney

Meeting Date	November 8, 2022	Council Priority	Economic Development/Redevelopment
Department	City Manager's Office	Contact Person	Andrew Freeman, Assistant City Manager

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 8033:

Agenda Item Summary

The proposed Zone would be for a 20-year term, with 100% tax rate participation in years 1-10 and 50% tax rate participation in years 11-20. It is projected that both Amarillo College and Randall would consider participating in the zone. Based on all three taxing entities participating, the Zone could produce up to \$15MM in revenue to be invested within the boundary based on an estimated \$123MM in new taxable value. The priority would be for the funds to be spent on reimbursements to the City or developers responsible for installing public infrastructure to serve the Zone.



Approval of the ordinance

The City would be deferring almost \$5.7MM in tax revenues to only be invested in the zone.

Property owner discussions were held on the needs and benefits of a potential TIRZ in this area.

Staff recommends approval as presented

ORDINANCE NO. 8032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: DESIGNATING A CERTAIN CONTIGUOUS GEOGRAPHIC AREA IN THE CITY OF AMARILLO, TEXAS A "SOUTH GATEWAY TAX INCREMENT REINVESTMENT ZONE NUMBER THREE, CITY OF AMARILLO, TEXAS"; CREATING A BOARD OF DIRECTORS FOR THE ZONE; PROVIDING EFFECTIVE AND TERMINATION DATES FOR THE ZONE; ESTABLISHING A TAX INCREMENT FUND FOR THE ZONE; AND CONTAINING OTHER MATTERS RELATED TO THE ZONE; PROVIDING A SEVERANCE CLAUSE; PROVIDING EFFECTIVE DATE.

WHEREAS, the Amarillo City Council (City Council) desires to promote the development or redevelopment of a certain contiguous geographic area in the City of Amarillo (City), which is more specifically described in Exhibit "A" and depicted by map in Exhibit "B", this Ordinance (the "Zone"), through the creation of a new reinvestment zone as authorized by and in accordance with the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code; and

WHEREAS, notice of the public hearing was published in a newspaper of general circulation in the City on October 30, 2022, which satisfies the requirement of Section 311.003(c) of the Texas Tax Code and that publication of the notice occurred not later than the seventh day before the date of the public hearing;

WHEREAS, the City has prepared a preliminary reinvestment zone financing plan and project plan for the Zone, as required by Section 311.003(b) of the Texas Tax Code; and

WHEREAS, on November 8, 2022 a public hearing was conducted by the City Council on the creation of the Zone and its benefits to the city and to property in the Zone, and afforded a reasonable opportunity for (i) all interested persons, or their attorneys, to speak for or against the creation of the Zone, its boundaries or the concept of tax increment financing and the creation of a board of directors for the zone and (ii) owners of real property in the Zone to protest inclusion of their property in the Zone, as required by Sections 311.003(c) and (d) of the Texas Tax Code;

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

Section 1. Findings

That after reviewing all information before it regarding the establishment of the Zone and after conducting a public hearing regarding the creation of the Zone and its benefits to the City and to property in the Zone and affording a reasonable opportunity for (i) all interested persons to speak for or against the creation of the Zone, its boundaries or the concept of tax increment financing and (ii) owners of real property in the Zone to protest inclusion of their property in the Zone, the City Council hereby makes the following findings of fact:

- 1.1 The statements and facts set forth in the recitals of this Ordinance are true and correct.

Therefore, the City has met the notice and procedural requirements set forth in Chapter 311 of the Texas Tax Code for creation of a reinvestment zone thereunder.

- 1.2 Development or redevelopment of the property in the zone as a whole will not occur solely through private investment in the reasonable foreseeable future.
- 1.3 Improvements in the Zone, including, but not limited to those previously outlined to the City Council and the governing bodies of all other taxing units that levy real property taxes in the Zone, will significantly enhance the value of all the taxable real property in the Zone and will be of general benefit to the City, its residents and property owners.
- 1.4 The Zone is a contiguous geographic area wholly within the corporate limits of the City or the City's extraterritorial jurisdiction.
- 1.5 Portions of the land within the Zone are located within the City's Enterprise Zone, which was designated by the State of Texas pursuant to and in accordance with Chapter 2303 of the Texas Government Code. Therefore, as provided by Section 2303.507(1) of the Texas Government Code and Section 311.0031 of the Texas Tax Code, designation of these areas of the Zone by the State of Texas as an enterprise zone also constituted designation of these areas as a reinvestment zone under Chapter 311 of the Texas Tax Code without additional hearing and procedural requirements of the City Council.
- 1.6 Among other things, areas within the Zone include land that substantially impairs and arrests the sound growth of the City, retards the provision of housing accommodations and constitutes an economic liability, slum and a deterrent to the public health and safety because of; (ii) the predominance of inadequate sidewalk and street layouts; (iii) faulty lot layout in relation to size, adequacy, accessibility and usefulness; (iv) unsanitary and unsafe conditions; (v) the deterioration of site and other improvements; and (vi) conditions that endanger life and property by fire or other cause. The Zone is also predominantly open or undeveloped and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the City. Therefore, the area within the Zone meets the criteria for designation of a reinvestment zone and satisfies the requirement of Section 311.005 of the Texas Tax Code.
- 1.7 According to the most recent appraisal roll of the City, the total appraised value of all taxable real property in the Zone and in existing reinvestment zones in the City does not exceed twenty-five percent (25%) of the total appraised value of taxable real property in the City and in industrial districts created by the City, if any.

- 1.8 Thirty percent (30%) or less of the property in the Zone, excluding property dedicated to public use, is used for residential purposes (defined as any property occupied by a house having fewer than five living units).

Section 2. Designation Of Zone

That the City Council hereby designates the Zone as described by metes and bounds and depicted by map, both attached hereto as **Exhibit "A" and "B"** and made a part of this Ordinance for all purposes, as a reinvestment zone pursuant to and in accordance with Chapter 311 of the Texas Tax Code. This reinvestment zone shall be known as "South Gateway Tax Increment Reinvestment Zone Number Three, City of Amarillo, Texas."

Section 3. Board Of Directors

A board of directors for the Zone ("**Board**") is hereby created. The Board shall consist of ten (10) members who shall serve for terms of two (2) years each. The Board shall be appointed as follows:

- 3.1 Of these ten (10) members, Randall County shall appoint three and each taxing unit other than the City that levies taxes on real property in the Zone may, but is not required to, appoint one (1) member to the Board. Within 60 days of the passage of this Ordinance, each taxing unit other than the City may designate to the City either the name of the member that the taxing unit wishes to appoint or the fact that the taxing unit wishes to waive its right to appoint a member. The City Council shall appoint whatever number of members is necessary to fill the remaining positions on the Board. All members appointed to the Board shall meet the eligibility requirements as set forth in Section 311.009 of the Texas Tax Code. Such members may be members of the City Council.
- 3.2 The City Council shall annually designate a member of the Board to serve as chairperson of the Board, and the Board shall elect from its members a vice chairperson or other officers as it considers appropriate.
- 3.3 The Board shall make recommendations to the City Council concerning the administration, management and operation of the Zone. The Board shall prepare and adopt a project plan and a reinvestment zone financing plan for the Zone and submit such plans to the City for its approval. The Board shall perform all duties imposed upon it by Chapter 311 of the Texas Tax Code and all other applicable laws. Notwithstanding anything to the contrary herein, the Board shall not be authorized to (i)

issue bonds; (ii) impose taxes or fees; (iii) exercise the power of eminent domain, or (iv) give final approval to the Zone's project plan or financing plan.

Section 4. Effective Date Of Zone

That the Zone shall take effect upon the adoption of this Ordinance and terminate on the earlier of (i) December 31, 2042 or, (ii) at an earlier termination date designated by a subsequent ordinance adopted after the effective date of this Ordinance, or (iii) the date on which all project costs, tax increment bonds and interest on those bonds have been paid in full.

Section 5. Determination Of Tax Increment Base

The Tax Increment Base for the Zone is \$00.00 as of January 1, 2022, which is the total appraised value of all taxable real property located in the reinvestment zone in the year of the Zone's designation.

Section 6. Tax Increment Fund

A tax increment fund for the Zone ("**TIF Fund**") is hereby created and established. The TIF Fund may be divided into such accounts as may be authorized by subsequent resolution or ordinance of the City Council. The TIF Fund shall consist of (i) the percentage of the tax increment, as defined by Section 311.012(a) of the Texas Tax Code, that each taxing unit which levies real property taxes in the Zone, other than the City, has elected to dedicate to the TIF Fund under an agreement with the City authorized by Section 311.013(f) of the Tax Code, plus (ii) one hundred percent (100%) for the first ten years of the Zone and fifty percent (50%) for the last ten years of the Zone of the City's tax increment, as defined by Section 311.012(a) of the Texas Tax Code, subject to any binding agreement executed at any time by the City that pledges a portion of such tax increment or an amount of other legally available funds whose calculation is based on receipt of any portion of such tax increment. The TIF Fund shall be maintained in an account at a depository bank of the City and shall be secured in the manner prescribed by law for Texas cities. In addition, all revenues from (i) the sale of any obligations hereafter issued by the City and secured in whole or part from the tax increments; (ii) revenues from the sale of any property acquired as part of a tax increment financing plan adopted by the Board; and (iii) other revenues dedicated to and used in the Zone shall be deposited into the TIF Fund. TIF Funds will be used solely in accordance with Section 311.014 of the Texas Tax Code.

Section 7. Tax Increment Agreements

That, pursuant to Sections 311.008 and 311.013 of the Texas Tax Code, the City Manager and City Attorney are hereby authorized to execute and deliver, for and on behalf of the City, tax increment agreements with taxing units that levy real property taxes in the Zone.

Section 8. Severability

That if any portion, section or part of a section of this Ordinance is subsequently declared invalid, inoperative or void for any reason by a court of competent jurisdiction, the remaining portions, sections or parts of sections of this Ordinance shall be and remain in full force and effect and shall not in any way be impaired or affected by such decision, opinion, or judgment.

Section 9. Effective Date

That the establishment of the South Gateway Tax Increment Reinvestment Zone Number 3, Amarillo, Texas shall take effect on the date of the final passage of this Ordinance.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this 8th day of November, 2022, and PASSED on Second and Final Reading on this the 13th day of December 2022.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

Exhibit A

Metes and Bound Description

Beginning at a point of the intersection of the south ROW line of Sundown Ln. and a projection of the east ROW line of Bell St., thence;

Northerly along the east ROW line of Bell St. to a point where said line intersects with the south ROW line of Loop 335, thence;

Easterly along the south ROW line of Loop 335 to a point where said line intersects with the projection of the east property line of an unplatted tract of land in Block 9, Section 4, BS&F Survey (PRAD parcel ID 219724), thence;

Northerly along the east property line of an unplatted tract of land in Block 9, Section 4, BS&F Survey (PRAD parcel ID 219724) to the north-eastern most point of said tract, thence;

Westerly along the north property line of an unplatted tract of land in Block 9, Section 4, BS&F Survey (PRAD parcel ID 219724) to the north-western most point of said tract, thence;

Northerly along the east property line of an unplatted tract of land in Block 9, Section 4, BS&F Survey (PRAD parcel ID 171802) to the north-eastern most point of said tract, thence;

Westerly along the south ROW line of Ventura Dr. to the east ROW line of Bell St., thence;

Northerly along the east ROW line of Bell St. to a point where said line intersects with the projection of the north property line of an unplatted tract of land in Block 9, Section 31, BS&F Survey (PRAD parcel ID 219749), thence;

Westerly along the north property line of said tract of land to the east property line of Lot 2, Block 2, Hollywood Commercial Park Unit No 12, thence;

Southerly along the east property line of said Lot 2 to the point that intersects the north property line of Lot 5, Block 2, Hollywood Commercial Park Unit No 12, thence;

Easterly along the north property line of said Lot 5 to the northeast corner of Lot 5, thence;

Southerly along the east property line of said Lot 5 to the north ROW line of Ventura Dr., thence;

Westerly along the north ROW line of Ventura Dr. to the west property line of Lot 3, Block 2, Hollywood Commercial Park Unit No 10, thence;

Northerly along the west property line of said Lot 3 to the south property line of Lot 4, Block 2, Hollywood Commercial Park Unit No 11, thence;

Easterly along the south property line of said Lot 4 to the southeast most corner of Lot 4, thence;

Northerly along the east property line of said Lot 4 and the east property line of an unplatted tract of land in Block 9, Section 31, BS&F Survey (PRAD parcel ID 299717) to northeast corner of said unplatted tract, thence;

Westerly along the north property line of said unplatted tract to a point where the projection of said line intersects with the west ROW line of Interstate 27, thence;

Northerly along the west ROW line of Interstate 27 to the point that intersects the north property line of an unplatted tract of land in Block 9, Section 31, BS&F Survey (PRAD parcel ID 205284), thence;

Westerly along the north property line of said unplatted tract and projection to the point of intersection with the west boundary of "Drainage Easement" dedicated in Westover Park Unit No 17, thence;

Southerly along the west boundary of said "Drainage Easement" defined in Westover Park Unit No 17, 13, and 18 to the point of intersection with the north property line of an unplatted tract of land in Block 9, Section 31, BS&F Survey (PRAD parcel ID 219754), thence;

Westerly along the north property line of said unplatted tract to the east property line of the northernmost part of said tract, thence;

Northerly along the east property line of said northernmost part of tract to the north property line of said tract, thence;

Westerly along the north property line of said tract to the west ROW line of Coulter St., thence;

Southerly along the west ROW line of Coulter St. to the south ROW line of Oxford Dr., thence;

Westerly along the south ROW line of Oxford Dr. to the east Lot line of Lot 1, Block 16, Westover Village Unit No 10, thence;

Southerly along the east lot line of Lot 1 to the south lot line of Lot 1, thence;

Westerly along the south lot line of Lot 1 to the east ROW line of the alley of Block 5 Westover Village Unit No 3, thence;

Southerly along the east ROW line of said alley to south ROW line of said alley, thence;

Westerly along the south ROW line of said alley to the east ROW line of Addison Dr., thence;

Southerly along the east ROW line of Addison Dr. and projection to the point of intersection with the south ROW line of Loop 335, thence;

Westerly along the south ROW line of Loop 335 to a point of intersection with a projection of a line parallel to the west ROW line of Coulter St. to the northernmost point of Lot 29, Block 1, Redstone Addition Unit No 2, thence;

Southerly along said line projection parallel to the west ROW line of Coulter St. to the northernmost point of Lot 29, Block 1, Redstone Addition Unit No 2, thence;

Easterly along the north lot line of Lot 29 to the west ROW line of Coulter St., thence;

Southerly along the west ROW line of Coulter St. to the south lot line of Lot 29, Block 1, Redstone Addition Unit No 2, thence;

Westerly along the south lot line of Lot 29 to the westernmost point of said south lot line, thence;

Southerly along a line projection parallel to the west ROW line of Coulter St. to the south ROW line of Sundown Ln., thence;

Easterly along the south ROW line of Sundown Ln. to the point of beginning.

Map Depiction of Zone





Amarillo City Council

Agenda Transmittal Memo

Meeting Date	November 8, 2022	Council Priority	Economic Development/Redevelopment
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Department	Planning Department	Contact Person	Emily Koller, Assistant Director of Planning
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Agenda Caption

CONSIDERATION OF RESOLUTION NO. 11-08-22-2

Consider Resolution No. 11-08-22-2 Recognizing SJN Amarillo, or SJNA, as the Recognized Neighborhood Association for the San Jacinto Neighborhood.

Agenda Item Summary

City Council established the Recognized Neighborhood Association program in August 2022 to formally recognize the partnership between the City and the neighborhood associations for coordination on neighborhood plan projects and other initiatives related to the plan areas.

In order to become a Recognized Neighborhood Association (RNA), the ordinance requires that neighborhood groups meet certain eligibility criteria that ensures that they are running transparent, organized associations that are open to all residents, business owners, and property owners within their boundaries. They must demonstrate their eligibility through an application process and are then Recognized by a resolution adopted by City Council. The program also states ongoing responsibilities for both Planning staff and neighborhood associations including a project submittal process.

Neighborhood groups who represent their purpose as implementation of the adopted neighborhood plan are required to become Recognized. SJN Amarillo has met the eligibility criteria and the organization is recommended to become Amarillo's first Recognized Neighborhood Association.

Requested Action

Approval of the resolution.

Funding Summary

Funding is provided through the Neighborhood Planning Initiative. SJN Amarillo has worked with the City to allocate its portion of the initial neighborhood plan implementation funds of \$654,000 and as an RNA, will continue to be eligible for future funding designated through the program.

Community Engagement Summary

The San Jacinto Neighborhood Plan included extensive public engagement efforts.

Staff Recommendation

Staff recommends approval as presented

RESOLUTION NO. 11-08-22-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO RECOGNIZING SJN AMARILLO, OR SJNA, AS THE RECOGNIZED NEIGHBORHOOD ASSOCIATION FOR THE SAN JACINTO NEIGHBORHOOD; PROVIDING FOR A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

WHEREAS, the City Council has been presented evidence that the City's adopted Neighborhood Plans rely on voluntary organizations to actively engage in improving the quality of life in their neighborhoods and bear significant responsibility in the implementation of the neighborhood plan projects;

WHEREAS, the City Council desires to formalize and clarify the ongoing implementation partnership between the City and neighborhoods with adopted plans;

WHEREAS, the City Council established a neighborhood association recognition program that provides a standardized policy and sets forth the association's responsibilities and benefits;

WHEREAS, the City Council adopted the San Jacinto Neighborhood Plan as an amendment to the Amarillo Comprehensive Plan on February 25, 2020; and

WHEREAS, SJN Amarillo ("SJNA") has demonstrated it meets the requirements of the standardized policy to represent the San Jacinto Neighborhood and desires to represent the neighborhood as the official partner for plan implementation.

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

SECTION 1. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this Resolution as if copied in their entirety.

SECTION 2. The City Council finds that the SJN Amarillo ("SJNA") meets the requirements of Ordinance No. 8001, attached hereto and incorporated herein, which designates eligibility criteria for recognition of a Neighborhood Association, to represent the San Jacinto Neighborhood and will represent the neighborhood as the official partner for plan implementation.

SECTION 3. 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 4. This Resolution shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this
8th day of November 2022.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

DRAFT

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Pillar	Fiscal Responsibility
Department	City Manager's Office		
Contact	Laura Storrs, Assistant City Manager		

Agenda Caption

RESOLUTION NO 11-08-22-3 – AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

(Contact: Laura Storrs, Assistant City Manager)

Discussion and consideration of all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation, including the adoption of a resolution pertaining thereto.

Agenda Item Summary

This resolution authorizes the City of Amarillo to publish notification of the City's intention to issue certificates of obligation not to exceed \$12,000,000. The proceeds will be used for the purpose of paying contractual obligations to be incurred for (i) acquiring, constructing, improving and installing improvements to and for landfill facilities, (ii) acquiring, constructing, improving and equipping park facilities and (iii) professional services rendered in connection therewith.

Requested Action

Council consideration and approval of the resolution.

Funding Summary

N/A

Community Engagement Summary

At the July 2022 City Council budget workshop, staffed discussed the need to issue COs for development of the next cell at the landfill and for acquiring park improvements located within the Colonies Public Improvement District (PID) and the Heritage Hills Public Improvement District (PID). City Council approved a rate increase in the fiscal year 2022/2023 budget for solid waste collection services to support the debt service associated with the landfill. These rates went into effect 10/1/2022. The Colonies PID Board and the Heritage Hills PID Board approved increases to assessments in their fiscal year 2022/2023 budgets to support the debt service associated with each PID. These assessments went into effect 10/1/2022.

Staff Recommendation

Staff recommendation is to approve the resolution authorizing the publication of a notification of the City's intention to issue certificates of obligation.

RESOLUTION NO. 11-08-22-3

A RESOLUTION OF THE AMARILLO CITY COUNCIL, APPROVING AND
AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION

WHEREAS, the City Council of the City of Amarillo, Texas (the "City"), has determined that certificates of obligation (the "Certificates") should be issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, and in one or more series for the purpose of paying contractual obligations to be incurred for (i) acquiring, constructing, improving and installing improvements to and for landfill facilities, (ii) acquiring, constructing, improving and equipping park facilities and (iii) professional services rendered in connection therewith; and

WHEREAS, prior to the issuance of such Certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the Certificates are to be issued and (iv) the manner in which the City Council proposes to pay the Certificates; now, therefore,

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

SECTION 1. The City Secretary is hereby authorized and directed to cause notice to be published of the City Council's intention to issue certificates of obligation, in one or more series, in the principal amount not to exceed \$12,000,000 for the purpose of paying contractual obligations to be incurred for (i) acquiring, constructing, improving and installing improvements to and for landfill facilities, (ii) acquiring, constructing, improving and equipping park facilities and (iii) professional services rendered in connection therewith; such certificates to be payable from ad valorem taxes and a limited pledge of the City's Waterworks and Sewer System. The notice hereby approved and authorized to be published shall read substantially in the form and content of **Exhibit A** hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: The City Secretary shall cause the aforesaid notice to be (i) published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least forty-six (46) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation and (ii) posted continuously on the City's website for at least forty-five (45) days before the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation. By consideration of this Resolution and the publication of the aforesaid notice, the City expresses its intention, but not an obligation, to issue the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

PASSED AND ADOPTED, this the 8th day of November, 2022.

Mayor, City of Amarillo, Texas

ATTEST:

City Secretary, City of Amarillo, Texas

(City Seal)

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CITY OF AMARILLO, TEXAS
CERTIFICATES OF OBLIGATION

TAKE NOTICE that the City Council of the City of Amarillo, Texas, shall convene a regular meeting to be held on January 10, 2023 at 1:00 p.m., at City Hall, 601 South Buchanan Street, Council Chamber on the Third Floor of the City Hall, Amarillo, Texas. During such meeting, the City Council will consider the passage of one or more ordinances authorizing the issuance of certificates of obligation, in one or more series, in an amount not to exceed TWELVE MILLION DOLLARS (\$12,000,000) for the purpose of paying contractual obligations to be incurred for (i) acquiring, constructing, improving and installing improvements to and for landfill facilities, (ii) acquiring, constructing, improving and equipping park facilities and (iii) professional services rendered in connection therewith; such certificates to be payable from ad valorem taxes and a limited pledge of the City's Waterworks and Sewer System. In accordance with Texas Local Government Code Section 271.049, (i) the current principal amount of all of the City's outstanding public securities secured by and payable from ad valorem taxes is \$217,151,000; (ii) the current combined principal and interest required to pay all of the City's outstanding public securities secured by and payable from ad valorem taxes on time and in full is \$266,410,713; (iii) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is \$16,443,292; (iv) the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (v) the maximum maturity date of the certificates to be authorized is February 15, 2043. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

Stephanie Coggins
City Secretary, City of Amarillo, Texas

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	November 8, 2022	Council Priority	Infrastructure
Department	Facilities Department		
Contact	Jerry Danforth, Facilities Director		

Agenda Caption

CONSIDER AWARD – CONSTRUCTION CONTRACT FOR THE NEW TRANSIT MULTIMODAL TERMINAL LOCATED AT 6TH AVENUE & BOWIE ST IN AMARILLO TEXAS

(Contact: Jerry Danforth, Facilities Director)

Tri-State General Contractors Group, Inc. -- \$8,661,800.00

This is for the construction contract to Tri-State General Contracting Group, Inc. for the demolition, site preparation, site security, and construction of a New Transit Multimodal Terminal located at 6th Avenue & Bowie St in Amarillo Texas.

Agenda Item Summary

This bid is for the construction contract to Tri-State General Contracting Group, Inc. for the demolition, site preparation, site security, and construction of a New Transit Multimodal Terminal located at 6th Avenue & Bowie St in Amarillo Texas. The new Transit Multimodal Terminal is a continuation of the 2016 Transit Master Plan to revitalize the system. The terminal will provide City of Amarillo Transit department an opportunity to enhance safety and services provided to customers in a more convenient location to stage for travel within the City.

Requested Action

Consider approval and award of the construction contract to Tri-State General Contracting Group, Inc. for the amount of \$8,661,800.00.

Funding Summary

Funding for this project is provided through a combination of federal grants and local match requirements (**City Job Numbers: 411755.17400.1040**)

Community Engagement Summary

This project is Federally Grant funded.

Staff Recommendation

Staff recommends approval of contract award to Tri-State General Contracting Group, Inc. to construct the New Transit Multimodal Terminal located at 6th Avenue & Bowie St in Amarillo Texas.

BEST VALUE BID NO.7339 FOR TRANSIT MULTIMODAL TERMINAL FACILITY

Points Evaluation Compilation Criteria Ranking		Price:	Listed Experience and Reputation on Government Contracts and Record Keeping:	Listed Primary Sub- Contractors:	Bidder's Proposed Construction Timelines:	Total Points Possible	Ranking:	
		Points Possible						Comments
Vendor		135	60	60	45			
PLAINS BUILDERS		135.00	55	53	45.00	288.00	1.00	Buy America Form Not submitted with bid & Lobbying Restrictions not submitted with bid submittal, therefore bid is non-responsive
TRI-STATE GENERAL CONTRACTORS		130.95	58	55	34.20	278.15	2.00	
Date: 10-14-22								