



Amarillo City Council Regular Meeting

April 25, 2023

1:00 PM

City Hall - Council Chamber
601 S. Buchanan Street, 3rd Floor
Amarillo, Texas 79101

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

AGENDA

1. **Call to Order**
2. **Invocation** Mary Nell Hunt, Pray the City
3. **Proclamations**
 - 3.A. "Billy Glen Parkey Day"
 - 3.B. "Alcohol Awareness Month"
 - 3.C. "Child Abuse Awareness Month"
 - 3.D. "Municipal Clerks Week"
4. **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> or by calling the City Secretary's office at (806) 378-3014.
5. **City Council will discuss or receive reports on the following current matters or projects:**
 - 5.A. Review agenda items for regular meeting and attachments
 - 5.B. Discussion of conduct by a City Councilmember as a potential violation of City of Amarillo Governance and Ends Policies, including City Council Member Responsibilities and City Council Member Code of Conduct.
 - 5.C. Discuss results of City initiatives for 2023 Earth Day
 - 5.D. Discuss City Plan Update
 - 5.E. Discuss Building Safety's International Code Update Project

5.F. Update on Automated Metering Infrastructure Project

5.G. Updates from Councilmembers serving on outside boards and commissions

5.G.i. Beautification and Public Arts Advisory Board (held April 11, 2023)

5.G.ii. Amarillo Metropolitan Planning Organization Policy Committee (held April 20, 2023)

5.H. Request future agenda items and reports from City Manager

6. 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.

6.A. CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the regular meeting held on April 11, 2023. (Contact: Stephanie Coggins, City Secretary)

6.B. CONSIDERATION OF ORDINANCE NO. 8056

This item is the second and final reading of an ordinance amending the Amarillo Municipal Code, Chapter 10-3, Article IV, Section 10-3-44 to clarify the definition of a public place. This revision will modify the open alcoholic beverage container prohibition in the Central Business District by updating the definition of a Public Place. (Contact: Anthony Spanel, Director of Environmental Health)

6.C. CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT

This item considers approval of an Aviation Clear Zone Easement, being 4,300 feet above mean sea level above the plat of Sage Circle Unit No. 1, a suburban subdivision of the City of Amarillo, being an unplatted tract of land situated in Section 2, Block 2, A.B.&M. Survey, Potter County, Texas. (VICINITY: Sage Circle and FM 683; APPLICANT/S: Daniel Sheard) (Contact: Brady Kendrick, Senior Planner)

6.D. CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT

This item considers approval of an Aviation Clear Zone Easement, being 4,300 feet above mean sea level above the plat of Granados Addition Unit No. 2, a suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 119, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: Grand Street and Farmers Avenue; APPLICANT/S: Magnolia Event Center, LLC) (Contact: Brady Kendrick, Senior Planner)

6.E. CONSIDER PURCHASE - TRUCK WITH SEWER/STORM PIPE CAMERA INSPECTION SYSTEM

Award to: Rush Truck Center - \$344,729.00 (Buy Board #601-19)

This item considers the purchase of a 19,500gvw Truck with Sewer/Storm Pipe Camera Inspection System to be used by Waste Water Collection division for daily operations. It is a scheduled replacement of Unit 7202 which as reached the end of its usable life cycle. (Contact: Donny Hooper, Director of Public Works)

6.F. CONSIDER PURCHASE - LADDER STYLE FIRE TRUCK

Award to: Lone Star Emergency Group - \$1,317,334.00 (Sourcewell #113021-RGV)

This item considers the purchase of a new ladder style fire truck which will be an addition to the Fire Fleet for Fire Station 14. (Contact: Donny Hooper, Director of Public Works)

6.G. CONSIDER APPROVAL - SUPPLY AGREEMENT FOR LIQUID CHLORINE TO CHLORINATE/DISINFECT AMARILLO THOMPSON POOL

Award to: Brenntag Southwest - \$65,000.00

This item considers approval to renew the annual supply agreement to purchase liquid chlorine used to chlorinate and disinfect Amarillo Thompson Pool. This will be the final renewal available. (Contact: Michael Kashuba, Director of Parks and Recreation)

6.H. CONSIDER AWARD - CITY OF AMARILLO LANDFILL CELL 10 PHASE 3 CONSTRUCTION

Award to: Hammett Excavation, Inc., - \$4,182,433.10

This item considers the award of a construction contract for the City of Amarillo Landfill Cell 10 Phase 3 construction project. (Contact: Donny Hooper, Director of Public Works)

6.I. CONSIDER AWARD - AGREEMENT FOR ARCHITECTURAL, ENGINEERING AND CIVIL SERVICES FOR TRANSFORMATION PARK CABIN COMMUNITY

Award to: Sims + Architects - \$320,000.00

This item considers awarding a new contract to Sims + Architects to perform all Architectural, Engineering and Civil designs needed for a Cabin Community located at 5th Avenue and Parker Street in Amarillo, Texas. This item will be funded through a combination of American Rescue Plan Act federal funds and local funds. (Contact: Jerry Danforth, Director of Facilities)

6.J. CONSIDER APPROVAL - CHANGE ORDER NO. 2 FOR 34TH AVENUE PUMP STATION SWITCHGEAR REPLACEMENT

Award to: Brown Construction
Services

Original Award	\$ 2,165,000.00
Previous Change Order	65,750.00
Current Change Order No. 2	<u>123,550.93</u>

Total Revised Award \$ 2,354,300.93

This item considers approval of Change Order No. 2 to the construction contract for the 34th Avenue Pump Station Switchgear Replacement Project in order to add additional services for Pump No. 6. (Contact: Kyle Schniederjan, Director of Capital Projects Development and Engineering, Marco Lopez, Senior Projects Coordinator)

6.K. CONSIDER PURCHASE - POLICE PATROL VEHICLES

Award to: Caldwell Country Ford DBA Rockdale Country Ford - \$1,089,460.00 (BuyBoard # 601-19)

This item considers the purchase of 21 police patrol vehicles for replacements and approved additions to the existing police patrol fleet. Current fleet vehicles scheduled to be replaced have reached the end of their expected life cycle with age and mileage limits for safe use as patrol vehicles. (Contact: Donny Hooper, Director of Public Works)

6.L. CONSIDER AWARD - EMERGENCY BUILDING REPAIRS

Award to: Carpet Tech - \$629,442.48

This item considers the award for emergency building repairs due to water damage from flooding at the Globe News Center. (Contact: Sandy Elliott, Assistant Director of Human Resources)

6.M. CONSIDER AWARD - EMERGENCY WATER MITIGATION REPAIRS

Award to: ServiceMaster - \$312,828.98

This item considers the award of an agreement for emergency water mitigation services due to water damage from flooding at the Globe News Center (Contact: Sandy Elliott, Assistant Director of Human Resources)

6.N. CONSIDER AWARD - TEMPORARY LABOR SERVICES

Award to: Hire Quest not to exceed \$250,000.00

This item considers renewing the existing Temporary Labor Services contract for the Amarillo Civic Center Complex. (Contact: Bo Fowlkes, General Manager)

6.O. CONSIDER APPROVAL – SALE OF REAL PROPERTY LOCATED AT CENTERPORT BLVD AND BENCHMARK STREET

Buyer: BHD Development Land, LLC - \$820,000.00 plus closing costs and related expenses

This item considers authorizing AEDC to execute a contract and all necessary documents for the sale of approximately 21 acres of land located at Centerport Boulevard and Benchmark Street. (Contact: Kevin Carter - Amarillo Economic Development Corporation)

6.P. CONSIDER AWARD - AUDIT SERVICES AGREEMENT

Award to: CMMS CPAs & Advisors PLLC - \$325,485.00

This item considers the award of a one-year agreement to provide audit services

for the City of Amarillo and various component units. (Contact: Matthew Poston, Director of Finance)

7. Non-Consent Items

7.A. CONSIDER APPROVAL - AMARILLO AREA PUBLIC HEALTH DISTRICT COOPERATIVE AGREEMENT UPDATE

This item considers approval of revisions and updates to the cooperative agreement for the Amarillo Area Public Health District (Contact: Casie Stoughton, Director of Public Health, Anthony Spanel, Director of Environmental Health)

7.B. CONSIDERATION OF ORDINANCE NO. 8057

This item is the first reading of an ordinance amending the Amarillo Municipal Code, Chapters 8-5, 2-6, and 4-9 to reflect the updated Amarillo Area Public Health District Cooperative Agreement. The revision will provide an overall update to reflect current state law and practices, as well as a clean up of definitions. (Contact: Anthony Spanel, Director of Environmental Health, Casie Stoughton, Director of Public Health)

7.C. CONSIDERATION OF RESOLUTION NO. 04-25-23-1

This item considers a resolution approving the use of American Rescue Plan Act of 2021 (ARPA) funds which will amend the project plan for the second installment of ARPA funding. (Contact: Laura Storrs, Assistant City Manager and CFO)

7.D. CONSIDERATION OF RESOLUTION NO. 04-25-23-2

This item considers a resolution authorizing a pilot program for the Recognized Neighborhood Association Program related to special events. (Contact: Michael Kashuba, Director of Parks and Recreation)

7.E. DISCUSS AND CONSIDER THREE BOARD APPOINTMENTS TO THE SOUTH GATEWAY TAX INCREMENT REINVESTMENT ZONE NUMBER 3

This item is to consider the appointment of three members to the South Gateway Tax Increment Reinvestment Zone Number 3 Board of Directors. (Contact: Andrew Freeman, Assistant City Manager)

7.F. DISCUSS AND CONSIDER APPOINTING A CHAIR FOR THE SOUTH GATEWAY TAX INCREMENT REINVESTMENT ZONE NUMBER 3

This item is to consider appointing a chair to the South Gateway Tax Increment Reinvestment Zone Number 3 Board of Directors. (Contact: Andrew Freeman, Assistant City Manager)

7.G. CONSIDER APPROVAL - LEASE AGREEMENT WITH TRANSFORMATION PARK

This item considers the approval of a lease agreement between the City of Amarillo and Transformation Park. (Contact: Jason Riddlespurger, Director of Community Development)

7.H. CONSIDER AWARD - RUBICON SMART CITY SOFTWARE SERVICES AGREEMENT

Award to: Rubicon Global, LLC - \$200,576.00

This item considers the award of a three-year contract for Rubicon Smart City to be used in all Solid Waste residential dumpster collection vehicles. This software will provide dumpster service verification, comprehensive routing, real-time and historical reporting, reporting of issues encountered by equipment operators, and pre and post-trip inspections, among other features. (Contact: Donny Hooper, Director of Public Works)

7.I. CONSIDER AWARD – CONSTRUCTION CONTRACT FOR POLK STREET STREETSCAPE IMPROVEMENTS

Award to: Plains Builders, Inc.

Base bid	\$4,495,000.00
Alternate bid #2	\$15,000.00
Alternate bid #3	\$60,000.00
Total Award	\$4,570,000.00

This item considers the award of a best value bid for Polk Street Streetscape Improvement project construction services. (Contact: Kyle Schniederjan, Director of Capital Projects Development and Engineering)

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

8.A. Section 551.072 - Discuss the purchase, exchange, lease, sale, or value of real property and public discussion of such would not be in the best interests of the City's bargaining position:

- i. Property located in the vicinity of E. Amarillo Boulevard and N. Mirror Street.
- ii. Property located in the Central Business District.

9. Adjourn

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.

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 21st of April, at 5:00 p.m. in accordance with the Open Meetings Laws of the State of Texas, Chapter 551, Texas Government Code.

/s/ Stephanie Coggins

Stephanie Coggins, City Secretary



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Customer Service
Department: City Secretary
Contact Person: Stephanie Coggins, City Secretary

Agenda Caption: CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the regular meeting held on April 11, 2023.

Agenda Item Summary: This item considers approval of the City Council minutes for the regular meeting held on April 11, 2023.

Requested Action: Consider for approval as presented.

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval as presented.

Attachments: 1. DRAFT Minutes 2023_04_11



City Council Regular Meeting

April 11, 2023

1:00 PM

City Hall - Council Chamber
601 S. Buchanan Street, 3rd Floor
Amarillo, Texas 79101

MINUTES

1. Call to Order

On the 11th day of April 2023, 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 PLACE 2
COLE STANLEY	COUNCILMEMBER PLACE 1
EDDY SAUER	COUNCILMEMBER PLACE 2
HOWARD SMITH	COUNCILMEMBER PLACE 4

Absent were none. 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
JON BARNES	ASSISTANT TO THE CITY MANAGER

A quorum was established by Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith 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.

2. Invocation Reverend Vernon Conner

The invocation was given by Reverend Vernon Conner.

3. Proclamations

3.A. "Fair Housing Month"

A proclamation for "Fair Housing Month" was read by Councilmember Smith and accepted by Jason Ault, Amarillo Association of REALTORS.

3.B. "National Community Development Week"

A proclamation for "National Community Development Week" was read by Councilmember Sauer and accepted by Jason Riddlepurger, Director of Community Development.

- 4. 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> or by calling the City Secretary's office at (806) 378-3014.

No one presented to address City Council.

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

5.C. Review agenda items for regular meeting and attachments;

5.B. Updates from Councilmembers serving on outside boards and commissions

5.B.i. Amarillo Local Government Corporation (held March 29, 2023)

5.B.ii. Animal Management and Welfare Advisory Board (held April 5, 2023)

5.A. Request future agenda items and reports from City Manager.

- 6. 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.

Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration.

ACTION: Motion made to approve the consent agenda as presented by Freda Powell, seconded by Eddy Sauer;
Motion passed with a 5:0 vote;
AYES: Ginger Nelson, Cole Stanley, Freda Powell, Eddy Sauer, Howard Smith
NOES: None
ABSTAIN: None

6.A. CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the regular meeting held on March 28, 2023.

6.B. CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the special meeting held on April 3, 2023. (Contact: Stephanie Coggins, City Secretary)

6.C. CONSIDERATION OF ORDINANCE NO. 8054

This item is the second and final reading of an ordinance approving and adopting the Five-Year Community Investment Program for FY 2022-2023 through 2026-2027. (Contact: Kyle Schniederjan, Director of Capital Projects Development and Engineering)

6.D. CONSIDERATION OF ORDINANCE NO. 8055

This item is a second and final reading to consider approval of an ordinance amending the Amarillo Municipal Code, Chapter 12-4, Section 12-4-5(n) to update certain golf fees. (Contact: Michael Kashuba, Director of Parks and Recreation)

6.E. CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT

This item considers approval of an Aviation Clear Zone Easement, being 4,250 feet above mean sea level above the plat of Mayhue Addition Unit No. 2, a suburban subdivision to the City of Amarillo, being an unplatted tract of land in Section 119, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: Horizon Rd. and Eastern St.; APPLICANT/S: Rocky and Carol Zogg) (Contact: Brady Kendrick, Senior Planner)

6.F. CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT

This item considers approval of an Aviation Clear Zone Easement, being 5,400 feet above mean sea level above the plat of Osage Acres Unit No. 9, a suburban subdivision in the City of Amarillo, being a replat of Lot 1, Block 1, Osage Acres Unit No. 6 and an unplatted tract of land, in Section 148, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: FM 1151 and FM 1541; APPLICANT/S: GTB Partners) (Contact: Brady Kendrick, Senior Planner)

6.G. CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT

This item considers approval of an Aviation Clear Zone Easement, being 4,800 feet above mean sea level above the plat of South Georgia Business Park Unit No. 2, a suburban subdivision of the City of Amarillo, being an unplatted tract of land, in Section 182, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: Georgia Street and Farmers Avenue, APPLICANT/S: A-5 Realty, LLC) (Contact: Brady Kendrick, Senior Planner)

6.H. CONSIDER APPROVAL - POTTER COUNTY SHERIFF SALES

This item is to consider authorizing Potter County, as Trustee, to sell multiple Sheriff Sale properties that were sent out for bid. The County is requesting authorization of the Sheriff Sale properties from all taxing entities. The property sale process provides for the taxing entities, depending on the amount of bids/sale amount, to recoup all or a portion of delinquent taxes. (Contact: Laura Storrs, Assistant City Manager and CFO)

6.I. CONSIDER APPROVAL - APPOINTMENT OF FIVE CANDIDATES FOR THE AMARILLO POLICE RESERVE FORCE

This item considers the approval to appoint Fred Perez, Brandon Beard, Robert Hightower, Bruce Cox, and Robert Gabel to be Police Reserve Force Officers. (Contact: Martin Birkenfeld, Chief of Police)

6.J. CONSIDERATION OF RESOLUTION NO. 04-11-23-1

This item considers a resolution declaring the necessity to acquire a right-of-way to approximately 24.74 acres of land situated in Section 66 and 67, block 2, A.B. & M. Survey, in Potter County, Texas, in the City of Amarillo, Texas, for sewer expansion; determining the public necessity for such acquisition; authorizing the acquisition of property rights necessary for the sewer expansion project; appointing an appraiser and negotiator as necessary; authorizing the City Manager of the City of Amarillo, Texas, to establish just compensation for the property rights to be acquired; authorizing the City Manager or designee to take all steps necessary to acquire the needed property rights in compliance with all

applicable laws and resolutions; and authorizing the City Attorney or designee to institute condemnation proceedings to acquire the property if purchase negotiations are not successful. (Contact: Floyd Hartman, Assistant City Manager)

6.K. CONSIDER AWARD - AIRPORT PARKING MANAGEMENT OPERATOR

Award to: LAZ Parking Texas, LLC. - \$50,000.00

This item considers the award of an Airport Parking Management Operator for the Rick Husband Amarillo International Airport. The contract will be for an initial term of five years, with two one-year options to renew. (Contact: Michael Conner, Director of Aviation)

6.L. CONSIDER AWARD - POLICE EQUIPMENT SUPPLY AGREEMENT

Award to:

Kiesler	\$ 3,816.00
Proforce	2,563.40
Primary Arms	28,859.85
Dana Safety	14,170.00
Jonah's	665.90
Sirchie	2,245.00
USIQ	699.75
FSOC	4,080.00
Total Award	\$57,100.30

This item considers the award of a supply agreement to purchase various types of police equipment, including but not limited to leather equipment, nylon equipment, handcuffs, batons, and flashlights. (Contact: Martin Birkenfeld, Chief of Police)

6.M. CONSIDER AWARD - SACKED CEMENT SUPPLY AGREEMENT

Award to: Tascosa Building Products - \$69,767.04

This item considers the award of a supply agreement to purchase sacked cement for Central Stores. The cement is used by the Street, Water Distribution and Wastewater departments. (Contact: Trae Kepley, Purchasing Agent)

6.N. CONSIDER AWARD - LIQUID CATIONIC POLYMER

Award to: Polydyne Inc. - \$169,550.00

This item considers the award of a one-year contract, with three one-year extensions, for the purchase of liquid cationic polymer for the purpose of coagulation aid in water treatment for Hollywood Road Wastewater Treatment Plant and Osage Water Treatment Plant. (Contact: John Collins, Director of

Utilities)

6.O. CONSIDER AWARD - PROFESSIONAL SERVICES AGREEMENT FOR LIFT STATION 32

Award to: KSA Engineers, Inc - \$176,000.00

This item considers the award of professional services agreement which includes an extension of resident project representative services for the project. Additional time is needed for the project to be constructed and completed by the contractor. (Contact: Kyle Schniederjan, Director of Capital Projects Development and Engineering)

6.P. CONSIDER AWARD - ECIVIS GRANT MANAGEMENT SOFTWARE SOLUTION

Award to: Carahsoft - \$163,621.82

This item considers the purchase of a grant management software solution which will be utilized by seven departments for the purpose of seeking, applying for, and managing grant funding. (Contact: Jason Riddlespurger, Director of Community Development)

6.Q. CONSIDER AWARD - REPLACEMENT OF FACILITIES DEPARTMENT ROOF LOCATED AT 823 SOUTH JOHNSON

Award to: Kelly Roofing - \$520,000.00

This item considers the award of a contract for the demolition, site preparation, security, and installation of a new built-up gravel roof at 823 S Johnson in Amarillo, Texas. (Contact: Jerry Danforth, Director of Facilities)

6.R. CONSIDER AWARD - TENNIS COURT RE-SURFACING

Award to: Advantage Courts Co. - \$147,112.04

This item considers the award of a contract with Advantage Courts Co. for the re-surfacing of the tennis courts at the Amarillo National Tennis Center and Memorial Park Tennis Courts. (Contact: Michael Kashuba, Director of Parks and Recreation)

7. Non-Consent Items

7.A. CONSIDERATION OF ORDINANCE NO. 8056

This item is the first reading of an ordinance amending the Amarillo Municipal

Code, Chapter 10-3, Article IV, Section 10-3-44 to clarify the definition of a public place. This revision will modify the open alcoholic beverage container prohibition in the Central Business District by updating the definition of a Public Place. (Contact: Anthony Spanel, Director of Environmental Health)

Mayor Nelson presented, for first reading, an ordinance amending the Amarillo Municipal Code, Chapter 10-3, Article IV, Section 10-3-44 to clarify the definition of a public place. Anthony Spanel, Director of Environmental Health, presented the item.

ACTION: Motion made to adopt the ordinance, as presented, by Freda Powell; seconded by Howard Smith;
Motion passed with a 5:0 vote;
AYES: Ginger Nelson, Cole Stanley, Freda Powell, Eddy Sauer, Howard Smith
NOES: None
ABSTAIN: None

7.B. CONSIDER APPROVAL – CHANGE ORDER NO. 2 FOR HOLLYWOOD ROAD AND RIVER ROAD WATER RECLAMATION FACILITIES DIGESTER MIXING SYSTEM IMPROVEMENTS

Award to: Garney Companies Inc.

Original Award	\$16,312,000.00
Previous Change Order	519,810.00
Current Change Order No. 2	1,304,509.40
Total revised award	\$18,136,619.40

This item considers the approval of Change Order No. 2 for the Hollywood Road and River Road Water Reclamation Facilities digester mixing system improvements to add additional scope of work. (Contact: Kyle Schniederjan, Director of Capital Projects Development and Engineering)

Mayor Nelson introduced an item to consider approval of Change Order No. 2 for the Hollywood Road and River Road Waters Reclamation Facilities Digester Mixing System Improvements. John Collins, Director of Utilities, presented the item.

ACTION: Motion made to approve Change Order No. 2 to Garney Companies, Inc. in the amount of \$1,304,509.40 by Freda Powell; seconded by Eddy Sauer;
Motion passed with a 5:0 vote;
AYES: Ginger Nelson, Cole Stanley, Freda Powell, Eddy Sauer, Howard Smith
NOES: None
ABSTAIN: None

7.C. CONSIDER AWARD - PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES AND MASTER PLANNING FOR HOLLYWOOD ROAD WATER RECLAMATION FACILITY

Award to: Garver LLC - \$690,000.00

This item considers the approval of the professional services agreement, which includes services in the scope of work to provide project management, risk-based condition assessment, planning criteria modeling, technical evaluations, facility improvements layout development, capital improvement planning, procurement evaluation, and master plan report. (Contact: Kyle Schniederjan, Director of Capital Projects Development and Engineering, John Collins, Director of Utilities)

Mayor Nelson introduced an item to consider the award of a professional services agreement for engineering services and master planning for Hollywood Road Water Reclamation Facility. Mr. Collins presented the item.

ACTION:	Motion made to award Item 7.C to Garver LLC in the amount of \$690,000.00 by Freda Powell; seconded by Howard Smith; Motion passed with a 5:0 vote;
AYES:	Ginger Nelson, Cole Stanley, Freda Powell, Eddy Sauer, Howard Smith
NOES:	None
ABSTAIN:	None

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

Mr. McWilliams advised at 2:09 p.m. that the City Council would convene in Executive Session per Texas Government Code: A) Section 551.072 - Discuss the purchase, exchange, lease, sale, or value of real property and public discussion of such would not be in the best interests of the City's bargaining position: i) Property located in the Central Business District; and B) Section 551.087 - Discussion regarding commercial or financial information received from a business prospect and/or to deliberate the offer of a financial or other incentive to a business prospect: i) Economic development project located in the vicinity of S. Western Street and Plains Boulevard.

- 8.A.** Section 551.072 - Discuss the purchase, exchange, lease, sale, or value of real property and public discussion of such would not be in the best interests of the City's bargaining position:

i. Property located in the Central Business District.

- 8.B.** Section 551.087 - Discussion regarding commercial or financial information received from a business prospect and/or to deliberate the offer of a financial or

other incentive to a business prospect:

- i. Economic development project located in the vicinity of S. Western Street and Plains Boulevard

Mr. McWilliams announced that Executive Session was recessed at 3:36 p.m. and adjourned the regular meeting.



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Public Safety
Department: Environmental Health
Contact Person: Anthony Spanel, Director of Environmental Health

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8056

This item is the second and final reading of an ordinance amending the Amarillo Municipal Code, Chapter 10-3, Article IV, Section 10-3-44 to clarify the definition of a public place. This revision will modify the open alcoholic beverage container prohibition in the Central Business District by updating the definition of a Public Place.

Agenda Item Summary: Updating 10-3-44 will lessen the regulatory burden on property owners and on persons licensed or permitted by the Texas Alcoholic Beverage Commission to sell alcohol, while still limiting public alcohol consumption in the Central Business District.

Requested Action: Staff recommends approval

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: Approval

Attachments:

1. Ordinance No. 8056
2. Letter of Support

ORDINANCE NO. 8056

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-3, ARTICLE IV, SECTION 10-3-44 TO CLARIFY THE DEFINITION OF A PUBLIC PLACE; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, PENALTY, PUBLICATION, AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Amarillo finds that the open container ordinance codified at Section 10-3-44 of the Amarillo Municipal Code was enacted for the purpose of controlling public alcohol consumption (and its negative secondary effects) in the Central Business District, while also allowing for infrequent controlled events at which alcohol may be consumed in public areas; and

WHEREAS, the City Council desires to lessen the regulatory burden on property owners and on persons licensed or permitted by the Texas Alcoholic Beverage Commission to sell alcohol, while still limiting public alcohol consumption in the Central Business District.

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

SECTION 1. The Amarillo Municipal Code, Chapter 10-3, Article IV, Section 10-3-44

be and hereby is amended in part to now read as follows:

Sec. 10-3-44. - Open alcoholic beverage containers.

- (a) [NO TEXT CHANGE]
 - (1) [NO TEXT CHANGE]
 - (2) *Public Place* means, for purposes of this section, any public Street, Sidewalk, Alley, an outdoor public place as defined in law, and shall include a privately owned public parking area, but excludes: the inside of a motor vehicle; the inside of a building that is not owned or controlled by the municipality; ~~and~~, residential structures, which includes a deck, patio, porch, or balcony thereof; the area of a premises permanently licensed by the Texas Alcoholic Beverage Commission for alcohol consumption on the premises; and a privately owned public parking area during a festival.
- (b)-(c) [NO TEXT CHANGE]

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 11th day of April, 2023; and PASSED on Second and Final Reading the 25th day of April, 2023.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan S. McWilliams, City Attorney

Dear City Council Members,

I am writing to express my support for the proposed ordinance change that would allow for alcohol to be served in a fenced in area on private property within Amarillo's Route 66 Historic District. I believe this change will have a positive impact on our festival and the businesses located in this area throughout the year.

As you are aware, the current ordinance prohibits alcohol from being served within a fenced area, including private property and private parking lots. While this is intended to promote safety and reduce the risk of alcohol-related incidents, it also limits the ability of businesses to conduct business not only during the festival, but year round. This is especially true for businesses that rely on alcohol sales to generate revenue.

The proposed ordinance change would exclude private property and private parking lots from the original ordinance, which would allow for a VIP area to be established at the festival as well. This would provide festival-goers with an exclusive area to enjoy their drinks and enhance the overall festival experience. It would also enable private businesses to serve alcohol on their premises during the festival, increasing their revenue and promoting economic growth in the area.

Furthermore, the Texas Route 66 Festival is an important cultural event that celebrates the rich history and heritage of the Historic Route 66 District. By supporting this ordinance change, we can help ensure that the festival continues to thrive and attract visitors from all over the country.

In conclusion, I urge you to support the proposed ordinance change that would allow for a VIP area at the Texas Route 66 Festival. This change would not only enhance the festival experience for attendees, but also promote economic growth in the Historic Route 66 District.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Kashion Smith".

Kashion Smith





Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Economic Development and Redevelopment
Department: Planning and Development Services
Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT

This item considers approval of an Aviation Clear Zone Easement, being 4,300 feet above mean sea level above the plat of Sage Circle Unit No. 1, a suburban subdivision of the City of Amarillo, being an unplanted tract of land situated in Section 2, Block 2, A.B.&M. Survey, Potter County, Texas. (VICINITY: Sage Circle and FM 683; APPLICANT/S: Daniel Sheard)

Agenda Item Summary: The above referenced Aviation Clear Zone (ACZ) Easement is being requested by the City of Amarillo and is associated with the plat Sage Circle Unit No. 1.

To ensure safety of operation and protection of air traffic operating into and out of the airport, future physical development around the airport needs to be regulated. In 1981, the Texas Legislature enacted the Airport Zoning Act, cited as Chapter 241 of the Local Government Code, which authorized cities in the state to establish and administer regulations pertaining to the height of structures and compatible land uses in the vicinity of the airport. One of the tools established in the Amarillo Code of Ordinances that allows the City of Amarillo to regulate this type of development is the Airport Height Hazard and Zoning Regulations (Chapter 4-9), which establishes minimum requirements to control the height and use of structures that may develop in the vicinity of the airport.

The ACZ Easement document is established during the platting of a tract of land to set the height regulations for noting on the associated plat, and the legal document is signed by the owner/developer of the tract. The placement of the note on the plat ensures that the height regulation is easily found by any future owner of the tract of land. Each ACZ Easement has an associated height regulation that is determined by the tract's proximity and location around the airport. For example, areas at the end of the runway will likely have a lower height regulation than ones at the same distance that are located adjacent to the length of the runway. The reason for this is because aircraft taking off or landing will need to be at a lower altitude during its approach or departure portion of the traffic pattern for each associated runway.

This ACZ Easement is establishing a height regulation of 4,300 feet above mean sea level for the plat of Sage Circle Unit No. 1.

Requested Action: Planning Department Staff have reviewed the associated Aviation Clear Zone Easement and the item is ready for City Council Consideration as a consent agenda item.

Funding Summary: The easement is being granted to the City at no cost.

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of this Aviation Clear Zone Easement.

Attachments:

1. Sage Circle Easement
2. Sage Circle Sketch

AVIATION CLEAR ZONE EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF POTTER §

WHEREAS, Daniel Sheard, hereinafter called “GRANTOR,” whether one or more, individual or corporate, partnership or association, is the owner in fee of that certain parcel or parcels of land being described as follows:

Aviation Clear Zone Easement being 4,300 feet above mean sea level above the plat Sage Circle Unit No. 1 a suburban subdivision to the City of Amarillo, being a unplatted tract of land situated in Section 2, Block 2, AB&M Survey, Potter County, Texas.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTOR does for himself, his successors and assigns, GRANT, BARGAIN, SELL AND CONVEY unto the City of Amarillo, Texas, hereinafter called GRANTEE, its successors and assigns, for the use and benefit of the public, and easement and right-of-way appurtenant to Rick Husband Amarillo International Airport for the unobstructed passage of all aircraft, “aircraft” being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, by whomsoever owned or operated, in the airspace above GRANTOR’S above-described property; together with the right to cause in all airspace such noise, vibration, fumes, dust, fuel particulates and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at, on, over the above described property; and GRANTOR, his successors, executors, heirs or assigns, does hereby fully waive, remise and release any right, cause of action, and damage which it may now have or which it may have in the future against GRANTEE, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particulates and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating near or on Rick Husband Amarillo International Airport or over the described property.

GRANTOR, for itself, its successors and assigns, does hereby covenant and agree that it will not hereafter erect, or permit the erection or growth of, any structure, tree or other object on the above described property to any height in excess of 4,300 feet above mean sea level. GRANTOR does hereby GRANT and CONVEY to GRANTEE a continuing right of ingress and egress via passage easement on and across the above-described property for the purpose of taking any action necessary to remove any structure, tree, or other object in the airspace to any elevation greater than 4,300 feet above mean sea level.

TO HAVE AND TO HOLD said aviation clear zone easement, passage easement, and rights-of-way, and all rights appertaining thereto unto the GRANTEE, its successors and assigns, until Rick Husband Amarillo International Airport shall be abandoned and shall cease to be used for public airport purposes.

IT IS UNDERSTOOD AND AGREED that these covenants and agreements shall be binding upon the heirs, administrators, executors, successors and assigns of the GRANTOR and

that these covenants and agreements shall run with the land, and that for the purposes of this instrument, this easement shall be considered the dominant estate on the above-referenced property.

IN WITNESS WHEREOF, the GRANTOR, whether one or more, individual or corporate, has hereunto set its hand on this the 4TH day of April, 2023.

GRANTOR: Daniel Sheard

Daniel Sheard
By: Daniel Sheard

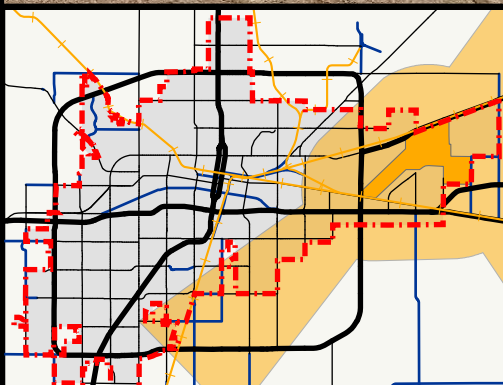
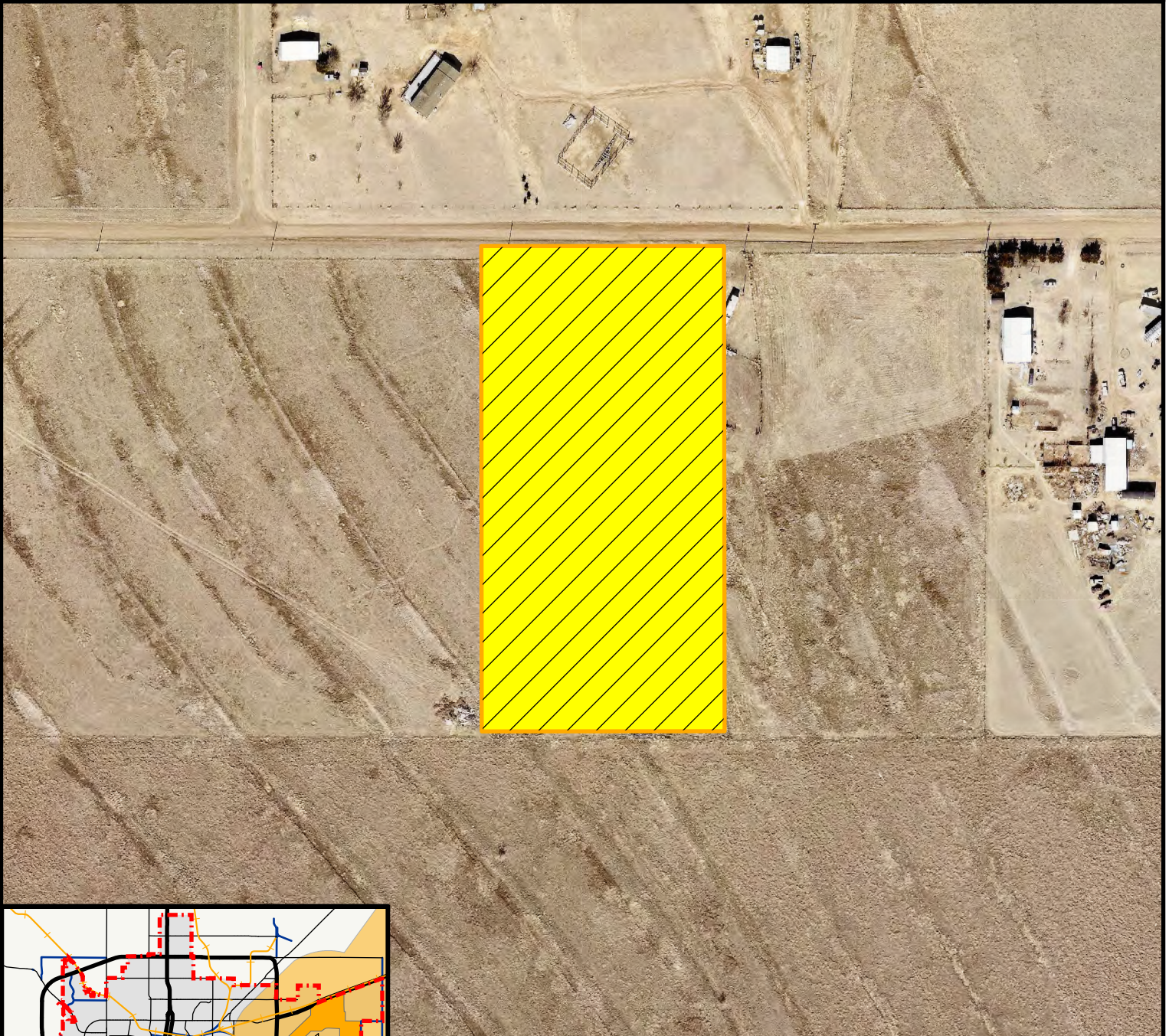
THE STATE OF Texas §
COUNTY OF Potter §

This instrument was acknowledged before me on this the 4th day of April, 2023, by Daniel Sheard.



Devin Jones
Notary Public, State of Texas

AVIATION CLEAR ZONE EASEMENT



Legend

- Subdivision Boundaries
- Platted Parcel
- Aviation Clear Zone Easement
- ▨ Aviation Clear Zone Easement

CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 200 Feet
Date: 3/8/2023
Case No: ACZ-23-04



Aviation Clear Zone Easement, being 4,300 feet above mean sea level above the plat of Sage Circle Unit No. 1, a suburban subdivision to the City of Amarillo, being an unplanted tract of land situated in Section 2, Block 2, A.B.&M. Survey, Potter County, Texas.

(VICINITY: Sage Circle and FM 683; APPLICANT/S: Daniel Sheard)

AP: Z-6



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Economic Development and Redevelopment
Department: Planning and Development Services
Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT

This item considers approval of an Aviation Clear Zone Easement, being 4,300 feet above mean sea level above the plat of Granados Addition Unit No. 2, a suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 119, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: Grand Street and Farmers Avenue; APPLICANT/S: Magnolia Event Center, LLC)

Agenda Item Summary: The above referenced Aviation Clear Zone (ACZ) Easement is being requested by the City of Amarillo and is associated with the plat Granados Addition Unit No. 2. To ensure safety of operation and protection of air traffic operating into and out of the airport, future physical development around the airport needs to be regulated. In 1981, the Texas Legislature enacted the Airport Zoning Act, cited as Chapter 241 of the Local Government Code, which authorized cities in the state to establish and administer regulations pertaining to the height of structures and compatible land uses in the vicinity of the airport. One of the tools established in the Amarillo Code of Ordinances that allows the City of Amarillo to regulate this type of development is the Airport Height Hazard and Zoning Regulations (Chapter 4-9), which establishes minimum requirements to control the height and use of structures that may develop in the vicinity of the airport.

The ACZ Easement document is established during the platting of a tract of land to set the height regulations for noting on the associated plat, and the legal document is signed by the owner/developer of the tract. The placement of the note on the plat ensures that the height regulation is easily found by any future owner of the tract of land. Each ACZ Easement has an associated height regulation that is determined by the tract's proximity and location around the airport. For example, areas at the end of the runway will likely have a lower height regulation than ones at the same distance that are located adjacent to the length of the runway. The reason for this is because aircraft taking off or landing will need to be at a lower altitude during its approach or departure portion of the traffic pattern for each associated runway.

This ACZ Easement is establishing a height regulation of 4,300 feet above mean sea level for the plat of Granados Addition Unit No. 2.

Requested Action: Planning Department Staff have reviewed the associated Aviation Clear Zone Easement and the item is ready for City Council Consideration as a consent agenda item.

Funding Summary: This easement is being granted to the City at no cost.

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of this Aviation Clear Zone Easement as presented.

Attachments:

1. Granados Addition Easement
2. Granados Addition Sketch

AVIATION CLEAR ZONE EASEMENT

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF RANDALL §

WHEREAS, Magnolia Event Center, LLC, hereinafter called “GRANTOR,” whether one or more, individual or corporate, partnership or association, is the owner in fee of that certain parcel or parcels of land being described as follows:

Aviation Clear Zone Easement being 4,300 feet above mean sea level above the plat of Granados Addition Unit No. 2, a suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 119, Block 2, A.B.& M. Survey, Randall County Texas.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTOR does for himself, his successors and assigns, GRANT, BARGAIN, SELL AND CONVEY unto the City of Amarillo, Texas, hereinafter called GRANTEE, its successors and assigns, for the use and benefit of the public, and easement and right-of-way appurtenant to Rick Husband Amarillo International Airport for the unobstructed passage of all aircraft, “aircraft” being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, by whomsoever owned or operated, in the airspace above GRANTOR’S above-described property; together with the right to cause in all airspace such noise, vibration, fumes, dust, fuel particulates and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at, on, over the above described property; and GRANTOR, his successors, executors, heirs or assigns, does hereby fully waive, remise and release any right, cause of action, and damage which it may now have or which it may have in the future against GRANTEE, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particulates and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating near or on Rick Husband Amarillo International Airport or over the described property.

GRANTOR, for itself, its successors and assigns, does hereby covenant and agree that it will not hereafter erect, or permit the erection or growth of, any structure, tree or other object on the above described property to any height in excess of 4,300 feet above mean sea level. GRANTOR does hereby GRANT and CONVEY to GRANTEE a continuing right of ingress and egress via passage easement on and across the above-described property for the purpose of taking any action necessary to remove any structure, tree, or other object in the airspace to any elevation greater than 4,300 feet above mean sea level.

TO HAVE AND TO HOLD said aviation clear zone easement, passage easement, and rights-of-way, and all rights appertaining thereto unto the GRANTEE, its successors and assigns, until Rick Husband Amarillo International Airport shall be abandoned and shall cease to be used for public airport purposes.

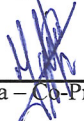
IT IS UNDERSTOOD AND AGREED that these covenants and agreements shall be binding upon the heirs, administrators, executors, successors and assigns of the GRANTOR and

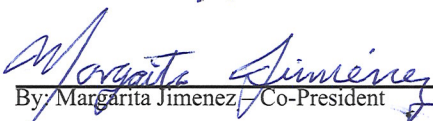
LSS 1/9/2023

that these covenants and agreements shall run with the land, and that for the purposes of this instrument, this easement shall be considered the dominant estate on the above-referenced property.

IN WITNESS WHEREOF, the GRANTOR, whether one or more, individual or corporate, has hereunto set its hand on this the 13th day of July, 2023.

GRANTORS: Magnolia Event Center, LLC

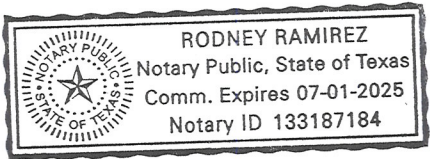

By: Gilberto Lara – Co-President


By: Margarita Jimenez – Co-President

THE STATE OF Texas §
COUNTY OF Pitt §

This instrument was acknowledged before me on this the 13 day of July, 2023,
by Gilberto Lara.



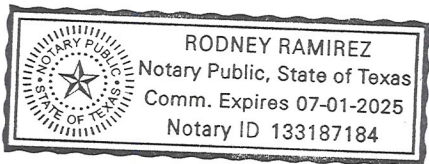


Notary Public, State of Texas

THE STATE OF Texas §
COUNTY OF Pitt §

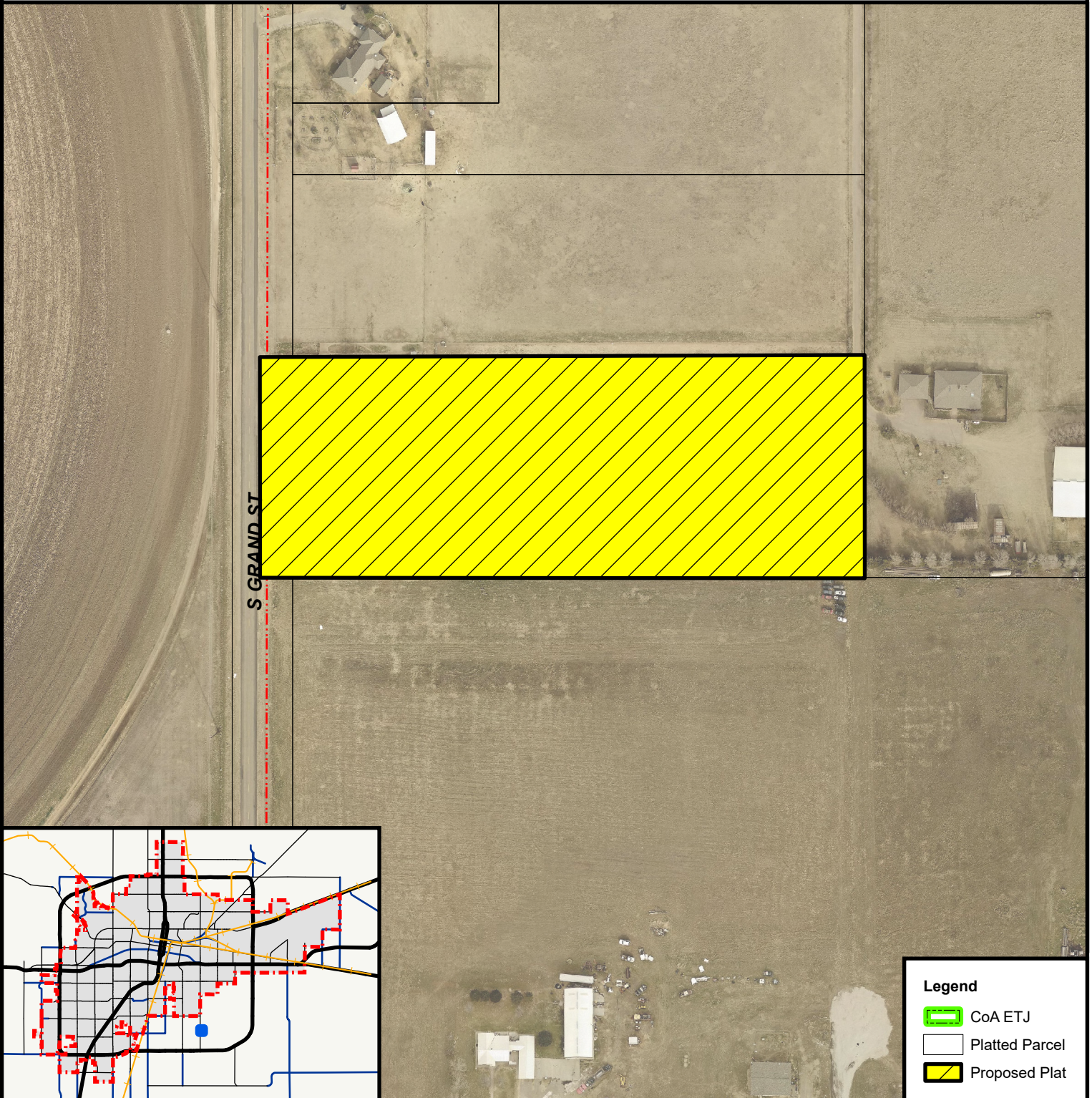
This instrument was acknowledged before me on this the 13 day of July, 2023,
by Margarita Jimenez.





Notary Public, State of Texas

AVIATION CLEAR ZONE EASEMENT



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 200 Feet
Date: 11/14/2022
Case No: P-22-108



Aviation Clear Zone Easement, being 4,300 feet above mean sea level above the plat of Granados Addition Unit No. 2, a suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 119, Block 2, A.B.&M. Survey, Randall County, Texas.

(VICINITY: Grand Street and Farmers Avenue; APPLICANT/S: Magnolia Event Center, LLC)

AP: Q-16



Agenda Transmittal Memo

Date: April 25, 2023

Council Priority: Customer Service
Fiscal Responsibility
Best Practices

Department: Public Works

Contact Person: Donny Hooper, Director of Public Works

Agenda Caption: CONSIDER PURCHASE - TRUCK WITH SEWER/STORM PIPE CAMERA INSPECTION SYSTEM

Award to: Rush Truck Center - \$344,729.00 (Buy Board #601-19)

This item considers the purchase of a 19,500gvw Truck with Sewer/Storm Pipe Camera Inspection System to be used by Waste Water Collection division for daily operations. It is a scheduled replacement of Unit 7202 which has reached the end of its usable life cycle.

Agenda Item Summary: Scheduled replacement of unit 7202, 2008 Ford 1ton Van with Camera System. Equipment is used by the Waste Water Collection division for daily operational requirements. The unit has reached/Exceeded its useable life cycle.

Requested Action: Recommend purchase for 2023 Ford F-550 chassis with Sewer/Storm Camera Inspection System. This purchase will be on BuyBoard contract # 601-19 to Rush Truck Center in the amount of \$344,729.00 . The contract assures discounted governmental pricing and quicker delivery schedules, uniformity of fleet to assist in maintenance and operations training. Contract purchase allows for best value evaluation and vendor support.

Funding Summary: Funding for this purchase will be from 61120.84100 Fleet Services Auto Rolling Stock & Equipment.

Community Engagement Summary: Not Applicable

Staff Recommendation: Staff Recommends Council approval of purchase.

Attachments: 1. Bid No. 7539 bid tabulation

Bid No. 7539 Class 5 Truck with GVN Sewer/Storm Camera
 Opened 4:00 PM 04/06/2023

To be awarded as one lot		Rush Truck Center
Line 1 SCHEDULED REPLACEMENT7202,2008 Ford		
F550 Chassis		
1 ea		
Unit Price	\$25,299.000	
Extended Price		25,299.00
Line 2 Published Options/Shipping-Handling		
1 ea		
Unit Price	\$241,818.380	
Extended Price		241,818.38
Line 3 Unpublished Options/Shipping-Handling		
1 ea		
Unit Price	\$61,947.640	
Extended Price		61,947.64
Line 4 Contract Price Increase/Surcharges		
1 ea		
Unit Price	\$12,652.000	
Extended Price		12,652.00
Line 5 Shipping & Handling		
1 ea		
Unit Price	\$400.000	
Extended Price		400.00

Line 6 Shipping & Handling-Freight

1 ea		
Unit Price	\$2,611.980	
Extended Price		2,611.98
Total of Bid		\$ 344,729.00

Line 7 Enter Text, per specifications



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Public Safety
Department: Public Works
Contact Person: Donny Hooper, Director of Public Works

Agenda Caption: CONSIDER PURCHASE - LADDER STYLE FIRE TRUCK

Award to: Lone Star Emergency Group - \$1,317,334.00 (Sourcewell #113021-RGV)

This item considers the purchase of a new ladder style fire truck which will be an addition to the Fire Fleet for Fire Station 14.

Agenda Item Summary: Addition to the Fire Fleet for new Fire Station 14 located on the west side of town adjacent to the Medical District.

Requested Action: Recommend purchase approval for Fire Truck – Ladder HD100 Style through Lone Star Emergency Group using current Sourcewell contract #113021-RGV.

Funding Summary: Funding for this purchase will be from 61120.84100, Fleet Services Rolling Stock. Cost 1,317,334.00 Fleet Services fund will be reimbursed through approved budgets.

Community Engagement Summary: Not Applicable.

Staff Recommendation: Staff recommends purchase approval of the Fire Truck using the Sourcewell contract.

Attachments: 1. Bid No. 7535 Bid Tabulation

Bid No. 7535 Fire Truck - HD100 Ladder Style
 Opened: 'April 5, 2023

To be awarded as one lot		Lone Star Emergency Group
Line 1 2023 Ferrara HD100 Platform H-7048		
1 ea		
Unit Price	\$1,315,334.000	
Extended Price		1,315,334.00
Line 2 RVG Fee		
1 ea		
Unit Price	\$2,000.000	
Extended Price		2,000.00
Bid Total		1,317,334.00



Agenda Transmittal Memo

Date: April 25, 2023

Council Priority: Civic Pride
Public Safety

Department: Parks and Recreation

Contact Person: Michael Kashuba, Director of Parks and Recreation

Agenda Caption: CONSIDER APPROVAL - SUPPLY AGREEMENT FOR LIQUID CHLORINE TO CHLORINATE/DISINFECT AMARILLO THOMPSON POOL

Award to: Brenntag Southwest - \$65,000.00

This item considers approval to renew the annual supply agreement to purchase liquid chlorine used to chlorinate and disinfect Amarillo Thompson Pool. This will be the final renewal available.

Agenda Item Summary: This item maintains chemical levels, eliminates microorganisms, bacteria, and algae in a commercial sized pool. Improves water quality in a liquid form of Sodium Hypochlorite 12.5% NaClO.

Requested Action: Approval and authorization for City Manager to execute agreement.

Funding Summary: Funding for this award is available in the Park and Recreation (Aquatics) budget 1840.51350

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval

Attachments: 1. Bid No. 7249 bid tabulation

Bid No.7249 Liquid Chlorine Annual Contract
 Opened 4:00 p.m.,2023

To be awarded as one lot		Brenntag Southwest
Line 1 Chlorine Liquefied for city swimming Pools		
10,000 ea		
Unit Price	\$65,000.000	
Extended Price	\$	65,000.00
Total Amount Bid		
	\$	65,000.00



Agenda Transmittal Memo

Date: April 25, 2023

Council Priority: Fiscal Responsibility

Department: Public Works

Contact Person: Donny Hooper, Director of Public Works

Agenda Caption: CONSIDER AWARD - CITY OF AMARILLO LANDFILL CELL 10 PHASE 3 CONSTRUCTION

Award to: Hammett Excavation, Inc., - \$4,182,433.10

This item considers the award of a construction contract for the City of Amarillo Landfill Cell 10 Phase 3 construction project.

Agenda Item Summary: This project is for the construction of the third and final phase of Cell 10 at the City of Amarillo landfill. Completion of Cell 10 will provide additional capacity for solid waste disposal at the City of Amarillo landfill.

Requested Action: Consider approval and award to the low bidder, Hammett Excavation, Inc., in the amount of \$4,182,433.10

Funding Summary: Funding for this item is available in Job Number 430121. No State or Federal funds will be used for this project.

Community Engagement Summary: N/A

Staff Recommendation: City Staff is recommending approval of this contract.

Attachments: 1. Bid Tabulation

To be awarded as one lot		Hammett Excavation	4X Construction Group LLC	FCS Construction LP	D.E. Rice Construction	Runyan Construction
Line 1 Mobilization						
1 ea	Unit Price	\$162,250.000000	\$250,000.00	\$274,000.000	\$72,450.00	\$410,000.00
	Extended Price	\$ 162,250.00	\$ 250,000.00	\$ 274,000.00	\$ 72,450.00	\$ 410,000.00
Line 2 Clearing/Grubbing						
1 ea	Unit Price	\$3,500.000000	\$30,000.00	\$207,000.000	\$3,065.00	\$30,000.0000
	Extended Price	\$ 3,500.00	\$ 30,000.00	\$ 207,000.00	\$ 3,065.00	\$ 30,000.00
Line 3 Erosion Control						
1 ea	Unit Price	\$7,500.000000	\$20,000.00	\$15,000.000	\$5,000.00	\$30,000.0000
	Extended Price	\$ 7,500.00	\$ 20,000.00	\$ 15,000.00	\$ 5,000.00	\$ 30,000.00
Line 4 Rock Blasting/Blasting Plan						
228,700 CY	Unit Price	\$3.81000	\$4.75000	\$5.35000	\$6.56000	\$5.75000
	Extended Price	\$ 871,347.00	\$ 1,086,325.00	\$ 1,223,545.00	\$ 1,500,272.00	\$ 1,315,025.00
Line 5 Rock Excavation						
228,700 CY	Unit Price	\$2.73000	\$4.05000	\$4.30000	\$4.93000	\$13.95000
	Extended Price	\$ 624,351.00	\$ 926,235.00	\$ 983,410.00	\$ 1,127,491.00	\$ 3,190,365.00
Line 6 Embankment Fill						

Extended Price	\$	124,640.00	\$	163,590.00	\$	124,640.00	\$	198,645.00	\$	105,165.00
Line 16 Geotextile Fabric 14,434 SF										
Unit Price	\$0.27300		0.70000		0.75000		0.37000		0.55000	
Extended Price	\$	3,940.48	\$	10,103.80	\$	10,825.00	\$	5,340.58	\$	7,935.70
Line 17 Gravel Drainage Material 633 CY										
Unit Price	\$69.00000		90.0000		150.000		108.00000		55.0000	
Extended Price	\$	43,677.00	\$	56,970.00	\$	94,950.00	\$	68,364.00	\$	34,815.00
Line 18 Leachate Collection Pipe 900 LF										
Unit Price	\$23.90000		35.0000		25.000		46.66000		55.5500	
Extended Price	\$	21,510.00	\$	31,500.00	\$	22,500.00	\$	41,994.00	\$	49,995.00
Line 19 Anchor Trench 2,250 LF										
Unit Price	\$5.75000		10.0000		9.000		2.33000		5.0000	
Extended Price	\$	12,937.50	\$	22,500.00	\$	20,250.00	\$	5,242.50	\$	11,250.00
Line 20 Tie In 2.2 LF										
Unit Price	\$7.25000		22.000		16.000		14.17000		11.36000	
Extended Price	\$	15,950.00	\$	48,400.00	\$	35,200.00	\$	31,174.00	\$	24,992.00
Line 21 Site Signage 6 LS										
Unit Price	\$700.00000		350.000		550.000		500.000		1600.000	
Extended Price	\$	4,200.00	\$	2,100.00	\$	3,300.00	\$	3,000.00	\$	9,600.00
Total Amount Bid	\$	4,182,433.10	\$	5,385,259.80	\$	5,503,395.50	\$	5,833,659.08	\$	8,617,548.70



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Civic Pride
Department: Facilities
Contact Person: Jerry Danforth, Director of Facilities

Agenda Caption: CONSIDER AWARD - AGREEMENT FOR ARCHITECTURAL, ENGINEERING AND CIVIL SERVICES FOR TRANSFORMATION PARK CABIN COMMUNITY

Award to: Sims + Architects - \$320,000.00

This item considers awarding a new contract to Sims + Architects to perform all Architectural, Engineering and Civil designs needed for a Cabin Community located at 5th Avenue and Parker Street in Amarillo, Texas. This item will be funded through a combination of American Rescue Plan Act federal funds and local funds.

Agenda Item Summary: This item considers awarding a new contract to Sims + Architects to perform all Architectural, Engineering and Civil designs needed of a Cabin Community located at 5th Avenue and Parker Street in Amarillo, Texas.

Requested Action: Consider approval and award of the A&E contract to Sims + Architects for the amount of \$320,000.00

Funding Summary: Funding for this project is provided through a combination of ARPA funds and previously approved local funds. (City Job Numbers: 411869.17400.1050)

Community Engagement Summary: Transformation Park project has been discussed at multiple City Council meetings.

Staff Recommendation: Award of the A&E contract with Sims + Architects.

Attachments: None



Agenda Transmittal Memo

Date: April 25, 2023

Council Priority: Fiscal Responsibility

Department: Capital Projects Development and Engineering

Contact Person: Kyle Schniederjan, Director of Capital Projects Development and Engineering,
Marco Lopez, Senior Projects Coordinator

Agenda Caption: CONSIDER APPROVAL - CHANGE ORDER NO. 2 FOR 34TH AVENUE PUMP STATION SWITCHGEAR REPLACEMENT

Award to: Brown Construction Services

Original Award	\$ 2,165,000.00
Previous Change Order	65,750.00
Current Change Order No. 2	<u>123,550.93</u>
Total Revised Award	\$ 2,354,300.93

This item considers approval of Change Order No. 2 to the construction contract for the 34th Avenue Pump Station Switchgear Replacement Project in order to add additional services for Pump No. 6.

Agenda Item Summary: The change order includes the pump removal, repair and reinstallation, as well as the reinforcement of the pump structures to mitigate vibration issues when the motors are operated on the new variable frequency drives. Change Order No. 2 addresses the necessary assessment and repairs for Pump No. 6. The conditions of the pump were observed upon test running and inspection during construction. Extension of Contract Time reflects delivery delays of the new motors and electrical switchgear, and Pump No. 6 assessment and repair time.

Requested Action: Consider approval of Change Order No. 2 to the contract with Brown Construction Services PLLC in the amount of \$123,550.93 for execution by the City Manager.

Funding Summary: Funding for this project is available in the original Project Budget Number 530045. This project was approved in the FY 18/19 Community Investment Program.

Community Engagement Summary: The work is located within the boundaries of the 34th Avenue Pump Station. Coordination will occur with water transmission personnel as the project progresses. Construction of the project is not anticipated to have physical impact on the surrounding community.

Staff Recommendation: City staff is recommending approval of the change order.

Attachments: 1. Bid No. 6885 CO#2 Bid Tabulation

Bid No. 6885 CO#2 Best Value Bid FY17-21 Community Investment Program 34th Avenue Pump Station Switch Gear
Replacement for the City of Amarillo
Opened 4:00 p.m., April 12, 2023

To be awarded as one lot		Brown Construction Services
Line 1 Do all the work and provide all tneccessary superintendence, labor, tools, equipment, machinery and apparatus, and whatsoever else may be necessary to comple all of the work, per specifications:		
BASE BID		
1 ea		
Unit Price	\$1,962,000.000	
Extended Price		1,962,000.00
Line 2 ALTERNATE NO. 1, per specifications		
1 ea		
Unit Price	\$203,000.000	
Extended Price		203,000.00
Bid Total		2,165,000.00
Award by Vendor		
	\$	2,165,000.00
Change Order #1	\$	65,750.00
Revised Total	\$	2,230,750.00
Change Order #2	\$	123,550.93
Revised Total	\$	2,354,300.93



Agenda Transmittal Memo

Date: April 25, 2023

Council Priority: Customer Service
Fiscal Responsibility
Public Safety

Department: Public Works

Contact Person: Donny Hooper, Director of Public Works

Agenda Caption: CONSIDER PURCHASE - POLICE PATROL VEHICLES

Award to: Caldwell Country Ford DBA Rockdale Country Ford - \$1,089,460.00 (BuyBoard # 601-19)
This item considers the purchase of 21 police patrol vehicles for replacements and approved additions to the existing police patrol fleet. Current fleet vehicles scheduled to be replaced have reached the end of their expected life cycle with age and mileage limits for safe use as patrol vehicles.

Agenda Item Summary: The purchase is for replacement vehicles and approved additions to the existing police patrol fleet. Vehicles scheduled for replacement have reached their expected life cycle with age and mileage limits for safe use as patrol vehicles. Vehicles will be purchased using BuyBoard Contract #601-19 from Caldwell Country Ford DAB Rockdale Country Ford.

Requested Action: Recommend approval of the purchase of twenty-one (21) police patrol vehicles for use by the City of Amarillo Police Dept.

Funding Summary: Funding for this purchase will be from 61120.84100, Fleet Services Rolling Stock.
Cost \$51,860.00 each, total purchase \$1,089,460.00

Community Engagement Summary: The Police Department works with the community to provide required services for citizens.

Staff Recommendation: Staff recommends purchase approval of this purchase.

Attachments: 1. Bid No. 7545 Bid Tabulation

Bid No. 7545 Quick Bid Interceptor ATV for APD
 Opened 4:00 p.m. April 4, 2023

To be awarded as one lot		Caldwell Country Ford DBA Rockdale Country Ford
Line 1 Police Vehicles Interceptor ATV		
21 ea		
Unit Price	\$51,285.000	
Extended Price		1,076,985.00
Line 2 Delivery Charge		
21 ea		
Unit Price	\$575.000	
Extended Price		12,075.00
Line 3 Buy Board Fee		
1 ea		
Unit Price	\$400.000	
Extended Price		400.00
Total Bid Amount		\$ 1,089,460.00



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Fiscal Responsibility
Department: Human Resources
Contact Person: Sandy Elliott, Assistant Director of Human Resources

Agenda Caption: CONSIDER AWARD - EMERGENCY BUILDING REPAIRS

Award to: Carpet Tech - \$629,442.48

This item considers the award for emergency building repairs due to water damage from flooding at the Globe News Center.

Agenda Item Summary: The Human Resources Risk Management Division requested emergency building repairs to be performed by Carpet Tech due to water damage at the Globe News Center.

Requested Action: Requesting approval of an award of \$304,239.92 to Carpet Tech.

Funding Summary: 630001.17400.1040 - Insurance Fund. There is a \$250,000 deductible on this policy that covers these damages and any amounts above the deductible will be reimbursed by the insurance company.

Community Engagement Summary: N/A

Staff Recommendation: Approval of \$304,239.92 to Carpet Tech for emergency building repair services.

Attachments: 1. Bid No. 7516 Bid Tabulation

Bid 7516 Repair Replace & Remodel Services after the N Mitigation Services are Complete

To be awarded as one lot		Carpet Tech
Line 1 Enter Text, per specifications		
1 ea		
Unit Price	\$629,442.480	
Extended Price		629,442.48
TOTAL BID AMOUNT		\$ 629,442.48



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Fiscal Responsibility
Department: Human Resources
Contact Person: Sandy Elliott, Assistant Director of Human Resources

Agenda Caption: CONSIDER AWARD - EMERGENCY WATER MITIGATION REPAIRS

Award to: ServiceMaster - \$312,828.98

This item considers the award of an agreement for emergency water mitigation services due to water damage from flooding at the Globe News Center

Agenda Item Summary: The Human Resources Risk Management Division requested emergency water mitigation services to be performed by ServiceMaster due to water damage at the Globe News Center.

Requested Action: Requesting approval of an award of \$312,828.98 to ServiceMaster.

Funding Summary: 630001.17400.1040. There is a \$250,000 deductible on this policy that covers these damages and any amounts above the deductible will be reimbursed by the insurance company.

Community Engagement Summary: N/A

Staff Recommendation: Approval of \$312,828.98 to ServiceMaster for emergency water mitigation services.

Attachments: 1. Bid No. 7519 Bid Tabulation

CITY OF AMARILLO, TEXAS
Bid Evaluation For Quote 7519
EMERGENCY WATER MITIGATION
SERVICES

ATTN:ERIC TOJEIVA

Line Number			Quantity
1	910 65	Remodeling and Alterations	1.00

A WATERLINE LOCATED ON THE 3RD FLOOR ON THE GNC FAILED AND CAUSED SUBSTANTIONAL FLOODING THROUGHOUT THE BUILDING, NEXTGEN ASSOCIATES INC/SERVICE MASTER RESTORATION BY EMT WERE CONTACTED FOR WATER MITIGATION SERVICES TO CONTROL THE DAMAGE AND START ON THE MITIGATION.

Vendor Number	Name	Unit Cost	Extended Price
491570	NEXTGEN ASSOCIATES INC	312,828.9800	312,828.98





Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Customer Service
Department: Civic Center
Contact Person: Bo Fowlkes, General Manager

Agenda Caption: CONSIDER AWARD - TEMPORARY LABOR SERVICES

Award to: Hire Quest not to exceed \$250,000.00

This item considers renewing the existing Temporary Labor Services contract for the Amarillo Civic Center Complex.

Agenda Item Summary: This renews the existing Temp Labor Services contract that is in place.

Requested Action: Approval and award

Funding Summary: Civic Center base budget and reimbursement through ticketed events for services related to them.

Community Engagement Summary: Customer Service, feedback from patrons and lessees, research on best practices.

Staff Recommendation: It is recommended that the award of this contract be approved for Hire Quest in an amount not to exceed \$250,000 annually with a two-year renewal.

Attachments: None



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Economic Development and Redevelopment
Department: City Manager's Office
Contact Person: Kevin Carter - Amarillo Economic Development Corporation

Agenda Caption: CONSIDER APPROVAL – SALE OF REAL PROPERTY LOCATED AT CENTERPORT BLVD AND BENCHMARK STREET

Buyer: BHD Development Land, LLC - \$820,000.00 plus closing costs and related expenses

This item considers authorizing AEDC to execute a contract and all necessary documents for the sale of approximately 21 acres of land located at Centerport Boulevard and Benchmark Street.

Agenda Item Summary: This item authorizes AEDC to execute a contract and all necessary documents for the sale of approximately 21 acres of land located at Centerport Boulevard and Benchmark Street to BHD Development Land, LLC. The sale price is approximately \$820,000.00 plus closing costs and related expenses.

Requested Action: Approval of the sale of land as requested.

Funding Summary: \$820,000.00 plus closing costs and related expenses.

Community Engagement Summary: N/A

Staff Recommendation: AEDC staff is recommending approval of the sale. The AEDC Board voted 4-0 on Monday, April 17, 2023 to approve the sale.

Attachments: 1. CenterPort Map





Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Fiscal Responsibility
Department: Finance
Contact Person: Matthew Poston, Director of Finance

Agenda Caption: CONSIDER AWARD - AUDIT SERVICES AGREEMENT

Award to: CMMS CPAs & Advisors PLLC - \$325,485.00

This item considers the award of a one-year agreement to provide audit services for the City of Amarillo and various component units.

Agenda Item Summary: This agreement for audit services with CMMS CPAs & Advisors, PLLC is for a one-year agreement. The audit services cover the City and its various component units and fiscal agent entities.

Requested Action: Council consideration and approval of the agreement.

Funding Summary: Funding for audit services is included in the City's budget.

Community Engagement Summary: N/A

Staff Recommendation: Staff's recommendation is for City Council's approval of the audit services agreement.

Attachments: None



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Public Safety
Department: Public Health
Contact Person: Casie Stoughton, Director of Public Health, Anthony Spanel, Director of Environmental Health

Agenda Caption: CONSIDER APPROVAL - AMARILLO AREA PUBLIC HEALTH DISTRICT COOPERATIVE AGREEMENT UPDATE

This item considers approval of revisions and updates to the cooperative agreement for the Amarillo Area Public Health District

Agenda Item Summary: This item considers approval of the revision and update to the cooperative agreement for the Amarillo Area Public Health District. This revision includes alignment with state law and clarification of definitions and processes.

Requested Action: Approval

Funding Summary: N/A

Community Engagement Summary: Amarillo Area Public Health Board

Staff Recommendation: Approval

Attachments: 1. Update to Cooperative Agreement comprehensive v5 FINAL

**AMARILLO AREA PUBLIC HEALTH DISTRICT
COOPERATIVE AGREEMENT
AMENDED AND RESTATED _____, 2023**

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
CITY OF AMARILLO §

WHEREAS, in 1984, the City of Amarillo, City of Canyon, County of Potter, and County of Randall executed the Bi-City-County Public Health District Cooperative Agreement (“**Agreement**”) prescribed by Chapter 121 of the Texas Health and Safety Code, Local Public Health Reorganization Act (“**Act**”); and

WHEREAS, in 1992 and 1997, the City of Amarillo, City of Canyon, County of Potter, and County of Randall updated the Agreement as prescribed by the Act; and

WHEREAS, in 2019, the Villages of Timbercreek Canyon, Lake Tanglewood, and Palisades, and the Town of Bishop Hills joined the Bi-City-County Public Health District, and all of the member jurisdictions updated the Agreement and continued the operation of the District under the new name, Amarillo Area Public Health District; and

WHEREAS, the members of the Amarillo Area Public Health District now wish to update the Agreement to include the provision of rabies quarantine services to the District and to reflect current state law;

NOW THEREFORE, this Agreement shall be the updated Agreement replacing the previous original Agreement and Amendments thereto and is entered into on _____, 2023, by and between the Cities of Amarillo and Canyon; the Villages of Timbercreek Canyon, Lake Tanglewood, and Palisades; the Town of Bishop Hills; and the Counties of Potter and Randall.

**ARTICLE I.
PURPOSE**

- 1.1** The purpose of this Agreement is to provide an effective local public health program for the residents of the Cities of Amarillo and Canyon; the Villages of Timbercreek Canyon, Lake Tanglewood, and Palisades; the Town of Bishop Hills; and the Counties of Potter and Randall, as authorized by the Local Public Health Reorganization Act, Chapter 121 of the Texas Health and Safety Code.

**ARTICLE II.
DEFINITIONS**

- 2.1** **Amarillo Area Public Health District (“District”)**: A legal entity created by the Agreement, as amended, executed by Member Jurisdictions, with the purpose to perform any public health function that any of its Member Jurisdictions may perform, unless otherwise restricted by law. A name change from Bi-City-County Public Health District.

- 2.2 **Amarillo Area Public Health Board (“Board”)**: An advisory board created to provide guidance on public health activities and to make recommendations from time to time to the Member Jurisdictions on matters pertaining to public health in the District created hereby. The Board shall have the power and duty to advise the District Director and make recommendations on matters of public health and administration of the District.
- 2.3 **Board Member**: An appointed member of the Board.
- 2.4 **DSHS**: The Texas Department of State Health Services.
- 2.5 **Ex-Officio Representative**: A Board representative from each Member Jurisdiction, without voting capacity, acting in an advisory capacity.
- 2.6 **COA Departments**: Departments providing services to the District: Public Health, Environmental Health, WIC, and Animal Management and Welfare. Each COA Department has a separate mission and service coverage area as defined by funding and is a department in the organizational structure of the City of Amarillo.
- 2.7 **COA Department Directors**: The directors of the COA Departments serving the District.
- 2.8 **District Director**: The chief administrative officer of the District, appointed by a majority of the Member Jurisdictions in accordance with section 6.2 of this Agreement.
- 2.9 **Health Authority**: A physician appointed under the provisions of the Act to administer state and local laws relating to public health within the District.
- 2.10 **Member Jurisdictions**: The entities participating in this Agreement.

ARTICLE III. TERMS OF OPERATION

The terms of the operation of the District shall include, but not be limited to, the following:

- 3.1 **Establishment**. This Agreement continues the operation of the District previously established pursuant to Chapter 121 of the Texas Health and Safety Code, Subchapter E “Public Health Districts” by majority vote of the governing bodies of Potter and Randall Counties and the municipalities in Potter and Randall Counties. The City of Amarillo provides administrative services to the District, and the employees, including the District Director, are employees of the City of Amarillo, not employees of the District.
- 3.2 **Membership**. The District may be joined by other entities that are authorized by law to exercise powers to enforce local health regulations, by any such entity agreeing to be bound by this Agreement, as from time to time amended and upon the approval of a majority of the governing body of each Member Jurisdiction.
- 3.3 **Duties**. The District may perform any public health function that any of its Member Jurisdictions may perform unless otherwise restricted by law. The Member Jurisdictions designate the District to act as their agent in all matters relating to public health in which

the Member Jurisdictions have jurisdiction and authority.

- 3.4 Boundaries.** The boundaries of the District shall be the same as the boundaries of the Member Jurisdictions.

ARTICLE IV. HEALTH BOARD

- 4.1 Board.** There shall be a public health advisory board that shall provide guidance to the District Director on public health activities, including policy development for the protection and promotion of health within the geographical limits of the Member Jurisdictions.

4.2 Composition.

- 4.2.1** The Board shall be composed of eight Board Members, including:

1. two Board Members appointed by the City of Amarillo,
2. one Board Member appointed by the City of Canyon,
3. two Board Members appointed by Randall County,
4. two Board Members appointed by Potter County, and
5. one Board Member appointed representing all jurisdictions with population of less than 3,000.

- 4.2.2** The affirmative vote of the governing body of any Member Jurisdiction shall be sufficient for appointment of that Member Jurisdiction's allotted appointee(s).

- 4.2.3** The term of each Board Member shall be for three years.

- 4.2.3.1** At the April 11, 2019, Board meeting, the Board agreed to a rotation for Member Jurisdictions with a population of less than 3,000. The rotation is as follows: the Village of Timbercreek Canyon, the Village of Lake Tanglewood, the Town of Bishop Hills, and the Village of Palisades.

- 4.2.4** The following shall be Ex-Officio Representatives to the Board without voting capacity and shall act in an advisory capacity to the Board:

1. County Judge of Randall County
2. County Judge of Potter County
3. Amarillo City Manager
4. Public Health COA Department Director
5. Health Authority (if different from the Public Health COA Department Director)
6. Canyon City Manager
7. Village of Palisades Mayor/City Manager
8. Village of Timbercreek Canyon Mayor/City Manager
9. Village of Lake Tanglewood Mayor/City Manager
10. Town of Bishop Hills Mayor/City Manager

- 4.3 Vacancies.** In the event of a Board Member vacancy for any reason, the unexpired term resulting from the vacancy shall be filled by the same Member Jurisdiction and in the same

manner in which the originally-appointed Board Member was appointed.

- 4.4 Officers.** The Board shall elect by majority vote a chair and a vice chair, who will preside in the absence of the chair, from the ranks of Board Membership each October. The Board may appoint such other officers as it may deem necessary. The officers shall serve for a term of one year or as long as they remain a Board Member and are reappointed, whichever is less. An officer may be reappointed to the office the officer is holding for unlimited additional one-year terms upon a majority vote of the Board Members.
- 4.5 Quorum.** A quorum for meetings of the Board shall be five Board Members or, in the event that there are any vacancies, a majority of the filled Board Member positions.
- 4.6 Meetings.** Regular meetings may be held quarterly. Special meetings shall be held at the call of the chair, a majority of the Board Members, the District Director, or a COA Department Director. Board action shall be effective when adopted by the favorable vote of a majority of the quorum of Board Members present.
- 4.6.1** A representative from the Public Health COA Department will take and transcribe minutes.
- 4.6.2** A copy of such minutes will be posted to the City of Amarillo’s website, upon approval.
- 4.7 Notice.** The Board shall comply with the notice and open meeting requirements of the Texas Open Meetings Act.
- 4.8 Residency.** To be eligible for appointment, a potential Board Member must currently reside in and have resided in their respective Member Jurisdiction for at least three years before the date of the Board Member’s appointment. A Board Member shall be removed from the Board if they no longer meet the residency requirements.
- 4.9 Compensation.** All Board Members shall serve without compensation.
- 4.10 Removal.** Any Board Member may be removed without cause from the office of Board Member by a majority vote of the governing body of the Member Jurisdiction which originally appointed the Board Member.
- 4.11 Present to Vote.** In order to cast a vote at a meeting of the Board, a Board Member must be present at such meeting.
- 4.12 Duties.** The Board may authorize the performance of any function that is provided for under this Agreement and may adopt substantive and procedural rules that are necessary and appropriate to promote and preserve the health and safety of the public. The Board may not adopt a rule that is not specifically authorized by state law, conflicts with state law, or conflicts with a member ordinance or order.

ARTICLE V. HEALTH AUTHORITY

- 5.1 Appointment; Removal.** If the District Director is a physician, then the District Director

is the Health Authority. If the District Director is not a physician, then the District Director will appoint the Health Authority. The Health Authority shall be a physician who is qualified in public health work. The Health Authority may be removed from office for cause under the personnel rules and procedures of the City of Amarillo.

- 5.2 Duties.** The Health Authority shall have the power and duty to exercise the functions of a Health Authority as prescribed by Chapter 121, Health and Safety Code, and shall execute the duties set out in and enforce the ordinances and the duly enacted orders of the participating entities which relate to the public health. Each Member Jurisdiction accepts the Health Authority to serve the District, including individual Member Jurisdictions.
- 5.3 Compensation.** The Health Authority shall be compensated through a contract between City of Amarillo and Texas Tech School of Medicine.
- 5.4 Vacancy.** In the event of an emergency vacation, the District Director will work with the Chair of Internal Medicine or designee at Texas Tech School of Medicine to identify a replacement Health Authority.
- 5.5 Deputy Health Authority.** The Health Authority may appoint one or more Deputy Health Authority(s) to exercise the powers and duties of that office when the Health Authority is unavailable or incapacitated or for any reason unable to perform the duties of that office. The Health Authority will notify the District Director when the Health Authority anticipates being unavailable, so that duplication of powers of the Health Authority is avoided. In the absence of any notice by the Health Authority, the District may nonetheless call upon the Deputy Health Authority to perform the duties of the Health Authority if and when it reasonably appears to the District Director that the Health Authority is unavailable. The District Director will notify DSHS when authority has been transferred.

ARTICLE VI.

ADMINISTRATIVE SERVICES

- 6.1 District Administration.** The City of Amarillo shall provide administrative services for the District and shall have administrative responsibility for the day-to-day operations of the District, administratively supervise any employees of the District, and prepare the annual budget of the District for submission to the City of Amarillo.
- 6.1.1 Services.** The City of Amarillo is responsible for and will perform the public health, environmental health, and rabies quarantine services for the District. All fees, regulations, and requirements shall be set by the City of Amarillo as the service provider. A surcharge for services provided outside Amarillo city limits may be assessed by the service provider.
- 6.1.2. Annual Report.** During the January meeting each year, the COA Department Directors shall present to the Member Jurisdictions an annual programmatic report of the preceding fiscal year for their review.
- 6.1.3. Funding.** In the event the funding and support provided by the Amarillo Hospital District, Universal Health Services, and the City of Amarillo is not sufficient to enable the District to perform its purposes or functions, then each Member Jurisdiction may be required to pay the costs necessary to operate the District.

6.1.4. Reduced Service Levels. In the event of unforeseen circumstances, including but not limited to staffing shortages or pandemics, the District may provide reduced services but will at least provide all services required by law.

6.2 District Director. The Member Jurisdictions hereby appoint the Public Health COA Department Director to serve as the District Director. The District Director will be the chief administrative officer of the District. The District Director may be removed from office for cause under the personnel rules and procedures of the City of Amarillo.

ARTICLE VII. **TERM OF THIS AGREEMENT**

7.1 Effective Date. This Agreement is effective upon approval by the governing body of each Member Jurisdiction.

7.2 Term. The term of this Agreement shall continue for a period of five years (primary term), and upon the completion of five years, the Agreement shall automatically extend for an additional five years until the termination date. This Agreement shall supersede any previous agreement of the Member Jurisdictions for health services as of the effective date. A copy of this executed Agreement shall be filed with the clerk or secretary of each Member Jurisdiction.

7.3 Amendments. This Agreement may be modified or amended during its term upon written agreement with a majority approval from the Board, and then, the approval of a majority of the governing body of each Member Jurisdiction.

7.4 Withdrawal of Member Jurisdiction. A Member Jurisdiction may withdraw from the District by providing written notice by either certified mail or personal delivery to the District Director by May 31st. Withdrawal shall be effective October 1st. Upon the effective date of the withdrawal, certain regulatory services provided by or through the District, such as licensing and inspection of food establishments and onsite sewage facilities, will no longer be available to the withdrawing Member Jurisdiction. A Member Jurisdiction may revoke its withdrawal by providing written notice to the District Director by July 31st. Revocation is effective upon receipt of the notice by the District Director.

7.5 Expulsion of Member Jurisdiction. The expulsion process may be initiated by a petition or request signed by three Board Members of at least three Member Jurisdictions and delivered to the District Director. The petition or request shall state the reasons that expulsion is sought. The Member Jurisdiction whose expulsion is sought must be provided a copy of the petition or request and given at least ten days' written notice (served by certified mail or by personal service to the Member Jurisdiction's Ex-Officio Representative and chief executive officer) of the meeting at which the issue of expulsion will be considered. At the Board meeting, if a two-thirds majority of the Board Members votes to recommend expulsion of the Member Jurisdiction, the District Director shall give written notice by certified mail to the affected Member Jurisdiction. Expulsion shall then require the concurring vote of 2/3 of the governing bodies of the other Member Jurisdictions. There is no appeal from such action by the Board and the Member Jurisdictions.

- 7.6 Dissolution of District.** The dissolution process may be initiated by a petition or request signed by four Board Members of at least four Member Jurisdictions and delivered to the District Director. The District Director shall forward a copy of said petition to all Member Jurisdictions. At a Board meeting, if a supermajority (3/4) of the Board Members vote to recommend dissolution of the District, the District Director shall give written notice by certified mail to all Member Jurisdictions. Dissolution shall then require the concurring vote of the governing bodies of all Member Jurisdictions. The vote of the governing bodies of all Member Jurisdictions must take place within 90 days. If the Board and Member Jurisdictions vote to dissolve the District, the District shall be dissolved at the end of such fiscal year after such vote was passed. If a vote is taken to dissolve and fails, another vote to dissolve may not occur until after the next fiscal year.

ARTICLE VIII. **MISCELLANEOUS**

- 8.1 Entire Agreement; Headings; Severability.** This Agreement contains the entire understanding of the parties relating to the matters contained in this Agreement, superseding all prior agreements. The section headings herein are for convenience and reference and are not intended to define or limit the scope of any condition, term, or provision of this Agreement. If any provision of this Agreement is held to be invalid for any reason, the remainder of the Agreement shall continue in full effect.
- 8.2 Public Information.** Requests for public information shall be directed to the appropriate COA Department Director. Media inquiries shall be directed to the City of Amarillo's communications department.
- 8.3 Governing Law and Venue.** This Agreement is governed by the laws of the State of Texas and should be construed to carry out the intent of the Local Public Health Reorganization Act, Chapter 121, of the Texas Health and Safety Code. This Agreement is expressly made subject to the charters, ordinances, and orders of all Member Jurisdictions. This Agreement is performable in Potter County, Texas, and the parties hereto agree that any action brought to enforce or interpret this Agreement shall be brought in Potter County, Texas.
- 8.4 Successors and Assigns.** This Agreement shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto. No Member Jurisdiction shall assign or subcontract this Agreement or any right, duty, or obligation hereunder, in whole or in part, without the express written consent of the remaining Member Jurisdictions.
- 8.5 Waiver.** All parties herein hereby waive, forfeit, and otherwise surrender any and all remedies available at law, in equity, or otherwise, to a party, including any claim or action for breach of contract, against any other party to this Agreement. The termination of this Agreement shall extinguish all rights, duties, obligations and liabilities of the parties herein under this Agreement.
- 8.6 Release.** To the extent allowed by law, the parties hereby mutually and individually release each other, respectively, its elected officials, officers, agents, employees, and volunteers, from and against any and all liability, claims, suits, demands, or causes of action which may arise due to any loss or damage to personal property, or personal injury, or death

occurring as a consequence of the performance of this Agreement.

8.7 Counterparts. This Agreement shall be executed in multiple counterparts, each of which shall be deemed an original.

8.8 Authority. The person signing this Agreement hereby warrants that they have the legal authority to execute this Agreement on behalf of their respective party, and that such binding authority has been granted by proper order, resolution, ordinance or other authorization of the entity. The other party is fully entitled to rely on this warranty and representation in entering into this Agreement.

(Signature blocks on the following pages)

THE CITY OF AMARILLO

By: _____
Mayor or City Manager/Administrator

Print Name: _____

Print Title: _____

ATTEST

City Secretary

Date Signed

[Remainder of page intentionally left blank]

THE CITY OF CANYON

By: _____
Mayor or City Manager/Administrator

Print Name: _____

Print Title: _____

ATTEST

City Secretary

Date Signed

[Remainder of page intentionally left blank]

THE COUNTY OF POTTER

By: _____
County Judge

Print Name: _____

Print Title: _____

ATTEST

Title:

Date Signed

[Remainder of page intentionally left blank]

THE COUNTY OF RANDALL

By: _____
County Judge

Print Name: _____

Print Title: _____

ATTEST

Title:

Date Signed

[Remainder of page intentionally left blank]

THE VILLAGE OF TIMBERCREEK CANYON

By: _____
Mayor or City Manager/Administrator

Print Name: _____

Print Title: _____

ATTEST

Title:

Date Signed

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THE VILLAGE OF LAKE TANGLEWOOD

By: _____
Mayor or City Manager/Administrator

Print Name: _____

Print Title: _____

ATTEST

Title:

Date Signed

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THE VILLAGE OF PALISADES

By: _____
Mayor or City Manager/Administrator

Print Name: _____

Print Title: _____

ATTEST

Title:

Date Signed

[Remainder of page intentionally left blank]

THE TOWN OF BISHOP HILLS

By: _____
Mayor or City Manager/Administrator

Print Name: _____

Print Title: _____

ATTEST

Title:

Date Signed

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Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Public Safety
Department: Environmental Health
Contact Person: Anthony Spanel, Director of Environmental Health, Casie Stoughton, Director of Public Health

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8057

This item is the first reading of an ordinance amending the Amarillo Municipal Code, Chapters 8-5, 2-6, and 4-9 to reflect the updated Amarillo Area Public Health District Cooperative Agreement. The revision will provide an overall update to reflect current state law and practices, as well as a clean up of definitions.

Agenda Item Summary: This item is the first reading of an ordinance amending the Amarillo Municipal Code, Chapters 8-5, 2-6, and 4-9 to reflect the updated Amarillo Area Public Health District Cooperative Agreement. The revision will provide an overall update to reflect current state law and practices, as well as a clean up of definitions.

Requested Action: Approval

Funding Summary: N/A

Community Engagement Summary: Amarillo Area Public Health District Board of Health

Staff Recommendation: Staff recommends approval.

Attachments: 1. Ordinance No. 8057

ORDINANCE NO. 8057

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTERS 8-5, 2-6, AND 4-9 TO REFLECT THE UPDATED AMARILLO AREA PUBLIC HEALTH DISTRICT COOPERATIVE AGREEMENT; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

WHEREAS, in 1984, the City of Amarillo, City of Canyon, County of Potter, and County of Randall executed the Bi-City-County Public Health District Cooperative Agreement (“**Agreement**”) prescribed by Chapter 121 of the Texas Health & Safety Code, Local Public Health Reorganization Act (“**Act**”); and

WHEREAS, in 1992 and 1997, the City of Amarillo, City of Canyon, County of Potter, and County of Randall updated the Agreement as prescribed by the Act; and

WHEREAS, in 2019, the Villages of Timbercreek Canyon, Lake Tanglewood, and Palisades, and the Town of Bishop Hills joined the Bi-City-County Public Health District, and all of the member jurisdictions updated the Agreement and continued the operation of the District under the new name, the Amarillo Area Public Health District; and

WHEREAS, in 2023, the member jurisdictions update the Agreement; and

WHEREAS, various sections of the Amarillo Municipal Code should be updated to reflect the updated Agreement.

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

SECTION 1. The Amarillo Municipal Code, Chapter 8-5, Article I, Section 8-5-1 be and hereby is amended in part to now read as follows:

Amarillo Area Public Health Board: A citizen advisory board whose members are appointed by the governing bodies City Council of the Cities of Amarillo and Canyon; the Villages of Timbercreek Canyon, Lake Tanglewood, and Palisades; the Town of Bishop Hills; and by the County Judges the Counties of Potter and Randall Counties. This board is created pursuant to the provisions of Chapter 121 (Local Public Health Reorganization Act) of the Health and Safety Code.

Amarillo Area Public Health District: A district, comprising the Cities of Amarillo and Canyon; the Villages of Timbercreek Canyon, Lake Tanglewood, and Palisades; the Town of Bishop Hills; and the Counties of Potter and Randall, created

under Chapter 121 (Local Public Health Reorganization Act) of the Health and Safety Code.

Director of Public Health: The manager of the Department of Public Health appointed by the City Manager and charged with implementing public health promotion and maintenance services; infectious disease investigations, prevention services, and control measures; community health assessment, and public health education and information services for the Amarillo Area Public Health District. The Director of Public Health also supervises the administrative operations of the Amarillo Area Public Health District, including budget administration, personnel management and other administrative duties.

Health Authority: The Physician appointed ~~by the Amarillo City Council in accordance with Chapter 121 of the Texas Health & Safety Code, Local Public Health Reorganization Act~~ to ~~serve as Director and~~ administer State and local laws relating to public health within the Amarillo Area Public Health District.

Health Officer: The Health Authority, Director of Environmental Health or designee and the Director of Public Health or designee ~~and all registered sanitarians employed as inspectors.~~

Public Health Administrator: ~~The administrator appointed by the City Manager to supervise the administrative operations of the Amarillo Area Public Health District, including budget administration, personnel management and other administrative duties as assigned by the City Manager.~~

SECTION 2. The Amarillo Municipal Code, Chapter 8-5, Article I, Section 8-5-2 be and hereby is amended in part to now read as follows:

Sec. 8-5-2. - Adoption and Authority of State Law, Rules and Regulations.

- (a) The Environmental Health Department, Public Health Department, and the Health Authority are each respectively authorized to enforce all applicable health, sanitation, and environmental nuisance laws enacted (and as amended) by the State of Texas by way of statute or administrative agency rules, both within the City limits of Amarillo and within other jurisdictions which by intergovernmental agreement or cooperative agreement authorize City employees to perform such services within such other jurisdiction. The procedural and fee provisions of this Chapter 8-5 apply in all actions and jurisdictions. The substantive provisions of this chapter apply within the City limits of Amarillo or other jurisdictions as authorized by law.

SECTION 3. The Amarillo Municipal Code, Chapter 8-5, Article II, Section 8-5-5 be and hereby is amended in part to now read as follows:

Sec. 8-5-5. - Duties of Health Authority.

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

- (d) The Health Authority, Director of Public Health, Director of Environmental Health, and/or their designees, are jointly and severally charged with implementing and enforcing: all applicable health, sanitation, and environmental nuisance laws enacted (and as amended) by the State of Texas by way of statute or administrative agency rules, both within the City limits of Amarillo and within other jurisdictions which by intergovernmental agreement or cooperative agreement authorize City employees to perform such services within such other jurisdiction. As appropriate, each of these local officials shall also coordinate activities with the Texas Department of State Health Services and other public health units, departments, districts, and agencies.

SECTION 4. The Amarillo Municipal Code, Chapter 8-5, Article II, Section 8-5-7 be and hereby is amended in part to now read as follows:

Sec. 8-5-7. - Administering oaths; compelling attendance of witnesses.

The Health Authority is authorized and empowered to administer oaths, summon witnesses and compel their attendance in all matters proper for ~~him~~ the Health Authority to investigate, such as investigation of public water supplies, of sanitary conditions both within the City limits of Amarillo and within other jurisdictions which by intergovernmental agreement or cooperative agreement authorize City employees to perform such services within such other jurisdiction, the existence of contagious and infectious diseases and all matters coming under the scope of the authority invested in ~~him~~ the Health Authority by this article and the sanitary code of the State.

SECTION 5. The Amarillo Municipal Code, Chapter 8-5, Article VI, Section 8-5-302 be and hereby is amended in part to now read as follows:

- (a) [NO TEXT CHANGE]
- (b) The Department may also provide Public Health Services pursuant to a mutual aid request from ~~form~~ the neighboring region, or intergovernmental cooperation agreement with another jurisdiction in the region, or at the request of the Texas Department of State Health Services.
- (c) [NO TEXT CHANGE]

SECTION 6. The Amarillo Municipal Code, Chapter 2-6, Article XX, be and hereby is amended in part to now read as follows:

ARTICLE XX. - ~~BI-CITY-COUNTY HEALTH DISTRICT~~ AMARILLO AREA PUBLIC HEALTH BOARD

Sec. 2-6-140. - Created.

There is hereby created the ~~Bi-City-County Health District Board~~ Amarillo Area Public Health Board.

Sec. 2-6-141. - Members; director.

Pursuant to the ~~interlocal cooperation agreement~~ Amarillo Area Public Health District Cooperative Agreement dated April 1, 1997, as amended, and subchapter E, chapter 121, Texas Health and Safety Code, ~~the board shall consist of:~~

- (a) The Board shall consist of ~~seven (7)~~ eight (8) voting members, each being a resident of ~~Potter or Randall county~~ their appointing jurisdiction for a period of at least three (3) years, to serve for staggered three (3) year terms, as follows: two (2) members appointed by the City; one (1) appointed by the City of Canyon; two (2) appointed by Randall County; ~~and, two (2) appointed by Potter County; and one appointed on a rotating basis by the other member jurisdictions to represent all of them.~~ Each member is appointed by and serves at the pleasure of the majority of the appointing authority;~~;~~~~and,~~
- (b) The following are ~~ex-officio members~~ ex-officio representatives without a vote: the County ~~judge~~ Judges of Potter and Randall ~~county~~ Counties, respectively; the City Managers of Amarillo and Canyon, respectively; the Director of Public Health; the Health Authority (if different from the Director of Public Health); the Villages of Palisades, Timbercreek Canyon, and Tanglewood, and the Town of Bishop Hills, Mayors/City Managers, respectively; and the director of the ~~Bi-City-County Health District~~ Amarillo Area Public Health District (if different from the Director of Public Health).
- (c) As required by the ~~participation~~ cooperative agreement and state law, the City designates that the ~~director of the~~ District director, and City staff liaison to the District, shall be the City of Amarillo Director of Public Health.

Sec. 2-6-142. - Duties and powers.

The board shall have and exercise the following duties and powers:

- (1) As to appointees of the City, all provisions of Article I of this chapter that are not in conflict with this Article.
- (2) Be an advisory board to the governing bodies of the participating entities.
- (3) Make recommendations to the participating entities, through the minutes of its meetings, on matters pertaining to public health within the district.
- (4) Advise the ~~d~~Director of ~~p~~Public ~~h~~Health on such matters and the administration of the public health district created by the ~~interlocal~~ cooperative agreement.

- (5) All other powers, duties, exceptions, privileges, and immunities accorded by applicable law and interlocal or cooperative agreements that created the board and the district it oversees.

Secs. 2-6-143—2-6-144. - Reserved.

SECTION 7. The Amarillo Municipal Code, Chapter 4-9, Article II, Division 1, Section 4-9-23 be and hereby is amended in part to now read as follows:

Sec. 4-9-23. - Permits.

- (a) The Building Official shall not issue Building or remodeling permits for any Structure in a Height Hazard Area or Airport Overlay Zoning District unless the applicant fully complies with all provisions of this chapter.
- ~~(b) The Public Health Administrator shall not issue a permit for the installation of a water well and/or septic tank in a Height Hazard Area or Airport Overlay Zoning District unless the Building Official has stated that the permit applicant has complied with all provisions of this chapter.~~
- (eb) Except as specifically provided in subsection (d), no change shall be made in any use of land, no Structure shall be erected or altered, and no Tree shall be planted without a permit. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient details to determine whether the resulting use, Structure or Tree would conform to the regulations of this chapter. If such determination is found to be in compliance with this chapter, the permit may be granted. No permit inconsistent with the provisions of this chapter shall be granted unless a Variance has been approved in accordance with this chapter.
- (dc) No permit shall be required for any Tree or Structure less than seventy-five (75) feet of vertical Height above the ground, except when, because of terrain, such Tree or Structure would extend above the Height limits prescribed for such Height Hazard Zones or when the Structure is within the City.

(ed) No permit shall be granted that would allow a Nonconforming Use, Structure or Tree to have an increased Height, or become a greater Hazard to Air Navigation than it was on the effective date of this chapter or any amendments thereto or than it is when the application for a permit is made.

SECTION 8. 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 9. Repealer. Subject to the provision in Section 7 (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 8. 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 9. 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 April, 2023; and PASSED on Second and Final Reading the 9th day of May, 2023.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Economic Development and Redevelopment
Department: City Manager's Office
Contact Person: Laura Storrs, Assistant City Manager and CFO

Agenda Caption: CONSIDERATION OF RESOLUTION NO. 04-25-23-1

This item considers a resolution approving the use of American Rescue Plan Act of 2021 (ARPA) funds which will amend the project plan for the second installment of ARPA funding.

Agenda Item Summary: This resolution amends the project plan for the second installment of American Rescue Plan Act (ARPA) funding of \$19,838,158.50.

Requested Action: Council consideration and approval of the resolution for the amended project plan for the second installment of ARPA funding.

Funding Summary: A total of \$39,676,317 has been allocated to the City of Amarillo with the first installment of \$19,838,158.50 received on May 19, 2021 and the second installment of \$19,838,158.50 received on June 6, 2022. All funds must be encumbered before December 31, 2024 and spent before December 31, 2026.

Community Engagement Summary: City Council conducted a Community Solutions meeting on the ARPA funding for citizens to attend and voice ideas for use of the funds on May 17, 2021. Staff presented further information on the ARPA funding and an overview of the Community Solutions meeting at the May 25, 2021 Council meeting. Staff presented eligible uses of the funding to Council based on community feedback and Council input at the August 24, 2021 Council meeting. Council approved the first installment project plan at the October 12, 2021 Council meeting and the second installment project plan at the June 14, 2022 Council meeting.

Staff Recommendation: Staff recommendation is to approve the resolution.

Attachments: 1. Resolution No. 04-25-23-1

RESOLUTION NO. 04-25-23-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS APPROVING THE USE OF AMERICAN RESCUE PLAN ACT OF 2021 (“ARPA”) FUNDS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the American Rescue Plan Act of 2021 provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize; and

WHEREAS, the City of Amarillo has been allocated a total of \$39,676,317 in ARPA funds and received the first direct installment of the same in the amount of \$19,838,158.50 on May 19, 2021 and the second and final direct installment of the same in the amount of \$19,838,158.50 on June 6, 2022; and

WHEREAS, the Amarillo City Council, in accordance with the terms and regulations of the ARPA, desires to utilize the ARPA funds to promote the public health, safety, and welfare of Amarillo citizens.

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

Section 1. That the Amarillo City Council accepts and approves the receipt and use of the ARPA funds according to the terms and conditions of the ARPA and in accordance with the general framework described in Exhibit A attached hereto.

Section 2. That the City Manager or his designee is authorized to use ARPA funds in accordance with the terms and conditions of the same and to identify other needs or challenges that could be addressed in a transformational and generational way with funding at a sufficient scale that is not as available absent the opportunity presented by the ARPA and related funding.

Section 3. That the City Manager shall designate one or more city staff members to oversee the process, to ensure that individual departments are exploring to the fullest extent opportunities which may exist outside the general allocation, and to encourage creative and innovative ways to address immediate needs in ways that produce long-term, sustainable support.

Section 4. All resolutions or parts thereof that conflict with this resolution are hereby repealed, to the extent of such conflict.

Section 5. In the event this resolution or any part hereof is found to be invalid, such invalidity shall not affect the remaining portions of the resolution, and such remaining portions shall continue to be in full force and effect.

Section 6. This resolution shall become and be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo,
Texas on this 25th day of April 2023.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Civic Pride
Customer Service
Department: Parks and Recreation
Contact Person: Michael Kashuba, Director of Parks and Recreation

Agenda Caption: CONSIDERATION OF RESOLUTION NO. 04-25-23-2

This item considers a resolution authorizing a pilot program for the Recognized Neighborhood Association Program related to special events.

Agenda Item Summary: This pilot program would allow staff to waive certain fees for Recognized Neighborhood Associations to provide free outdoor programs/events for the community.

Requested Action: Approval of the resolution.

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval.

Attachments: 1. Resolution No. 04-25-23-2

RESOLUTION NO. 04-25-23-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS AUTHORIZING A PILOT PROGRAM FOR THE RECOGNIZED NEIGHBORHOOD ASSOCIATION PROGRAM RELATED TO SPECIAL EVENTS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Recognized Neighborhood Association program was created by the Amarillo City Council by ordinance (Chapter 4-12) adopted in 2022; and

WHEREAS, the Amarillo City Council recognizes neighborhood organizations and associations (“Associations”) as the official neighborhood partner for adopted plan areas with the overall mission of improving the quality of life of neighborhood residents; and

WHEREAS, the Amarillo City Council, requires the Associations to meet certain criteria to demonstrate they fairly represent area residents in the adopted plan areas; and

WHEREAS, Associations are encouraged to work cooperatively among their own membership and with any adjacent or overlapping neighborhood organizations to determine positions on issues affecting the neighborhood and to conduct business in an organized, representative, and fair manner, which is designed to obtain informed participation from as many neighborhood citizens as possible; and

WHEREAS, Associations are encouraged to cultivate neighborhood participation that reflects the ethnic and socio-economic composition of the neighborhood they represent; and

WHEREAS, in partnership with the City of Amarillo, Associations receive funding by Council for neighborhood improvements and have a direct line of communication to city staff in accordance with department policy, and

WHEREAS, the Amarillo City Council further desires to promote community engagement and neighborhood events within the adopted plan areas and finds that such authorized special events promote a public purpose and enhance the quality of life and general welfare of citizens.

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

Section 1. That the Amarillo City Council hereby adopts all the aforementioned findings and authorizes a pilot program for special events in Recognized Neighborhood Associations in accordance with the general framework described in Exhibit A attached hereto.

Section 2. That the City Manager or his designee and staff shall oversee the pilot program to promote the mission of the Recognized Neighborhood Association program in accordance with local ordinance and city policy.

Section 3. All resolutions or parts thereof that conflict with this resolution are hereby repealed, to the extent of such conflict.

Section 4. In the event this resolution or any part hereof is found to be invalid, such invalidity shall not affect the remaining portions of the resolution, and such remaining portions shall continue to be in full force and effect.

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

INTRODUCED AND PASSED by the City Council of the City of Amarillo,
Texas on this 25th day of April 2023.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM

Bryan McWilliams, City Attorney

Exhibit 'A'

PILOT PROGRAM FOR THE RECOGNIZED NEIGHBORHOOD ASSOCIATION PROGRAM RELATED TO SPECIAL EVENTS

- Available to Recognized Neighborhood Associations
- 3 Free Special Events Annually
 - Parks and Recreation fees are waived
 - All events must be reviewed and approved by the recognized neighborhood association board
 - The recognized neighborhood association does not have to be the event organizer
 - The recognized neighborhood association would be the event sponsor
 - All events proposed by the recognized neighborhood association must be submitted to Parks and Recreation by December 15th for the following year to ensure the Parks can be reserved .
 - Any events submitted after December 15th are subject to availability
 - The City does not reserve parks on city recognized holidays.
 - Parks are used on a first-come, first-served basis
 - Events need to provide free, outdoor programs in underserved, economically-disadvantaged areas.
 - Consider neighborhood-focused gatherings such as neighborhood socials, music in the park, youth and family activities, parent-child playgroups, evening teen activities, summer playground programs and camps with a focus on disadvantaged children (Parks Master Plan Goal 6.2.d)



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Economic Development and Redevelopment
Department: City Manager's Office
Contact Person: Andrew Freeman, Assistant City Manager

Agenda Caption: DISCUSS AND CONSIDER THREE BOARD APPOINTMENTS TO THE SOUTH GATEWAY TAX INCREMENT REINVESTMENT ZONE NUMBER 3

This item is to consider the appointment of three members to the South Gateway Tax Increment Reinvestment Zone Number 3 Board of Directors.

Agenda Item Summary: This item is to consider the City's board representatives related to the South Gateway Tax Increment Reinvestment Zone Number 3 (TIRZ #3) adopted in December 2022. TIRZ #3 is 1,046 acres near I27 and Loop 335. The Zone is for a 20-year term, with 100% tax rate participation in years 1-10 and 50% tax rate participation in years 11-20. Both Amarillo College and Randall County approved 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.

Both AC and Randall County have also appointed their board members. City Council is responsible for appointing three board members. In addition, City Council is responsible for choosing the chair of the board from the membership.

The board is currently anticipated to be 10 members made up of City (3), County (3), AC, CISD, Hospital District, and Water District. This might change depending on if some of the entities choose not to serve, since it is not a requirement. We would bring the original ordinance back to City Council in the future to discuss reducing the number of board members or reallocating the remainder left to fill. The current board appointments are as follows:

Randall County: Eric Barry, Randall County Commissioner, Precinct 2
 Randall County: Bob Robinson, Randall County Commissioner, Precinct 3
 Randall County: Cydney Norton, Randall County Chief Deputy Tax Assessor-Collector
 Amarillo College: Dr. Paul Proffer, Amarillo College Board Regent
 City: TBD
 City: TBD
 City: TBD
 CISD: TBD
 Water District: TBD
 Hospital District: TBD

The following are the eligibility requirements for TIRZ Board members:

(e) To be eligible for appointment to the board by the governing body of the municipality or county that designated the zone, an individual must be at least 18 years of age and:

(1) if the board is covered by Subsection (a):

(A) be a resident of the county in which the zone is located or a county adjacent to that county; or

(B) own real property in the zone, whether or not the individual resides in the county in which the zone is located or a county adjacent to that county;

Requested Action: Consider three appointments to serve as City representatives on the TIRZ #3 Board.

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: N/A

Attachments: None



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Economic Development and Redevelopment
Department: City Manager's Office
Contact Person: Andrew Freeman, Assistant City Manager

Agenda Caption: DISCUSS AND CONSIDER APPOINTING A CHAIR FOR THE SOUTH GATEWAY TAX INCREMENT REINVESTMENT ZONE NUMBER 3

This item is to consider appointing a chair to the South Gateway Tax Increment Reinvestment Zone Number 3 Board of Directors.

Agenda Item Summary: This item is to consider appointment of a chair for the board of the South Gateway Tax Increment Reinvestment Zone Number 3 (TIRZ #3) adopted in December 2022. TIRZ #3 is 1,046 acres near I27 and Loop 335. The Zone is for a 20-year term, with 100% tax rate participation in years 1-10 and 50% tax rate participation in years 11-20. Both Amarillo College and Randall County approved 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.

The board is currently anticipated to be 10 members made up of City (3), County (3), AC, CISD, Hospital District, and Water District. This might change depending on if some of the entities choose not to serve, since it is not a requirement. We would bring the original ordinance back to City Council in the future to discuss reducing the number of board members or reallocating the remainder left to fill. The current board appointments are as follows:

Randall County: Eric Barry, Randall County Commissioner, Precinct 2
 Randall County: Bob Robinson, Randall County Commissioner, Precinct 3
 Randall County: Cydney Norton, Randall County Chief Deputy Tax Assessor-Collector
 Amarillo College: Dr. Paul Proffer, Amarillo College Board Regent
 City: TBD
 City: TBD
 City: TBD
 CISD: TBD
 Water District: TBD
 Hospital District: TBD

Requested Action: Consider appointment of a chair to serve on the TIRZ #3 Board, selected from the existing board membership.

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: N/A

Attachments: None



Agenda Transmittal Memo

Date: April 25, 2023
Council Priority: Civic Pride
Department: Community Development
Contact Person: Jason Riddlespurger, Director of Community Development

Agenda Caption: CONSIDER APPROVAL - LEASE AGREEMENT WITH TRANSFORMATION PARK

This item considers the approval of a lease agreement between the City of Amarillo and Transformation Park.

Agenda Item Summary: CONSIDER LEASE AGREEMENT AND MEMORANDUM OF UNDERSTANDING

This item considers the approval of the Lease Agreement and Memorandum of Understanding between the City of Amarillo and Transformation Park.

Requested Action: Approve the lease agreement between the City of Amarillo and Transformation Park.

Funding Summary:

Community Engagement Summary:

Staff Recommendation: Community Development staff recommends the approval of the Lease Agreement and Memorandum of Understanding between the City of Amarillo and Transformation Park.

Attachments: None



Agenda Transmittal Memo

Date: April 25, 2023

Council Priority: Customer Service
Fiscal Responsibility

Department: Public Works

Contact Person: Donny Hooper, Director of Public Works

Agenda Caption: CONSIDER AWARD - RUBICON SMART CITY SOFTWARE SERVICES AGREEMENT

Award to: Rubicon Global, LLC - \$200,576.00

This item considers the award of a three-year contract for Rubicon Smart City to be used in all Solid Waste residential dumpster collection vehicles. This software will provide dumpster service verification, comprehensive routing, real-time and historical reporting, reporting of issues encountered by equipment operators, and pre and post-trip inspections, among other features.

Agenda Item Summary: Rubicon Smart City will be used in all Solid Waste residential dumpster collection vehicles. This software will provide dumpster service verification, comprehensive routing, real-time and historical reporting, reporting of issues encountered by equipment operators, and pre and post-trip inspections, among other features.

Requested Action: Consider approval and award to Rubicon Global, LLC, in the amount of \$200,576.00

Funding Summary: Funding for this item is available in Job Number 430122. No State or Federal Funds will be used for this project.

Community Engagement Summary: N/A

Staff Recommendation: City Staff is recommending approval of this contract.

Attachments: 1. Bid No. 7547 Bid Tabulation

Bid No.7547 Rubicon Smart City Software Services
 Opened 4:00 p.m.,April 13, 2023

To be awarded as one lot		Rubicon Global
Line 1 Software Office & Fleet Management		
Year 1		
Unit Price	\$80,192.000	
Extended Price		80,192.00
Line 2 Software Office & Fleet Management		
Year 2		
Unit Price	\$60,192.000	
Extended Price		60,192.00
Line 3 Software Office & Fleet Management		
Year 3		
Unit Price	\$60,192.000	
Extended Price		60,192.00
Total Amount Bid		200,576.00



Agenda Transmittal Memo

Date: April 25, 2023

Council Priority: Civic Pride
Economic Development and Redevelopment
Transportation

Department: Capital Projects Development and Engineering

Contact Person: Kyle Schniederjan, Director of Capital Projects Development and Engineering

Agenda Caption: CONSIDER AWARD – CONSTRUCTION CONTRACT FOR POLK STREET STREETSCAPE IMPROVEMENTS

Award to: Plains Builders, Inc.

Base bid	\$4,495,000.00
Alternate bid #2	\$15,000.00
Alternate bid #3	\$60,000.00
Total Award	\$4,570,000.00

This item considers the award of a best value bid for Polk Street Streetscape Improvement project construction services.

Agenda Item Summary: This item is to consider the award of Best Value Bid for the City of Amarillo, Polk Street Streetscape Improvement project. The Base Project includes sidewalk and pedestrian improvements to Polk Street from 2nd Avenue to 10th Avenue; Additive Alternate #2 includes decorative concrete inlay requested by a property owner that will be paid for by that owner thru a participation agreement, and Additive Alternate #3 includes over excavation of existing soil and placement of new soil around proposed street trees. Bids were evaluated on the basis of best value response to the City for the Base Bid only. The evaluation criteria were 40% price, 50% bidder qualification, and 10% construction time. The highest evaluated bidder also had the lowest price.

Requested Action: Consider approval and award to the highest evaluated bidder Plains Builders, Inc. in the amount of \$4,570,000.

Funding Summary: Funding for this project is available in Project Budget Number 462000. This project was approved in the FY 16/17 Proposition #1 Bond and subsequent Community Investment Program.

Community Engagement Summary: The construction of this project will have high impact on the surrounding area of the community. City staff have had extensive coordination with individual affected landowners, and will continue to do so as the project progresses.

Staff Recommendation: City Staff is recommending award of the contract.

Attachments: 1. Bid No. 7471 Bid Tabulation

To be awarded as one lot		MH CIVIL CONSTRUCTORS INC	PLAINS BUILDERS INC
STREETSCAPING SERVICES			
1 ea			
Unit Price	\$5,950,000.000		\$4,495,000.000
Extended Price		\$ 5,950,000.00	4,495,000.00
ALTERNATE #1			
Unit Price	\$16,000.000		DEDUCT
Extended Price		\$ 16,000.00	(\$200,000.000)
ALTERNATE #2			
Unit Price	\$10,000.000		\$15,000.000
Extended Price		\$ 10,000.00	15,000.00
ALTERNATE #3			
Unit Price	\$15,000.000		\$60,000.000
Extended Price		\$ 15,000.00	60,000.00
Base Bid Total		\$ 5,950,000.00	\$ 4,495,000.00