



Amarillo City Council Regular Meeting

October 10, 2023

3:00 PM

City Hall - Council Chamber

601 S. Buchanan Street, 3rd Floor

Amarillo, Texas 79101

AGENDA

1. **Call to Order**
2. **Invocation**
3. **Pledge of Allegiance**
4. **The Texas Pledge**
5. **Proclamations**
 - 5.A. National Chiropractic Month
6. **Announcements**
7. **Public Comment** The public will be permitted to offer public comment on agenda items and items related to City business. Citizens interested in commenting may sign up online at <https://www.amarillo.gov/departments/city-manager/city-secretary/public-address-registration-form>, by calling the City Secretary's office at (806) 378-3014, or in person in Room 303 of City Hall, 601 S. Buchanan. Citizens should sign up at least 15 minutes prior to the scheduled meeting start time.
8. **Discussion Items** City Council will discuss or receive reports on the following current matters or projects.
 - 8.A. Review agenda items for regular meeting and attachments;
 - 8.B. Discuss City of Odessa Resolution No. 2023-77 stating the City will not enforce any mandates, such as masks, vaccinations, or lockdowns, imposed nationally or by the State of Texas.
 - 8.C. Discuss City Manager recruitment process
 - 8.D. Request future agenda items and reports from City Manager.
9. **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.

9.A. CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the work session held on September 26, 2023. (Contact: Stephanie Coggins, City Secretary)

9.B. CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the regular meeting held on September 26, 2023. (Contact: Stephanie Coggins, City Secretary)

9.C. CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 5,250 feet above mean sea level above the plat of Washington Industrial Tracts Addition Unit No. 18, an addition to the City of Amarillo, in Section 173, Block 2, AB&M Survey, Randall County, Texas. (VICINITY: Washington St. and Pagoda Dr.; GRANTOR: Hope to Opportunites Foundation; GRANTEE: City of Amarillo) (Contact: Brady Kendrick, Senior Planner)

9.D. CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 3,750 feet above mean sea level above the plat of Amarillo Travel Center Unit No. 1, an addition to the City of Amarillo, in Section 58, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: I-40 and Airport Blvd.; GRANTOR: Amarillo Buc-ee's LLC; GRANTEE: City of Amarillo) (Contact: Brady Kendrick, Senior Planner)

9.E. CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 4,800 feet above mean sea level above the plat of Raef Acres Unit No. 2, a suburban subdivision to the City of Amarillo, in Section 4, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: Raef Rd. and W. Gristmill Ln.; GRANTOR: Justin Appling and Hayden Dillard; GRANTEE: City of Amarillo) (Contact: Brady Kendrick, Senior Planner)

9.F. CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 3,755 feet above mean sea level above the plat of Folsom Park Unit No. 9, an addition to the City of Amarillo, in Section 61, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: E. Amarillo Blvd. and English Rd.; GRANTOR: R&M Real Estate LLC; GRANTEE: City of Amarillo) (Contact: Brady Kendrick, Senior Planner)

9.G. CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 4,800 feet above mean sea level above the plat of South Georgia Place Unit No.

45, an addition to the City of Amarillo, in Section 183, Block 2, AB&M Survey, Randall County, Texas. (VICINITY: Lullwater Rd. and Athens St.; GRANTOR: Betenbough Homes, LLC; GRANTEE: City of Amarillo) (Contact: Brady Kendrick, Senior Planner)

9.H. CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 4,600 feet above mean sea level above the plat of Valley View South Unit No. 8, a suburban subdivision to the City of Amarillo, in Section 175, Block 2, AB&M Survey, Randall County, Texas. (VICINITY: Farmvers Ave. and FM 1541; GRANTOR: G&A Homes LLC; GRANTEE: City of Amarillo) (Contact: Brady Kendrick, Senior Planner)

9.I. CONSIDER ACCEPTANCE - PUBLIC DRAINAGE EASEMENTS

This item considers the acceptance of the dedication of two public drainage easements being a total of approximately 0.66 acres of land out of Section 58, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: I-40 and Airport Blvd.; GRANTOR: Attebury Farm, LLC; GRANTEE: City of Amarillo) (Contact: Brady Kendrick, Senior Planner)

9.J. CONSIDER ACCEPTANCE - STREET RIGHT-OF-WAY DEDICATION

This item considers the acceptance of the dedication of a 1.58 acre tract of unplatted land located in Section 58, Block 2, AB&M Survey, Potter County, Texas as a public street right-of-way. (VICINITY: I-40 and Airport Blvd.; GRANTOR: Attebury Farm, LLC; GRANTEE: City of Amarillo). (Contact: Brady Kendrick, Senior Planner)

9.K. CONSIDER - PROFESSIONAL SERVICES AGREEMENT FOR LIFT STATION 32

Award to: Kimley-Horn and Associates, Inc. - \$60,000.00

This item considers the award of professional services agreement which includes an extension of construction phase services for the project needed. Additional time is needed for the project to be constructed and completed by the contractor. This item will be funded through a loan with the Texas Water Development Board's (TWDB) Clean Water State Revolving Fund Program (CWSRF), to be paid with water and sewer revenues. (Contact: Kyle Schniederjan, Director of Capital Projects Development and Engineering, Marco Lopez, Senior Projects Coordinator)

9.L. CONSIDER APPROVAL - CHANGE ORDER NO. 2 FOR THE WATER TRANSFER LINE TRENCH REPAIR

Award to: Amarillo Utility Contractors, Inc.

Original Award	\$2,575,395.00
Previous Change Order	34,848.00
Current Change Order No. 2	<u>482,113.50</u>

Total Award

\$3,092,356.50

This item considers approval of Change Order No. 2 for the Water Transfer Line Trench Repair on Bolton Street. A portion of the change order is to address additional removal and replacement quantities due to unknown underground conditions and weather conditions for the project on Bolton Street, and the remainder of the change order will be used for trench repairs to a section of Ellen Hope Street. This change order will be funded through water and sewer revenues. (Contact: Kyle Schniederjan, Director of Capital Projects Development and Engineering)

9.M. CONSIDER APPROVAL - EMERGENCY REQUISITION FOR DESLUDGING OF EQUALIZATION BASIN AT HOLLYWOOD ROAD WASTEWATER TREATMENT FACILITY

Award to: WBI - \$989,000.00

This item is to consider approval of an emergency procurement to dredge, dewater, transport, and dispose of approximately 2,000 tons of dewatered sludge from the equalization and overflow equalization basin at the Hollywood Road Wastewater Treatment Facility. This item will be funded through water and sewer revenues. (Contact: John Collins, Director of Utilities)

9.N. CONSIDER APPROVAL - EMERGENCY REQUISITION FOR THE TRANSFER OF SLUDGE FROM HOLLYWOOD ROAD WASTEWATER TREATMENT FACILITY TO RIVER ROAD WATER RECLAMATION FACILITY

Award to: Allen's Tri-State - \$356,250.00

This item is to consider approval of an emergency project to transfer sludge to River Road for ground injection from Hollywood. (Contact: John Collins, Director of Utilities)

9.O. CONSIDER APPROVAL - EMERGENCY REQUISITION FOR THE TRANSFER OF SLUDGE TO RIVER ROAD WATER RECLAMATION FACILITY

Award to: David's Quality Contracting - \$129,375.00

This item is to consider approval of the emergency procurement of the transfer of sludge to River Road Water Reclamation Facility for ground injection from Hollywood Road Wastewater Treatment Facility. This item will be funded through water and sewer revenues. (Contact: John Collins, Director of Utilities)

9.P. CONSIDER PURCHASE - REPLACEMENT MOTOR FOR HIGH-SERVICE PUMP AT RIVER ROAD WATER RECLAMATION FACILITY

Award to: Austin Armature Works, LP - \$107,691.94 (Buy Board Contract #672-22)

This item considers the purchase of a replacement 600-horsepower motor for a high-service pump located at the River Road Water Reclamation Facility. This item will be funded through water and sewer revenues. (Contact: John Collins, Director of Utilities)

- 9.Q. CONSIDER PURCHASE - REPLACEMENT VERTICAL TURBINE PUMP AT RIVER ROAD WATER RECLAMATION FACILITY**
Award to: Austin Armature Woks, LP - \$81,318.45
This item considers the approval to purchase a replacement vertical turbine pump at the River Road Water Reclamation Facility, to be used in the treatment process. This item will be funded through water and sewer revenues. (Contact: John Collins, Director of Utilities)
- 9.R. CONSIDER AWARD - REPAIR OF VERTICAL TURBINE PUMP AT LAWRENCE LAKE WEST**
Award to JCH Inc. - \$91,935.00
This item considers the award of a contract for repair of a pump used to remove water from Lawrence Lake West. This item will be funded through drainage assessment revenues. (Contact: Walter Pishkur, Interim Director of Public Works)
- 9.S. CONSIDER AWARD - ACCESS AGREEMENT WITH TNT PROPERTIES, INC.**
Award to: TNT Properties, Inc. - \$68,783.28
This item considers the award of a 10-year agreement with TNT Properties, Inc. to access the Petroleum Building at 203 SW 8th Avenue, Amarillo, TX 79101. Access to this location includes a path to interconnect with ESC/Region 16's fiber optic infrastructure. This item will be funded through information technology fund revenues. (Contact: Missy Laird, Director of Information Technology)
- 9.T. CONSIDER AWARD - AGREEMENT FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE AND PROFESSIONAL SERVICES**
Award to: Environmental Systems Research Institute (ESRI) - \$596,447.00
This item considers the award of a three-year enterprise agreement with ESRI to provide GIS (Geographic Information System) software utilized by multiple City departments and professional services to be utilized by the Airport. This item will be funded with information technology revenues and airport revenues. (Contact: Robert Rasmussen, Assistant Director of IT)
- 9.U. CONSIDER AWARD - JD EDWARDS ANNUAL SOFTWARE SUPPORT RENEWAL**
Award to: SHI Government Solutions - \$80,550.00
This item considers a renewal agreement with Rimini Street, provided through SHI Government Solutions, for the continued support and maintenance of the JD Edwards application. (Contact: Robert Rasmussen, Assistant Director of IT)
- 9.V. CONSIDER AWARD - GOLF PRODUCTS SUPPLY CONTRACT**
Award to: Acushnet Golf Products - Not to exceed \$250,000.00 annually
This item considers the award of a one-year contract, with two one-year options for to renew, to purchase Titleist, Foot-Joy, and Pinnacle products for the pro shops located at Ross Rogers Golf Complex and Comanche Trail Golf Complex. This item will be funded with general funds, specifically with revenues earned by

selling these products in the golf pro shops. (Contact: Michael Kashuba, Director of Parks and Recreation)

9.W. CONSIDER ACCEPTANCE - POOL SAFELY GRANT

Grantor: U.S. Consumer Product Safety Commission

Grant Award: \$107,853.92

This item considers the acceptance of a contract between the City of Amarillo and the U.S. Consumer Product Safety Commission. This grant will fund the promotion of pool safety, to include drowning prevention, operator education for the community, and staff development. (Contact: Anthony Spanel, Director of Environmental Health)

9.X. CONSIDER AWARD - ANNUAL CONTRACT FOR ELECTRICAL SUPPLIES

Award to: Dealers Electric Supply - Not to Exceed \$423,000.00 (Buy Board Contract #690-23)

This item considers the award of a contract for electrical supplies to be used by the various city departments in their daily repair of city facilities. This item will be funded through various sources dependent on the departments using the services. (Contact: Trent Davis, Interim Purchasing Agent)

9.Y. CONSIDER AWARD - CONTRACT FOR TESTING, ESTIMATING AND MONITORING OF ASBESTOS SERVICES

Award to: G/A Environmental - Not to Exceed \$75,000.00

This item considers the award of a contract for the testing, estimating and monitoring of asbestos for various city departments for use in the upkeep of city facilities. This item will be funded through various sources dependent on the departments using the services. (Contact: Trent Davis, Interim Purchasing Agent)

9.Z. CONSIDER APPROVAL – AMENDED AND RESTATED LEASE AGREEMENT BETWEEN THE CITY OF AMARILLO AND THE AMARILLO BOTANICAL GARDENS

This item considers an amended and restated lease agreement with the Amarillo Botanical Gardens. (Contact: Michael Kashuba, Director of Parks and Recreation)

10. Non-Consent Items

10.A. CONSIDER APPROVAL – AMENDMENT TO LEASE AGREEMENT FOR RICK KLEIN BASEBALL COMPLEX AND SOUTHWEST SOFTBALL COMPLEX IN JOHN STIFF MEMORIAL PARK

This item considers approval of an amendment to the Lease Agreement between the City of Amarillo and Texas Panhandle Youth Sports Foundation to remove the Southwest Softball Complex in John Stiff Memorial Park from the leased premises.

10.B. CONSIDER APPROVAL - APPOINTMENT OF FOUR CANDIDATES FOR THE AMARILLO POLICE RESERVE FORCE

This item considers the approval to appoint Mike Reed, Jason Riddlespurger, Doug Herrington, and Justin Graham to be Police Reserve Force Officers for the Amarillo Police Department.

10.C. CONSIDERATION OF ORDINANCE NO. 8082

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article I, Section 4-3-1 to adopt the 2021 edition of the International Building Code, with amendments regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the issuance of permits and collection of fees, and related matters. (Contact: Jacob Diaz, City Marshal)

10.D. CONSIDERATION OF ORDINANCE NO. 8083

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-5, Article II, Section 4-5-22 to adopt the 2021 edition of the International Swimming Pool and Spa Code, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of swimming pools and spas; providing for the issuance of permits and collection of fees. (Contact: Jacob Diaz, City Marshal)

10.E. CONSIDERATION OF ORDINANCE NO. 8084

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, adopting the 2021 edition of the International Fire Code to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, providing for the issuance of permits and collection of fees. (Contact: Jacob Diaz, City Marshal)

10.F. CONSIDERATION OF ORDINANCE NO. 8085

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article I, Section 4-3-21 to adopt the 2021 edition of the International Mechanical Code, with amendments regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the issuance of permits and collection of fees, and related matters. (Contact: Jacob Diaz, City Marshal)

10.G. CONSIDERATION OF ORDINANCE NO. 8086

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article III, Section 4-3-31 to adopt the 2021 edition of the International Residential Code, regulating and governing the construction,

alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in; providing for the issuance of permits and collection of fee. (Contact: Jacob Diaz, City Marshal)

10.H. CONSIDERATION OF ORDINANCE NO. 8087

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article IV, Section 4-3-41 to amend the 2015 edition of the International Energy Conservation Code, with amendments, regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems; providing for the issuance of permits and collection of fees. (Contact: Jacob Diaz, City Marshal)

10.I. CONSIDERATION OF ORDINANCE NO. 8088

This item is the first reading of an ordinance amending the Municipal Code of the city of Amarillo, Chapter 4-3, Article V to adopt the 2021 edition of the International Fuel Gas Code regulating and governing fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees therefore. (Contact: Jacob Diaz, City Marshal)

10.J. CONSIDERATION OF ORDINANCE NO. 8089

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article VI, Section 4-3-60 to adopt the 2021 edition of the International Existing Building Code, with amendments as shown, regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings; providing for the issuance of permits and collection of fees. (Contact: Jacob Diaz, City Marshal)

10.K. CONSIDERATION OF ORDINANCE NO. 8090

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-4, to adopt the 2020 edition of the National Electrical Code, with certain amendments. (Contact: Jacob Diaz, City Marshal)

10.L. CONSIDERATION OF ORDINANCE NO. 8091

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-5, Article II, Section 4-5-21 by repealing the 2015 edition of The International Plumbing Code and adopting the 2021 edition of such code, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems; providing for the issuance of permits and collection of fees. (Contact: Jacob Diaz, City Marshal)

10.M. CONSIDERATION OF ORDINANCE NO. 8092

This item is the first reading of an ordinance amending the Amarillo Municipal Code, Chapter 14-8, to update general standards and sanitary requirements for massage establishments and to require a license to operate a massage

establishment or to provide massage services. (Contact: Jacob Diaz, City Marshal)

10.N. CONSIDERATION OF RESOLUTION NO. 10-10-23-1

This item considers a resolution to make nominations to fill upcoming vacancies on the board of directors of the Potter and Randall Appraisal Districts. The Potter-Randall Appraisal District (PRAD) has 10 upcoming vacancies on the individual Potter and Randall County Appraisal Districts' Board of Directors. Upon receipt of these nominations, PRAD will distribute a ballot for governmental entities with voting entitlements in Potter and Randall counties to vote on these vacant positions, as established by State law requirements. (Contact: Stephanie Coggins, City Secretary)

10.O. CONSIDERATION OF RESOLUTION NO. 10-10-23-2

This item is to consider a resolution ratifying the Meet and Confer Agreement with the Amarillo Professional Fire Fighters Association. (Contact: Andrew Freeman, Interim City Manager)

10.P. CONSIDER APPROVAL - SETTLEMENT AND RELEASE AGREEMENT BETWEEN MICHAEL BRANDON STENNETT AND THE CITY OF AMARILLO

This item is to consider approval of the settlement and release agreement between Michael Brandon Stennett and the City of Amarillo in conjunction with the Meet and Confer agreement between the City of Amarillo and the Amarillo Professional Fire Fighters Association. (Contact: Andrew Freeman, Interim City Manager)

11. 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 6th day of October, 2023 at 4:00 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: October 10, 2023
Council Priority: Communication
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 work session held on September 26, 2023.

Agenda Item Summary: This item considers approval of the City Council minutes for the work session held on September 26, 2023.

Requested Action: Review of attached minutes and consideration to approve.

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval as presented.

Attachments: 1. DRAFT CC Minutes 2023_09_26 Work Session



Amarillo City Council Work Session

September 26, 2023

1:00 PM

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

MINUTES

1. Call to Order

On September 26, 2023 the Amarillo City Council met at 1:00 PM for a Work Session held in Council Chamber, located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

Councilmember, Place 1 Josh Craft
Councilmember, Place 3 Tom Scherlen
Councilmember, Place 4 Les Simpson

Absent were:

Mayor Cole Stanley
Councilmember, Place 2 Don Tipps

Also in attendance were the following administrative officials:

Andrew Freeman, Interim City Manager
Laura Storrs, Interim Deputy City Manager
Floyd Hartman, Assistant City Manager
Bryan McWilliams, City Attorney
Stephanie Coggins, City Secretary

Mayor Pro Tem Craft established a quorum and called the meeting to order at 1:02 PM.

2. **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 1:02 p.m. that the City Council would convene into executive session per Texas Government Code A) Section 551.071 - Consult with Attorney about pending or contemplated litigation or settlement of same or on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter: i) In re City of Amarillo, Cause #110998-D-CV.

2.A. Section 551.071 - Consult with attorney about pending or contemplated litigation or settlement of same or on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter:

i. In re City of Amarillo, Cause #110998-D-CV

Mayor Cole Stanley and Councilmember, Place 2 Don Tipps joined the meeting in progress.

3. Adjourn

Mr. McWilliams announced the executive session was completed at 2:06 p.m., and Mayor Stanley adjourned the Work Session.

ATTEST:

Stephanie Coggins, City Secretary

Cole Stanley, Mayor



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Communication
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 September 26, 2023.

Agenda Item Summary: This item considers approval of the City Council minutes for the regular meeting held on September 26, 2023.

Requested Action: Review of attached minutes and consideration to approve.

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval as presented.

Attachments: 1. DRAFT CC Minutes 2023_09_26 Regular Meeting



Amarillo City Council Regular Meeting

September 26, 2023

3:00 PM

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

MINUTES

1. Call to Order

On September 26, 2023 the Amarillo City Council met at 3:00 PM 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:

Mayor Cole Stanley
Councilmember, Place 1 Josh Craft
Councilmember, Place 2 Don Tipps
Councilmember, Place 3 Tom Scherlen
Councilmember, Place 4 Les Simpson
Absent were none.

Also in attendance were the following administrative officials:
Andrew Freeman, Interim City Manager
Laura Storrs, Interim Assistant City Manager
Floyd Hartman, Assistant City Manager
Bryan McWilliams, City Attorney
Stephanie Coggins, City Secretary

Mayor Stanley established a quorum and called the meeting to order at 3:00 PM.

2. Invocation Margie Gonzales, VIDA Church

Margie Gonzales, with VIDA Church, gave an invocation.

3. Pledge of Allegiance

Mayor Stanley led the Pledge of Allegiance.

4. The Texas Pledge

Mayor Stanley led the Texas Pledge.

5. Recognition

5.A. Blank Spaces

Councilmember Tipps presented a certificate of recognition honoring Blank

Spaces. The certificate of recognition was accepted by Shawn Kennedy and Shanda O'Neill.

6. Proclamations

6.A. Hunger Action Month

Councilmember Simpson read a proclamation for "Hunger Action Month". The proclamation was accepted by Zack Wilson and other members of the High Plains Food Bank.

6.B. National Preparedness Month

Councilmember Craft read a proclamation for "National Preparedness Month". The proclamation was accepted by Max Dunlap and other staff from the City of Amarillo Office of Emergency Management.

- 7. Public Comment** The public will be permitted to offer public comment on agenda items and items related to City business. Citizens interested in commenting may sign up online at <https://www.amarillo.gov/departments/city-manager/city-secretary/public-address-registration-form>, by calling the City Secretary's office at (806) 378-3014, or in person in Room 303 of City Hall, 601 S. Buchanan. Citizens should sign up at least 15 minutes prior to the scheduled meeting start time.

The following individuals signed up and spoke during public comment:

1. James Schenck, of Amarillo

After all registered individuals spoke, Mayor Stanley invited citizens who did not sign up to speak to address City Council, and no one presented.

- 8. Discussion Items** City Council will discuss or receive reports on the following current matters or projects.

8.A. Review agenda items for regular meeting and attachments;

8.B. Discuss Downtown Paid Parking

Mayor Stanley allowed Mike Ford, of Amarillo, to provide public comment during the item.

8.C. Discuss Zoning Code Parking Regulations

8.D. Discuss Licenses and Business Regulations

The Mayor recessed the regular meeting at 4:34 p.m.

The Mayor resumed the regular meeting at 4:46 p.m.

8.E. Discuss Process for 2023 Election of Appraisal District Board of Directors

8.F. Discuss Northeast Interceptor Construction Project

8.G. Request future agenda items and reports from City Manager.

- 9. 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 Stanley introduced the item and asked if any items should be pulled for further consideration.

ACTION: Motion to approve the consent agenda as presented by Josh Craft, second by Don Tipps;

Motion passed with a 5:0 vote.

AYES: Josh Craft, Tom Scherlen, Cole Stanley, Les Simpson, Don Tipps

NOES: None

ABSTAIN: None

9.A. CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the work session held on September 12, 2023. (Contact: Stephanie Coggins, City Secretary)

9.B. CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the regular meeting held on September 12, 2023. (Contact: Stephanie Coggins, City Secretary)

9.C. CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the Work Session held on September 19, 2023. (Contact: Stephanie Coggins, City Secretary)

9.D. CONSIDER APPROVAL – MINUTES

This item considers approval of the City Council minutes for the Special Meeting held on September 19, 2023. (Contact: Stephanie Coggins, City Secretary)

9.E. CONSIDERATION OF ORDINANCE NO. 8070

This item is a second and final reading to consider an ordinance vacating the 15-foot-wide public sanitary sewer easement located in Lot 28, Block 45, The Greenways at Hillside Unit No. 41, an addition to the City of Amarillo, in Section 39, Block 9, BS&F Survey, Randall County, Texas. VICINITY: Countryside Dr. and Southwood Dr.; APPLICANT/S: OJD Engineering for N&B Properties Inc. (Contact: Brady Kendrick, Senior Planner)

9.F. CONSIDERATION OF ORDINANCE NO. 8071

This item is a second and final reading to consider an ordinance vacating a 20-foot-wide public utility easement located in the south half of Lot 1A, Block 354, Mirror's Addition Unit No. 33, an addition to the City of Amarillo, in Sections 155 and 156, Block 2, AB&M Survey, Potter County, Texas. VICINITY: Johnson St. & S.E. 7th Ave.; APPLICANT/S: City of Amarillo. (Contact: Brady Kendrick, Senior Planner)

9.G. CONSIDERATION OF ORDINANCE NO. 8081

This is the second and final reading of an ordinance approving the final project and finance plan for Tax Increment Reinvestment Zone No. 3, City of Amarillo, Texas; approving city participation in such zone; amending Ordinance No. 8033 as to the board composition and determination of tax increment base for said zone; providing ratification, severability, and repealer; providing for publication and effective date. (Contact: Drew Brassfield, Assistant Director of Planning)

9.H. CONSIDER AWARD - AMERICAN AIRLINES SIGNATORY AGREEMENT

This item considers a three-year airline signatory agreement between the City of Amarillo and American Airlines which outlines their operating parameters. (Contact: Michael Conner, Director of Aviation)

9.I. CONSIDER - SOUTHWEST AIRLINES SIGNATORY AGREEMENT

This item is a three-year airline signatory agreement between the City of Amarillo and Southwest Airlines which outlines their operating parameters. (Contact: Michael Conner, Director of Aviation)

9.J. CONSIDER - UNITED AIRLINES SIGNATORY AGREEMENT

This item is a three-year airline signatory agreement between the City of Amarillo and United Airlines which outlines their operating parameters. (Contact: Michael Conner, Director of Aviation)

9.K. CONSIDER ACCEPTANCE - STREET RIGHT-OF-WAY DEDICATION AND TEMPORARY ACCESS EASEMENT DEDICATION TO THE CITY OF AMARILLO

This item considers the acceptance of the dedication of a 3.0108-acre tract as a public street and a 0.2839-acre tract of land as a temporary access easement, being land out of Lot 1, Block 1, Amarillo Horizon Park Unit No. 1, an addition to the City of Amarillo and unplatted land, in Section 93, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: NE 24th Ave. and Lakeside Dr.; GRANTOR: ET Amarillo LLC and Happy Horizons Properties L.P.)

(Contact: Brady Kendrick, Senior Planner)

9.L. CONSIDER ACCEPTANCE - PUBLIC UTILITY EASEMENT DEDICATION TO THE CITY OF AMARILLO

This item considers the acceptance of the dedication of a public utility easement being a seven-foot wide tract of land being the east seven feet of the west ten feet

of the south seventy feet of Lot 19A, Block 32, Belmont Park Unit No. 4, an addition to the City of Amarillo in Section 157, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: NE 24th Ave. and N. Mirror St.; GRANTOR/S: William Le and Thien Huynh). (Contact: Brady Kendrick, Senior Planner)

9.M. CONSIDER ACCEPTANCE - SOLID WASTE COLLECTION EASEMENT DEDICATION TO THE CITY OF AMARILLO

This item considers the acceptance of the dedication of a solid waste collection easement, being a 3,434 square foot tract out of Lot 19A, Block 32, Belmont Park Unit No. 4, an addition to the City of Amarillo, in Section 157, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: NE 24th Ave. and N. Mirror St.; GRANTOR/S: William Le and Thien Huynh). (Contact: Brady Kendrick, Senior Planner)

9.N. CONSIDER AWARD - CONSTRUCTION MATERIALS ANNUAL CONTRACT

Award to Home Depot - Not to exceed \$68,500.00 (Omnia Contract # 16154)
This item is for the award of an annual contract for construction materials to be used by various city departments in their daily duties to repair and maintain buildings and various equipment for the city. This item will be funded through various revenue sources. (Contact: Trent Davis, Interim Purchasing Agent)

9.O. CONSIDER AWARD - ANNUAL WELL FIELD MOWING CONTRACT

Award to: Prickly Pear Contractors LLC. - \$69,741.00
This item considers the award of a contract for the annual Well Field Mowing Contract with three one-year options to renew. This item will be funded through water and sewer revenues. (Contact: John Collins, Director of Utilities)

9.P. CONSIDER AWARD - HERITAGE HILLS PUBLIC IMPROVEMENT DISTRICT MANAGEMENT CONTRACT

Award to: FIMC Realty, Inc. - Not to exceed \$100,000.20
This item considers the award of a one-year contract, with four one-year options to renew, for the management of the Heritage Hills Public Improvement District (PID). This contract will designate FIMC Realty, Inc. as the agent to perform the administrative responsibilities related to maintenance and operation activities associated with the Heritage Hills PID. This item will be funded through PID assessments paid by property owners within the Heritage Hills PID. (Contact: Justin Oppel, Development Customer Services Coordinator)

9.Q. CONSIDER PURCHASE - HEAVY EQUIPMENT FLEET UNITS

Award to:

Associated Supply Co - Case (Lines 1 & 2)	\$190,650.00
Yellowhouse Machinery Co (Lines 3 & 4)	<u>386,450.00</u>
Total award	\$577,100.00

This item considers the purchase of a motorgrader and street broom to be used by the Street division; a loader/backhoe to be used by the Drainage Utility division, and a rough terrain forklift to be used at the River Road Wastewater Treatment Plant. These purchases are scheduled replacements of vehicles and equipment in the City's fleet that have reached or exceeded their life cycle. This item will be funded through fleet services fund revenues. (Contact: Walter Pishkur, Interim Director of Public Works)

9.R. CONSIDER AWARD - REPAIRS TO FINAL CLARIFIER #4 BAFFLE WALL, REPLACEMENT OF PRIMARY CLARIFIER #2 AND REPLACEMENT OF GEARBOX AT HOLLYWOOD ROAD WASTEWATER TREATMENT FACILITY

Award to: Rebuild It Sentry Equipment Company - \$116,920.62

This item considers the award for repairs on Hollywood Road Wastewater Treatment Facility Final Clarifier #4 Baffle Wall, replacement of Primary Clarifier #2 and replacement of Gearbox with a refurbished model. This item will be funded through water and sewer revenues. (Contact: John Collins, Director of Utilities)

9.S. CONSIDER PURCHASE - ASSET MANAGEMENT SOFTWARE MODULE AND VERSION UPGRADE CONFIGURATION ASSISTANCE

Award to: The Arcanum Group, Inc. - \$86,113.95 (DIR Contract #: DIR-CPO-4491)

This item considers the purchase of an Alert Management module and version upgrade configuration assistance for the Rick Husband Amarillo International Airport's asset management system. This item will be funded through airport operating revenues. (Contact: Michael Conner, Director of Aviation)

9.T. CONSIDER AWARD - GLOBAL SCOPE SERVICES WITHIN CXONE INCONTACT PLATFORM

Award to: Global Scope Communication Services- \$198,208.80

This item considers the award of a contract to acquire Global Scope Communications within Nice CXone Call Center Platform. Manual Contract-Renewed annually with options for two one-year renewals. This item will be funded through water and sewer revenues. (Contact: Jennifer Gonzalez, Utility Billing Manager)

9.U. CONSIDER ACCEPTANCE- TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT- STEP CMV GRANT

Grantor: Texas Department of Transportation

Grant Amount:	\$58,909.00
Match Amount:	<u>15,133.90</u>

Total Award:	\$74,042.90
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This item considers acceptance of the 2024 STEP CMV grant that provides the Amarillo Police Department (APD) with assistance to fund overtime associated with patrol and speed enforcement, occupant protection (seatbelt and child safety seats), distracted driving and Driving While Intoxicated (DWI) offenses. (Contact: Trent Thomas, Martin Birkenfeld, Chief of Police)

9.V. CONSIDER ACCEPTANCE - TEXAS TRAFFIC SAFETY PROGRAM GRANT AGREEMENT- STEP COMPREHENSIVE GRANT

Grantor: Texas Department of Transportation

Grant Amount	\$151,455.00
Match Amount	<u>38,116.53</u>
Total Awarded	\$189,571.53

This item considers acceptance of the 2024 STEP Comprehensive Grant that provides Amarillo Police Department (APD) assistance to fund overtime associated with patrol and speed enforcement, occupant protection (seatbelt and child safety seats), distracted driving, and DWI offenses. (Contact: Trent Thomas, Martin Birkenfeld, Chief of Police)

10. Non-Consent Items

10.A. CONSIDERATION OF ORDINANCE NO. 8079

This is the second and final reading of an ordinance adopting the 2023/2024 budget and five (5) year service plan, along with establishing and levying an annual property assessment for the Vineyards Public Improvement District (PID). The Vineyards PID is generally located at the northwest corner of West Hastings Avenue and Broadway Drive. This ordinance is recommended for approval by a unanimous vote of the Vineyards Public Improvement District Advisory Board. (Contact: Justin Oppel, Development Customer Services Coordinator)

Mayor Stanley introduced the item, Justin Oppel, Development Customer Service Coordinator, presented the item.

ACTION: Motion to accept Ordinance No. 8079 by Tom Scherlen, second by Josh Craft;

Motion passed with a 5:0 vote.

AYES: Josh Craft, Tom Scherlen, Cole Stanley, Les Simpson, Don Tipps

NOES: None

ABSTAIN: None

10.B. CONSIDERATION OF RESOLUTION NO. 09-26-23-1

This item considers a resolution to adopt the City Council's six Strategic Pillars and Milestones. (Contact: Andrew Freeman, Interim City Manager)

Mayor Stanley introduced the item. Mr. Freeman presented the item.

ACTION: Motion to adopt Resolution No. 09-26-23-1 as presented in the agenda by Josh Craft, second by Don Tipps;
Motion passed with a 5:0 vote.

AYES: Josh Craft, Tom Scherlen, Cole Stanley, Les Simpson, Don Tipps

NOES: None

ABSTAIN: None

10.C. CONSIDERATION OF RESOLUTION NO. 09-26-23-2

This item considers a resolution supporting the planning and construction of the future Interstate Highway 27 in Texas. (Contact: Andrew Freeman, Interim City Manager)

Mayor Stanley introduced the item. Mr. Freeman presented the item.

ACTION: Motion to adopt Resolution No. 09-26-23-2 as presented in the agenda by Josh Craft, second by Les Simpson;
Motion passed with a 5:0 vote.

AYES: Josh Craft, Tom Scherlen, Cole Stanley, Les Simpson, Don Tipps

NOES: None

ABSTAIN: None

10.D. CONSIDERATION OF RESOLUTION NO. 09-26-23-3

This item considers a resolution adopting the City of Amarillo 2023 Investment Policy and appointing an Investment Officer. Amarillo City Council is responsible for approving the investment policy annually, in accordance with Chapter 2256, Texas Government Code, the Public Funds Investment Act. (Contact: Laura Storrs, Interim Deputy City Manager and CFO)

Mayor Stanley introduced the item. Ms. Storrs and Richard Long, Valleyview Consulting, presented the item.

ACTION: Motion to adopt Resolution No. 09-26-23-3 as presented in the agenda by Don Tipps, second by Tom Scherlen;
Motion passed with a 5:0 vote.

AYES: Josh Craft, Tom Scherlen, Cole Stanley, Les Simpson, Don Tipps

NOES: None

ABSTAIN: None

10.E. CONSIDER AWARD - CONSTRUCTION CONTRACT FOR MPEV UPGRADES FOR MLB REQUIREMENTS

Award to: Western Builders Inc. - \$4,595,000.00

This item considers the award of a construction contract to upgrade the Multipurpose Events Venue (MPEV) per Major League Baseball (MLB) requirements. This item will be funded through Hotel Occupancy Taxes

(\$4,000,000) and private participation from the Elmore Sports Group (\$595,000).
(Contact: Andrew Freeman, Interim City Manager)

Mayor Stanley introduced the item. Mr. Freeman presented the item.

ACTION: Motion to award a contract for \$4,595,000 under duress by
Tom Scherlen, second by Les Simpson;
Motion passed with a 4:1 vote.
AYES: Tom Scherlen, Cole Stanley, Les Simpson, Don Tipps
NOES: Josh Craft
ABSTAIN: None

**10.F. CONSIDER APPROVAL – LOW INCOME HOUSEHOLD WATER ASSISTANCE
PROGRAM WATER PROVIDER AGREEMENT**

Grantor: Panhandle Community Services

This item extends the award from the Panhandle Community Services from
September 30, 2023 to December 31, 2023 to provide a Low Income Household
Water Assistance Program. (Contact: Laura Storrs, Interim Deputy City Manager
and CFO)

Mayor Stanley introduced the item. Ms. Storrs presented the item.

ACTION: Motion to approve item 10.f on the agenda as presented by
Les Simpson, second by Josh Craft;
Motion passed with a 5:0 vote.
AYES: Josh Craft, Tom Scherlen, Cole Stanley, Les Simpson, Don
Tipps
NOES: None
ABSTAIN: None

11. Adjourn

Mayor Stanley adjourned the Regular Meeting at 06:15 PM.

ATTEST:

Stephanie Coggins, City Secretary

Cole Stanley, Mayor



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Business Friendly Community
Department: Planning and Development Services
Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 5,250 feet above mean sea level above the plat of Washington Industrial Tracts Addition Unit No. 18, an addition to the City of Amarillo, in Section 173, Block 2, AB&M Survey, Randall County, Texas. (VICINITY: Washington St. and Pagoda Dr.; GRANTOR: Hope to Opportunites Foundation; GRANTEE: City of Amarillo)

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 Washington Industrial Tracts Addition Unit No. 18.

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 5,250 feet above mean sea level.

Requested Action: Planning Department and Legal Staff have reviewed the 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 the attached aviation clear zone easement.

Attachments:

1. Copy of Easement
2. Location Map

AVIATION CLEAR ZONE EASEMENT

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

WHEREAS, Hope To Opportunities Foundation 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 5,250 feet above mean sea level above the plat of Washington Industrial Tracts Addition Unit No. 18, an addition to the City of Amarillo, being a replat of a portion of Lot 6, Block 3, Washington Industrial Tracts Addition Unit No. 8, in Section 173, Block 2, AB&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 itself, its 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, its 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 5,250 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 5,250 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

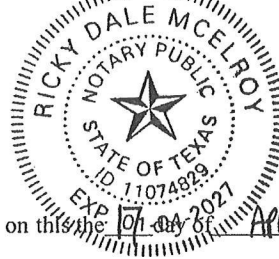
that these covenants and agreements shall run with the land, and that for the purposes of this instrument, this easement shall be considered the dominant estate on the above-referenced property.

IN WITNESS WHEREOF, the GRANTOR, whether one or more, individual or corporate, has hereunto set its hand on this the 17 day of APRIL, 2023.

GRANTOR: Hope To Opportunities Foundation

[Signature]
By: RICHARD J. HERN, CFO

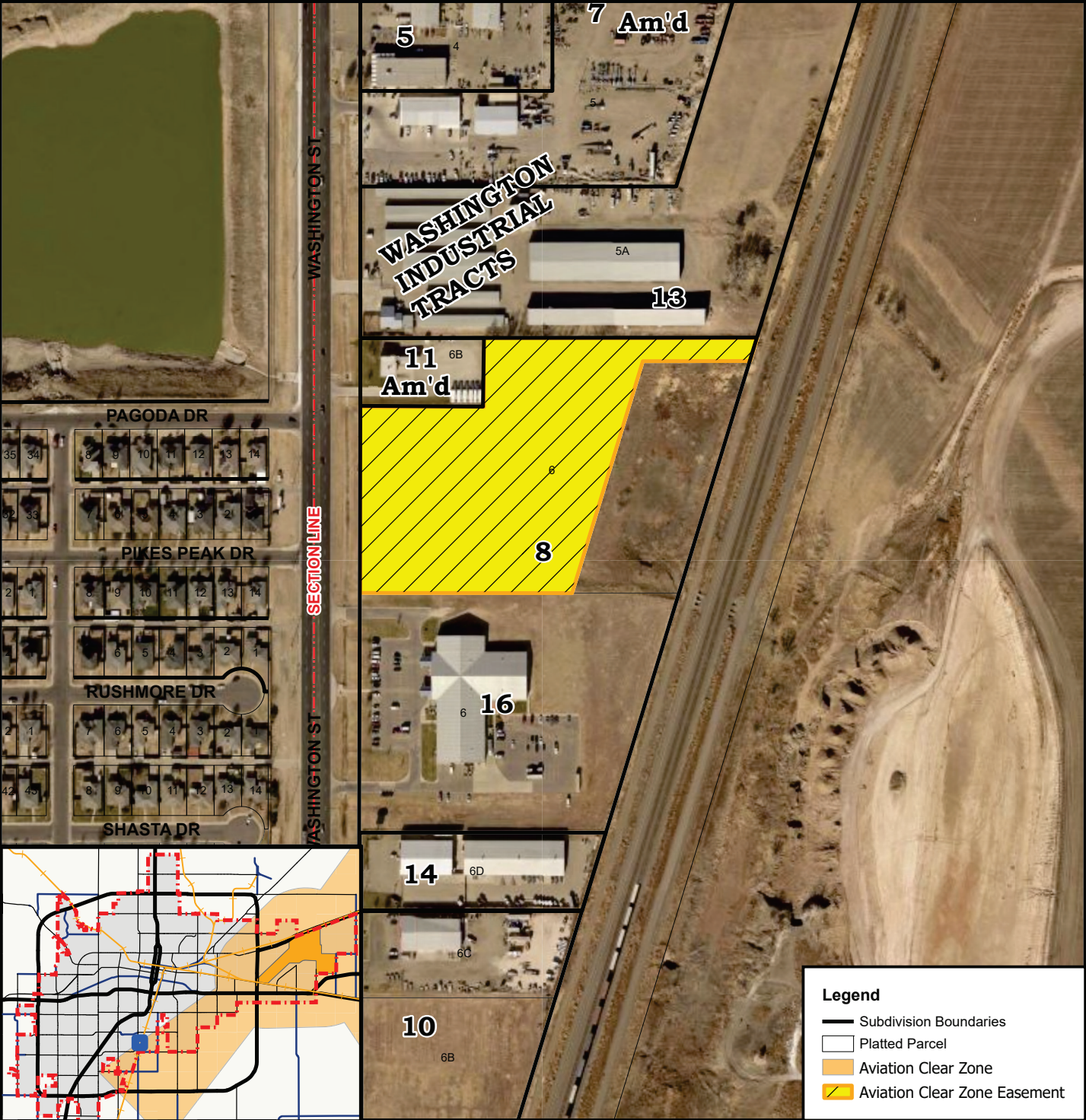
THE STATE OF TEXAS §
COUNTY OF RANDALL §



This instrument was acknowledged before me on this the 17 day of APRIL, 2023,
by Ricky D. McElroy.

[Signature]
Notary Public, State of TEXAS

AVIATION CLEAR ZONE EASEMENT



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 300 Feet
Date: 4/21/2023
Case No: ACZ-23-05



Aviation Clear Zone Easement being 5,250 feet above mean sea level above the plat Washington Industrial Tracts Addition Unit No. 18 an addition to the City of Amarillo, being a replat of a portion of Lot 6, Block 3, Washington Industrial Tracts Addition Unit No. 8, in Section 173, Block 2, AB&M Survey, Randall County, Texas.

Vicinity: SW 48th & S Washington

Applicant: Hope To Opportunities Foundation

AP: N-15

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



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Business Friendly Community
Department: Planning and Development Services
Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 3,750 feet above mean sea level above the plat of Amarillo Travel Center Unit No. 1, an addition to the City of Amarillo, in Section 58, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: I-40 and Airport Blvd.; GRANTOR: Amarillo Buc-ee's LLC; GRANTEE: City of Amarillo)

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 Amarillo Travel Center 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 3,750 feet above mean sea level.

Requested Action: Planning Department and Legal Staff have reviewed the 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 the attached aviation clear zone easement.

Attachments:

1. Easement Copy
2. Location Map

AVIATION CLEAR ZONE EASEMENT

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

WHEREAS, Buc-ee's Amarillo, 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 3,750 feet above mean sea level above the plat of Amarillo Travel Center Unit No. 1, an addition to the City of Amarillo, being an unplatted tract of land in Section 58, Block 2, A.B.&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 3,750 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 3,750 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 24 day of July, 2023.

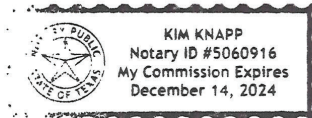
GRANTOR: Buc-ee's Amarillo, LLC

By: [Signature]
Joe O'Leary, Vice President
Printed Name and Title

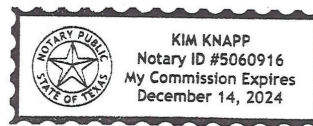
THE STATE OF Texas §

COUNTY OF Brazoria §

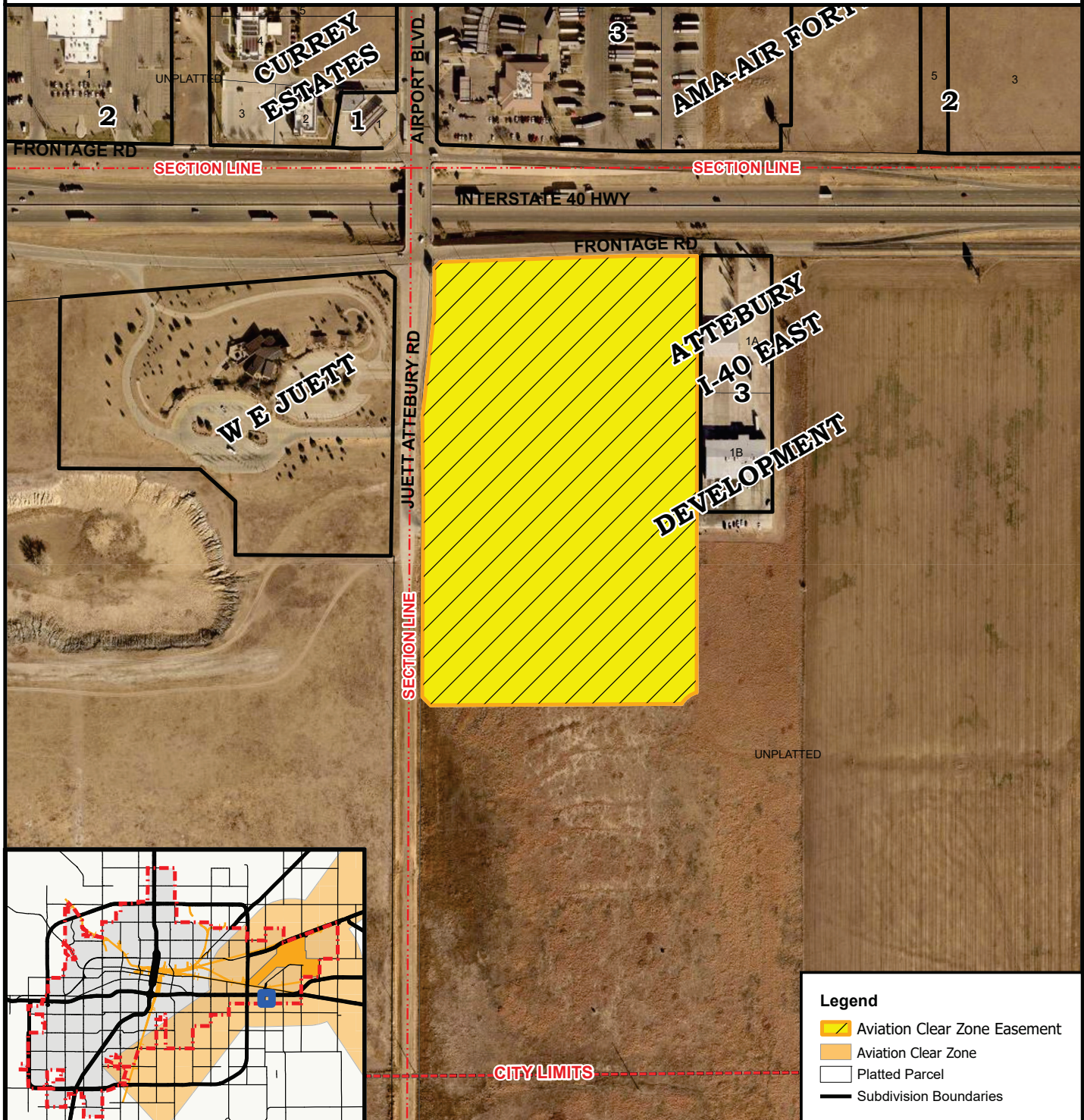
This instrument was acknowledged before me on this the 24 day of July, 2023,
by Joe O'Leary.



[Signature]
Notary Public, State of TX



AVIATION CLEAR ZONE EASEMENT



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 400 Feet
Date: 5/25/2023
Case No: ACZ-23-08



Aviation Clear Zone Easement being 3,750 feet above mean sea level above the plat Amarillo Travel Center Unit No. 1 an addition to the City of Amarillo, being a unplatted tract of land in Section 58, Block 2, AB&M Survey, Potter County, Texas.

Vicinity: E Interstate 40 & Juett Attebury Rd

Applicant: Buc-ee's Amarillo, LLC

AP: U-13

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



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Business Friendly Community
Department: Planning and Development Services
Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 4,800 feet above mean sea level above the plat of Raef Acres Unit No. 2, a suburban subdivision to the City of Amarillo, in Section 4, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: Raef Rd. and W. Gristmill Ln.; GRANTOR: Justin Appling and Hayden Dillard; GRANTEE: City of Amarillo)

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 Raef Acres 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 4,800 feet above mean sea level.

Requested Action: Planning Department and Legal Staff have reviewed the 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 the attached aviation clear zone easement.

Attachments:

1. Easement Copy
2. Map Location

AVIATION CLEAR ZONE EASEMENT

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

WHEREAS, Justin Glen Appling & Hayden Dillard, 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 4,800 feet above mean sea level above the plat Raef Acres Unit No. 2 a suburban subdivision to the City of Amarillo being a unplatted tract of land in Section 4, 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 4,800 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 4,800 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 17th day of September, 2023.

GRANTOR: Justin Glen Appling & Hayden Dillard

Justin Glen Appling

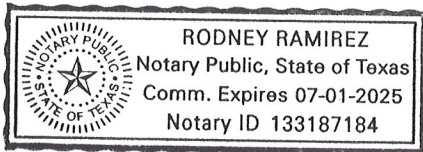
By: Justin Glen Appling

Hayden Dillard

By: Hayden Dillard

THE STATE OF TX §
COUNTY OF Potter §

This instrument was acknowledged before me on this the 17th day of September, 2023,
by Justin Glen Appling.

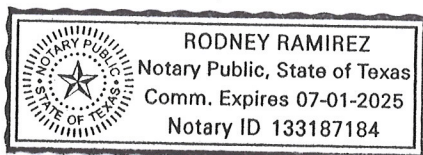


Rodney Ramirez

Notary Public, State of TX

THE STATE OF TX §
COUNTY OF Potter §

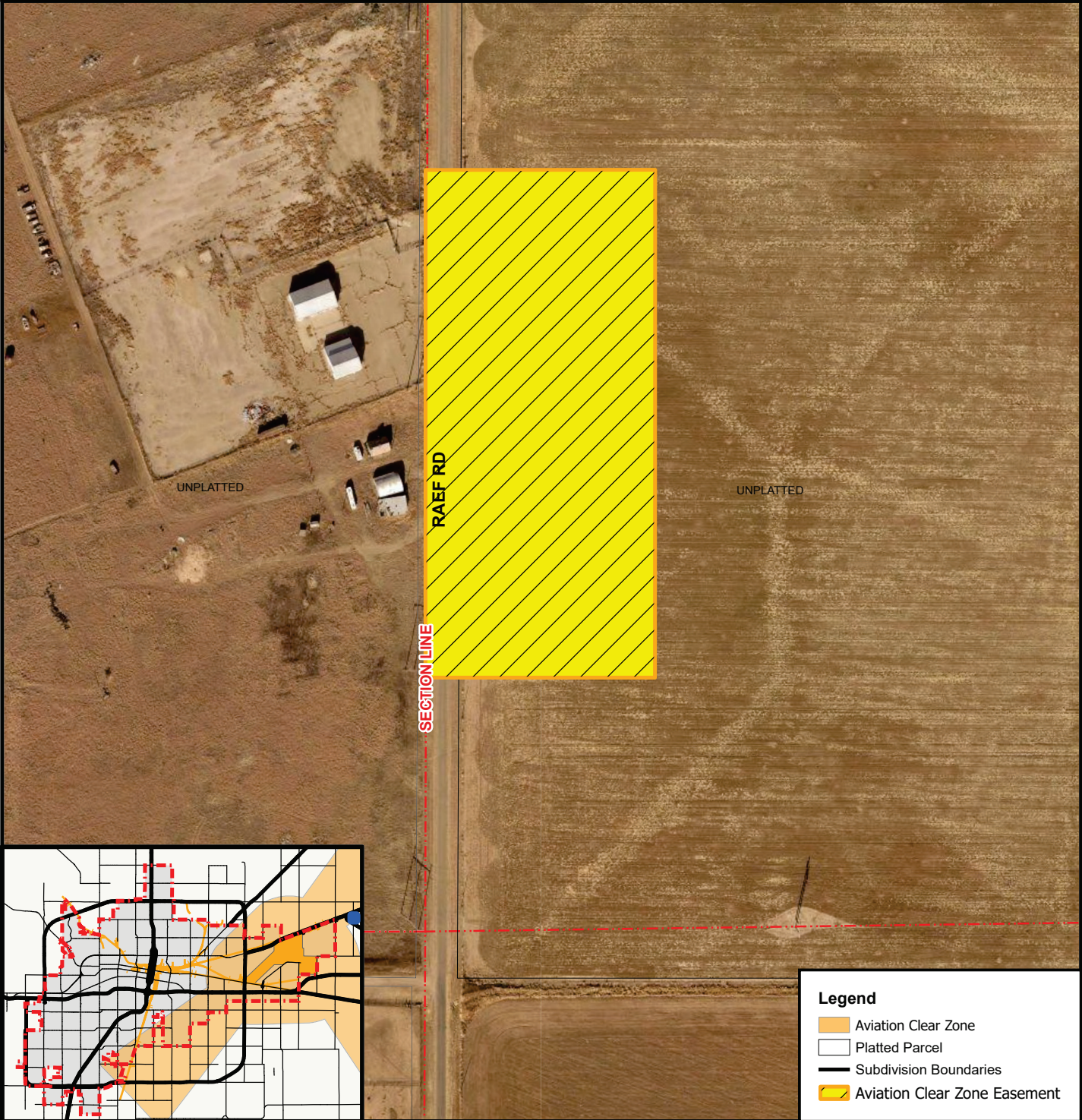
This instrument was acknowledged before me on this the 17th day of September, 2023,
by Hayden Dillard.



Rodney Ramirez

Notary Public, State of TX

AVIATION CLEAR ZONE EASEMENT



Legend

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

CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 200 Feet
Date: 8/28/2023
Case No: ACZ-23-14



Aviation Clear Zone Easement being 4,800 feet above mean sea level above the plat Raef Acres Unit No. 2 a suburban subdivision to the City of Amarillo, Section 4, Block 2, AB&M Survey, Potter County, Texas

Vicinity: Raef Road & E UH 60

Applicant: Glen Appling

AP: Z-8

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



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Business Friendly Community
Department: Planning and Development Services
Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 3,755 feet above mean sea level above the plat of Folsom Park Unit No. 9, an addition to the City of Amarillo, in Section 61, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: E. Amarillo Blvd. and English Rd.; GRANTOR: R&M Real Estate LLC; GRANTEE: City of Amarillo)

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 Folsom Park Unit No. 9.

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 3,755 feet above mean sea level.

Requested Action: Planning Department and Legal Staff have reviewed the 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 the attached aviation clear zone easement.

Attachments:

1. Easement Copy
2. Map Location

AVIATION CLEAR ZONE EASEMENT

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

WHEREAS, R & M Real Estate 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 3,755 feet above mean sea level above the plat Folsom Park Unit No. 9 an addition to the City of Amarillo, being a replat of Lot 1, Block 3, Folsom Park Unit no. 5, and an unplatted tract of land in Section 61, 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 3,755 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 3,755 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 25th day of May, 2023.

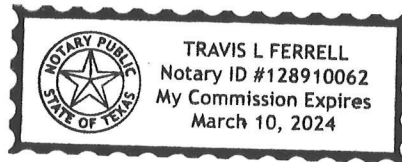
GRANTOR: R & M Real Estate LLC


By: Robert Urteaga, Registered Agent

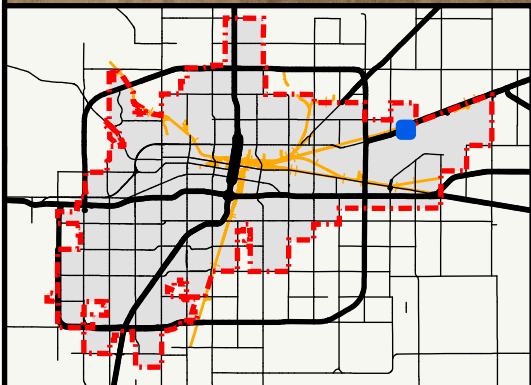
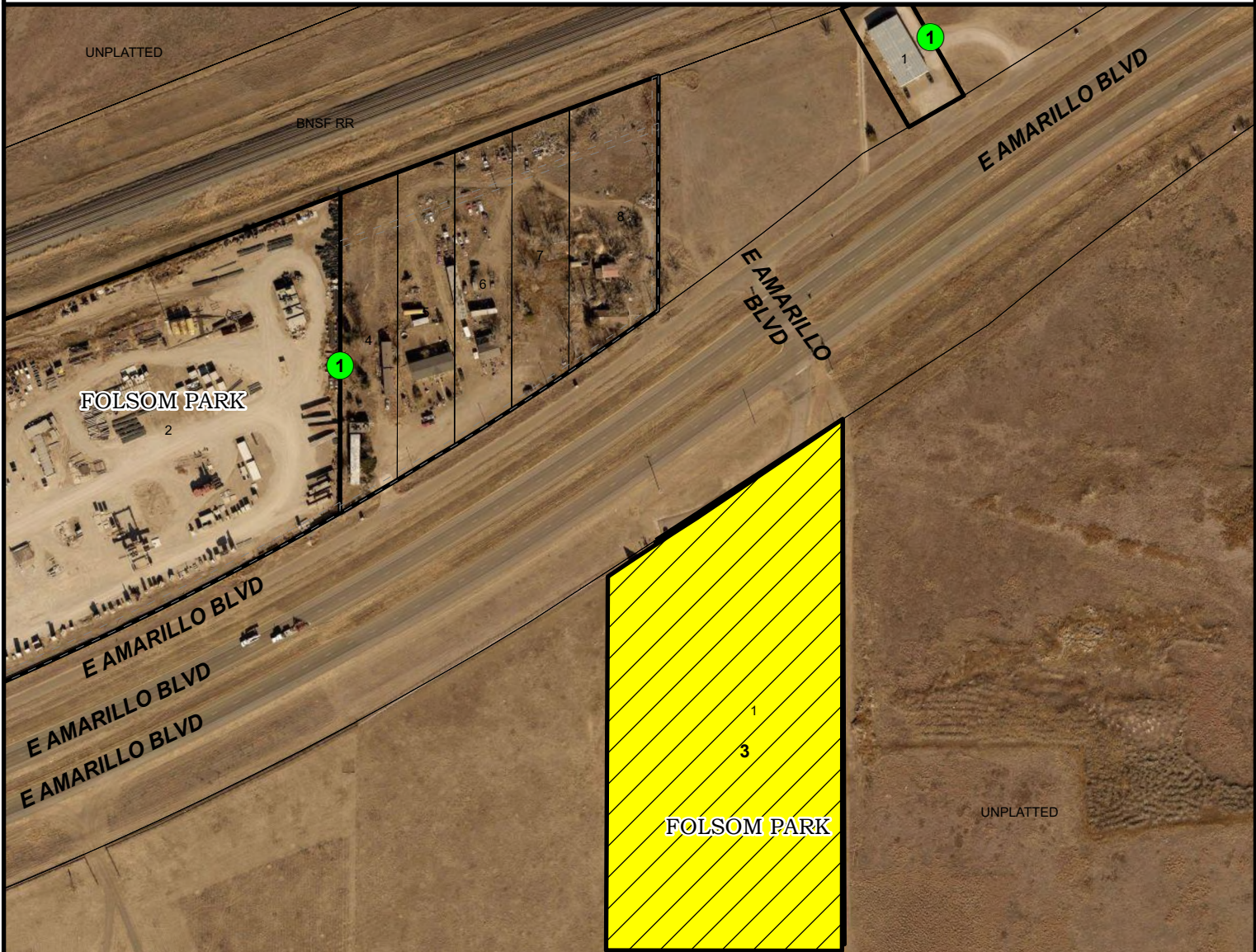
THE STATE OF Texas §
COUNTY OF Potter §

This instrument was acknowledged before me on this the 25 day of May, 2023, by Robert Urteaga.


Notary Public, State of Texas



Folsom Park Unit No 9



Legend

- Platted Parcel
- Easements
- ETJ
- Subdivision Boundaries
- Block Numbers
- Proposed Plat

CITY OF AMARILLO PLANNING DEPARTMENT

Folsom Park Unit No. 9 a suburban subdivision to the City of Amarillo, being a replat of lot 1, block 3, Folsom Park Unit No. 5, and an unplatted track of land in section 61, block 2, AB&M survey, Potter County, Texas

Vicinity: E Amarillo Blvd

Applicant: Robert Urteaga

Scale: 1 inch = 250 Feet
Date: 5/11/2023
Case No: P-23-59



AP: U-10



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Business Friendly Community
Department: Planning and Development Services
Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 4,800 feet above mean sea level above the plat of South Georgia Place Unit No. 45, an addition to the City of Amarillo, in Section 183, Block 2, AB&M Survey, Randall County, Texas. (VICINITY: Lullwater Rd. and Athens St.; GRANTOR: Betenbough Homes, LLC; GRANTEE: City of Amarillo)

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 South Georgia Place Unit No. 45

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 4,800 feet above mean sea level.

Requested Action: Planning Department and Legal Staff have reviewed the 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 the attached aviation clear zone easement.

Attachments:

1. Easement Copy
2. Location Map

AVIATION CLEAR ZONE EASEMENT

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

WHEREAS, Betenbough Homes, 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 4,800 feet above mean sea level above the plat South Georgia Place Unit No. 45 an addition to the City of Amarillo, being a replat of Lots 33 and 34, Block 12 South Georgia Place Unit No. 39 in Section 183, Block 2, AB&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 4,800 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 4,800 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.

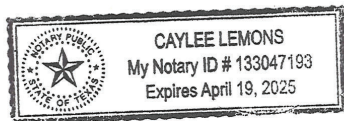
IN WITNESS WHEREOF, the GRANTOR, whether one or more, individual or corporate, has hereunto set its hand on this the 18 day of August, 2023.

GRANTOR: Betenbough Homes, LLC

Wesley Everett
By: Wesley Everett, Registered Agent

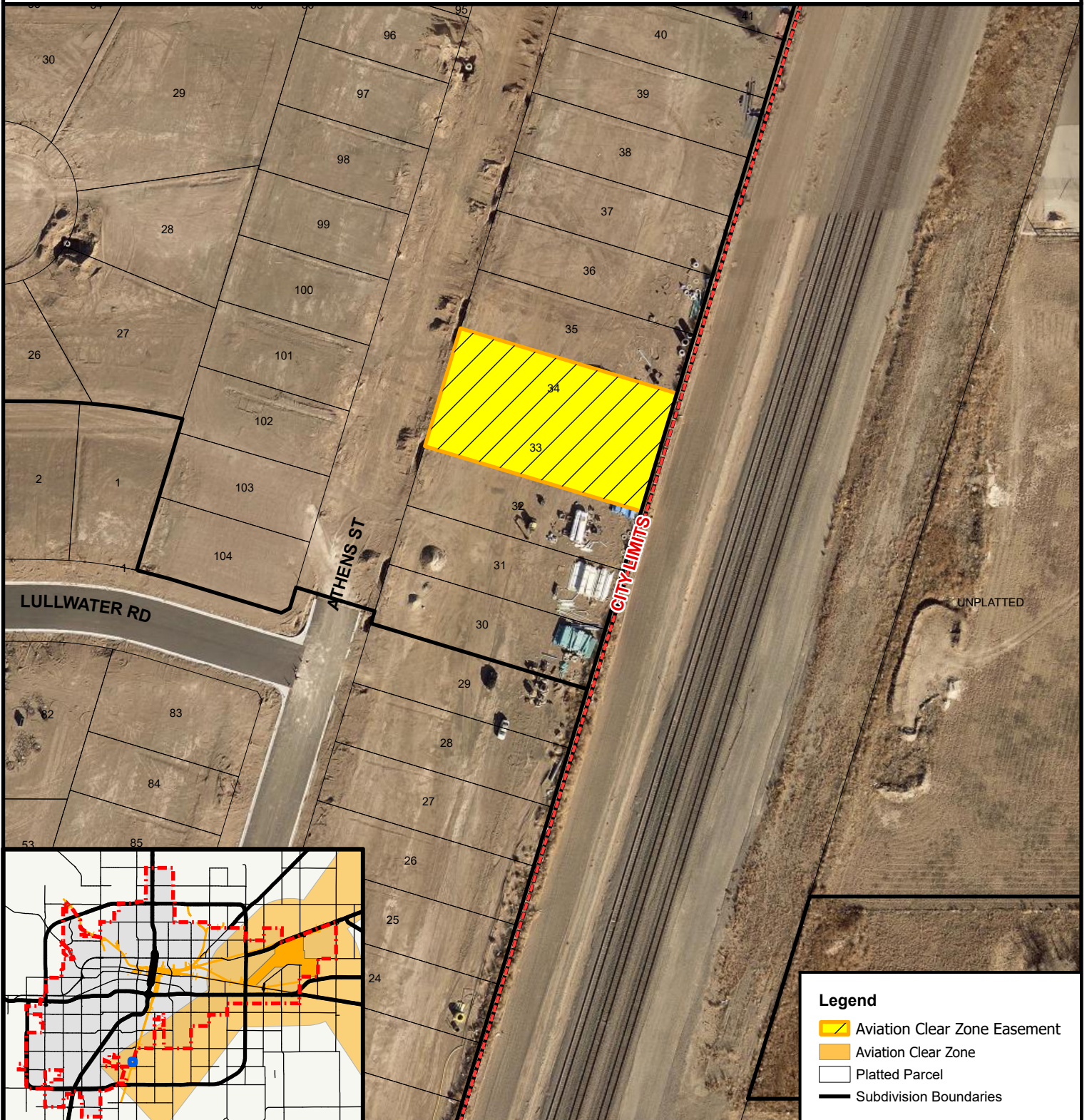
THE STATE OF Texas §
COUNTY OF Tarrant §

This instrument was acknowledged before me on this the 18th day of August, 2023, by Wesley Everett.



Caylee Lemons
Notary Public, State of Texas

AVIATION CLEAR ZONE EASEMENT



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 100 Feet
Date: 7/28/2023
Case No: ACZ-23-12



Aviation Clear Zone Easement being 4,800 feet above mean sea level above the plat South Georgia Place Unit No. 45 an addition to the City of Amarillo, being a replat of Lots 33 and 34, Block 12 South Georgia Place Unit No. 39 in Section 183, Block 2 AB&M Survey Randall County, Texas

Vicinity: Athens St & Lullwater Rd

Applicant: Wes Everett for Betenbough Homes LLC

AP: M-16



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Business Friendly Community
Department: Planning and Development Services
Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER ACCEPTANCE - AVIATION CLEAR ZONE EASEMENT

This item considers the acceptance of an aviation clear zone easement being 4,600 feet above mean sea level above the plat of Valley View South Unit No. 8, a suburban subdivision to the City of Amarillo, in Section 175, Block 2, AB&M Survey, Randall County, Texas. (VICINITY: Farmvers Ave. and FM 1541; GRANTOR: G&A Homes LLC; GRANTEE: City of Amarillo)

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 Valley View South Unit No. 8.

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 4,600 feet above mean sea level.

Requested Action: Planning Department and Legal Staff have reviewed the 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 the attached aviation clear zone easement.

Attachments:

1. Easement Copy
2. Location Map

AVIATION CLEAR ZONE EASEMENT

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

WHEREAS, G & A Homes 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 4,600 feet above mean sea level above the plat Valley View South Unit No. 8 a suburban subdivision to the City of Amarillo being a replat of a portion of Lot 2, block 5, Valley View South Unit No. 2, situated in Section 175, Block 2, AB&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 4,600 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 4,600 feet above mean sea level.

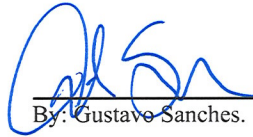
TO HAVE AND TO HOLD said aviation clear zone easement, passage easement, and rights-of-way, and all rights appertaining thereto unto the GRANTEE, its successors and assigns, until Rick Husband Amarillo International Airport shall be abandoned and shall cease to be used for public airport purposes.

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 19th day of September, 2023.

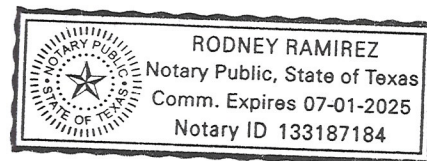
GRANTOR: G & A Homes, LLC


By: Gustavo Sanches.

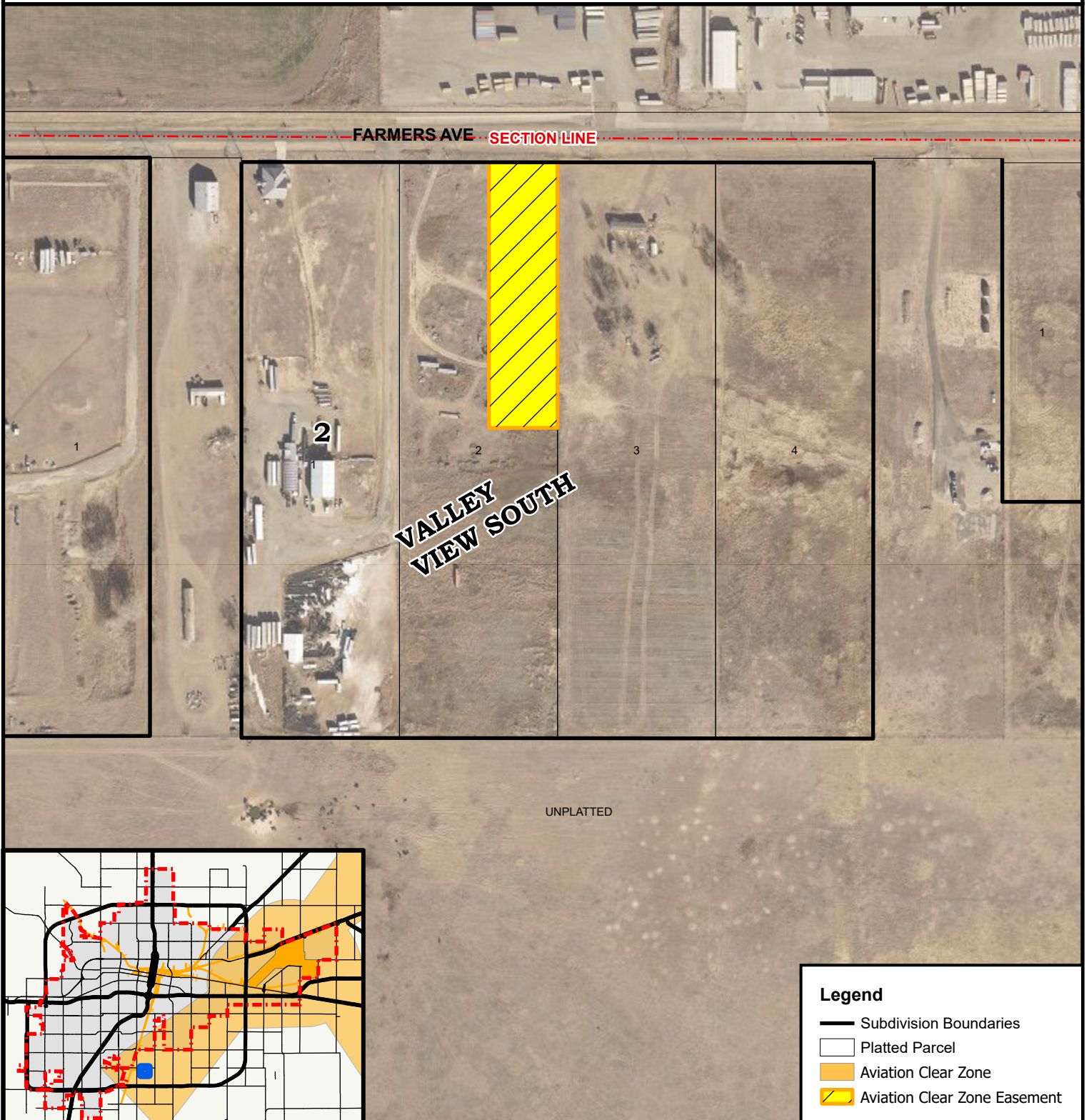
THE STATE OF TX §
COUNTY OF Potter §

This instrument was acknowledged before me on this the 19th day of September, 2023, by Gustavo Sanches.


Notary Public, State of TX



AVIATION CLEAR ZONE EASEMENT



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 300 Feet
Date: 8/25/2023
Case No: ACZ-23-13



Aviation Clear Zone Easement being 4,600 feet above mean sea level above the plat Valley View South Unit No. 8 a suburban subdivision to the City of Amarillo, being a replat of a portion of Lot 2, Block 5, Valley View South Unit No. 2, situated in Section 175, Block 2, AB&M Survey, Randall County, Texas

Vicinity: W Farmers Ave & Tradewind Rd

Applicant: Gustavo Sanchez

AP: N-17



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Business Friendly Community
Infrastructure

Department: Planning and Development Services

Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER ACCEPTANCE - PUBLIC DRAINAGE EASEMENTS

This item considers the acceptance of the dedication of two public drainage easements being a total of approximately 0.66 acres of land out of Section 58, Block 2, AB&M Survey, Potter County, Texas. (VICINITY: I-40 and Airport Blvd.; GRANTOR: Attebury Farm, LLC; GRANTEE: City of Amarillo)

Agenda Item Summary: This item is a public drainage easement dedication associated with the construction of a new roadway that is being constructed by the applicant's contractor. The drainage easements are needed for necessary drainage infrastructure and ditches associated with the roadway that is now under construction. The drainage plans and associated infrastructure plans that were submitted by the applicant were reviewed and approved by the City Engineer's office and are now under construction at the applicant's cost. Upon completion of the infrastructure, the City will inspect the completed infrastructure to ensure it complies with City standards. Upon final approval by the City Engineer, the City will take over future maintenance of any public infrastructure.

Requested Action: City Staff and the Legal Department have reviewed the easement and found it to be ready for consideration by City Council as a consent agenda item.

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

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends acceptance of the public drainage easement.

Attachments:

1. Easement Copy
2. Location Map

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

CORRECTION PUBLIC DRAINAGE & ACCESS EASEMENT

Grantor: Attebury Farm, LLC

Grantor's Mailing Address: 5744 Canyon Drive
Amarillo, Texas 79109

Grantee: City of Amarillo

Grantee's Mailing Address: P.O. Box 1971
Amarillo, TX 79105

Consideration: Ten Dollars and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Easement Property: That portion of the property out of Section 58, Block 2, A.B.&M. Survey, Abstract Number 1576, in Amarillo, Potter County, Texas, more particularly described on Exhibits "A" and "B" attached hereto.

Grantor executed that certain Public Drainage Easement (35' AND 20') recorded at Instrument No. 2023OPR0008563 of the Official Public Records of Potter County, Texas (the "Original Drainage Easement"). Grantor executes this Correction Public Drainage & Access Easement to amend and correct the Original Drainage Easement.

Grantor for the consideration grants, sells and conveys to Grantee, its successors and assigns a non-exclusive Public Drainage & Access Easement for the purpose of installing, constructing, maintaining, operating, extending/repairing, removing, replacing and upgrading a drainage system including, without limitation, a drainage channel and all related drainage facilities and appurtenances within the Easement Property (hereinafter called "Drainage System"), at Grantee's sole cost, upon, over, under and across the Easement Property, together with the right of ingress and egress over, along and across the Easement Property and adjacent property for said purpose.

This Easement Property is subject to all existing easements, rights-of-way, encumbrances and restrictions of record. The surface disturbed by Grantee will be restored to as near the original condition as is practical within thirty days.

Upon completion, Grantee shall have the right to inspect, rebuild, repair, improve, and make such changes, alterations, additions to or extensions of its Drainage System within the boundaries

of the Easement Property as are consistent with the purpose expressed herein. All construction, maintenance, equipment and facilities shall comply with all applicable laws, ordinances, codes and regulations. Grantee shall regularly and perpetually clean and maintain the System to the originally designed and constructed flow line, grades, specifications and crosssections shown on the plans including, without limitation, regular mowing and routine efforts to prevent excessive erosion or siltation.

All surfaces within the Drainage System will be constructed so that they can be practically and regularly maintained and mowed in an effort to prevent excessive erosion or siltation. Should such erosion or siltation occur inside the Drainage System, Grantee agrees promptly to fill, compact, level and/or regrade to retain the shape, slope and grade that was intended per the engineered plans and specs.

Grantor, its successors and assigns, may use said Easement Property for any purpose not inconsistent with the rights hereby granted, provided such use does not interfere with the safe and efficient construction, operation or maintenance of the Drainage System and further provided that such use is not inconsistent with any laws, ordinances or codes pertaining to the construction, operation or maintenance of the Drainage System and to which the Grantor is subject. Grantor will not erect or maintain any buildings or other structures or obstructions on or over the Easement Property except by written permission from Grantee.

To Have and to Hold the above-described Easement Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee and Grantee's successors and assigns forever. Grantor does hereby bind itself and its successors and assigns to Warrant and Forever Defend all and singular the Easement Property unto Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

EXECUTED this 26th day of September, 2023.

[SIGNATURE PAGE FOLLOWS]

ATTEBURY FARM, LLC

By: W.A. Attebury
Name: ATTEBURY FARM, LLC
Title: Manager W.A. Attebury

STATE OF Texas)
) ss
COUNTY OF Randall)

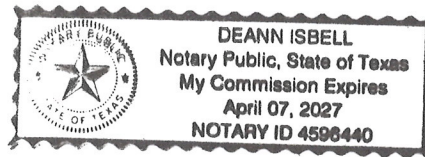
The foregoing instrument was acknowledged before me this 26th day of September, 2023 by W.A. Attebury, as manager of ATTEBURY FARM, LLC, a Texas limited liability company.

My Commission expires: 04-07-2027

Witness my hand and official seal.

DeAnn Isbell

Notary Public



[ADD APPROVED ACCEPTANCE LANGUAGE]

By: _____
Jared Miller, City Manager
City of Amarillo

STATE OF TEXAS

COUNTY OF POTTER

This instrument was acknowledged before me on the _____ day of _____, 2023,
by Jared Miller.

Notary Public, State of Texas

After Recording, Return To:
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79105

EXHIBIT A - PAGE 1
PUBLIC DRAINAGE EASEMENT

Section 58, Block 2, AB&M Survey, Abstract Number 1576, Potter County, Texas

LEGAL DESCRIPTION

BEING a 0.0109 acre tract of land out of Section 58, Block 2, AB&M Survey, Abstract Number 1576, situated in Potter County, Texas, being a portion of a called 450.00 acre tract of land conveyed to Attebury Farm Partnership by deed of record in Volume 2042, Page 170 of the Official Public Records of Potter County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron rod with yellow plastic cap stamped "RPLS 5377" found in the South right-of-way line of Interstate Highway 40 (variable width right-of-way), being the Northeast corner of a called 20.36 acre tract of land conveyed to Buc-ee's Amarillo, LLC by deed of record in Document Number 2022OPR0013438 of said Official Public Records, and being the Northwest corner of Attebury I-40 East Development Unit No. 3, a subdivision of record in Volume 2726, Page 49, Plat B-161 of the Plat Records of Potter County, Texas;

THENCE S00°04'03"W, leaving the South right-of-way line of Interstate Highway 40, along the East line of said 20.36 acre tract, being in part, the common West line of said Attebury I-40 East Development Unit No. 3, a distance of 1,126.75 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southeast corner of said 20.36 acre tract;

THENCE, S15°05'01"E, over and across said 450.00 acre tract, a distance of 133.91 feet to the **POINT OF BEGINNING** and Northwest corner hereof;

THENCE, continuing over and across said 450.00 acre tract, the following four (4) courses and distances:

1. S89°55'57"E, a distance of 20.00 feet to a point for the Northeast corner hereof, from which a 1/2 inch iron rod with illegible yellow plastic cap found at the Southeast corner of said Attebury I-40 East Development Unit No. 3 bears N18°07'49"E, a distance of 532.15 feet;
2. S00°04'03"W, a distance of 28.67 feet to a point for the Southeast corner hereof;
3. Along a non-tangent curve to the left, having a radius of 70.00 feet, a chord bearing of N66°29'51"W, a chord length of 21.80 feet, a delta angle of 17°54'53", an arc length of 21.89 feet to a point for the Southwest corner hereof;
4. N00°04'03"E, a distance of 20.00 feet to the **POINT OF BEGINNING**, and containing an area of 0.0109 of an acre (474 square feet) of land.

Bearings are based on GPS observations utilizing the AllTerra RTK Network; North American Datum of 1983 (Adjustment Realization 2011).

PAGE 1 OF 2



EAGLE SURVEYING, LLC

222 S. ELM STREET
SUITE: 200
DENTON, TX 76201
(940) 222-3009

TX FIRM # 10194177

JOB NUMBER	DRAWN BY	DATE
2109.006-09B	HSB/CHM	05-23-2023

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a Registered Professional Land Surveyor under the laws of the State of Texas

Math Raabe

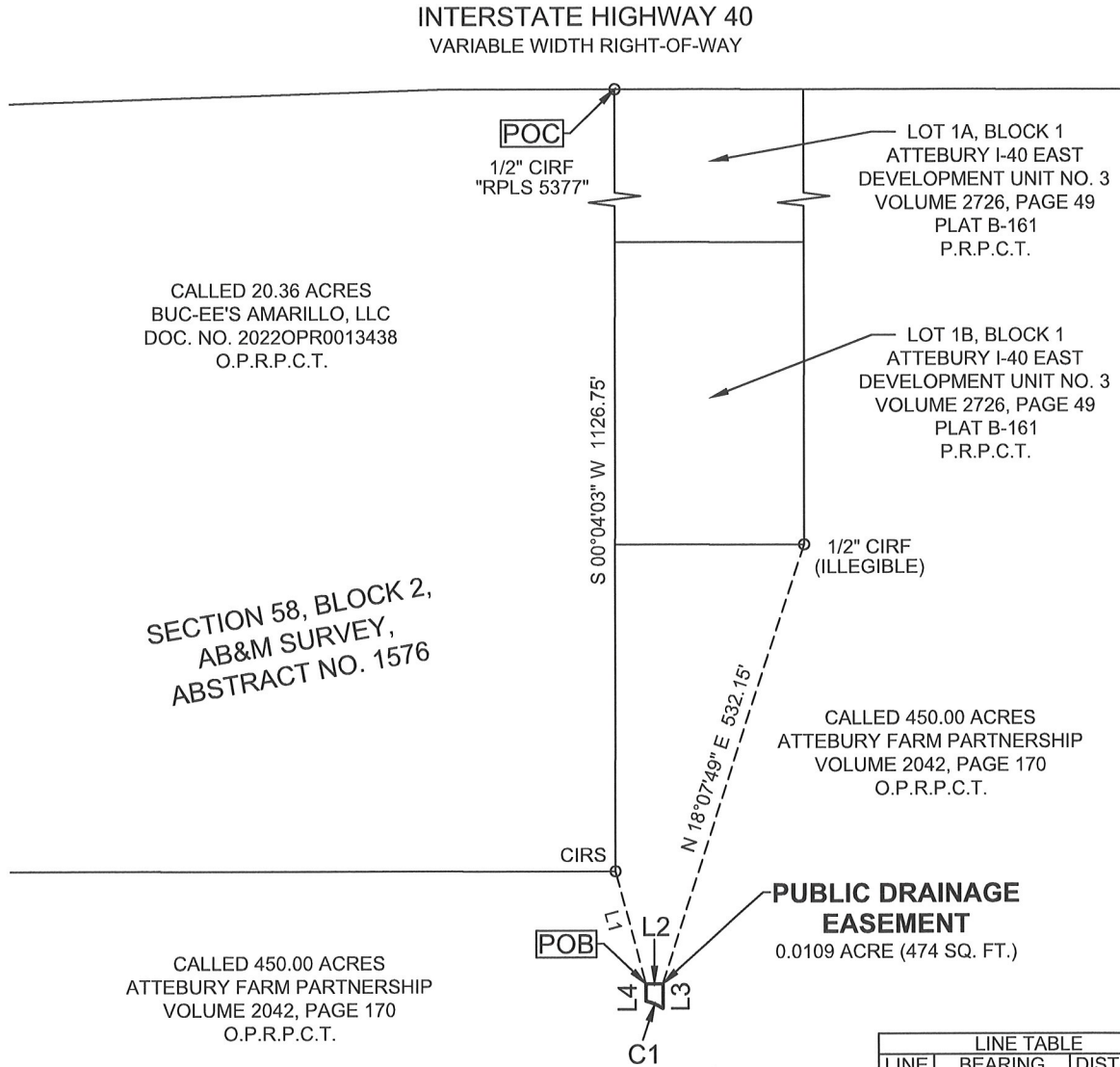
Mathew Raabe
R.P.L.S. # 6402



05-25-23
Date

EXHIBIT A - PAGE 2 PUBLIC DRAINAGE EASEMENT

Section 58, Block 2, AB&M Survey, Abstract Number 1576, Potter County, Texas



NOTE: Bearings are based on GPS observations utilizing the AllTerra RTK Network; North American Datum of 1983 (Adjustment Realization 2011).

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 15°05'01" E	133.91'
L2	S 89°55'57" E	20.00'
L3	S 00°04'03" W	28.67'
L4	N 00°04'03" E	20.00'

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	21.89'	70.00'	17°54'53"	N 66°29'51" W	21.80'

PAGE 2 OF 2



EAGLE SURVEYING, LLC
222 S. ELM STREET
SUITE: 200
DENTON, TX 76201
(940) 222-3009
TX FIRM # 10194177



1" = 200'
0 100 200

LEGEND

O	BOUNDARY MONUMENTATION
CIRF	CAPPED IRON ROD FOUND
CIRS	CAPPED IRON ROD STAMPED "EAGLE SURVEYING" SET
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
DOC. NO.	DOCUMENT NUMBER
O.P.R.P.C.T.	OFFICIAL PUBLIC RECORDS, POTTER COUNTY, TEXAS
P.R.P.C.T.	PLAT RECORDS, POTTER COUNTY, TEXAS

EXHIBIT B - PAGE 1
PUBLIC DRAINAGE EASEMENT

Section 58, Block 2, AB&M Survey, Abstract Number 1576, Potter County, Texas

LEGAL DESCRIPTION

BEING a 0.6410 acre tract of land out of Section 58, Block 2, AB&M Survey, Abstract Number 1576, situated in Potter County, Texas, being a portion of a called 450.00 acre tract of land conveyed to Attebury Farm Partnership by deed of record in Volume 2042, Page 170 of the Official Public Records of Potter County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the East right-of-way line of Juett Attebury Road (variable width right-of-way), being the Southwest corner of a called 20.36 acre tract of land conveyed to Buc-ee's Amarillo, LLC by deed of record in Document Number 2022OPR0013438 of said Official Public Records, from which a 1/2 inch iron rod with yellow plastic cap stamped "RPLS 5377" found bears N00°19'36"E, a distance of 376.65 feet;

THENCE, S00°19'36"W, along the East right-of-way line of Juett Attebury Road, being the common West line of said 450.00 acre tract, a distance of 282.24 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set for the **POINT OF BEGINNING** and Northwest corner hereof;

THENCE, leaving the East right-of-way line of Juett Attebury Road, over and across said 450.00 acre tract, the following six (6) courses and distances:

1. N45°00'45"E, a distance of 35.55 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
2. N89°41'54"E, a distance of 735.00 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the beginning of a non-tangent curve to the left, for the Northeast corner hereof, from which a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southeast corner of said 20.36 acre tract bears N09°42'43"E, a distance of 256.04 feet;
3. Along said non-tangent curve to the left, having a radius of 70.00 feet, a chord bearing of S60°09'03"E, a chord length of 69.68 feet, a delta angle of 59°41'54", an arc length of 72.94 feet to a point at the end of said curve, for the Southeast corner hereof;
4. S89°41'54"W, a distance of 790.63 feet to a point;
5. S00°19'36"W, a distance of 33.78 feet to a point;
6. N89°58'30"W, a distance of 30.00 feet to a point in the East right-of-way line of Juett Attebury Road and the common West line of said 450.00 acre tract, for the Southwest corner hereof;

THENCE, N00°19'36"E, along the East right-of-way line of Juett Attebury Road and the common West line of said 450.00 acre tract, a distance of 43.61 feet to the **POINT OF BEGINNING**, and containing an area of 0.6410 of an acre (27,921 square feet) of land.

Bearings are based on GPS observations utilizing the AllTerra RTK Network; North American Datum of 1983 (Adjustment Realization 2011).

PAGE 1 OF 2

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a Registered Professional Land Surveyor under the laws of the State of Texas



EAGLE SURVEYING, LLC
222 S. ELM STREET
SUITE: 200
DENTON, TX 76201
(940) 222-3009
TX FIRM # 10194177

Matthew Raabe

Matthew Raabe
R.P.L.S. # 6402

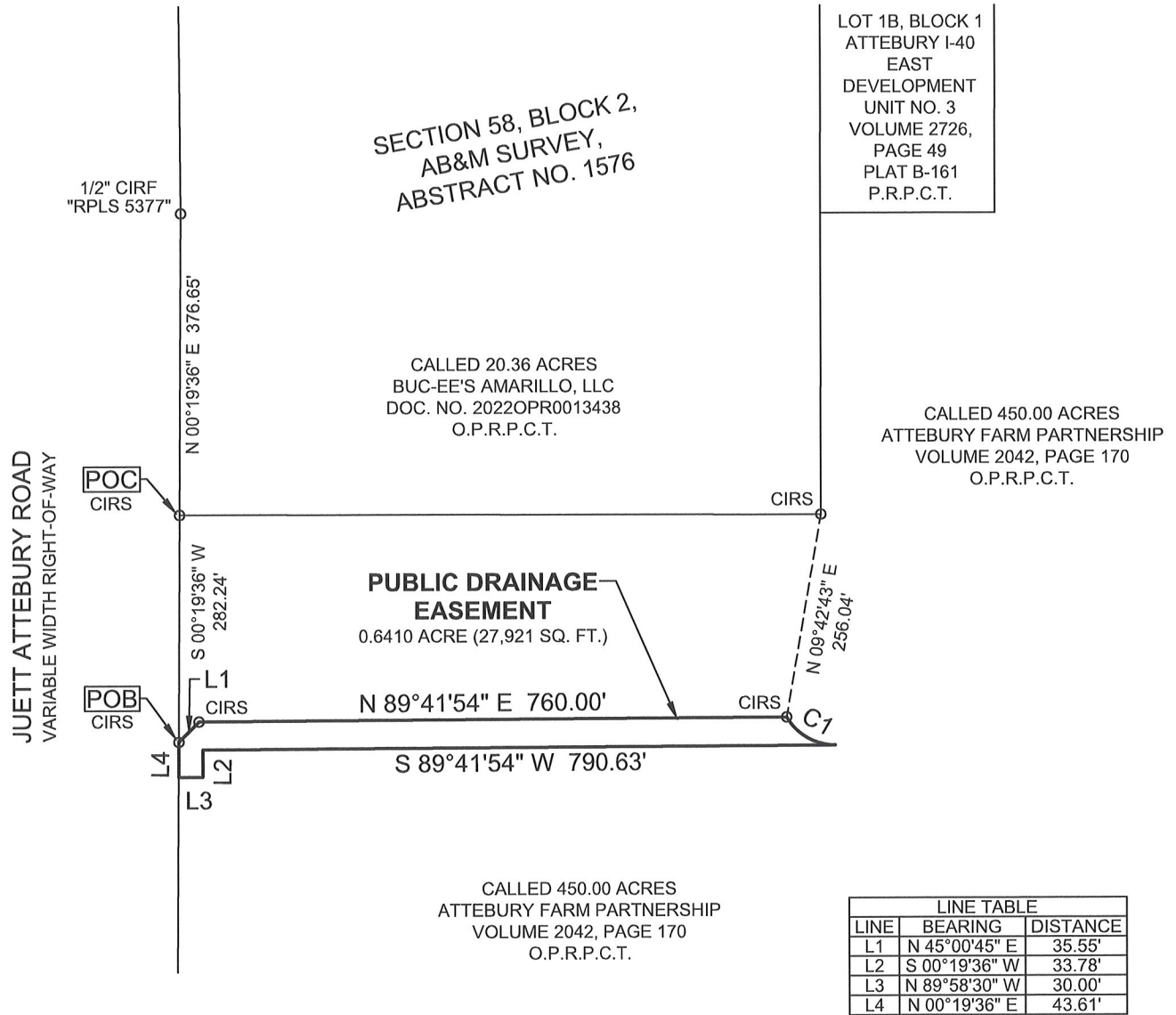


05-25-23
Date

JOB NUMBER	DRAWN BY	DATE
2109.006-10	HSB/CHM	05-23-2023

EXHIBIT B - PAGE 2
PUBLIC DRAINAGE EASEMENT

Section 58, Block 2, AB&M Survey, Abstract Number 1576, Potter County, Texas



NOTE: Bearings are based on GPS observations utilizing the AllTerra RTK Network; North American Datum of 1983 (Adjustment Realization 2011).

PAGE 2 OF 2

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	72.94'	70.00'	59°41'54"	S 60°09'03" E	69.68'



EAGLE SURVEYING, LLC
222 S. ELM STREET
SUITE: 200
DENTON, TX 76201
(940) 222-3009
TX FIRM # 10194177



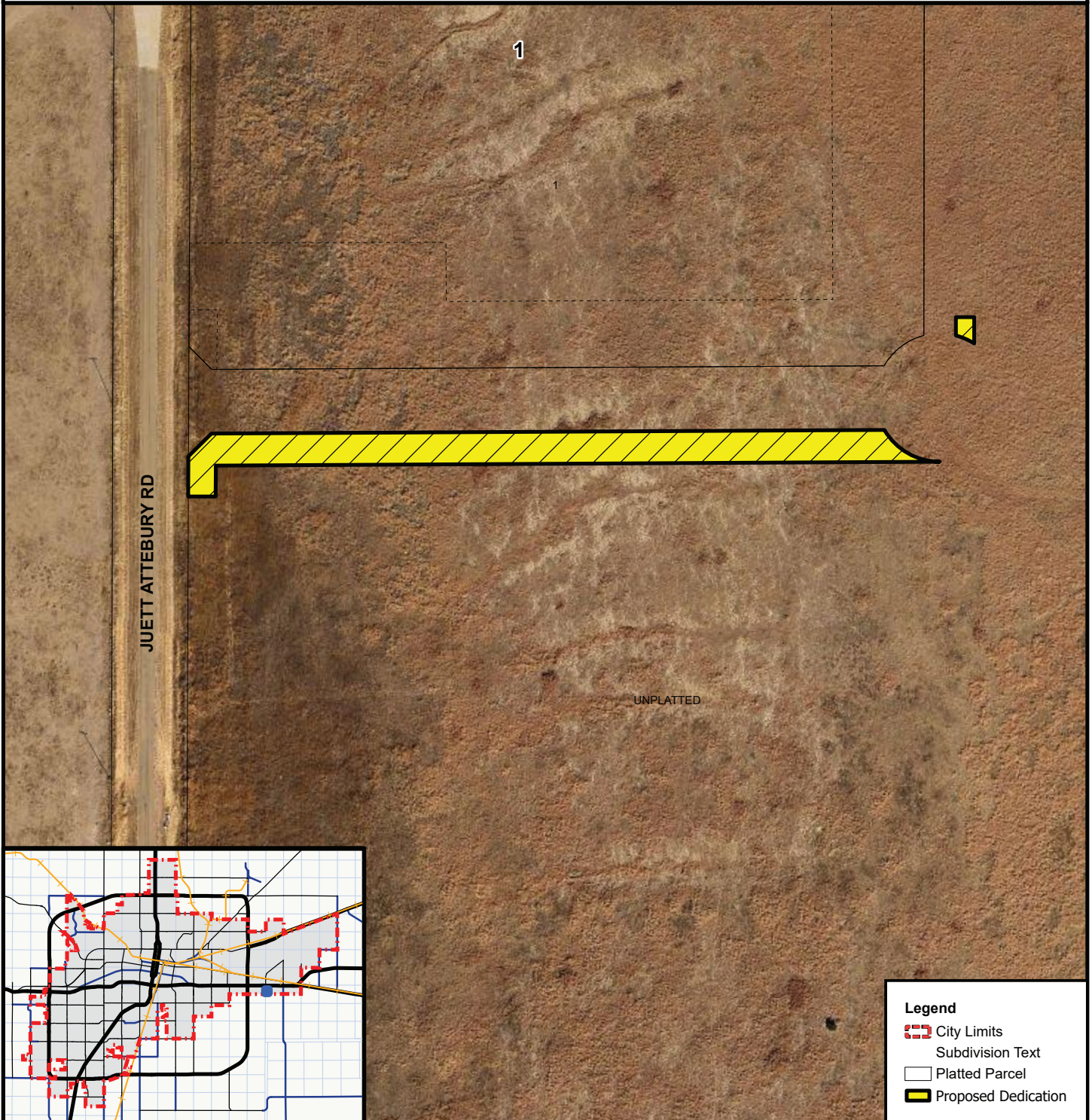
1" = 200'

0 100 200

LEGEND

O	BOUNDARY MONUMENTATION
CIRF	CAPPED IRON ROD FOUND
CIRS	CAPPED IRON ROD STAMPED "EAGLE SURVEYING" SET
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
O.P.R.P.C.T.	OFFICIAL PUBLIC RECORDS, POTTER COUNTY, TEXAS
P.R.P.C.T.	PLAT RECORDS, POTTER COUNTY, TEXAS

CASE D-23-11
Dedication of a portion of Section 58, Block 2



- Legend**
- City Limits
 - Subdivision Text
 - Platted Parcel
 - Proposed Dedication

CITY OF AMARILLO
PLANNING DEPARTMENT

Dedication of public draiange easements, being a 0.6410 acre and 0.0109 acre tract of unplatted land, in Section 58, Block 2, AB&M Surey, Potter County, Texas

Grantor: Attebury Farm, LLC

Vicinity: I-40 and Airport Blvd.

Scale: 1 inch = 150 Feet
Date: 8/30/2023
Case No: D-23-11



AP: U-13

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



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Business Friendly Community
Infrastructure

Department: Planning and Development Services

Contact Person: Brady Kendrick, Senior Planner

Agenda Caption: CONSIDER ACCEPTANCE - STREET RIGHT-OF-WAY DEDICATION

This item considers the acceptance of the dedication of a 1.58 acre tract of unplatted land located in Section 58, Block 2, AB&M Survey, Potter County, Texas as a public street right-of-way. (VICINITY: I-40 and Airport Blvd.; GRANTOR: Attebury Farm, LLC; GRANTEE: City of Amarillo).

Agenda Item Summary: The above item is associated with the dedication of a street right-of-way to the City of Amarillo. The owner's engineer submitted plans for the roadway to the City Engineer for review and approval and the plans were found to be in good order. The roadway is currently under construction and the cost of the design and construction of the roadway is the responsibility of the property owner. Upon completion of the construction of the roadway, the City will inspect the finished road to ensure it complies with City standards.

Staff notes that the applicants already filed the dedication instrument with the Potter County Clerk against the instructions of Staff, however the street is not considered accepted by the City until the City Council acts on the item.

Applicable City Staff and the Legal Department reviewed the request and dedication instrument and found it to be in good order and ready for consideration.

Requested Action: City and Legal Staff have reviewed the proposed street right-of-way dedication and found it is ready for consideration by City Council as a consent agenda item.

Funding Summary: The street right-of-way is being granted to the City at no cost and the roadway is being constructed by the applicant/s. Upon completion and inspection of the finished roadway, the City will take over maintenance of the roadway.

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of the street right-of-way dedication.

Attachments:

1. ROW Dedication Document
2. Location Map

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVERS LICENSE NUMBER

Independence Title/GF# 2321315-COM/GMH

STREET DEDICATION

DATE: July 6th, 2023
GRANTOR: ATTEBURY FARM, LLC
GRANTOR'S ADDRESS: 5744 Canyon Drive, Amarillo, Texas 79109
GRANTEE: City of Amarillo, Texas, a municipal corporation
GRANTEE'S ADDRESS: P.O. Box 1971, Amarillo, TX 79105-1971
CONSIDERATION: \$10.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

DEDICATED PROPERTY: A 1.58 acre tract of land lying in Section 58, Block 2, A.B.&M. Survey, Abstract Number 1576, in Amarillo, Potter County, Texas being more fully described and displayed in Exhibit "A" attached hereto and by reference incorporated into this Street Dedication.

In consideration of the benefits to accrue to GRANTOR by GRANTEE's agreement to accept this Street Dedication, the value of which is hereby acknowledged, GRANTOR hereby dedicates, gives, and conveys to GRANTEE for the use and benefit of the public, including the streets, curb, gutter, sidewalk, drainage ways, rams, cuts, traffic control devices, public utilities and all other public purposes, as a perpetual right of way for the passage and accommodation of vehicular and pedestrian traffic, and the construction, operation, use, maintenance, inspection, repair, alteration, and replacement of a paved road within the boundaries of the right-of-way area, and for all other purposes for which a public street and right of way is commonly used, including installing, repairing, maintaining, altering, replacing, relocating, and operating utilities in, into, upon, over, across, and under said right of way, and including but not limited to, all such uses permitted by the laws of the State of Texas and the City of Amarillo Ordinances and Charter.

TO HAVE AND TO HOLD said right of way unto the City of Amarillo, its successors and assigns, and GRANTOR(S) hereby bind(s) itself (themselves), its (their) successors and assigns to warrant and forever defend, all and singular, said premises unto the City of Amarillo, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

GRANTOR covenants and agrees that GRANTOR and GRANTOR'S heirs, representatives, successors and assigns shall at no time erect, place or construct, or cause to be erected, placed or constructed in, into, upon, over, across or under any easements granted herein any temporary or permanent structures, and it is further agreed that the City of Amarillo shall have the right to excavate and fill upon said permanent easement, any fences, buildings or other obstructions as may now be found upon said permanent easement.

It is further intended that the permanent right of way herein granted to the City of Amarillo shall run with the land and forever be a right in and to the land belonging to GRANTOR, and GRANTOR'S successors and assigns, and said grant is expressly excepted from any right of reversion of said premises under any prior deeds in GRANTOR's chain of title. The permanent right of way rights and privileges granted therein are exclusive, and GRANTOR covenants that it will not convey any other easement or conflicting rights within the area covered by the grant to any other person.

IN WITNESS WHEREOF, this dedication instrument is executed this 6th day of July, 2023.

ATTEBURY FARM, LLC

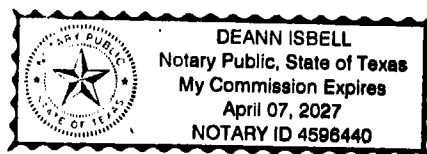
By: W.A. Attebury
 Name: W.A. ATTEBURY
 Title: MANAGER

STATE OF Texas)
) ss
 COUNTY OF Pandall)

The foregoing instrument was acknowledged before me this 6th day of July, 2023 by W.A. Attebury as Manager of ATTEBURY FARM, LLC, a Texas limited liability company.

My Commission expires: 04-07-2027

Witness my hand and official seal.



DeAnn Isbell
 Notary Public

EXHIBIT A

RIGHT-OF-WAY DEDICATION

Section 58, Block 2, AB&M Survey, Abstract Number 1576, Potter County, Texas

LEGAL DESCRIPTION

BEING a 1.58 acre tract of land out of Section 58, Block 2, AB&M Survey, Abstract Number 1576, situated in Potter County, Texas, being a portion of a called 450.00 acre tract of land conveyed to Attebury Farm Partnership by deed of record in Volume 2042, Page 170 of the Official Public Records of Potter County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the East right-of-way line of Juett Attebury Road (variable width right-of-way), being the Southwest corner of a called 20.36 acre tract of land conveyed to Buc-ee's Amarillo, LLC by deed of record in Document Number 2022OPR0013438 of said Official Public Records, from which a 1/2 inch iron rod with yellow plastic cap stamped "RPLS 5377" found bears N00°19'36"E, a distance of 376.65 feet;

THENCE, S00°19'36"W, along the East right-of-way line of Juett Attebury Road, being the common West line of said 450.00 acre tract, a distance of 162.23 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set for the **POINT OF BEGINNING** and Northwest corner hereof;

THENCE, leaving the East right-of-way line of Juett Attebury Road, over and across said 450.00 acre tract, the following five (5) courses and distances:

1. S44°59'15"E, a distance of 35.16 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
2. N89°41'54"E, a distance of 734.23 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the beginning of a non-tangent curve to the right, from which a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the Southeast corner of said 20.36 acre tract bears N13°26'01"E, a distance of 187.50 feet;
3. Along said non-tangent curve to the right, having a radius of 70.00 feet, a chord bearing of S00°18'06"E, a chord length of 70.00 feet, a delta angle of 300°00'00", an arc length of 366.52 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set at the end of said curve;
4. S89°41'54"W, a distance of 735.00 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set;
5. S45°00'45"W, a distance of 35.55 feet to a 1/2 inch iron rod with green plastic cap stamped "EAGLE SURVEYING" set in the East right-of-way line of Juett Attebury Road and the common West line of said 450.00 acre tract, for the Southwest corner hereof;

THENCE, N00°19'36"E, along the East right-of-way line of Juett Attebury Road and the common West line of said 450.00 acre tract, a distance of 120.01 feet to the **POINT OF BEGINNING**, and containing an area of 1.58 acres (68,748 square feet) of land.

Bearings are based on GPS observations utilizing the AllTerra RTK Network; North American Datum of 1983 (Adjustment Realization 2011).

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a Registered Professional Land Surveyor under the laws of the State of Texas

PAGE 1 OF 2



EAGLE SURVEYING, LLC
 222 S. ELM STREET
 SUITE: 200
 DENTON, TX 76201
 (940) 222-3009
 TX FIRM # 10194177

JOB NUMBER	DRAWN BY	DATE
2109.006-11	HSB/CHM	05-23-2023

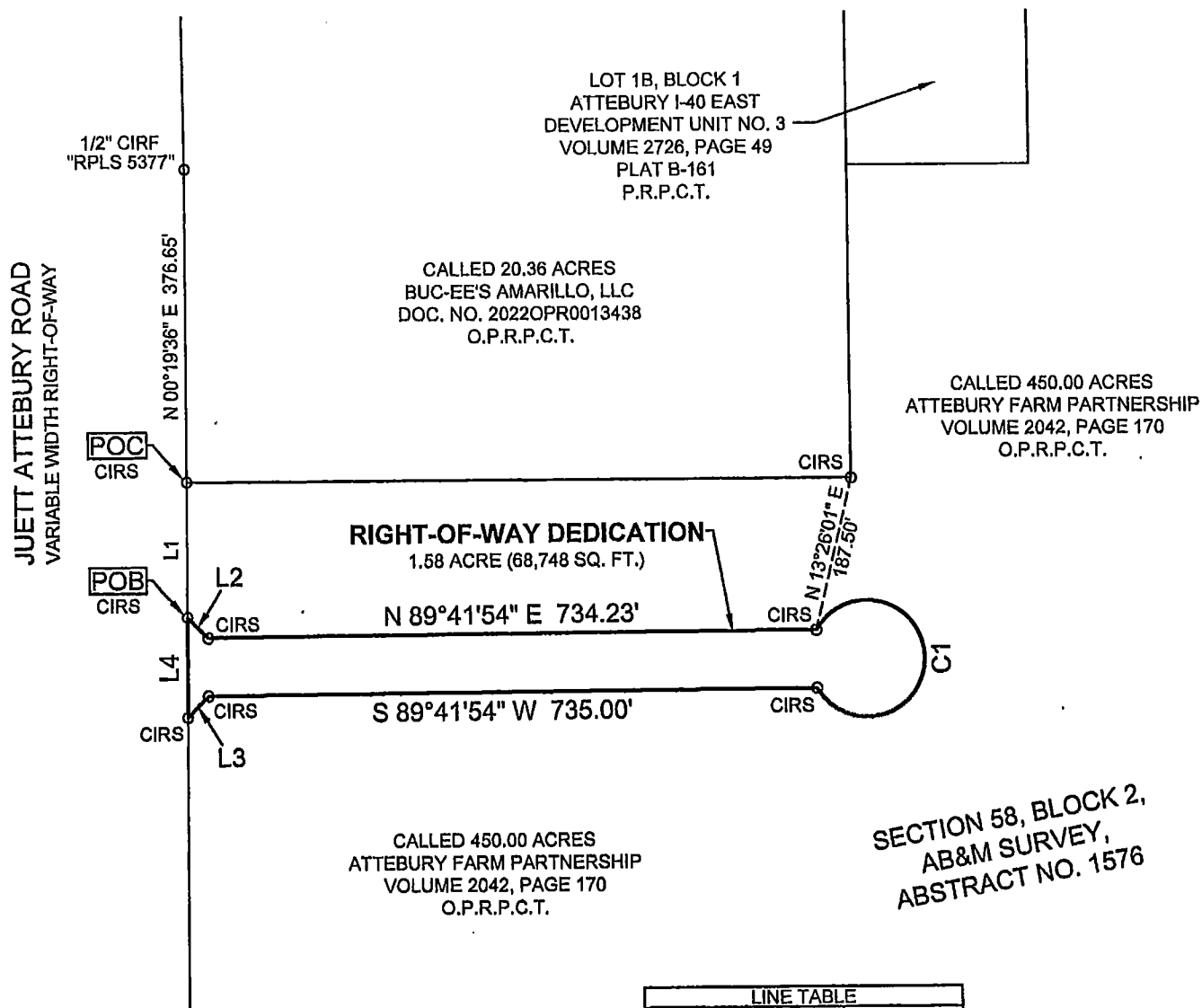
Matthew Raabe
 Matthew Raabe
 R.P.L.S. # 6402



05-25-23
 Date

RIGHT-OF-WAY DEDICATION

Section 58, Block 2, AB&M Survey, Abstract Number 1576, Potter County, Texas



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 00°19'36" W	162.23'
L2	S 44°59'15" E	35.16'
L3	S 45°00'45" W	35.55'
L4	N 00°19'36" E	120.01'

NOTE: Bearings are based on GPS observations utilizing the AllTerra RTK Network; North American Datum of 1983 (Adjustment Realization 2011).

CURVE TABLE					
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	366.52'	70.00'	300°00'00"	S 00°18'06" E	70.00'

PAGE 2 OF 2



EAGLE SURVEYING, LLC

222 S. ELM STREET
SUITE: 200
DENTON, TX 76201
(940) 222-3009

TX FIRM # 10194177



1" = 200'

0 100 200

LEGEND

O	BOUNDARY MONUMENTATION
CIRF	CAPPED IRON ROD FOUND
CIRS	CAPPED IRON ROD STAMPED
	"EAGLE SURVEYING" SET
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
DOC. NO.	DOCUMENT NUMBER
O.P.R.P.C.T.	OFFICIAL PUBLIC RECORDS,
	POTTER COUNTY, TEXAS
P.R.P.C.T.	PLAT RECORDS,
	POTTER COUNTY, TEXAS

JOB NUMBER	DRAWN BY	DATE
2109.006-11	HSB/CHM	05-23-2023

FILED and RECORDED

Instrument Number: 2023OPR0008564

Filing and Recording Date: 07/11/2023 11:11:51 AM Pages: 5 Recording Fee: \$28.00

I hereby certify that this instrument was FILED on the date and time stamped hereon and RECORDED in the OFFICIAL PUBLIC RECORDS of Potter County, Texas.



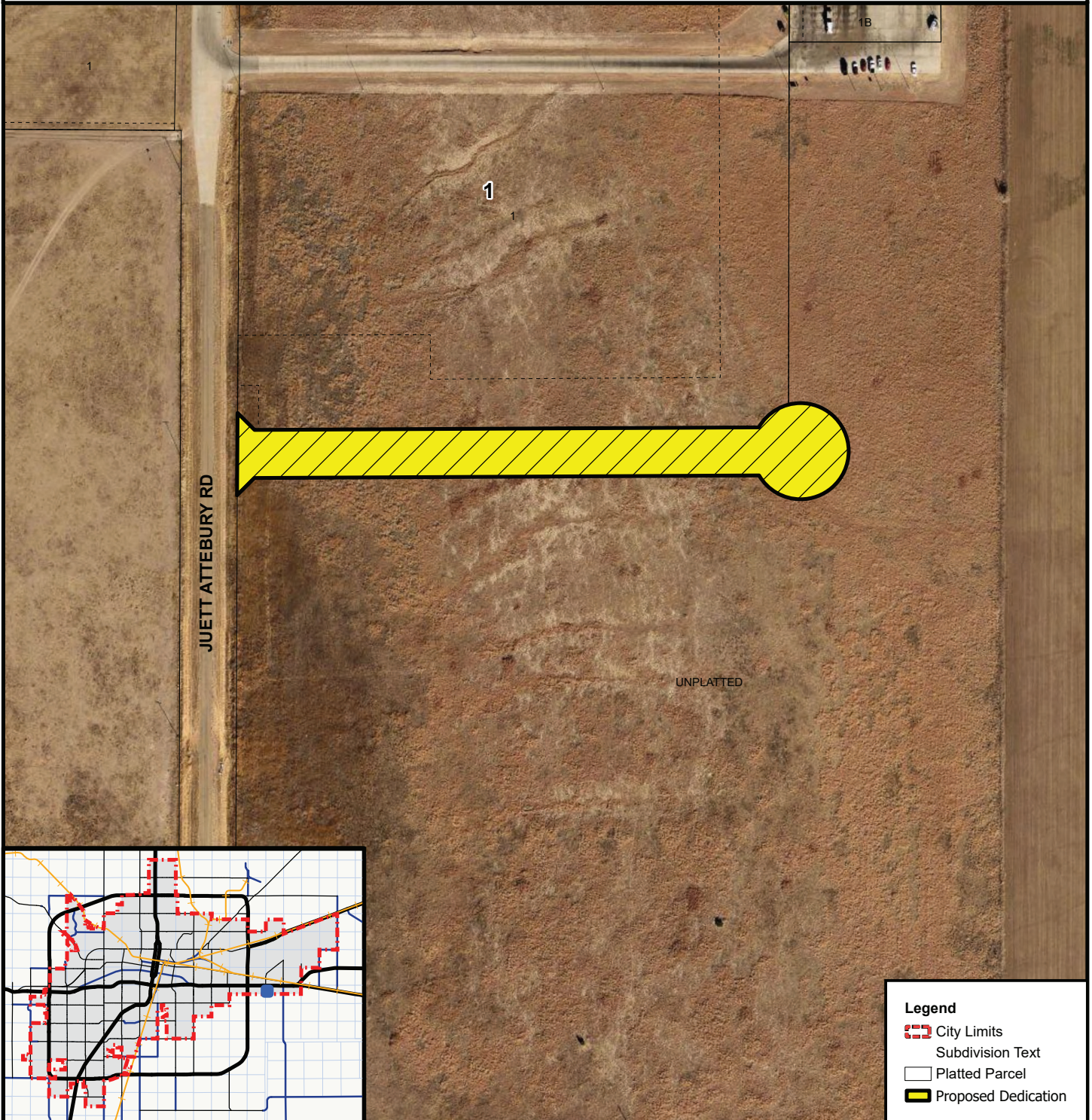
A handwritten signature in black ink, appearing to read "Julie Smith".

Julie Smith, County Clerk
Potter County, Texas

DO NOT DESTROY - This document is part of the Official Public Record.

vcordova

CASE D-23-10
Dedication of a portion of Section 58, Block 2



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 200 Feet
Date: 8/30/2023
Case No: D-23-10



Dedication of a public street being a 1.58 acre tract of unplatted land, in Section 58, Block 2, AB&M Survey, Potter County, Texas.

Grantor: Attebury Farm, LLC

Vicinity: I-40 and Airport Blvd.

AP: U-13

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



Agenda Transmittal Memo

Date: October 10, 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 - PROFESSIONAL SERVICES AGREEMENT FOR LIFT STATION 32

Award to: Kimley-Horn and Associates, Inc. - \$60,000.00

This item considers the award of professional services agreement which includes an extension of construction phase services for the project needed. Additional time is needed for the project to be constructed and completed by the contractor. This item will be funded through a loan with the Texas Water Development Board's (TWDB) Clean Water State Revolving Fund Program (CWSRF), to be paid with water and sewer revenues.

Agenda Item Summary: This item considers the award of professional services agreement which includes an extension of construction phase services for the project. Additional time is needed for the project to be constructed and completed by the contractor. Kimley-Horn and Associates, Inc. was selected under RFQ 06-13 for Contract No. 1 of this project.

Requested Action: Consider approval of an agreement with Kimley-Horn and Associates, Inc. in the amount of \$60,000.00 for execution by the Interim City Manager.

Funding Summary: Funding for this project is available in Project Budget Number 521805. The project is funded through a loan with the Texas Water Development Board's (TWDB) Clean Water State Revolving Fund Program (CWSRF). The total amount of the loan for the Lift Station 32 project is \$12.5 million. Liquidated damages are being collected due to the work not being completed within the contract time.

Community Engagement Summary: Award for professional services will have minimal impact on the community. The engineer will facilitate coordination with property owners as needed.

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

Attachments:

1. RFQ 06-13 PROFESSIONAL SERVICE AGREEMENT WITH KIMLEY-HORN

Bid No. RFQ 06-13 Professional Services Agreement Extension
Opened 4:00 p.m.,September 14, 2023

To be awarded as one lot

Kimley-Horn

Line Professional service agreement extension

1 ea

Unit Price

\$60,000.00

Extended Price

60,000.00

Bid Total

\$ 60,000.00

Alternate

Award by Vendor

City

Amarillo



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Infrastructure
Department: Capital Projects Development and Engineering
Contact Person: Kyle Schniederjan, Director of Capital Projects Development and Engineering

Agenda Caption: CONSIDER APPROVAL - CHANGE ORDER NO. 2 FOR THE WATER TRANSFER LINE TRENCH REPAIR

Award to: Amarillo Utility Contractors, Inc.

Original Award	\$2,575,395.00
Previous Change Order	34,848.00
Current Change Order No. 2	482,113.50
Total Award	\$3,092,356.50

This item considers approval of Change Order No. 2 for the Water Transfer Line Trench Repair on Bolton Street. A portion of the change order is to address additional removal and replacement quantities due to unknown underground conditions and weather conditions for the project on Bolton Street, and the remainder of the change order will be used for trench repairs to a section of Ellen Hope Street. This change order will be funded through water and sewer revenues.

Agenda Item Summary: This item is to consider approval of Change Order No. 2 for the Water Transfer Line Trench Repair on Bolton Street. A portion of the change order, \$178,274.00, is to address additional removal and replacement quantities due to unknown underground conditions and weather conditions for the project on Bolton Street. The remainder of this change order, \$303,839.50, will be used for trench repairs to a section of Ellen Hope Street. Repairs include the removal and replacement of asphalt, removal and replacement of concrete (i.e., sidewalks, ramps, driveway, curb & gutter), excavation of existing embedment material, installation of flowable fill, and landscaping repairs. The work on Ellen Hope Street is added due to a failing utility trench line there. This has caused an alley, a street, and a resident's driveway to become inaccessible. The nature of the work being added is similar in scope to the original contract.

Requested Action: Consider approval of Change Order No. 2.

Funding Summary: Funding for this project is available in project budget numbers 523459. Funding for this change order was made available from water rate revenues. The original budget estimate for this project was \$3,000,000.00. Additional funding from Utilities was identified for the repairs on Ellen Hope St. and will be used to fund this change order. No state or federal funds will be utilized for this change order.

Community Engagement Summary: As part of this project, the public has been engaged with mailers, one-on-one meetings, and public meetings. This change order work will have a modest impact on a small portion of the neighborhood. City staff will update affected property owners/stakeholders individually, as well as with press releases, as appropriate.

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

Attachments: 1. 523459 Bolton Trench Repair - Change Order No. 2 for Consideration

CHANGE ORDER # 2
CITY OF AMARILLO
CAPITAL PROJECTS & DEVELOPMENT ENGINEERING

JOB NO. 523459 | Water Transfer Line Trench Repair, SE 13th & Bolton to SE 27th & Bolton St.
BID NO. 7256

DATE: 9/14/2023

CONTRACTOR: Amarillo Utility Contractors, Inc.

CHANGE ORDER NO. 2

DESCRIPTION OF CHANGE

This change order is being proposed to include additional removal and replacement quantities due to unknown underground conditions and weather conditions for the project on Bolton Street.

Included in this change order are also repairs for a section of Ellen Hope Street. Repairs include the removal & replacement of asphalt, removal and replacement of concrete (i.e. sidewalks, ramps, driveway, curb & gutter), excavation of existing embedment material, installation of flowable fill, and landscaping repairs.

ATTACHMENTS: Exhibit No. 1

ITEM NO.	DESCRIPTION	ORIGINAL ESTIMATE QUAN.	REVISED ESTIMATE QUAN.	NET CHANGE IN QUAN.	UNIT MEASURE	UNIT PRICE	NET CHANGE IN DOLLARS
1	Remove & Dispose of Concrete Cap	3,865	5647	1,782	S.Y.	\$ 18.00	\$ 32,076.00
3	Removal & Disposal of Concrete Curb & Gutter, Saw Cuts Where Necessary	260	487	227	L.F.	\$ 18.00	\$ 4,086.00
4	Removal & Disposal of HMA	5580	5844	264	S.Y.	\$ 18.00	\$ 4,752.00
6	Furnish and Place Controlled Low Strength Material (Flowable Fill) backfill, COA 4.01	10525	10970	445	C.Y.	\$ 122.00	\$ 54,290.00
7	Flexible Base, Type A or C, Grade 1 or 2 (CMP in PLC, 6-in.)	5580	6477	897	S.Y.	\$ 24.00	\$ 21,528.00
8	Install 6" - 3,000 PSI Concrete Curb & Gutter	150	435	285	L.F.	\$ 55.00	\$ 15,675.00
10	Install 8" Concrete Flatwork (alley aprons, commercial driveways, valleys, spandrels)	340	734	394	S.F.	\$ 39.00	\$ 15,366.00
11	Furnish, Haul, Place and Compact 3-inch Hot-Mix Asphaltic Concrete	5580	5844	264	S.Y.	\$ 45.00	\$ 11,880.00
13	Reflectorized Pavement Markings, Type II White, 4-inch Solid, COA 4.20	865	1030	165	L.F.	\$ 4.00	\$ 660.00
14	Reflectorized Pavement Markings, Type II Yellow, 4-inch Broken, COA 4.20	850	899	49	L.F.	\$ 4.00	\$ 196.00
15	Reflectorized Pavement Markings, Type II Yellow, 4-inch Solid, COA 4.20	9330	9660	330	L.F.	\$ 4.00	\$ 1,320.00
17	Prime Coat	1720	1835	115	GAL.	\$ 10.00	\$ 1,150.00
18	Furnish, Install and Maintain Trench Safety Complying with OSHA Rules & Regulations	3865	4030	165	L.F.	\$ 1.00	\$ 165.00
20	Excavate to 6-inches Outside Previously Defined Trench and to 1-Foot Above 48-in. Well Water Transfer Line	10630	11075	445	C.Y.	\$ 34.00	\$ 15,130.00
SUBTOTAL - BOLTON							\$ 178,274.00

ITEM NO.	DESCRIPTION	ORIGINAL ESTIMATE QUAN.	REVISED ESTIMATE QUAN.	NET CHANGE IN QUAN.	UNIT MEASURE	UNIT PRICE	NET CHANGE IN DOLLARS
CO2-1	Remove & Dispose of Concrete; Ellen Hope	0	283	283	S.Y.	\$ 18.00	\$ 5,094.00
CO 2-2	Removal & Disposal of Concrete Curb & Gutter, Saw Cuts Where Necessary; Ellen Hope Street	0	161	161	L.F.	\$ 18.00	\$ 2,898.00
CO 2-3	Removal & Disposal of HMA, Ellen Hope	0	539	539	S.Y.	\$ 18.00	\$ 9,702.00

CHANGE ORDER # 2 CONT'D.

ITEM NO.	DESCRIPTION	ORIGINAL ESTIMATE QUAN.	REVISED ESTIMATE QUAN.	NET CHANGE IN QUAN.	UNIT MEASURE	UNIT PRICE	NET CHANGE IN DOLLARS
CO 2-4	Furnish & Install Controlled Low Strength Material (Flowable Fill); Ellen Hope Street	0	1026	1,026	C.Y.	\$ 122.00	\$ 125,172.00
CO 2-5	Install 6" - 3,000 PSI Concrete Curb & Gutter; Ellen Hope Street	0	161	161	L.F.	\$ 55.00	\$ 8,855.00
CO 2-6	Install 8" Concrete Flatwork per CoA 4.09; Ellen Hope Street	0	688	688	S.F.	\$ 39.00	\$ 26,832.00
CO 2-7	Furnish, haul, place, and compact 3-inch Hot Mix Asphaltic Concrete; Ellen Hope St.	0	539	539	S.Y.	\$ 45.00	\$ 24,255.00
CO 2-8	Excavate to 6" Outside Previously Defined Trench as Allowable per Trench Conditions; Ellen Hope Street	0	1026	1,026	C.Y.	\$ 34.00	\$ 34,884.00
CO 2-9	Sod Replacement; Ellen Hope Street	0	945	945	S.F.	\$ 7.50	\$ 7,087.50
CO 2-10	Sprinkler Head/Line Adjustments; Ellen Hope Street	0	1	1	L.S.	\$ 2,000.00	\$ 2,000.00
CO 2-11	Surface Restoration: Backfill behind BoC; Ellen Hope Street	0	10	10	C.Y.	\$ 75.00	\$ 750.00
CO 2-12	Installation of 4" Flatwork for Sidewalk and Driveway; Ellen Hope Street	0	1690	1,690	S.F.	\$ 19.00	\$ 32,110.00
CO 2-13	Install New Curb Ramps, According to ADA Requirements	0	2	2	EA.	\$ 3,600.00	\$ 7,200.00
CO 2-14	Furnish & Install Traffic Control Plan, to be in place; Ellen Hope Street	0	1	1	L.S.	\$ 9,000.00	\$ 9,000.00
CO 2-15	Mobilization/Demobilization for Repair; Ellen Hope Street	0	1	1	L.S.	\$ 8,000.00	\$ 8,000.00
SUBTOTAL - ELLEN HOPE							\$ 303,839.50

NET THIS CHANGE ORDER	\$ 482,113.50
PREVIOUS CHANGE ORDERS	\$ 34,848.00
TOTAL OF CHANGE ORDERS	\$ 516,961.50
ORIGINAL CONTRACT TOTAL	\$ 2,575,395.00
REVISED CONTRACT TOTAL	\$ 3,092,356.50

Percent changed 20.07%

ORIGINAL CONTRACT TIME (WORKING DAYS) 180
 PREVIOUS CHANGE ORDERS 50
 NET THIS CHANGE ORDER 80
 REVISED CONTRACT TIME IN WORKING DAYS 310

APPROVED:

Amarello
 Contractor

By

Purchasing Agent/ City Manager

RECOMMENDED:

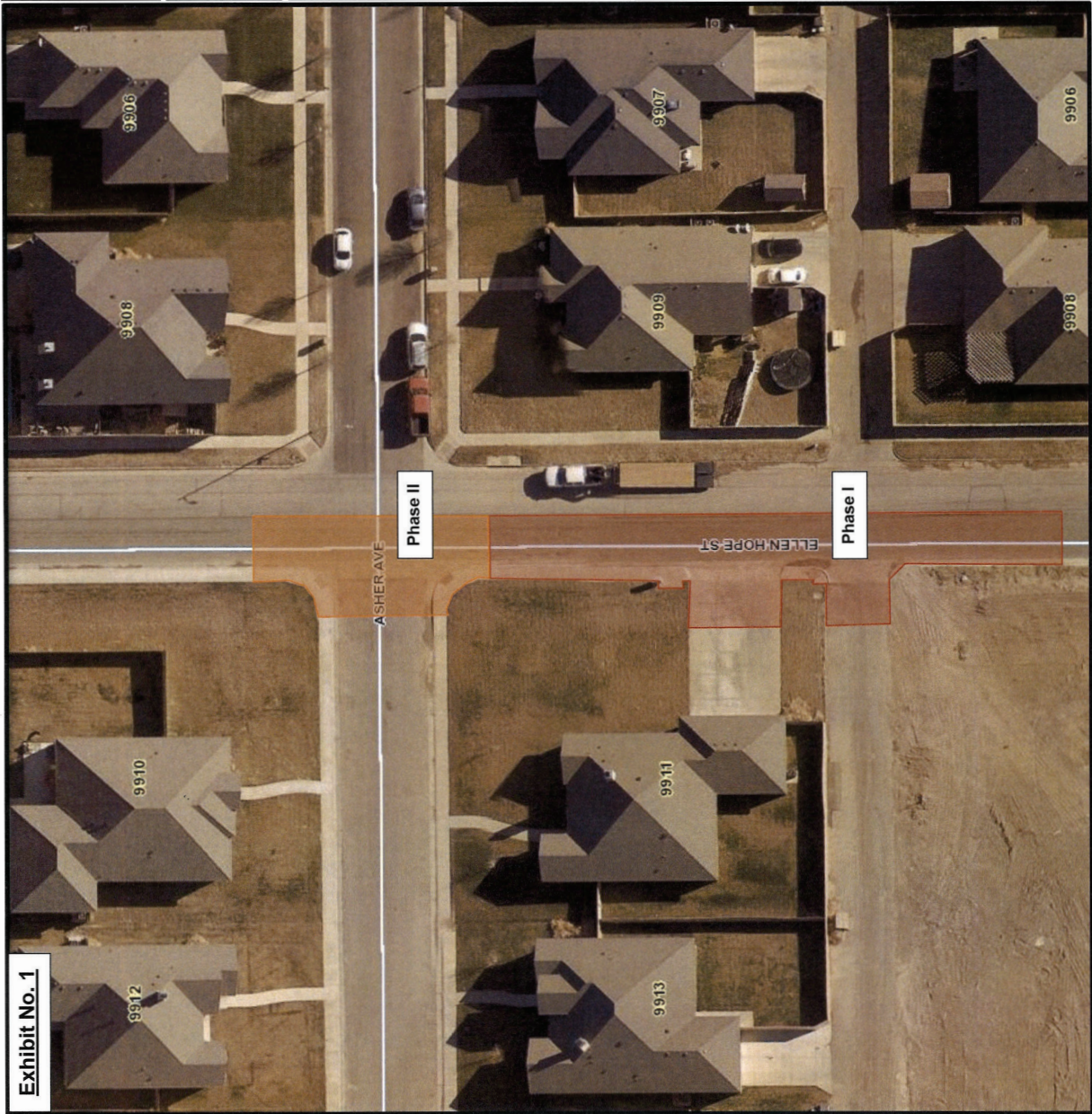
Charles Hosh 09-14-2023
 Project Engineer/Project Manager

Jonathan Zahariev 09-14-2023
 City Engineer

Jeffrey 9-14-2023
 Director of Capital Projects & Development Engineering

cc: Departmental
 Accounting
 Contractor
 Project Representative
 Administrative Assistant III & IV

Exhibit No. 1



Change Order No. 2

City of Amarillo | Capital Projects & Development Engineering
Job No. 523459/Bid No. 7256
Water Transfer Line Trench Repair, SE 13th & Bolton - SE 27th & Bolton
Contractor: Amarillo Utility Contractors, Inc.
Date: September 14, 2023

Description of Change:

This change order includes repairs for a section of Ellen Hope Street. Repairs that consist of the removal & replacement of asphalt, removal and replacement of concrete (i.e., sidewalks, ramps, driveways, curb & gutter), excavation of existing embedment material, installation of flowable fill, and landscaping repairs in affected areas.

Excavation & Removals

- Removal & Disposal of HMA
 - 1. Ellen Hope St.
 - 2. Asher Ave.
 - 3. Alley
- Removal & Disposal of Concrete
 - 1. Alley Apron
 - 2. Section of Driveway (9911 Asher Ave.)
 - 3. Sidewalk
 - 4. Mailbox Slab
 - 5. North & South Spandrels on Asher Ave.
 - 6. Valley Gutter on Asher Ave.
 - 7. North & South ADA Ramps on Asher Ave.
- Removal & Disposal of Concrete Curb & Gutter
- Excavation of Embedment Material in Trench as Defined by EOR (Depth of 6-7 ft.)
 - 1. Ellen Hope St.
 - 2. Section of Asher Ave.
 - 3. Alley

Restoration

- Replacement of Embedment Material with CLSM (Flowable Fill) in Trench
 - 1. Ellen Hope St.
 - 2. Asher Ave.
 - 3. Alley
- Replacement of 4" Flatwork
 - 1. Sidewalk
 - 2. Section of Driveway (9911 Asher Ave.)
 - 3. North & South ADA Ramps on Asher Ave.
- Replacement of 8" - 4,000 PSI Flatwork
 - 1. Alley Apron
 - 2. North & South Spandrels on Asher Ave.
 - 3. Valley Gutter on Asher Ave.
 - 4. Mailbox Slab
- Replacement of 6" - 3,000 PSI Curb & Gutter
- HMA Patch Repairs
 - 1. Ellen Hope St. (Edge of Toe to Crown)
 - 2. Asher Ave.
 - 3. Alley
- Landscaping Repairs
 - 1. Sod Replacement
 - 2. Sprinkler Adjustments
 - 3. Backfilling





Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Infrastructure
Department: Water and Sewer Utilities
Contact Person: John Collins, Director of Utilities

Agenda Caption: CONSIDER APPROVAL - EMERGENCY REQUISITION FOR DESLUDGING OF EQUALIZATION BASIN AT HOLLYWOOD ROAD WASTEWATER TREATMENT FACILITY

Award to: WBI - \$989,000.00

This item is to consider approval of an emergency procurement to dredge, dewater, transport, and dispose of approximately 2,000 tons of dewatered sludge from the equalization and overflow equalization basin at the Hollywood Road Wastewater Treatment Facility. This item will be funded through water and sewer revenues.

Agenda Item Summary: This purchase was an emergency request to dredge, dewater, transport, and dispose of approximately 2000 tons of dewatered sludge from the Equalization and overflow Equalization basin at the Hollywood Road Wastewater Treatment facility. From May 2023 to June 2023 a series of rain events overwhelmed the plant and caused significant damage. The equalization basins were one of the components damaged and in need of remedial work. Repeated attempts to decant and Desludge the basin have failed, and the sludge strength causes immediate systemic failure throughout the plant, leaving no other option currently but to reduce and remove the sludge to continue operations. Due to this being an emergency request, no bid selection was conducted. City policy was followed through the procurement process with approval from city management. A proposal submitted from WBI to complete the work in the amount of \$989,000 was accepted and work was started on this project.

Requested Action: Utility staff asks for Consideration, approval and award.

Funding Summary: This purchase will be funded from 520370.17400.1040 with a balance of \$989,000

Community Engagement Summary: N/A

Staff Recommendation: Consideration, approval and award.

Attachments: 1. Bid Tabulation (7727)

Dept: 52270 HOLLYWOODROAD WASTEWA

CITY OF AMARILLO, TEXAS

Page -

1

Bid Evaluation For Quote 7727
EQUALIZATIONAND OVERFLOW
EQUALIZATIONCLEANING

Line Number			Quantity
1	890 95	Recycled Water Supply, Groundw	1.00
		ater and Sewage Treatment Equi	
		BELTPRESS	

Vendor Number	Name	Unit Cost	Extended Price
487943	WBI INC	893,000.0000	893,000.00

Line Number			Quantity
2	890 95	Recycled Water Supply, Groundw	1.00
		ater and Sewage Treatment Equi	
		MOBILIZATION	

Vendor Number	Name	Unit Cost	Extended Price
487943	WBI INC	48,000.0000	48,000.00

Line Number			Quantity
3	890 95	Recycled Water Supply, Groundw	1.00
		ater and Sewage Treatment Equi	
		DEMOBLIZATION	

Vendor Number	Name	Unit Cost	Extended Price
487943	WBI INC	48,000.0000	48,000.00

TOTAL BID AMOUNT \$ 989,000.00





Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Infrastructure
Department: Water and Sewer Utilities
Contact Person: John Collins, Director of Utilities

Agenda Caption: CONSIDER APPROVAL - EMERGENCY REQUISITION FOR THE TRANSFER OF SLUDGE FROM HOLLYWOOD ROAD WASTEWATER TREATMENT FACILITY TO RIVER ROAD WATER RECLAMATION FACILITY

Award to: Allen's Tri-State - \$356,250.00

This item is to consider approval of an emergency project to transfer sludge to River Road for ground injection from Hollywood.

Agenda Item Summary: This purchase was an emergency request to transport and dispose of approximately 2000 tons of sludge from the Equalization and overflow Equalization basin at the Hollywood Road Wastewater Treatment facility. From May 2023 to June 2023 a series of rain events overwhelmed the plant and caused significant damage. The equalization basins were one of the components damaged and in need of remedial work. Repeated attempts to decant and Desludge the basin have failed, and the sludge strength causes immediate systemic failure throughout the plant, leaving no other option currently but to reduce and remove the sludge to continue operations. Due to this being an emergency request, no bid selection was conducted. City policy was followed through the procurement process with approval from city management. A proposal submitted from Allen's Tri-State to complete the work in the amount of \$356,250 was accepted and work was started on this project.

Requested Action: Utility staff asks for consideration, approval and award.

Funding Summary: Funding Summary

This purchase will be funded from 520373.17400.1040 with the balance of \$375,000

Community Engagement Summary: N/A

Staff Recommendation: Consideration, approval, and award.

Attachments: 1. Bid Tabulation (7726)

Bid Evaluation For Quote 7726
EMERGENCY SOLID WASTE REMOVAL
AT HOLLYWOOD ROAD

TO THE ATTENTION OF ROLAN MANNIN PER QUOTE FOR
EMERGENCY SOLID WASTE REMOVAL
CITY OF AMARILLO - HOLLYWOOD RD WASTEWATER TREATMENT PLANT

Line Number			Quantity
1	962 94	Water Services, Bottled	750.00

TRUCK LOADS

Vendor Number	Name	Unit Cost	Extended Price
115824	ALLEN STRI STATE MECHANICAL	475.0000	356,250.00

Total Amount of Bid \$356,250.00



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Infrastructure
Department: Water and Sewer Utilities
Contact Person: John Collins, Director of Utilities

Agenda Caption: CONSIDER APPROVAL - EMERGENCY REQUISITION FOR THE TRANSFER OF SLUDGE TO RIVER ROAD WATER RECLAMATION FACILITY

Award to: David's Quality Contracting - \$129,375.00

This item is to consider approval of the emergency procurement of the transfer of sludge to River Road Water Reclamation Facility for ground injection from Hollywood Road Wastewater Treatment Facility. This item will be funded through water and sewer revenues.

Agenda Item Summary: This purchase was an emergency request to transport and dispose of approximately 2000 tons of sludge from the Equalization and overflow Equalization basin at the Hollywood Road Wastewater Treatment facility. From May 2023 to June 2023 a series of rain events overwhelmed the plant and caused significant damage. The equalization basins were one of the components damaged and in need of remedial work. Repeated attempts to decant and desludge the basin have failed, and the sludge strength causes immediate systemic failure throughout the plant, leaving no other option currently but to reduce and remove the sludge to continue operations. Due to this being an emergency request, no bid selection was conducted. City policy was followed through the procurement process with approval from city management. A proposal submitted from David's Quality Contracting and Plumbing to complete the work in the amount of \$129,375 was accepted and work was started on this project.

Requested Action: Utility staff asks for Consideration, approval and award.

Funding Summary: This purchase will be funded from 520373.17400.1040 with the balance of \$375,000

Community Engagement Summary: The equalization basins enable the plant to mitigate shock loadings such as storm events or unplanned large discharges into the plant. Without equalization basins, the plant will discharge large volumes of raw sewage into the environment. There are no mitigation measures available if this is not addressed. The purpose of this hauling contract is to move sludge out of the facility to disposal as quickly as possible.

Staff Recommendation: Consideration, approval, and award.

Attachments: 1. Bid Tabulation (7728)

Dept: 52270 HOLLYWOODROAD WASTEWA CITY OF AMARILLO, TEXAS
Bid Evaluation For Quote 7728

TO THE ATTENTION OF BILLY CHERVENKAPER QUOTE FOR
CITY OF AMARILLO - SOUTH WASTE WATER FACILITY (HOLLYWOOD RD)

Line Number			Quantity
1	962 94	Water Services, Bottled	450.00

TRUCK LOADS

Vendor Number	Name	Unit Cost	Extended Price
479708	DAVIDS QUALITY CONTRACTING & P	287.5000	129,375.00

TOTAL AMOUNT BID \$129,375.00



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Infrastructure
Department: Water and Sewer Utilities
Contact Person: John Collins, Director of Utilities

Agenda Caption: CONSIDER PURCHASE - REPLACEMENT MOTOR FOR HIGH-SERVICE PUMP AT RIVER ROAD WATER RECLAMATION FACILITY

Award to: Austin Armature Works, LP - \$107,691.94 (Buy Board Contract #672-22)

This item considers the purchase of a replacement 600-horsepower motor for a high-service pump located at the River Road Water Reclamation Facility. This item will be funded through water and sewer revenues.

Agenda Item Summary: This item is to consider awarding purchase of a replacement motor for a high service pump that is used to sell water to Xcel Energy from Austin Armature Works, LP in the amount of \$107,691.94. Xcel Energy uses reclaimed water in their cooling towers. If River Road is unable to provide reclaimed water to Xcel, the city will have to provide potable water directly from our Canadian River Municipal Water Authority (CRMWA) allocations but at a highly reduced rate. This will be a Buy Board purchase, so no bid was opened to the public.

Requested Action: Requesting approval and award of the purchase of a 600-horsepower motor to AAW (Austin Armature Works, LP) in the amount of \$107,691.94

Funding Summary: Funding is available in budget account #52260.68300 in the amount of \$285,127.00.

Community Engagement Summary: Without replacement of this motor, we will be unable to continue to keep up with the contractual amount of grey water supplied to Xcel Energy. The City would have to substitute that water with potable water directly from the CRMWA line, at a much lower rate than what the City pays to provide potable water to its citizens, costing the City more to fulfill the agreed amount of deliverable water for Xcel's production.

Staff Recommendation: City staff recommend approval and award.

Attachments: 1. Bid Tabulation (7708)

Dept: 52260 RIVER ROAD WATERRECLAM

CITY OF AMARILLO, TEXAS

Page -

1

Bid Evaluation For Quote 7708
MOTOR REPLACEMENTFOR
HIGH SERVICEPUMP

TO THE ATTENTION OF STEVEN GOSS PER QUOTE NSQ21753
CITY OF AMARILLO - RIVER ROAD WATERRECLAMATION- BID 7708
BUYBOARD CONTRACT # 672-22

Line Number				Quantity
1	285 71	Motors and Parts, Integral H.P		1.00
		., Three Phase, Electric		
		BUYBOARD 672.22 NIDEC 600 HP 1200 RPM 5811P460 V JVC14		
Vendor Number	Name		Unit Cost	Extended Price
494112	AUSTIN ARMATUREWORKS LP		107,691.9400	107,691.94

TOTAL AMOUNT BID \$107,691.94



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Infrastructure
Department: Water and Sewer Utilities
Contact Person: John Collins, Director of Utilities

Agenda Caption: CONSIDER PURCHASE - REPLACEMENT VERTICAL TURBINE PUMP AT RIVER ROAD WATER RECLAMATION FACILITY

Award to: Austin Armature Woks, LP - \$81,318.45

This item considers the approval to purchase a replacement vertical turbine pump at the River Road Water Reclamation Facility, to be used in the treatment process. This item will be funded through water and sewer revenues.

Agenda Item Summary: This item is to consider awarding purchase of a replacement pump used to back wash the media in the sand filters. This pump is 20 years old and has exceeded its life expectancy. This is one of two pumps needed in this part of the treatment process and it is critical that we replace this pump in order to complete the treatment of wastewater. This will be a Buy Board purchase.

Requested Action: Requesting approval and award of the purchase of the vertical turbine pump to AAW (Austin Armature Works, LP) for the amount of \$81,318.45

Funding Summary: Funding is available on budget account #52260.68300

Community Engagement Summary: This request is for a replacement of a failing vertical turbine pump at our River Road Wastewater Treatment facility. The pump itself pushes the wastewater into the sand filters backwards in order to clear the filters of heavy debris in order to continue the treatment process. Without the pumps, these filters would become too blocked to continue the treatment process accurately. This facility requires the use of two pumps.

Staff Recommendation: City staff is recommending approval and award.

Attachments: 1. Bid Tabulation (7724)

Dept: 52260 RIVER ROAD WATERRECLAM

CITY OF AMARILLO, TEXAS

Page -

1

Bid Evaluation For Quote 7724
NEW MIXED FLOW PUMP FOR
RIVER ROAD WATERRECLAMATION

BUYBOARD CONTRACT NO. 672-22

Line Number	Quantity
1	1.00
720 18	
Centrifugal Pumps, Stationary	
Moyno	
1 EA NEW MIXED FLOW PUMP 7200 GPM @ 25 TDH BR844 IMPELLER AND BEARINGS SS416 SHAFT SS304 BOLTING SS304 ANTI-VORTEX CLIP-ON STRAINER FABRICATED STEEL HEAD BUILT TO MATCH EXISTING PUMP DIMENSIONS PACKED PUMP/HEAD COATED INSIDE AND OUT, TNE MIC COATING INSTALLATION NOT INCLUDED STARTUP INCLUDED (1 DAY)- VERIFICATION OF PROPER OPERATION FREIGHT TO CUSTOMER/FOB AMARILLO	

Vendor Number	Name	Unit Cost	Extended Price
494112	AUSTIN ARMATUREWORKS LP	81,318.4500	81,318.45

TOTAL BID AMOUNT \$ 81,318.45



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Infrastructure
Department: Public Works
Contact Person: Walter Pishkur, Interim Director of Public Works

Agenda Caption: CONSIDER AWARD - REPAIR OF VERTICAL TURBINE PUMP AT LAWRENCE LAKE WEST

Award to JCH Inc. - \$91,935.00

This item considers the award of a contract for repair of a pump used to remove water from Lawrence Lake West. This item will be funded through drainage assessment revenues.

Agenda Item Summary: This item considers the award of a contract for repair of a pump used to remove water from Lawrence Lake West. Removal of water from Lawrence Lake West will provide capacity for future rain events and reduce the risk of flooding to the adjacent properties.

Requested Action: Consider approval and award to JCH Inc. in the amount of \$91,935.00.

Funding Summary: Funding for this item is available in Job 560157 2022/2023 Playa Lake Maintenance. 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 item.

Attachments: 1. Bid Tabulation (7598)

CITY OF AMARILLO, TEXAS
Bid Evaluation For Quote 7598
BEST VALUE BID REPAIR VERTICAL
TURBINE PUMP LAWRENCE LAKE EAS

Line Number			Quantity
1	720 52	Propeller Pumps, Vertical	1.00

FURNISH ALL EQUIPMENT MATERIAL AND LABOR TO COMPLETE REPAIR OF LAWRENCE LAKE
PUMP PER BID SPECIFICATION NO. DU-001 ISSUED 5/24/2023

Vendor Number	Name	Unit Cost	Extended Price
486958	JAMES COOKE AND HOBSON INC(JCH	91,935.0000	91,935.00
TOTAL AMOUNT BID \$91,935.00			
486959	JAMES COOKE AND HOBSON INC(R)	105,745.0000	105,745.00
TOTAL AMOUNT BID \$105,745.00 *ALTERNATE*			
479521	DBE COMPANY	114,125.0000	114,125.00
TOTAL AMOUNT BID \$114,125.00			



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Infrastructure
Technology and Innovation

Department: Information Technology

Contact Person: Missy Laird, Director of Information Technology

Agenda Caption: CONSIDER AWARD - ACCESS AGREEMENT WITH TNT PROPERTIES, INC.

Award to: TNT Properties, Inc. - \$68,783.28

This item considers the award of a 10-year agreement with TNT Properties, Inc. to access the Petroleum Building at 203 SW 8th Avenue, Amarillo, TX 79101. Access to this location includes a path to interconnect with ESC/Region 16's fiber optic infrastructure. This item will be funded through information technology fund revenues.

Agenda Item Summary: This item represents an agreement with TNT Properties, Inc. to access the Petroleum Building at 203 SW 8th Avenue, Amarillo, TX 79101. Access to this location includes a path to interconnect with ESC/Region 16's fiber optic infrastructure.

Requested Action: Approval of award to TNT Properties, Inc. in the amount of \$68,783.28 for a ten-year (10) term.

Funding Summary: Funding is available in job account 620075.17400.1040 (Broadband).

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of award.

Attachments: None



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Technology and Innovation
Department: Information Technology
Contact Person: Robert Rasmussen, Assistant Director of IT

Agenda Caption: CONSIDER AWARD - AGREEMENT FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE AND PROFESSIONAL SERVICES

Award to: Environmental Systems Research Institute (ESRI) - \$596,447.00

This item considers the award of a three-year enterprise agreement with ESRI to provide GIS (Geographic Information System) software utilized by multiple City departments and professional services to be utilized by the Airport. This item will be funded with information technology revenues and airport revenues.

Agenda Item Summary: This item represents a three-year (3) enterprise agreement with ESRI to provide GIS (Geographic Information System) software utilized by multiple City departments and professional services to be utilized by the Airport.

Requested Action: Award to ESRI (Environmental Systems Research Institute) in the amount of \$596,447.00 for a three-year (3) term.

Funding Summary: Funding is available in 62024.69300 (IT GIS) and 54110.62010 (Airport). The annual term payments will be split proportionately between Information Technology and Airport.

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of award.

Attachments: 1. Bid Tabulation (7721)

CITY OF AMARILLO, TEXAS

Bid Evaluation For Quote 7721

3 YEAR AGREEMENT WITH

ESRI FOR GIS SERVICES

TO THE ATTENTION OF ERIC LOMELI PER QUOTE FOR GIS SERVICES

CITY OF AMARILLO - IT DEPARTMENT BID #

Line Number		Quantity
1	920 45 77 Support and Update Services, Microcomputer Software Annual EA Fee - Year01	1.00

Vendor Number	Name	Unit Cost	Extended Price
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437136	ENVIRONMENTAL SYSTEMS RESEARCH	186,447.0000	186,447.00
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Line Number		Quantity
2	920 45 77 Support and Update Services, Microcomputer Software Annual EA Fee - Year02	1.00

Vendor Number	Name	Unit Cost	Extended Price
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437136	ENVIRONMENTAL SYSTEMS RESEARCH	205,000.0000	205,000.00
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Line Number		Quantity
3	920 45 77 Support and Update Services, Microcomputer Software Annual EA Fee - Year03	1.00

Vendor Number	Name	Unit Cost	Extended Price
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437136	ENVIRONMENTAL SYSTEMS RESEARCH	205,000.0000	205,000.00
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TOTAL AMOUNT BID \$596,447.00





Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Technology and Innovation
Department: Information Technology
Contact Person: Robert Rasmussen, Assistant Director of IT

Agenda Caption: CONSIDER AWARD - JD EDWARDS ANNUAL SOFTWARE SUPPORT RENEWAL

Award to: SHI Government Solutions - \$80,550.00

This item considers a renewal agreement with Rimini Street, provided through SHI Government Solutions, for the continued support and maintenance of the JD Edwards application.

Agenda Item Summary: The term of support will run from November 01, 2023 through October 31, 2024. JD Edwards is the enterprise resource planning application used by the City to collect, process, and manage data related to financing, accounting, purchasing, human resources, inventory, and work order processing. The City is currently in the process of replacing JD Edwards with Workday, but the full implementation of the software will not be complete for two to three more years. At that time, the City will explore terminating this support and maintenance agreement.

Requested Action: Approval of award to SHI Government Solutions in amount of \$80,550.00.

Funding Summary: Funding is available in 62021.69300

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of award.

Attachments: 1. 7707 RENEWAL OF JD EDWARDS SOFTWARE SUPPORT ANNUAL CONTRACT

To be awarded as one lot SHI GOVERNMENT SOLUTIONS

Line 1 JDE Support Services Agreement,
per specifications

1 ea

Unit Price \$80,550.000

Extended Price 80,550.00

Bid Total 80,550.00

Award by Vendor \$ 80,550.00

City Austin, TX



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Business Friendly Community
Fiscal Responsibility

Department: Parks and Recreation

Contact Person: Michael Kashuba, Director of Parks and Recreation

Agenda Caption: CONSIDER AWARD - GOLF PRODUCTS SUPPLY CONTRACT

Award to: Acushnet Golf Products - Not to exceed \$250,000.00 annually

This item considers the award of a one-year contract, with two one-year options for to renew, to purchase Titleist, Foot-Joy, and Pinnacle products for the pro shops located at Ross Rogers Golf Complex and Comanche Trail Golf Complex. This item will be funded with general funds, specifically with revenues earned by selling these products in the golf pro shops.

Agenda Item Summary: This award is to approve an annual “not-to-exceed” contract price for the wholesale purchase of Titleist, Foot-Joy, and Pinnacle golf products in the amount of \$250,000.00 with the options for two (2) one (1) year renewals if agreeable by both parties. The Acushnet Company is the exclusive manufacturer and wholesale distributor of these products and is the sole source of the products at wholesale prices. The wholesale purchase of these products provide inventory for retail sales at both pro shops at Ross Rogers Golf Complex and Comanche Trail Golf Complex. Sales of merchandise will produce an estimated gross margin of 40% or approximate 20% net profit.

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

Funding Summary: Funds were approved through the budget process in account 1811.51205.

Community Engagement Summary: n/a

Staff Recommendation: Staff recommends approval.

Attachments: 1. Bid Tabulation (7730)

CITY OF AMARILLO, TEXAS
Bid Evaluation For Quote 7730
ACUSHNET GOLF PRODUCTS
ANNUAL CONTRACT

ANNUAL CONTRACT FOR GOLF PRODUCTS

Line Number			Quantity
1	805 54	Golfing Equipment	1.00

GOLF PRODUCT PURCHASE CONTRACT TO THE ACUSHNET COMPANY FOR TILTEIST FOOT JOY PRODUCTS

Vendor Number	Name	Unit Cost	Extended Price
465384	ACUSHNET COMPANY	250,000.0000	250,000.00

TOTALAMOUNT BID \$250,000.00



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Business Friendly Community
Communication
Fiscal Responsibility

Department: Environmental Health

Contact Person: Anthony Spanel, Director of Environmental Health

Agenda Caption: CONSIDER ACCEPTANCE - POOL SAFELY GRANT

Grantor: U.S. Consumer Product Safety Commission

Grant Award: \$107,853.92

This item considers the acceptance of a contract between the City of Amarillo and the U.S. Consumer Product Safety Commission. This grant will fund the promotion of pool safety, to include drowning prevention, operator education for the community, and staff development.

Agenda Item Summary: This is a 2-year grant that will promote water safety in both residential and commercial recreational bodies of water by providing free training and educational information to the community. This grant will also provide educational opportunities for staff to better serve the community.

Requested Action: Acceptance of Grant

Funding Summary: U.S. Consumer Product Safety Commission Grant (2 Year)

Community Engagement Summary: N/A

Staff Recommendation: Staff Recommends Acceptance

Attachments:

1. Notice of Award
2. Budget_Narrative

1. DATE ISSUED MM/DD/YYYY 09/13/2023		1a. SUPERSEDES AWARD NOTICE dated except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 87.002 - Virginia Graeme Baker Pool and Spa Safety			
3. ASSISTANCE TYPE Project Grant			
4. GRANT NO. 1 VGBCP230033-01-00 Formerly		5. TYPE OF AWARD Other	
4a. FAIN VGBCP230033		5a. ACTION TYPE New	
6. PROJECT PERIOD MM/DD/YYYY From 09/13/2023		Through MM/DD/YYYY 09/12/2025	
7. BUDGET PERIOD MM/DD/YYYY From 09/13/2023		Through MM/DD/YYYY 09/12/2025	
8. TITLE OF PROJECT (OR PROGRAM) Improving Recreational Water Safety in the Amarillo Area Public Health District			

U.S. Consumer Product Safety Commission
Consumer Product Safety Commission
Office of Financial Management, Planning and Evaluation

4330 East West Highway
Bethesda, MD 20814-4408

NOTICE OF AWARD

AUTHORIZATION (Legislation/Regulations)
Virginia Graeme Baker Pool and Safety Act, Title XIV, Public Law 110-140, 15 U.S.C 8004-8005.

9a. GRANTEE NAME AND ADDRESS Amarillo, City of 808 S Buchanan St STE 275 Amarillo, TX 79101-3604	9b. GRANTEE PROJECT DIRECTOR Kaycee Renae Sebastiani 808 S Buchanan Street Amarillo, TX 79101-3604 Phone: 806-673-0298
10a. GRANTEE AUTHORIZING OFFICIAL Kaycee Renae Sebastiani 808 S Buchanan Street Amarillo, TX 79101-3604 Phone: 806-673-0298	10b. FEDERAL PROJECT OFFICER Harvey Kincaid 4330 East West Hwy Bethesda, MD 20814-4408 Phone: 301-504-7525

ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance) I Financial Assistance from the Federal Awarding Agency Only II Total project costs including grant funds and all other financial participation		12. AWARD COMPUTATION a. Amount of Federal Financial Assistance (from item 11m) 107,853.92 b. Less Unobligated Balance From Prior Budget Periods 0.00 c. Less Cumulative Prior Award(s) This Budget Period 0.00 d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION 107,853.92 13. Total Federal Funds Awarded to Date for Project Period 107,853.92 14. RECOMMENDED FUTURE SUPPORT (Subject to the availability of funds and satisfactory progress of the project): <table><tr><td>YEAR</td><td>TOTAL DIRECT COSTS</td><td>YEAR</td><td>TOTAL DIRECT COSTS</td></tr><tr><td>a. 2</td><td></td><td>d. 5</td><td></td></tr><tr><td>b. 3</td><td></td><td>e. 6</td><td></td></tr><tr><td>c. 4</td><td></td><td>f. 7</td><td></td></tr></table> 15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES: a. DEDUCTION b. ADDITIONAL COSTS c. MATCHING d. OTHER RESEARCH (Add / Deduct Option) e. OTHER (See REMARKS) 16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING: a. The grant program legislation. b. The grant program regulations. c. This award notice including terms and conditions, if any, noted below under REMARKS. d. Federal administrative requirements, cost principles and audit requirements applicable to this grant. In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.		YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS	a. 2		d. 5		b. 3		e. 6		c. 4		f. 7	
YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS																
a. 2		d. 5																	
b. 3		e. 6																	
c. 4		f. 7																	
a. Salaries and Wages 29,795.92		b																	
b. Fringe Benefits 0.00																			
c. Total Personnel Costs 29,795.92																			
d. Equipment 0.00																			
e. Supplies 17,874.00																			
f. Travel 8,384.00																			
g. Construction 0.00																			
h. Other 51,800.00																			
i. Contractual 0.00																			
j. TOTAL DIRECT COSTS 107,853.92																			
k. INDIRECT COSTS 0.00																			
l. TOTAL APPROVED BUDGET 107,853.92																			
m. Federal Share 107,853.92																			
n. Non-Federal Share 0.00																			

REMARKS (Other Terms and Conditions Attached - ☒ Yes ☐ No)

GRANTS MANAGEMENT OFFICIAL:

Janet Davis, Grants Management Officer
510 L Street
Suite 410
Anchorage, AK 99501
Phone: 9072713036

17. OBJ CLASS 410001	18a. VENDOR CODE 756000444	18b. EIN 756000444	19a. UEI NV4JC28TLJL6	19b. DUNS 065032807	20. CONG. DIST. 13
FY-ACCOUNT NO.	DOCUMENT NO.	ADMINISTRATIVE CODE	AMT ACTION FIN ASST	APPROPRIATION	
21. a. 61-0100-0-1-554	b. VGBCP0033A	c. VGBCP	d. \$107,853.92	e.	061X01000
22. a.	b.	c.	d.	e.	
23. a.	b.	c.	d.	e.	

AWARD ATTACHMENTS

Amarillo, City of

1 VGBCP230033-01-00

1. Term and Conditions (Amarillo)

U.S Consumer Product Safety Commission Award Terms and Conditions

The Notice of Award (NoA) issued is based on the application submitted to, and as approved by, the U.S. Consumer Product Safety Commission (CPSC) and is subject to the terms and conditions incorporated either directly, or by reference, in the following:

- a. The authorizing program statute - Virginia Graeme Baker Pool and Spa Safety Act, Public Law No. 110-140, Title XIV, as amended, 15 U.S.C. §§ 8004-8005;
- b. Funding Opportunity Announcement (FOA) CPSC-23-001;
- c. Conditions on activities and expenditure of funds in other statutory requirements, such as those included in appropriations acts;
- d. Uniform administrative requirements, cost principles, and audit requirements, as applicable to state and local governments in 2 CFR and OMB Grant Circulars;
- e. Federal award performance goals: as required in the final Pool Safety Grant Program Report; and
- f. The NoA, including all terms and conditions cited or incorporated in the NoA or attachments.

Additional Resources and forms are available at: <https://www.poolsafely.gov/grant-program/>.

1. PROJECT DESCRIPTION

CPSC authorizes Pool Safely Grant Program funds of \$107,853.92 to the City of Amarillo (TX). The project will accomplish the following:

Currently, the City of Amarillo has over 200 recreational water permits and only 1-2 full-time recreational water inspectors. The City of Amarillo believes proper education and training are vital to achieving compliance and improving overall pool safety. There are three factors that will form the cornerstone of the project: (1) poverty levels, (2) language diversity, and (3) high drowning rates in residential pools. Grant funds will be used to fund a two-year program. Twenty nine percent (29%) of these funds will be allocated to training and education for the inspectors in the recreational water program. The remaining funds will be used to offer free certified pool operator (CPO) and certified pool technician (CPT) classes in the City of Amarillo region, which includes all cities in Texas Public Health Region 1.

Subawards are not authorized under this award unless the recipient can meet all the requirements and responsibilities of a pass-through entity (2 CFR 200.322). Services provided through contracts and related subcontracts must conform to the authorized purpose of the grant award and all applicable legal restrictions.

2. AWARD CONDITIONS

2.1 Acceptance of award - Due 5 business days after notification of award

The grantee's Authorized Official must notify by email the CPSC Program Officer (PO) listed on the NoA of acceptance within 5 business days after the notification of award. Once the NoA is accepted, unless specifically restricted by a condition of award listed in this document, the NoA, or related documents, the NoA from CPSC authorizes a grantee to initiate work on an approved grant project. The award date of the NoA will be the date the CPSC notifies the applicant and will be reflected in the NoA.

Waivers and deviations from the terms and conditions contained in this document, the NoA, and related documents must be requested and approved in writing by the Grants Management Officer (GMO). CPSC's determination of applicable conditions of award, or a GMO's denial of a request to change the terms and conditions, is discretionary and not subject to appeal.

If a recipient cannot accept an award for any reason, including the inability to perform in accordance with the provisions set forth in the NoA and in the NoA, the recipient shall notify the PO and GMO immediately in writing upon receipt of the NoA. If resolution cannot be reached within 2 months after the award date, the GMO will void the grant in writing. Once an award is accepted by a recipient, as prescribed in this document, the contents of the NoA are binding on the recipient and CPSC, unless and until modified by a revised NoA signed by the GMO.

The terms and conditions in this document, the NoA, and related documents apply to the recipient of CPSC funds, unless a specific written waiver is granted by the GMO. The recipient is accountable for the performance of the project, program, or activity; the appropriate expenditure of funds under the award by all parties; and all other obligations of the recipient, as provided in the NoA, this document, and related documents. In general, the requirements that apply to the recipient, including public policy requirements, also flow to other entities performing work under the grant award, unless an exception is specified, in regulation, or authorized in writing by the GMO.

2.2 Grant Solutions

All progress reports and payment requests (SF-270) must be submitted in Grant Solutions. After acceptance of the award, personnel listed in the SF-424 who do not already have a Grant Solutions account will receive an email requesting that an account be established.

3. AWARD REPORTING REQUIREMENTS

3.1 Progress Reports

Your organization must submit Performance Progress Reports (PPR) to CPSC, for review and approval by the Project Officer. Due dates for federal progress reports follow the federal fiscal year:

Quarter 1, October 1–December 31

Quarter 2, January 1–March 31

Quarter 3, April 1–June 30

Quarter 4, July 1–September 30

Progress reports are due within 30 calendar days following the close of the quarter. The first progress report is due within 30 calendar days of December 31, 2023.

Subsequent Performance Progress reports are due within 30 calendar days of the following dates:

June 30, 2024

December 31, 2024

June 30, 2025

Final Report- no later than 90 days after the end of the period of performance.

Progress reports will measure the progress and performance of the grant's goals and objectives. The reports will present the following information according to the scheduled activities approved under the grant award:

- Actual versus projected completion status (based on the schedule start and end date of the activity)
- Actual versus projected budget information (based on the schedule start and end date of the activity)
- Discussion of accomplishments or work products achieved during the quarter
- Identification of changes in the schedule or work plan and an explanation as to why the change occurred, how the change may impact the project, and how the change will be addressed (if needed)
- Identification of any other obstacles and shortcomings with implementation and delivery of the grant activity.

3.2 Pool Safely Grant Program Final Report

The final report is due within 90 calendar days after the end of the award project period

The grantee must submit a Final Report for GMO review and approval, using the template provided in Appendix B of the FOA.

3.3 Federal Financial Report (SF-425)

An annual FFR is due within 45 days of the 1-year anniversary of the award date.

A Final FFR is due within 90 calendar days after the end of the award project period (within 90 days of the 2-year anniversary date, which is the end of the project period).

4. AWARD SPECIFIC TERMS

4.1 Budget

The budget is approved in the amount of \$107,853.92.

4.2 Use of program income – additive

If program income is earned during the project period from this award, grantees may add the program income to the funds committed to the award and only use it to advance eligible project objectives.

4.3 Pre-award costs

Pre-award costs for this award are not authorized under FOA CPSC-23-001.

4.4 CPSC Guidelines

Information, training, and campaigns must conform with recommended CPSC safety guidelines, which can be found at: <http://www.cpsc.gov/>.

5. ADMINISTRATIVE REQUIREMENTS

5.1 Payment Requirements

To request an advance or reimbursement of allowable grant costs, award recipients must submit for SF-270, Request for Advance or Reimbursement.

Grantees must request payments using the form SF-270, Request for Advance or Reimbursement, which is available at: <https://www.poolsafely.gov/grant-program/>. The form must be filled out correctly and uploaded to GrantsSolutions.gov.

- If the SF-270 form is incomplete or inaccurate, payment will be delayed or rejected.
- The SF-270 must be signed by the grantee Authorizing Official or authorized designee.
- Grantees may submit a payment request as grant funds are needed. Payment requests are normally processed within 15 business days after submission of the SF-270 request.
- Any costs incurred outside of the grant award's period of performance cannot be paid with grant funds.

5.1.1 Advance Payments

In accordance with 2 CFR § 200.305, the grantee must maintain procedures to minimize the time elapsed between receiving an advance payment and disbursing the funds. Advance payments to a grantee must be limited to the minimum amounts needed and must be timed with the actual, immediate cash requirements of the grantee in carrying out the purpose of the approved program or project. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the grantee for direct program or project costs and the proportionate share of any allowable indirect costs.

Unless otherwise stated in the special terms and conditions of the NoA (or subsequent action), grantees are authorized to be paid in advance through electronic funds transfer, provided that the following conditions exist:

- a. Funds for the project period have been obligated in the form of a signed grant award notification.
- b. The grantee must minimize the time elapsing between the transfer of funds from the U.S. Treasury and the grantee's disbursement and must maintain or demonstrate the willingness to maintain written procedures to so minimize the

- time elapsing between the transfer of funds to the grantee from the U.S. Treasury and the disbursement of such funds.
- c. The grantee financial management system meets the standards for fund control and accountability prescribed in OMB Circular A-102; and
 - d. The grantee SAM.gov registration is current and active.

Requests for advance payment must be limited to immediate cash needs for the approved award. Advance payments must be fully disbursed (e.g., checks written, signed, and issued to the payees) within 30 days after the date that the grantee receives advance funds from the U.S. Treasury. Advance payment requests must be submitted no earlier than 15 business days before the beginning of the period for which the funds are requested.

All advances will be at the discretion of the CPSC and negotiated and approved by the CPSC. Additional justification may be required.

Unless a grantee receives less than \$120,000 per year in advance grant funds, a grantee must maintain advances of federal funds in interest-bearing insured bank accounts or the most reasonably available interest-bearing account that would not earn more than \$100 (if the grantee is a state, local, or Indian Tribal Government), or \$250 (if the grantee is an institution of higher education, hospitals, or other non-profit organization) per year on the federal cash balance, or would entail bank services charges in excess of the interest earned. (Note: grantees are encouraged to use women-owned and minority-owned banks or banks that are owned at least 50 percent by women or minority group members).

Interest greater than \$600 annually that is earned on advance payments must be remitted annually to CPSC.

5.1.2 Reimbursable Payments

Grantees may elect to request reimbursement payments, rather than advance payments, even if they meet the criteria for advance payments. Grantees who are unwilling or unable to maintain procedures to minimize the time elapsed between receiving an advance payment and disbursing the funds can only request reimbursement payments.

Any remaining advanced funds at the end of the award's period of performance must be returned to the government and cannot be spent on additional purchases.

5.2 Federal, State, and municipal requirements

Grantees must obtain any required permits and comply with applicable federal, state, and municipal laws, codes, and regulations for work performed under this award.

5.3 Prior approval

CPSC anticipates that the grantee may need to modify the recipient's award budget or other aspects of its approved application during performance, to accomplish the award's

programmatic objectives. In general, grantees are allowed a certain degree of latitude to re-budget within and between budget categories to meet unanticipated needs and to make other types of post-award changes, provided that the changes still meet the statutory program requirements and the regulatory requirements under 2 CFR part 200, as applicable. Situations that require CPSC written prior approval are outlined in 2 CFR § 200.407 – Prior written approval (prior approval).

When CPSC prior approval is required, the requirement applies whether the costs/activities are proposed in the application or in a separate request following award. If an application includes general language about a cost or activity that requires CPSC prior approval, approval of the application does not satisfy the prior-approval requirement. The grantee must obtain any applicable CPSC prior approval before a specific activity may be undertaken or before a specific cost is incurred.

Actions that require prior approval must be submitted in writing to the GMO. The request must bear the signature of the grantee Authorizing Official, as well as the project director's signature. Approval of the request can be granted only by the GMO and will be in writing. No other written or oral approval will be accepted; no such other written or oral approval will be binding on CPSC.

5.4 Site Visits

CPSC's authorized representatives have the right to make site visits at reasonable times to review project accomplishments and management control systems and to provide technical assistance, if required. Grantees must provide reasonable access to facilities, office space, resources, and assistance for the safety and convenience of the government representatives performing their duties. All site visits and evaluations must be performed in a manner that does not unduly interfere with or delay the work.

5.5 Public acknowledgement of federal funding

When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, shall clearly state—

(1) the percentage of the total costs of the program or project which will be financed with Federal money;

(2) the dollar amount of Federal funds for the project or program; and

(3) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

5.8 Audits

Under the Inspector General Act of 1978, as amended, 5 U.S.C. § 401 et seq., an audit of the award may be conducted at any time. The Inspector General of the CPSC, or any of his or her duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, whether written, printed, recorded, produced, or reproduced by any electronic, mechanical, magnetic, or other process or medium, in order to make audits, inspections, excerpts, transcripts, or other

examinations as authorized by law. When the CPSC Office of Inspector General (OIG) requires a program audit on a CPSC award, the OIG will usually make the arrangements to audit the award, whether the audit is performed by OIG personnel, an independent accountant under contract with CPSC, or any other federal, state, or local audit entity.

5.8.1 Organization-Wide, Program-Specific, and Project Audits

Organization-wide or program-specific audits shall be performed in accordance with the Single Audit Act Amendments of 1996, as implemented by OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations." Per 2 CFR § 200.501, Audits, recipients that are subject to the provisions of OMB Circular A-133 and that expend \$750,000 or more in a year in federal awards shall have an audit conducted for that year in accordance with the requirements contained in OMB Circular A-133. A copy of the audit shall be submitted to the Bureau of the Census, which has been designated by OMB as a central clearinghouse, by electronic submission to the Federal Audit Clearinghouse website <http://harvester.census.gov/sac/>. If it is necessary to submit by paper, the address for submission is:

Federal Audit Clearinghouse
Bureau of the Census
1201 E. 10th Street
Jeffersonville, IN 47132

5.8.2 Audit Resolution

An audit of the award may result in the disallowance of costs incurred by the recipient and the establishment of a debt (account receivable) due to CPSC. Therefore, the recipient should take seriously its responsibility to respond to all audit findings and recommendations with adequate explanations and supporting evidence whenever audit results are disputed.

An appeal of the Audit Resolution Determination does not prevent the establishment of the audit-related debt nor does it prevent the accrual of interest on the debt. If the Audit Resolution Determination is overruled or modified on appeal, appropriate corrective action will be taken retroactively. An appeal will stay the offset of funds owed by the auditee against funds due to the auditee.

CPSC shall review the recipient's appeal and notify the recipient of the results in an Appeal Determination Letter. After the opportunity to appeal has expired or after the appeal determination has been rendered, CPSC will not accept any further documentary evidence from the recipient. No other administrative appeals are available through CPSC.

5.9 Payment of Debts Owed the Federal Government

Any debts determined to be owed the federal government shall be paid promptly by the recipient. CPSC debt collection procedures are set out in 31 U.S.C. § 3701 *et seq.*, delinquent debt is a debt that has not been paid by the date specified in the agency's

initial written demand for payment or applicable agreement or instrument (including a post-delinquency payment agreement) unless other satisfactory payment arrangements have been made. In accordance with 31 U.S.C. § 3717, failure to pay a debt by the due date, or if there is no due date, within 30 days of the billing date, shall result in the assessment of interest, penalties, and administrative costs in accordance with the provisions of 31 U.S.C. § 3717 and 31 CFR § 901.9. CPSC entities will transfer any CPSC debt that is more than 180 days delinquent to the Financial Management Service for debt collection services, a process known as “cross-servicing” under 31 U.S.C. § 3711(g), 31 CFR § 285.12 and may result in CPSC taking further action as specified in the standard terms and condition entitled, “Non-Compliance with Award Provisions.” Funds for payment of a debt must not come from other federally sponsored programs. Verification that other federal funds have not been used will be made, e.g., during on-site visits and audits.

5.9.1 Late Payment Charges

Interest shall be assessed on the delinquent debt in accordance with section 3717(a) of the Debt Collection Act (see 31 U.S.C. § 3701 et seq., for the entire Debt Collection Act), as amended. The minimum annual interest rate to be assessed is the Department of the Treasury’s Current Value of Funds Rate (CVFR). The CVFR is available online at: <http://www.fms.treas.gov/cvfr/index.html>. The CVFR is published by the U.S.

Department of the Treasury in the *Federal Register*

(<http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR>) and in the Treasury Financial Manual Bulletin. The assessed rate shall remain fixed for the duration of the indebtedness. Penalties shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by the CPSC entity collecting the debt, as directed by the CPSC Chief Financial Officer.

5.9.2 Barring Delinquent Federal Debtors from Obtaining Federal Loans or Loan Insurance Guarantees

Pursuant to 31 U.S.C. § 3720B and 31 CFR § 901.6, unless waived, the CPSC is not permitted to extend financial assistance in the form of a loan, loan guarantee, or loan insurance to any person delinquent on a nontax debt owed to a federal agency. This prohibition does not apply to disaster loans.

5.9.3 Effect of Judgment Lien on Eligibility for Federal Grants, Loans, or Programs

Pursuant to 28 U.S.C. § 3201(e), unless waived by the CPSC, a debtor who has a judgment lien against the debtor’s property for a debt to the United States shall not be eligible to receive any grant or loan that is made, insured, guaranteed, or financed directly or indirectly by the United States or to receive funds directly from the federal government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied.

5.10 Government Wide Debarment and Suspension

The recipient shall comply with the provisions of Subpart C of 2 CFR part 1326, “Nonprocurement Debarment and Suspension” (published in the *Federal Register* on

December 21, 2006, 71 FR 76573), which generally prohibit entities that have been debarred, suspended, or voluntarily excluded from participating in federal nonprocurement transactions either through primary or lower tier covered transactions, and which sets forth the responsibilities of recipients of federal financial assistance regarding transactions with other persons, including subrecipients and contractors.

5.11 Fraud, Waste and Abuse

Anyone who becomes aware of the existence (or apparent existence) of fraud, waste, or abuse related to CPSC grants or use of grant funds should report this information to CPSC. The CPSC OIG provides several means, including toll-free numbers, for this purpose.

The OIG hotline may be reached by telephone at: (301) 504-7906; online using [the OIG's Contact Form](#); or by mail at:

Office of the Inspector General
U.S. Consumer Product Safety Commission
4330 East-West Highway
Room 702
Bethesda, MD 20814

Fraud, waste, and abuse includes, but is not limited to, embezzlement, misuse, or misappropriation of grant funds or property, and false statements, whether by organizations or individuals. Examples are theft of grant funds for personal use; using funds for non-grant-related purposes; theft of federally owned property or property acquired or leased under a grant; charging inflated building rental fees for a building owned by the recipient; submitting false financial reports; and submitting false financial data in bids submitted to the recipient (for eventual payment under the grant).

Callers are not required to give their names and, if they do, their identities are kept confidential. The federal government may pursue administrative, civil, or criminal action under a variety of statutes that relate to fraud and false statements or claims. Even if a grant is not awarded, the applicant may be subject to penalties if the information is false.

The Program Fraud Civil Remedies Act (31 U.S.C. § 3801 et seq.), provides for the imposition of civil penalties against persons who make false, fictitious, or fraudulent claims to the federal government for money (including money representing grants, loans, or other benefits).

The False Claims Amendments Act and the False Statements Act (18 U.S.C. §§ 287 and 1001, respectively) provide that whoever makes or presents any false, fictitious, or fraudulent statement, representation, or claim against the United States shall be subject to imprisonment of not more than five years and shall be subject to a fine in the amount provided by 18 U.S.C. § 287.

The Civil False Claims Act (31 U.S.C. § 3729 et seq.) provides that lawsuits can be brought by the government, or a person on behalf of the government, for false claims made under federal assistance programs.

6. NATIONAL POLICY REQUIREMENTS

6.1 Executive Order 13798

The grantee shall comply with Executive Order 13798, "Promoting Free Speech and Religious Liberty," when contracting with other entities. The grantee shall allow religious organizations to compete on equal footing for contracts used to support this government program. Generally, such organizations are not required to alter their religious character to participate in a government program, nor to cease engaging in explicitly religious activities outside the program, nor effectively to relinquish their federal statutory protections for religious hiring decisions.

6.2 Lobbying Restrictions

By accepting funds under this award, grantees agree that none of the funds obligated on the award shall be expended, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913. This restriction is in addition to those prescribed elsewhere in statute and regulation. (See also statutory requirements for whistleblower protections at 41 U.S.C. § 4712, and 41 U.S.C. §§ 4304 and 4310.)

6.3 Hatch Act

The Hatch Act restricts political activity of executive branch employees of the federal government and District of Columbia government employees (5 U.S.C. §§ 7321–7326) and state or local officers or employees (5 U.S.C. 1501–1508). "State or local officer or employee" means an individual employed by a state or local agency whose principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by the United States or a federal agency. (Certain state educational or research institutions are excluded from this definition.)

6.4 Codes of Conduct and Subaward, Contract and Subcontract Provisions

6.4.1 Code of Conduct for Recipients

Pursuant to the certification on the Assurances Form SF-424B, paragraph 3, the recipient must maintain written standards of conduct to establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain in the administration of this award.

If subrecipients are authorized under the award, the recipient shall require all subrecipients, including lower tier subrecipients, under the award to comply with the provisions of the award, including applicable cost principles, administrative, audit requirements, and all associated terms and conditions.

6.4.2 Federal Employee Expenses

CPSC employees are prohibited from accepting gifts, of travel payments, including transportation, lodging and subsistence, from recipients or applicants, regardless of the source of funding.

6.4.3 Civil Rights Act of 1964 (Title VI)

Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

6.4.4 Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, as amended, provides that no otherwise qualified person with a disability will, solely by reason of the disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

These requirements pertain to the provision of benefits or services, as well as to employment.

6.4.5 Age Discrimination Act of 1975

The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., prohibits discrimination based on age in any program or activity receiving federal financial assistance.

6.4.6 Education Amendments of 1972 (Title IX)

Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681, 1682, 1683, 1685, and 1686, provides that no person in the United States will, based on sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

6.4.7 Drug-Free Workplace

The Drug-Free Workplace Act of 1988, 42 U.S.C. 701 *et seq.*, requires that all organizations receiving grants from any federal agency agree to maintain a drug-free workplace. The recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for debarment. Government-wide Requirements for Drug-Free Workplace for Financial Assistance are found in 2 CFR part 182.

6.4.8 Smoke-Free Workplace

CPSC strongly encourages recipients to provide smoke-free workplaces and to promote the nonuse of tobacco products. CPSC defines the term “workplace” to mean office space (including private offices and other workspace), conference or meeting rooms, corridors, stairways, lobbies, rest rooms, cafeterias, and other public spaces.

6.4.9 Limited English Proficiency

Per Title VI of the Civil Rights Act of 1964--Prohibition Against National Discrimination Affecting Persons with Limited English Proficiency (LEP), recipients of Federal financial assistance must take reasonable steps to ensure that people with limited English

proficiency have meaningful access to services and that there is effective communication between the service provider and individuals with limited English proficiency.

6.4.10 Resource Conservation and Recovery Act

Under RCRA (42 U.S.C. section 6901 *et seq.*), any state agency or agency of a political subdivision of a state using appropriated federal funds must comply with 42 U.S.C. § 6962. This includes state and local institutions of higher education or hospitals that receive direct CPSC awards. Section 6962 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA (40 CFR parts 247–254).

6.4.11 Seat Belts

Pursuant to EO 13043 (April 16, 1997), Increasing the Use of Seat Belts in the United States, CPSC recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating vehicles, whether organizationally owned or rented or personally owned.

6.4.12 System for Award Management and Universal Identifier Requirements

A. Requirement for System for Award Management

Unless you are exempted from this requirement under [2 CFR 25.110](#), you as the recipient must maintain current information in the SAM. This includes information on your immediate and highest level owner and subsidiaries, as well as on all of your predecessors that have been awarded a Federal contract or Federal financial assistance within the last three years, if applicable, until you submit the final financial report required under this Federal award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another Federal award term.

B. Requirement for Unique Entity Identifier

If you are authorized to make subawards under this Federal award, you:

1. Must notify potential subrecipients that no entity (**see** definition in paragraph C of this award term) may receive a subaward from you until the entity has provided its Unique Entity Identifier to you.
2. May not make a subaward to an entity unless the entity has provided its Unique Entity Identifier to you. Subrecipients are not required to obtain an active SAM registration, but must obtain a Unique Entity Identifier.

C. Definitions

For purposes of this term:

1. System for Award Management (SAM) means the Federal repository into which a recipient must provide information required for the conduct of business as a recipient. Additional information about registration procedures may be found at the SAM internet site (currently at <https://www.sam.gov>).
2. Unique Entity Identifier means the identifier assigned by SAM to uniquely identify business entities.

3. Entity includes non-Federal entities as defined at [2 CFR 200.1](#) and also includes all of the following, for purposes of this part:
 - a. A foreign organization;
 - b. A foreign public entity;
 - c. A domestic for-profit organization; and
 - d. A Federal agency.
4. Subaward has the meaning given in [2 CFR 200.1](#).
5. Subrecipient has the meaning given in [2 CFR 200.1](#).

6.4.13 Reporting Subawards and Executive Compensation

a. Reporting of first-tier subawards.

Applicability. Unless you are exempt as provided in paragraph d. of this award term, you must report each action that equals or exceeds \$30,000 in Federal funds for a subaward to a non-Federal entity or Federal agency (see definitions in paragraph e. of this award term).

2. Where and when to report.

- i. The non-Federal entity or Federal agency must report each obligating action described in paragraph a.1. of this award term to <http://www.fsrs.gov>.
- ii. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3. What to report. You must report the information about each obligating action that the submission instructions posted at <http://www.fsrs.gov> specify.

b. Reporting total compensation of recipient executives for non-Federal entities.

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

- i. The total Federal funding authorized to date under this Federal award equals or exceeds \$30,000 as defined in [2 CFR 170.320](#);
- ii. in the preceding fiscal year, you received—

- (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at [2 CFR 170.320](#) (and subawards), and
- (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at [2 CFR 170.320](#) (and subawards); and,

iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\)](#), [78o\(d\)](#)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)

2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:
 - i. As part of your registration profile at <https://www.sam.gov>.
 - ii. By the end of the month following the month in which this award is made, and annually thereafter.
- c. Reporting of Total Compensation of Subrecipient Executives.
 1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier non-Federal entity subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - i. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at [2 CFR 170.320](#) (and subawards) and,
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 ([15 U.S.C. 78m\(a\), 78o\(d\)](#)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
 2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
 - i. To the recipient.
 - ii. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.
- d. Exemptions.

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

 - i. Subawards, and
 - ii. The total compensation of the five most highly compensated executives of any subrecipient.
- e. Definitions. For purposes of this award term:
 1. Federal Agency means a Federal agency as defined at [5 U.S.C. 551\(1\)](#) and further clarified by [5 U.S.C. 552\(f\)](#).
 2. Non-Federal entity means all of the following, as defined in [2 CFR part 25](#):
 - i. A Governmental organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;

- ii. A domestic or foreign nonprofit organization; and,
 - iv. A domestic or foreign for-profit organization
- 3. Executive means officers, managing partners, or any other employees in management positions.
- 4. Subaward:
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see [2 CFR 200.331](#)).
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
- 5. Subrecipient means a non-Federal entity or Federal agency that:
 - i. Receives a subaward from you (the recipient) under this award; and
 - ii. Is accountable to you for the use of the Federal funds provided by the subaward.
- 6. Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see [17 CFR 229.402\(c\)\(2\)](#)).

6.4.14 Trafficking in persons, and the implementing regulations at 2 CFR PART 175 The Trafficking Victims Protection Act of 2000 authorizes termination of financial assistance provided to a private entity, without penalty to the federal government, if the recipient or subrecipient engages in certain activities related to trafficking in persons. CPSC hereby incorporates the following award term required by 2 CFR § 175.15(b).

Trafficking in persons.

a. Provisions applicable to a recipient that is a private entity.

- 1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—
 - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - ii. Procure a commercial sex act during the period of time that the award is in effect; or
 - iii. Use forced labor in the performance of the award or subawards under the award.
- 2. As the federal awarding agency, we may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity —
 - i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

- (A) Associated with performance under this award; or
- (B) Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that is provided in 2 CFR part 180, "OMB Guidelines to Agencies on and Suspension (Nonprocurement)."

b. Provision applicable to a recipient other than a private entity. We as the federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—
 - i. Associated with performance under this award; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 1125.

c. Provisions applicable to any recipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. section 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

1. "Employee" means either:
 - i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
3. "Private entity":
 - i. Means any entity other than a state, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.

Award amount: \$107,853.92

ii. Includes:

A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).

B. A for-profit organization.

4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. section 7102)

7. Contacts

Grants Management Officer:

Ms. Janet Davis

jdavis@denali.gov

907-271-3036

Grants Management Specialist:

Harvey Kincaid

hkincaid@cpsc.gov

301-504-7525

<u>Project Budget Narrative (2023-2024)</u>	<u>Cost</u>	<u>Enforcement or Education Cost</u>
<u>PART I</u>		
40 free CPO registrations @ \$375 ea.	\$15,000	Education
CPO books (Pool & Spa Operator Handbook & Pool Math Workbook) @ \$75 for both books, for 40 people	\$3,000	Education
John Gate's time to teach the course (\$42.29/hour for 16 hours)	\$676.64	Education
TOTAL FOR CPO COURSE	\$18,676.64	
40 free CPT registrations @ \$135 ea.	\$5,400	Education
40 free books printed at city print shop @ \$15/book	\$600	Education
Madison Harrison's time to teach the course (\$25.98/hour for 16 hours)	\$415.68	Education
TOTAL FOR CPT COURSE	\$6,415.68	
Print costs for pass along cards (printed at city print shop) @ \$6.00 for 250 cards	\$1,500	Education
Kaycee's time for social media outreach (\$28.77/hour, 2 hours/week for 52 weeks)	\$2,992.08	Education
Kaycee's time to make flyer for 2 pool stores (\$28.77/hour, 4 hours of total work)	\$115.08	Education
Madison's time to send emails & hang flyers (CPO course) (\$25.98/hour, for 3 hours, twice a year)	\$155.88	Education
Sidney's time to send emails & hang flyers (CPO course) (\$19.23/hour, for 3 hours, twice a year)	\$115.38	Education
Madison's time to send emails & hang flyers (CPT course) (\$25.98/hour, for 3 hours, 4x a year)	\$311.76	Education
Sidney's time to send emails & hang flyers (CPT course) (\$19.23/hour, for 3 hours, 4x a year)	\$230.76	Education
TOTAL FOR OUTREACH	\$5,420.94	
<u>PART I TOTAL FOR YEAR #1 (2023-2024)</u>	<u>\$30,513.26</u>	

<u>Project Budget Narrative 2024-2025</u> <u>PART I</u>	<u>Cost</u>	<u>Enforcement or Education</u> <u>Cost</u>
40 free CPO registrations @ \$375 ea.	\$15,000	Education
CPO books (Pool & Spa Operator Handbook & Pool Math Workbook) @ \$75 for both books, for 40 people	\$3,000	Education
John Gate's time to teach the course (\$42.29/hour for 16 hours)	\$676.64	Education
TOTAL FOR CPO COURSE	\$18,676.64	
40 free CPT registrations @ \$135 ea.	\$5,400	Education
40 free books printed at city print shop @ \$15/book	\$600	Education
Madison Harrison's time to teach the course (\$25.98/hour for 16 hours)	\$415.68	Education
TOTAL FOR CPT COURSE	\$6,415.68	
Print costs for pass along cards (printed at city print shop) @ \$6.00 for 250 cards	\$1,500	Education
Kaycee's time for social media outreach (\$28.77/hour, 2 hours/week for 52 weeks)	\$2,992.08	Education
Kaycee's time to make flyer for 2 pool stores (\$28.77/hour, 4 hours of total work)	\$115.08	Education
Madison's time to send emails & hang flyers (CPO course) (\$25.98/hour, for 2 hours, twice a year)	\$155.88	Education
Sidney's time to send emails & hang flyers (CPO course) (\$19.23/hour, for 2 hours, twice a year)	\$115.38	Education
Madison's time to send emails & hang flyers (CPT course) (\$25.98/hour, for 2 hours, 4x a year)	\$311.76	Education
Sidney's time to send emails & hang flyers (CPT course) (\$19.23/hour, for 2 hours, 4x a year)	\$230.76	Education
TOTAL FOR OUTREACH	\$5,420.94	
<u>PART I TOTAL FOR YEAR #2</u> <u>(2024-2025)</u>	<u>\$30,513.26</u>	

<u>Project Budget Narrative 2023-2024</u>	<u>Cost</u>	<u>Enforcement or Education</u>
<u>PART II</u>		<u>Cost</u>
Kaycee's time to create post cards (\$28.77/hr. for 8 hours)	\$230.16	Education
Cost for printing post cards with Zip Print (70,000 4x6 post cards, full color, double sided)	\$2,304.25	Education
Cost to mail post cards with utility billing	\$5,500	Education
TOTAL FOR MAILERS	\$8,034.41	
Kaycee's time to create flyers (\$28.77/hr. for 4 hours)	\$115.08	Education
Cost for printing flyers with Zip Print (250 8x10 flyers, full color, 1 sided)	\$107.75	Education
Madison's time to hang/pass out flyers @ permitted pools (\$25.98/hr. for 8 hours)	\$207.84	Education
Sidney's time to hang flyers/pass out @ permitted pools (\$19.23/hr. for 8 hours)	\$153.84	Education
TOTAL FOR FLYERS	\$584.51	
Kaycee's time to create and post safe swimming reminders on social media (\$28.77/hr., 2 hours/week, for 17 weeks)	\$978.18	Education
TOTAL FOR SOCIAL MEDIA	\$978.18	
Kaycee's, time to attend outreach events (\$28.77/hr., 4 events/year, 5 hours/event)	\$575.40	Education
EH specialist's time to attend outreach events (Avg. EHS salary-\$23.25/hr., 4 events/year, 5 hours/event)	\$465	Education
Technician's time to attend outreach events (\$19.23/hr., 4 events/year, 5 hours/event)	\$384.60	Education
Budget to buy safe swimming SWAG items	\$300	Education
TOTAL FOR OUTREACH EVENTS	\$1,725.00	
<u>PART II TOTAL FOR YEAR #1</u> <u>(2023-2024)</u>	<u>\$11,322.10</u>	

<u>Project Budget Narrative 2024-2025</u>	<u>Cost</u>	<u>Enforcement or Education</u>
<u>PART II</u>		<u>Cost</u>
Kaycee's time to create post cards (\$28.77/hr. for 8 hours)	\$230.16	Education
Cost for printing post cards with Zip Print (70,000 4x6 post cards, full color, double sided)	\$2,304.25	Education
Cost to mail post cards with utility billing	\$5,500	Education
TOTAL FOR MAILERS	\$8,034.41	
Kaycee's time to create flyers (\$28.77/hr. for 4 hours)	\$115.08	Education
Cost for printing flyers with Zip Print (250 8x10 flyers, full color, 1 sided)	\$107.75	Education
Madison's time to hang/pass out flyers @ permitted pools (\$25.98/hr. for 8 hours)	\$207.84	Education
Sidney's time to hang flyers/pass out @ permitted pools (\$19.23/hr. for 8 hours)	\$153.84	Education
TOTAL FOR FLYERS	\$584.51	
Kaycee's time to create and post safe swimming reminders on social media (\$28.77/hr., 2 hours/week, for 17 weeks)	\$978.18	Education
TOTAL FOR SOCIAL MEDIA	\$978.18	
Kaycee's, time to attend outreach events (\$28.77/hr., 4 events/year, 5 hours/event)	\$575.40	Education
EH specialist's time to attend outreach events (Avg. EHS salary-\$23.25/hr., 4 events/year, 5 hours/event)	\$465	Education
Technician's time to attend outreach events (\$19.23/hr., 4 events/year, 5 hours/event)	\$384.60	Education
Budget to buy safe swimming SWAG items	\$300	Education
TOTAL FOR OUTREACH EVENTS	\$1,725.00	
<u>PART II TOTAL FOR YEAR #2</u> <u>(2024-2025)</u>	<u>\$11,322.10</u>	

<u>Project Budget Narrative 2023-2024</u>	<u>Cost</u>	<u>Enforcement or Education</u>
<u>PART III</u>		<u>Cost</u>
Certify Sidney as a CPO (\$19.23/hr. for 16 hours, \$375 for registration, \$75 for books)	\$757.68	Enforcement
Certify Tami Ralston as CPO (\$21.63/hr. for 16 hours, \$375 for registration, \$75 for books)	\$796.08	Enforcement
Certify Carter West as CPO ((\$21.63/hr. for 16 hours, \$375 for registration, \$75 for books)	\$796.08	Enforcement
Certify Whitney Hale as CPO (\$21.63/hr. for 16 hours, \$375 for registration, \$75 for books)	\$796.08	Enforcement
Certify Kristen Wingo as CPO (\$28.23/hr. for 16 hours, \$375 for registration, \$75 for books)	\$901.68	
Cost for entire staff to take PHTA Emergency Response Planning (18 inspectors, \$50/each)	\$900	Enforcement
Cost for entire staff to take PHTA First Aid & Safety (18 inspectors, \$50/each)	\$900	Enforcement
Cost for entire staff to take PHTA Promoting Safety Through Public Pools (18 inspectors, \$39/each)	\$702	Enforcement
TOTAL FOR STAFF TRAINING	\$6,549.60	
Cost for hotel rooms (\$200/night for 3 nights, 2 rooms)	\$1,200	Enforcement
Cost for flights (\$600/round trip ticket (2))	\$1200	Enforcement
Cost for rental car (~\$35/day for 4 days)	\$140	Enforcement
Fuel cost	\$100	
Conference registration cost (2 tickets @ ~\$500/ticket)	\$1,000	Enforcement
Food per diem budget (\$69/day/person (2))	\$552	Enforcement
TOTAL TO ATTEND WAHC	\$4,192	
<u>PART III TOTAL FOR YEAR #1</u> <u>(2023-2024)</u>	<u>\$10,741.60</u>	

<u>Project Budget Narrative 2024-2025</u> <u>PART III</u>	<u>Cost</u>	<u>Enforcement or Education</u> <u>Cost</u>
Certify Sidney as a CPI (\$19.23/hr. for 4 hours, \$99 registration, \$115 exam)	\$290.92	Enforcement
Certify Madison as a CPI (\$25.98/hr., for 4 hours, \$99 registration, \$115 exam)	\$317.92	Enforcement
Certify Kaycee as a CPI (\$28.77/hr., for 4 hours, \$99 registration, \$115 exam)	\$329.08	Enforcement
Certify Zachary as a CPI (\$29.64/hr. for 4 hours, \$99 registration, \$115 exam)	\$332.56	Enforcement
Certify Meagen as CPI (\$21.63/hr. for 4 hours, \$99 registration, \$115 exam)	\$300.48	Enforcement
Cost for entire staff to take CPSC Pool Training Online Course (18 inspectors, 8 hr. course)	\$4,005.60	Enforcement
Cost for entire staff to take NEHA Pool Inspection Training online course (18 inspectors, 8 hr. course)	\$4,005.60	Enforcement
TOTAL FOR STAFF TRAINING	\$9,249.60	
Cost for hotel rooms (~\$200/night for 3 nights, 2 rooms)	\$1,200	Enforcement
Cost for flights (~\$600/round trip ticket (2))	\$1,200	Enforcement
Cost for rental car (~\$35/day for 4 days)	\$140	Enforcement
Fuel cost	\$100	Enforcement
Conference registration cost (2 tickets @ ~\$500/ticket)	\$1,000	Enforcement
Food per diem budget (\$69/day/person (2))	\$552	Enforcement
TOTAL TO ATTEND WAHC	\$4,192	
<u>PART III TOTAL FOR YEAR #2</u> <u>(2024-2025)</u>	<u>\$13,441.60</u>	

<u>Project Budget Narrative 2024-2025</u>	
TOTAL EDUCATION COSTS	\$83,670.72
TOTAL ENFORCEMENT COSTS	\$24,183.20
PERCENTAGE OF ENFORCEMENT COSTS IN ENTIRE BUDGET	29%
TOTAL AMOUNT	\$107,853.92



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Fiscal Responsibility
Department: Finance
Contact Person: Trent Davis, Interim Purchasing Agent

Agenda Caption: CONSIDER AWARD - ANNUAL CONTRACT FOR ELECTRICAL SUPPLIES

Award to: Dealers Electric Supply - Not to Exceed \$423,000.00 (Buy Board Contract #690-23)

This item considers the award of a contract for electrical supplies to be used by the various city departments in their daily repair of city facilities. This item will be funded through various sources dependent on the departments using the services.

Agenda Item Summary: This item considers the award of a contract for electrical supplies to be used by the various city departments in their daily repair of city facilities.

Requested Action: CONSIDER AWARD OF ANNUAL CONTRACT TO DEALERS ELECTRIC

Funding Summary: FUNDING IN CITY DEPARTMENTS THAT USE THE CONTRACT

Community Engagement Summary: N/A

Staff Recommendation: STAFF RECOMMENDS THE AWARD OF THIS ITEM.

Attachments: 1. 7348 Renewal Electrical Supplies Annual Contract

Bid No. 7348 Renewal Electrical Supplies Annual Contract
Opened 4:00 p.m.,September 28, 2023

To be awarded as one lot

Dealers Electric Supply

Line 1 Annual Contract renewal

1 ea

Unit Price

\$423,000.000

Extended Price

423,000.00

Bid Total

\$ 423,000.00

NOT TO EXCEED

Award by Vendor

City

Amarillo



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Fiscal Responsibility
Department: Finance
Contact Person: Trent Davis, Interim Purchasing Agent

Agenda Caption: CONSIDER AWARD - CONTRACT FOR TESTING, ESTIMATING AND MONITORING OF ASBESTOS SERVICES

Award to: G/A Environmental - Not to Exceed \$75,000.00

This item considers the award of a contract for the testing, estimating and monitoring of asbestos for various city departments for use in the upkeep of city facilities. This item will be funded through various sources dependent on the departments using the services.

Agenda Item Summary: THIS AWARD IS FOR TESTING, ESTIMATING, AND MONITORING OF ASBESTOS SERVICES FOR CITY USE.

Requested Action: CONSIDER AWARD - PLACEHOLDER

Award to: G/A Environmental Not to Exceed \$75,000.00

This item considers the award of a contract for Asbestos Work.

Funding Summary: Funding is available in the using City departments

Community Engagement Summary: N/A

Staff Recommendation: Staff Recommends approval of this item.

Attachments: 1. RFP 19-23

RFP 19-23 ASBESTOS CONSULTING SERVICES										
Compilation Evaluation Criteria Ranking	Qualifications and experience of the consulting team and resources of the company	Qualifications of Project Manager	References	Approach to Scope of Work	Cost	Total Points Possible	Ranking			
	Points Possible									
	Vendor	15.00	15.00	15.00	25.00	30.00	100.00			Comments
	G/A Environmental, LP	14.66	14.67	15.00	19.33	30.00	93.66	1		
	Apex Technical Services, Inc.	13.33	13.33	8.00	19.33	25.25	79.25	4		
	GIF Services	14.33	14.00	13.00	17.00	23.78	82.11	3		
North American Analytical Laboratories	12.67	14.33	13.00	17.67	20.96	78.63	5			
King Consultants	14.00	14.67	15.00	23.00	16.24	82.91	2			
Terracon Consultants Inc.	14.00	14.00	5.00	13.00	12.86	58.86	6			
R2M Engineering, LLC	14.67	14.67	15.00	16.67	7.66	68.67	7			



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Civic Pride
Economic Development and Redevelopment
Fiscal Responsibility
Highly Educated Population

Department: Parks and Recreation

Contact Person: Michael Kashuba, Director of Parks and Recreation

Agenda Caption: CONSIDER APPROVAL – AMENDED AND RESTATED LEASE AGREEMENT BETWEEN THE CITY OF AMARILLO AND THE AMARILLO BOTANICAL GARDENS

This item considers an amended and restated lease agreement with the Amarillo Botanical Gardens.

Agenda Item Summary: The Amarillo Botanical Gardens is a facility that is primarily used for horticultural education for Amarillo and the surrounding regions. The facility serves as the headquarters for garden clubs and conservation organizations affiliated with the Amarillo Botanical Gardens. The Amarillo Botanical Gardens provides educational experiences and library services, and promotes horticulture and gardening. The City of Amarillo owns the land where the Amarillo Botanical Gardens is located.

Historical Agreements

The original lease with the Amarillo Council of Garden Clubs, Inc. was approved by Council on October 15, 1965 (effective November 1, 1965, amended July 10, 1972) for a term expiring October 31, 2005. The purpose of the lease was to establish a Garden Center to be used as its headquarters.

The parties entered into a second lease agreement on June 23, 1992 for a term expiring September 30, 2022. The second lease was for the construction of an additional building, greenhouse and therapeutic garden facility.

Current Agreement

On September 29, 1998 (amended February 27, 2009, March 25, 2015 and February 8, 2017) the City of Amarillo and the Amarillo Botanical Gardens agreed to the current lease agreement. This lease includes a ten (10) year lease option for additional property for potential expansion of the facilities.

The purpose of the amended and restated lease is to create a uniform lease term and restate the relationship of the parties. The amended and restated agreement also allows ABG the right to drill a water well on leased property, clarifies the boundaries of the leased premises, and removes the lease option no longer needed by ABG. The lease is \$1.00 annually and would expire on September 30, 2033. Upon expiration, the lease may be renewed for an equal or variable time period if the then-City-Council finds that such a renewal would be in the best interest of the citizens of Amarillo. All maintenance and operation of the leased property is the responsibility of the Amarillo Botanical Gardens (except for the parking lot).

Requested Action: Consider approval of an amended and restated lease agreement with the Amarillo Botanical Gardens.

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval

Attachments:

1. Amarillo Botanical Garden Lease
2. ABG Lease Exhibit A&B - Boundary Description

AMENDED AND RESTATED
LEASE AGREEMENT
BETWEEN
THE CITY OF AMARILLO
AND
THE AMARILLO BOTANICAL GARDENS

This Amended and Restated Lease Agreement is entered into this 30th day of September, 2023 by the City of Amarillo, a municipal corporation, as Lessor, acting by and through its City Council, and the Amarillo Botanical Gardens, a non-profit 501(c)(3) corporation, as Lessee.

WITNESSETH

WHEREAS, the parties entered into a lease agreement on October 15, 1965 (effective November 1, 1965, amended July 10, 1972) for a term expiring October 31, 2005, covering certain property located in Section 26, Block 9, BS&F Survey, Amarillo, Potter County, Texas; and

WHEREAS, the parties entered into a second lease agreement on June 23, 1992 for a term expiring September 30, 2022, covering certain property located in Section 26, Block 9, BS&F Survey, Amarillo, Potter County, Texas; and

WHEREAS, the parties entered into a third lease agreement on September 29, 1998 (amended February 27, 2009, March 25, 2015, and February 8, 2017) for a term expiring September 30, 2028, covering certain property located in Section 26, Block 9, BS&F Survey, Amarillo, Potter County, Texas; and

WHEREAS, the Amarillo Botanical Gardens has constructed on the leased property botanical gardens with associated service facilities such as a greenhouse, storage/maintenance buildings, compost, and soil amendment storage; and

WHEREAS, the facilities are primarily used for horticultural education for all populations of Amarillo and the surrounding regions, and;

WHEREAS, persons are being and will continue to be served without regard to race, creed, color, or national origin, including people in nursing homes, retirement centers, hospitals, children, youth groups, aging, unsighted, and others who are physically impaired, and;

WHEREAS, the facilities also serve as headquarters for garden clubs and conservation organizations affiliated with the Amarillo Botanical Gardens, and;

WHEREAS, the Amarillo Botanical Gardens provides educational experiences, library services, and research and promotes horticulture and gardening activities within the City of Amarillo and surrounding areas; and

WHEREAS, the leased premises are part of a larger tract dedicated to the City of Amarillo for park purposes, and the use of the leased premises are and will be in connection with the development and beautification of the entire park; and

WHEREAS, the City of Amarillo acknowledges that the facilities and services provided by the Amarillo Botanical Gardens are beneficial to the citizens of the City of Amarillo and to the development of the park;

WHEREAS, the parties now desire to create a master lease agreement that clarifies the leased property, creates a uniform lease term, and restates the relationship of the parties;

NOW, THEREFORE, the parties agree as follows:

SECTION I.

PREMISES

Lessor leases and demises unto Lessee for a term beginning as of the execution date, and expiring the 30th day of September, 2033, the described land located in Section 26, Block 9, BS&F Survey, Amarillo, Potter County, Texas, which is specifically indicated and more fully described on Exhibits A and B attached hereto. Upon expiration, this Lease may be renewed for an equal or variable time period if the then-City-Council finds that such renewal would be in the best interests of the citizens of Amarillo.

- (A) Lessor agrees to provide Lessee with access to the land to the extent provided in this agreement.
- (B) Lessor agrees to allow Lessee to develop all areas leased by Lessee and to construct botanical gardens and related improvements as indicated in Lessee's Master Plan (available to Lessor upon request) or as said Master Plan may be amended in the future with the concurrent consent of the City Council. Lessee will assume all responsibility for the financing of construction of the development outlined in the Master Plan and will construct all facilities in accordance with written plans and specifications approved by the Lessor. Such approval shall not be unreasonably withheld.
- (C) Lessee shall be entitled to charge fees in amounts determined by Lessee for admission to and fees for the use of the facilities, grounds, structures, and events situated or conducted in the base lease area shown in the Master Plan.
- (D) Lessor grants to Lessee the right to operate as a Botanical Garden, a museum with living collection, with the standards appropriate for an institution of public trust in regard to security, management, and care of collections consistent with the manner and style as conducted here to date .
- (E) Lessor grants to Lessee the right to drill a water well on the leased premises. At the end of the lease term, Lessee will either plug the well or convey the well to Lessor, at Lessor's discretion.

SECTION II.

LEASE OPTION – INTENTIONALLY OMITTED

SECTION III.

CONDITIONS OF LEASE

In consideration therefore, Lessee agrees to pay Lessor \$1.00 per year and other good and valuable consideration, receipt of which is hereby acknowledged. This lease is devised as follows:

- (A) Lessee will, at its own expense and cost, provide plans, specifications, and construction of the additional facilities for the current and expanded operations of the Botanical Gardens. Additionally, the Lessee will continue to develop and provide programs in the field of horticulture

and other related and appropriate topics for the benefit of the citizens of Amarillo and the surrounding region.

- (B) Lessee will provide necessary equipment to operate the Botanical Gardens and occupy and maintain the facilities and premises as a Botanical Garden.
- (C) Lessee will at no time maintain a nuisance or allow the continuation of a nuisance on or about the premises, and will maintain the premises in a condition of repair and beauty comparable to all adjacent developed park area. The condition of the maintained area will continue to meet standards consistent with the manner and style as conducted here to date as required by the Director of Parks and Recreation.
- (D) The Lessee, upon execution of this Lease, will assume responsibility for maintenance of the ground area within the established boundary lines of its leased property.

Lessee shall not be required to maintain the property which is the subject of the Option granted in Section II hereof until such time as Lessee exercises its option. Prior to the completion of the Master Plan outlined in Exhibit B, Lessee shall reimburse Lessor for the cost of irrigation water utilized by Lessee. Said cost shall be reasonably estimated by Lessor and billed quarterly. Upon completion of the Master Plan outlined in Exhibit B, the irrigation system underlying the leased premises shall be transferred to the Lessee. The irrigation system will be separated from the City park system, and a separate water meter will be installed by Lessee to supply leased area. Lessee shall pay actual expenses in connection with said separation and transfer.

- (E) Lessee shall have the authority to construct a fence around any leased property on the condition that public access will be allowed in accordance with a published or posted schedule. The Botanical Gardens will have the authority to schedule, plan, and hold both public and private events in the Botanical Gardens and may charge fees for such events, which will include any development by the Botanical Gardens in the option areas.
- (F) Lessee will operate the Botanical Gardens and occupy the premises in compliance with all federal, state, and municipal laws and requirements, and further covenants and agrees to keep and maintain all equipment in a good state of repair and in a safe condition.
- (G) Lessee will make its facilities, auditorium, and rooms available, free of charge, for the use of the City of Amarillo, on an as-needed basis, when facilities are not scheduled by another party (including by Lessee), when such will not interfere with the scheduled operation of, or events hosted or sponsored by, the Botanical Gardens. In exchange for the use of the facilities, Lessor agrees to maintain the Botanical Gardens parking area.

SECTION IV.

LIABILITY

Lessee agrees to carry personal injury and property damage insurance, naming the City of Amarillo as an additional insured, in the amount of \$250,000 per person, \$500,000 per occurrence personal injury, and \$100,000 property damage, or in amounts which will meet the Lessor's liability exposure dictated from time to time by state law.

SECTION V.

ASSIGNMENT

The Lessee shall not have the right to assign or convey its interest in the above-described premises during the term of this Lease without the express approval in writing of the Lessor which will not be unreasonably withheld from Lessee.

SECTION VI.

TERMINATION

If the Lessee becomes in default of any material condition of this Lease, the City may give notice in writing to any officer of the Lessee of such default. If the default thereafter has not been remedied with 60 days of such notice, this Lease shall terminate on the 60th day after such notice. If, at the expiration of the Lease, the parties do not wish to enter into a new agreement, the Lessee, if it is not then in default, shall have the right to remove all improvements it has installed upon the premises, provided the premises can be and will be restored to a condition compatible with the surrounding park area. If the Lessee fails to remove its possessions from the premises within 90 days after termination of the Lease, such property shall become the property of Lessor, and the Lessor may remove, sell, or continue to use such property.

ATTEST:

CITY OF AMARILLO, TEXAS

Stephanie Coggins, City Secretary

By: _____
Jared Miller, City Manager

ATTEST:

AMARILLO BOTANICAL GARDENS

Name: _____
Title: _____

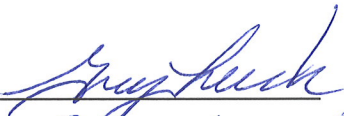
By: 
Name: Greg Lusk
Title: Executive Director

Exhibit "A"

Sheet 1 of 2

LEASE TRACT

A 3.792 acre tract of land being a portion of Lot 1B, Block 5 (Tract 2) of Amarillo Medical Center Unit No. 14, a replat of Lot 1, Block 5, Unit No. 3, and Block 1, Lot 5 in Block 2, and the areas designated as parks in Amarillo Medical Center Unit No. 1, in Sections 26 and 43, Block 9, B.S.&F. Survey, City of Amarillo, Potter County, Texas, as surveyed on the ground by HBD Land Surveyors on May 18, 2023, said 3.792 acre tract being further described by metes and bounds as follows; COMMENCING at a 1/2 inch iron rod with cap stamped "KELLEY 1583" found at the Northwestern corner of the intersection of Hagy Boulevard and Streit Drive being the most Southerly Southeast corner of Lot 1B, Block 5 (Tract 2);

THENCE North 43°38'40" East (Bearings relative to the State Plane Coordinate System, Texas North Zone, NAD 83. Distances reflect surface values.) along the Westerly line of Streit Drive, a distance of 274.96 feet to a 1/2 inch iron rod with cap stamped "KELLEY 1583" found for the Point of Curvature of a curve to the left having a radius of 770.00 feet;

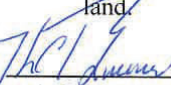
THENCE Northeasterly along said curve to the left, an arc distance of 91.29 feet, having a chord bearing of North 40°09'47" East and a chord distance of 91.23 feet, to the **POINT OF BEGINNING** of this described tract of land;

- (1) **THENCE** North 61°03'00" West, a distance of 256.27 feet to a point;
- (2) **THENCE** North 28°44'02" East, a distance of 124.43 feet to a point;
- (3) **THENCE** North 21°13'52" East, a distance of 135.92 feet to a point;
- (4) **THENCE** North 06°00'06" East, a distance of 109.46 feet to a point;
- (5) **THENCE** North 17°17'12" East, a distance of 103.54 feet to a point;
- (6) **THENCE** North 35°38'29" East, a distance of 85.74 feet to a point;
- (7) **THENCE** South 63°12'53" East, a distance of 336.49 feet to a point in the Easterly line of said Lot 1B, Block 5 (Tract 2), whence a 1/2 inch iron rod found bears North 29°00'38" East, a distance of 295.10 feet;
- (8) **THENCE** South 29°00'38" West along the Easterly line of said Lot 1B, Block 5 (Tract 2), a distance of 454.46 feet to a 1/2 inch iron rod found for the Point of Curvature for a curve to the Right with a radius of 770.00 feet;
- (9) **THENCE** Southwesterly along said curve to the right, an arc distance of 105.05 feet, having a chord bearing of South 32°51'31" West and a chord distance of 104.96 feet to the **POINT OF BEGINNING**.

Said tract contains a computed area of 3.792 acres of land.

NOTES:

1. Date of field survey: May 18, 2023
2. Parcel plat with same date accompanies this description.
3. The above described 3.792 acre tract is subject to any rights-of-way or other easements as granted or reserved by instruments of record, or as now existing across said described tract of land.


K.C. Brown
RPLS 4664

5-22-2023
Date



HAGAR, BROWN & DORSEY, LLC
LAND SURVEYORS
4713 S. Western
Amarillo, Texas 79109
Phone: (806) 352-1007
Texas Firm No: 10027300

○ = Calculated Position
 ⊙ = Control Monument found as noted.
 —X— = Existing Fence



HEREFORD
235 E. 2nd St.
Hereford, Texas 79045
(806) 364-6084
Texas Firm No: 10027301

Plat Date: 05/22/2023
Plat No: A13019.dwg



Sheet: 2 of 2	Invoice No.: 15459	Drawn By: B. Brown
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Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Fiscal Responsibility
Infrastructure

Department: Parks and Recreation

Contact Person: Michael Kashuba, Director of Parks and Recreation

Agenda Caption: CONSIDER APPROVAL – AMENDMENT TO LEASE AGREEMENT FOR RICK KLEIN BASEBALL COMPLEX AND SOUTHWEST SOFTBALL COMPLEX IN JOHN STIFF MEMORIAL PARK

This item considers approval of an amendment to the Lease Agreement between the City of Amarillo and Texas Panhandle Youth Sports Foundation to remove the Southwest Softball Complex in John Stiff Memorial Park from the leased premises.

Agenda Item Summary: This item considers approval of an amendment to the Lease Agreement between the City of Amarillo and Texas Panhandle Youth Sports Foundation to remove the Southwest Softball Complex in John Stiff Memorial Park from the leased premises.

The original lease was considered and approved by City Council on January 31, 2023. The item considered the approval of a lease agreement between the City of Amarillo and Texas Panhandle Youth Sports Foundation for an initial term of 10 years. After the initial term, the lease will automatically renew for a single five-year term unless either party terminates the lease with at least 90 days' notice of termination prior to the end of the initial term. The properties included in the original lease included three areas: Rick Klein Baseball Complex; Rick Klein Option Property (north of the Baseball Complex); and, Southwest Softball Complex in John Stiff Park. The terms of the lease include an annual rent of \$1.00 but requires the Texas Panhandle Youth Sports Foundation to provide maintenance at the facility such as: landscape maintenance (mowing/trimming/edging), game Field Preparation, maintain proper level of surface material; provide top soil and infield conditioner; remove refuse from individual containers and common areas; clean concession facility; maintain heating and air system; address clogs, sewer backups, and basic restroom/concession maintenance; along with other items listed on "Attachment C - Maintenance" of the original agreement.

Requested Action: Consider approval of an amendment to the Lease Agreement between the City of Amarillo and Texas Panhandle Youth Sports Foundation to remove the Southwest Softball Complex in John Stiff Memorial Park from the leased premises.

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of the amendment.

Attachments:

1. PARKS - Amendment 1 to Lease Agreement - Texas Panhandle Youth Sports Foundation v1

**AMENDMENT NO. 1
TO LEASE AGREEMENT
BETWEEN CITY OF AMARILLO
AND TEXAS PANHANDLE YOUTH SPORTS FOUNDATION**

WHEREAS, the City of Amarillo ("LESSOR") and Texas Panhandle Youth Sports Foundation ("LESSEE") have entered into a Lease Agreement dated _____, 2023 ("Agreement") where LESSOR has leased certain property to LESSEE; and

WHEREAS, pursuant to Section 30 of the Agreement, the parties desire to amend the Agreement as provided herein.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, LESSOR and LESSEE hereby agree to amend the Agreement as follows:

1. All references to the facility known as Southwest Softball Complex in John Stiff Memorial Park located at SW 48th Avenue and Shoshone Trail, Amarillo, Randall County, Texas are hereby DELETED from the Agreement, including the relevant attachments. Effectively, the "Leased Premises" or "Premises" now constitute only the facility known as Rick Klein Baseball Fields located at 3901 S. Grand Street, Amarillo, Randall County, Texas.

Except as herein modified, all terms, conditions and provisions of the Agreement shall remain in force and effect and are hereby confirmed and ratified by LESSOR and LESSEE.

EXECUTED by the parties as of the date shown below, to be effective upon execution of the LESSOR.

Texas Panhandle Youth Sports Foundation
(LESSEE)

CITY OF AMARILLO
(LESSOR)

By: _____

By: _____

Name: _____

Andrew Freeman
Interim City Manager

Title: _____

Date Signed: _____

Date Signed: _____



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Public Safety
Department: Police Department
Contact Person: Martin Birkenfeld, Chief of Police

Agenda Caption: CONSIDER APPROVAL - APPOINTMENT OF FOUR CANDIDATES FOR THE AMARILLO POLICE RESERVE FORCE

This item considers the approval to appoint Mike Reed, Jason Riddlespurger, Doug Herrington, and Justin Graham to be Police Reserve Force Officers for the Amarillo Police Department.

Agenda Item Summary: CONSIDER APPROVAL - APPOINTMENT OF FOUR CANDIDATES.
This item considers the approval to appoint Mike Reed, Jason Riddlespurger, Doug Herrington, and Justin Graham to be Police Reserve Force Officers for the Amarillo Police Department.

Requested Action: Approve the appointment of the reserve officers.

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of the appointment of Mike Reed, Jason Riddlespurger, Doug Herrington, and Justin Graham as Police Reserve Force officers for the Amarillo Police Department.

Attachments: None



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8082

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article I, Section 4-3-1 to adopt the 2021 edition of the International Building Code, with amendments regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the issuance of permits and collection of fees, and related matters.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades of 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

Below are dates we held public meetings on zoom and in person:

February 7, 2020
May 15, 2020
May 29, 2020
June 12, 2020

June 25, 2020
July 23, 2020
August 6, 2020
August 19, 2020
September 3, 2020
October 8, 2020
October 22, 2020
November 19, 2020
November 23, 2020
December 17, 2020
May 13, 2021
June 23, 2021
July 8, 2021
July 22, 2021
September 2, 2021
September 16, 2021
September 30, 2021
October 21, 2021
November 4, 2021
November 18, 2021
December 2, 2021
January 27, 2022
February 17, 2022
March 3, 2022
May 26, 2022
May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance No. 8082 (draft)

ORDINANCE NO. 8082

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE I, SECTION 4-3-1 IS AMENDED TO ADOPT THE 2021 EDITION OF THE *INTERNATIONAL BUILDING CODE*, WITH AMENDMENTS REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES, AND RELATED MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council now finds it is in the best interest of the public health, safety, and welfare to adopt the 2021 edition of the *International Building Code* (published by the International Code Council) with certain amendments.

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

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

Sec. 4-3-1. Adoption of building code, and certain appendix chapters thereof; amendments.

Code adopted. For all buildings and structures under the jurisdiction of the City of Amarillo, and not regulated by *the International Residential Code* as adopted in Chapter 4-3, of the Municipal Code, there is hereby adopted the 2021 edition of the *International Building Code* (published by the International Code Council), including its Appendices C, J, K with the following amendments, copies of which shall be maintained by the Building Official:

[Insert]

[A] 101.1 Title. These regulations shall be known as the Building Code of The City of Amarillo hereinafter referred to as “this code.”

[Amend] [A] 101.4 to read as follows

[A]101.4 Referenced codes. The other codes listed in Sections 101.4.1 through ~~101.4.6~~ 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as adopted and amended by the City of Amarillo.

[Amend] Section [A]101.4 to read as follows

[A]101.4.3 Plumbing. The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

[Delete] Section [A]101.4

~~[A]101.4.4 Property maintenance. The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.~~

[Add]

[A]101.4.8 Electrical. The provisions of the NEC (National Electric code) shall apply to the installation of electrical systems, to include alterations, repairs, replacement, equipment, appliances, fixtures, fittings and Appurtenances thereto.

[Strike] from code and amendments

~~101.4.8, Referenced standards. The use of the following International Code, though not adopted, can be used as a resource.~~

~~International Wildland-Urban Interface Code (IWUIC). The provisions of this code, though not adopted, may be applied to the construction, alteration, movement, repair, maintenance and use of any building, structure, or premises within the Wildland-Urban interface areas in this jurisdiction.]~~

[Insert]

[A] 103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the building official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.

[Add] Section [A]104.12

[A]104.12 Registration of contractors. The Building Official shall receive applications from and register contractors in accordance with Chapter 4-1 of the Municipal Code.

[delete] section [A]104.2.1

~~[A]104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the building official shall require the building to meet the requirements of Section 1612 or Section R322 of the International Residential Code, as applicable.~~

[Strike] Delete Section 105.1 from ordinance only, verbatim wording is in the 2021 IBC

~~Section 105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit prior to start of demolition or construction activity.~~

[Amend] to read as follows

[A]105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area is not greater than 200 square feet (18.58m²).
2. Fences not over 8 feet (2440 mm) high.
3. Oil derricks.
4. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18 925 L) and the ratio of height to diameter or width is not greater than 2:1.
6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
8. Temporary motion picture, television and theater stage sets and scenery.

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Replacement glass and glazing in commercial buildings when replacement occurs in existing sash or frame. and performed by Glass and Glazing Contractor registered in accordance with 4-1-110 of the Municipal Code

Electrical: {remainder of text unchanged....}

Gas: {remainder of text unchanged....}

Mechanical: {remainder of text unchanged....}

Plumbing: {remainder of text unchanged....}

[Amend] section [A]107.1 to read as follows

[A]107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. and shall contain the seal of a Texas-licensed engineer or Texas-licensed architect where the following conditions exist:

1. For new construction, additions, expansions or for changes in occupancy of:
 - a. All occupancies of 5,000 square feet or more in area; or
 - b. Buildings and structures more than two stories above grade plane.
2. For alterations, repair, or rehabilitation of:
 - a. All occupancies where the affected area exceeds 5,000 square feet or the proposed work involves or affects structural elements, fire-resistive elements or means of egress.

The registered design professional who prepares construction documents shall have full responsibility for complying with Texas Occupations Code, Chapter 1001 (Engineers) or Chapter 1051 (Architects), as applicable, and shall affix design professional official seal to said drawings, specifications and accompanying data. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of the construction documents is not necessary to obtain compliance with this code.

[A]109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by ~~the applicable governing authority~~ Chapter 4-1 of the Amarillo Municipal Code .

[Amend] [A]109.3 to add as follows

[A]109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. If the applicant fails to present sufficient documentation to support the valuation on the application, final building permit valuation shall be set by the building official in accordance with the most current Building Valuation Data as published by the International Code Council or approved statements sufficient to clearly document all construction costs.

[add] Section 109.4.1 to read as follows

[A]109.4.1 Refer to City of Amarillo ordinance no.7188, and chapter 4-1 Article I, division I, section 4-1-1 of the Amarillo Municipal code.

[Add] Section [A]109.7

[A]109.7 Re-inspection fee. A fee, as established by city council resolution may be charged when:

1. The inspection called for is not ready when the inspector arrives.
2. No building address or permit card is clearly posted.
3. City approved plans are not on the job site available to the inspector.
4. The building is locked or otherwise not accessible for/ to the inspector.
5. The jobsite receives a "Correction required Notice"
6. Failure to maintain erosion control, trash control, or tree protection.

Any re-inspection fees assessed shall be paid before any more inspections are made on that job site

[amend] Section[A]110.3 to read as follows

110.3 Required inspections. The building official, upon notification, shall make the inspections set forth in Sections 110.3.1 through ~~110.3.10~~ 110.3.12. No inspections shall be made on new construction until the site has been surveyed and all property corners have been physically identified.

[Delete] section [A] 110.3.6 and exception.

~~[A] 110.3.6 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum~~

panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

~~Exception: Gypsum board and gypsum panel products that are not part of a fire resistance-rated assembly or ashear assembly.~~

[Amend]-Section [A]113 to read as follows:

[A]113.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board commission of appeals; Construction Advisory and Appeals Board Commission; see Chapter 2-6, of the Amarillo Municipal Code.

[Delete] Section [A]113.2 Limitations on authority

~~[A] 113.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.~~

[Delete] Section [A]113.3 Qualifications

~~[A] 113.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.~~

116.6 Unsafe structures: Abandoned and substandard structures shall be subject to the requirements of applicable provisions of the City of Amarillo municipal Code and State of Texas code.

202 Definitions: Insert:

NIGHTCLUB—a place of entertainment open at night, usually serving or allowing the consumption of alcoholic beverages, having a floor show, or providing music and space for dancing.

HIGH-RISE BUILDING. A building with an occupied floor located more than 55 ft. above the lowest level of fire department vehicle access

[Amend to read as follows]

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing or similar care on a less than 24-hour basis to individuals who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following:

- Dialysis centers
- Sedation dentistry
- Surgery centers
- Colonic/ Gastrointestinal centers

- Psychiatric centers

ATRIUM. An opening connecting ~~two~~ three or more stories... {Balance remains unchanged}

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. _____ This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement and other such minor repairs.

[amend 304.1 to add]

Fire stations

Police stations with detention facilities for 5 or less

[Amend section 307.1.1 #4 to add]

4. Cleaning establishments... {text unchanged}... See also IFC Chapter 21, Dry Cleaning Plant provisions.

Section 403.1, Exception 3; Amend to read as follows:

3. The open-air portion of a building {remainder unchanged}

[Amend to read as follows]

403.3.2 Water supply to required fire pumps. In all buildings that are more than ~~420~~ 250 feet in building height and buildings of Type IVA and IVB construction that are more than 120 feet in building height, required fire pumps shall be supplied by connections to not fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

[Amend to read as follows]

404.5 Smoke control. A smoke control system shall be installed in accordance with Section 909.

Exceptions:

- ~~1. In other than Group I-2, and Group I-1, Condition 2, smoke control is not required for atriums that connect only two stories.~~
- A smoke control system is not required for atriums connecting more than ~~two~~ three stories when all of the following are met:
 - Only the ~~two~~ three lowest stories shall be permitted to be open to the atrium.
 - All stories above the lowest ~~two~~ three stories shall be separated from the atrium in accordance with the provisions for a shaft in Section 713.4.

[Amend to read as follows]

406.3.3.1 Carport separation. A fire separation is not required between a Group ~~R-3~~ R-2 and U carport, provided that the carport is entirely open on ~~two or more~~ all sides and ~~there are not enclosed areas above.~~ that the distance between the two is at least 10 feet (3048 mm).

[Amend] [Strike] per CAAC request

422.7 Domestic cooking. {text unchanged}..

1. {text unchanged}

2. {text unchanged}

3. ~~A shutoff for the fuel and electrical supply to the cooking equipment shall be provided in a location to which only staff has access.~~

{ Remaining text unchanged }

[Amend to read as follows]

506.3.1 Minimum percentage of perimeter. To qualify for an area factor increase based on frontage, a building shall have not less than 25 percent of its perimeter on a public way or open space. Such open space shall be either on the same lot or dedicated for public use and shall be accessed from a street or approved fire lane. In order to be considered as accessible, if not in direct contact with a street or fire lane, a minimum 10-foot wide pathway meeting fire department access from the street or approved fire lane shall be provided.

[Amend to read as follows]

602.1.1 Minimum requirements. A building or portion thereof shall not be required to conform to the details of a type of construction higher than that type which meets the minimum requirements based on occupancy even though certain features of such a building actually conform to a higher type of construction. Where a building contains more than one distinct type of construction, the building shall comply with the most restrictive area, height, and stories, for the lesser type of construction or be separated by fire walls.

[Amend to read as follows]

708.4.2 Fireblocks and draftstops in combustible construction. {Body of text unchanged}

Exceptions:

1. Buildings equipped with an automatic sprinkler system installed throughout in accordance with Section 903.3.1.1, or in accordance with Section 903.3.1.2 provided that sprinkler protection is provided in the space between the top of the fire partition and the underside of the floor or roof sheathing, deck or slab above as required for systems complying with Section 903.3.1.1. Portions of buildings containing concealed spaces filled with noncombustible insulation as permitted for sprinkler omission shall not apply to this exception for draftstopping. {Remainder unchanged}

[Amend to read as follows]

718.3 Draftstopping in floors. {Body of text unchanged}

Exceptions: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. and provided that in combustible construction types,

sprinkler protection is provided in the floor space.

[Amend to read as follows]

718.4 Draftstopping in attics. {Body of text unchanged}

Exceptions: Buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and provided that in combustile construction, sprinkler protection is provided in the attic space.

[Add]

901.6.1.1 Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed or inspected by approved camera when foreign material is present or when caps are missing, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the Fire Code Official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the Fire Code Official.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (Fire Code Official) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected nighttime freezing conditions.
9. Contact the Fire Code Official for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the Fire Code Official.

[Add][Amend] to read as follows

903.2 Where required. {Existing text unchanged....}

Automatic sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoist ways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

[Amend]

903.2.11.3 Buildings 55 Feet or more in Height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories ~~with an occupant load of 30 or more~~, other than penthouses in compliance with Section 1510 of the International Building Code, located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

4. Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.

[Add]

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4,572 mm), see Chapter 32 to determine if those provisions apply.

[Add and Amend]

903.2.11.8 Spray Booths and Spray Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system. Existing spray booths or spray rooms that are not already equipped with an approved automatic fire suppression system will be required to come into compliance by January 1, 2023.

Exception: Open parking garages in compliance with Section 406.5 of the International Building Code.

[Amend]

903.3.1.1.1 Exempt Locations. When approved by the Fire Code Official, automatic sprinklers shall not be required in the following rooms or areas where such ... {text unchanged} ... because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the fire code official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. ~~In rooms or areas that are of noncombustible construction with wholly noncombustible~~

contents.

5. ~~Fire service access~~ Elevator machine rooms, and machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.

6. {Delete}

{Amend]

903.3.1.3 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

[Add]

[F] 903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

[Add]

903.3.1.4.1 Attics. Only dry pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and

2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and

3. The attic space is a part of the building's thermal, or heat, envelope, such that insulation is provided at the roof deck, rather than at the ceiling level.

903.3.1.4.2 Heat trace/insulation. Heat trace/insulation shall only be allowed where approved by the Fire Code Official for small sections of large diameter water-filled pipe.

[Add and Amend]

[F] 903.3.5 Water supplies. Water supplies for automatic sprinkler systems shall comply with this section and

the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the International Plumbing Code. For connections to public waterworks systems, the water supply test used for design of fire protection systems shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as approved by the fire code official.

The water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection

system shall be designed with a 10 psi safety factor. Reference Section 507.4 for additional design requirements.

[Add and amend] to read as follows

[F] 903.4 Sprinkler system supervision and alarms. Valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and waterflow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

Exceptions:

1. Automatic sprinkler systems protecting one- and two-family dwellings.
2. Limited area sprinkler systems in accordance with Section 903.3.8.
3. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the automatic sprinkler system, and a separate shutoff valve for the automatic sprinkler system is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
7. Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.
8. Underground key or hub gate valves in roadway boxes.

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

[Add and amend] as follows

[F] 904.2 Where permitted. Automatic fire-extinguishing systems installed as an alternative to the required automatic sprinkler systems of Section 903 shall be approved by the fire code official.

The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

[Add and amend] as follows

905.2 Installation Standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Fire department connections for standpipe systems shall be in

accordance with Section 912. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

[Add]

905.3.9 Buildings Exceeding 12,000 sq. ft. In buildings exceeding 12,000 square feet (1,115 m²) in area per story and where any portion of the building's interior area is more than 200 feet (60,960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in NFPA 14 where approved by the Fire Code Official.
2. R-2 occupancies of four stories or less in height having no interior corridors.

[Add and amend] to read as follows

[F] 905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required ~~interior~~ exit stairway, a hose connection shall be provided for each story above

and below grade plane. Hose connections shall be located at the main floor landing unless otherwise

approved by the fire code official.

Exception: A single hose connection shall be permitted to be installed in the open corridor or

open breezeway between open stairs that are not greater than 75 feet (22 860 mm) apart.

2. On each side of the wall adjacent to the exit opening of a horizontal exit.

Exception: Where floor areas adjacent to a horizontal exit are reachable from an interior exit

stairway hose connection by a 30-foot (9144 mm) hose stream from a nozzle attached to 100

feet (30 480 mm) of hose, a hose connection shall not be required at the horizontal exit.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to an exit Passageway are reachable from an interior exit stairway hose connection by a 30-foot (9144

mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection

shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each

entrance from an exit passageway or exit corridor to the mall. In open mall buildings, adjacent to each

public entrance to the mall at the perimeter line and adjacent to each entrance from an exit passageway or exit corridor to the mall.

5. Where the roof has a slope less than 4 units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way ~~a~~ hose connection shall be located to serve the roof or at the highest landing of an ~~interior~~ exit stairway with access to the roof provided in accordance with Section 1011.12.
6. Where the most remote portion of a non-sprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 200 feet (60,960 mm) from a hose connection, the fire code official is authorized to require that additional hose connections be provided in approved locations.
7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the Fire Code Official.

[Add and amend]

[F] 905.9 Valve supervision. Valves controlling water supplies shall be supervised in the open position so that a change in the normal position of the valve will generate a supervisory signal at the supervising station required by Section 903.4. Where a fire alarm system is provided, a signal shall be transmitted to the control unit.

Exceptions:

1. Valves to underground key or hub valves in roadway boxes do not require supervision.
2. Valves locked in the normal position and inspected as provided in this code in buildings not equipped with a fire alarm system.

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

[Amend] Section 907.2.1 to read as follows

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies ~~where the having an occupant load due to the assembly occupancy is of 300 or more persons. In A-2 Nightclubs having an~~ or where the occupant load of more than 100 persons ~~or more~~ above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.9 shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes shall be provided with a fire alarm system as required for the Group E occupancy.

Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler waterflow.

Activation of fire alarm notification appliances shall:

1. Cause illumination of the means of egress with light of not less than 1 foot-candle (11

- lux) at the walking surface level, and
- 2. Stop any conflicting or confusing sounds and visual distractions.
- 3. Activation of a pre-recorded message clearly audible throughout the building when occupant load is over 1,000 people.

[Amend]

907.2.1.3 System response in A-2 nightclubs. An activation of the fire alarm system shall automatically:

- 1. Cause illumination of the means of egress with light of not less than 1 foot candle (11 lux) at the walking surface level;
- 2. Stop all conflicting or confusing sounds and visual distractions; and
- 3. Activation of a pre-recorded message, clearly audible throughout the building when the occupant load is over 1,000 people.

[Add and amend] Section 907.2.3 to read as follows

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

- 1. A manual fire alarm system shall not be required in Group E occupancies with an occupant load of 50 or less.
 - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.)
- 2. Emergency voice/alarm communication systems meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall not be required in Group E occupancies with occupant loads of 100 or less, provided that activation of the manual fire alarm system initiates an approved occupant notification signal in accordance with Section 907.5.
- 3. Manual fire alarm boxes shall not be required in Group E occupancies where all of the following apply:
 - 3.1. Interior corridors are protected by smoke detectors.
 - 3.2. Auditoriums, cafeterias, gymnasiums and similar areas are protected by heat detectors or other approved detection devices.
 - 3.3. Shops and laboratories involving dusts or vapors are protected by heat detectors or other approved detection devices.
 - 3.4 Manual activation is provided from a normally occupied location.
- 4. Manual fire alarm boxes shall not be required in Group E occupancies where all of the

following apply:

- 4.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1.
- 4.2. The emergency voice/alarm communication system will activate on sprinkler waterflow.
- 4.3. Manual activation is provided from a normally occupied location.

[Add][Amend] Section 907.2.3 to read as follows

[F] 907.2.13 High-rise buildings. High-rise buildings shall be provided with an automatic smoke detection system in accordance with Section 907.2.13.1, a fire department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2.

Exceptions:

1. Airport traffic control towers in accordance with Sections 412 and 907.2.22.
2. Open parking garages in accordance with Section 406.5.
3. Open air portions of Buildings with an occupancy in Group A-5 in accordance with Section 303.1; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.
4. Low-hazard special occupancies in accordance with Section 503.1.1.
5. Buildings with an occupancy in Group H-1, H- 2 or H-3 in accordance with Section 415.
6. In Group I-1 and I-2 occupancies, the alarm shall sound at a constantly attended location and occupant notification shall be broadcast by the emergency voice/alarm communication system.

[Amend]

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

[Add and Amend]

[F] 907.6.6 Monitoring. Fire alarm systems required by this chapter or by the International Fire Code shall be monitored by an approved supervising station in accordance with NFPA 72. See 907.6.3 for the required information transmitted to the supervising station.

[Add and Amend]

[F] 910.2 Where required. Smoke and heat vents or a mechanical smoke removal system shall be installed as required by Sections 910.2.1 and 910.2.2.

Exceptions:

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an approved automatic sprinkler system.
2. Only manual smoke and heat removal shall ~~not~~ be required in areas of buildings

equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.

3. Only Manual Smoke and heat removal shall ~~not~~ be required in areas of buildings equipped with control mode special application sprinklers with a response time index of 50 ($m \times s$)^{1/2} or less that are listed to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

[Add and amend]

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than ~~15,000~~ 12,000 square feet (1,394 1,115 m²) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

[Add and amend]

910.3.4 Vent Operation. Smoke and heat vents shall be capable of being operated by approved automatic and manual means. Automatic operation of smoke and heat vents shall conform to the provisions of Sections 910.3.2.1 through 910.3.2.3.

910.3.4.1 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

Exception: Manual only systems per Section 910.2.

910.3.4.2 Nonsprinklered Buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

Exception: Listed gravity-operated drop out vents.

[Add and amend]

910.4.3.1 Makeup Air. Makeup air openings shall be provided within 6 feet (1829 mm) of the floor level. Operation of makeup air openings shall be ~~manual or~~ automatic. The minimum gross area of makeup air inlets shall be 8 square feet per 1,000 cubic feet per minute (0.74 m² per 0.4719 m³/s) of smoke exhaust.

[Add]

912.2.3 Hydrant Distance. The fire department connection shall be located within 100 feet of an approved fire hydrant as the fire hose lays along an approved unobstructed path.

[Add and amend]

913.2.1.1 Fire Pump Room Access. When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by IFC Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the Fire Code Official. Access keys shall be provided in the key box as required by IFC Section 506.1.

[Add and amend]

1006.2.2.7 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

[Add and amend]

1009.8 Two-way communication. A two-way communication system complying with Sections 1009.8.1 and 1009.8.2 shall be provided at the landing serving each elevator or bank of elevators on each accessible floor that is one or more stories above or below the level of exit discharge.

Exceptions:

1. Two-way communication systems are not required at the landing serving each elevator or bank of elevators where the two-way communication system is provided within areas of refuge in accordance with Section 1009.6.5.
2. Two-way communication systems are not required on floors provided with ramps conforming to the provisions of Section 1012.
3. Two-way communication systems are not required at the landings serving only service elevators that are not designated as part of the accessible means of egress or serve as part of the required accessible route into a facility.
4. Two-way communication systems are not required at the landings serving only freight elevators.
5. Two-way communication systems are not required at the landing serving a private residence elevator.
6. Two-way communication systems are not required in Group I-2 or I-3 facilities.
7. Buildings regulated under State Law and built in accordance with State registered plans, including variances or waivers granted by the State, shall be deemed to be in compliance with the requirements of Section 1009 and chapter 11.

[Add and amend]

1010.2.5 Bolt locks. Manually operated flush bolts or surface bolts are not permitted.

Exceptions:

1. On doors not required for egress in individual dwelling units or sleeping units.

2. Where a pair of doors serves a storage or equipment room, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf.
3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf. The inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.
4. Where a pair of doors serves a Group A, B, F, M or S occupancy, manually operated edge- or surface-mounted bolts are permitted on the inactive leaf provided that such inactive leaf is not needed to meet egress capacity requirements and the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1. The inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.
5. Where a pair of doors serves patient care rooms in Group I-2 occupancies, self-latching edge or surface-mounted bolts are permitted on the inactive leaf provided that the inactive leaf is not needed to meet egress capacity requirements and the inactive leaf shall not contain doorknobs, panic bars or similar operating hardware.

[Add and amend]

1020.2 Construction. Corridors shall be fire-resistance rated in accordance with Table 1020.2. The corridor walls required to be fire-resistance rated shall comply with Section 708 for fire partitions.

Exceptions:

1. A fire-resistance rating is not required for corridors in an occupancy in Group E where each room that is used for instruction has not less than one door opening directly to the exterior and rooms for assembly purposes have not less than one-half of the required means of egress doors opening directly to the exterior. Exterior doors specified in this exception are required to be at ground level.
2. A fire-resistance rating is not required for corridors contained within a dwelling unit or sleeping unit in an occupancy in Groups I-1 and R.
3. A fire-resistance rating is not required for corridors in open parking garages.
4. A fire-resistance rating is not required for corridors in an occupancy in Group B that is a space requiring only a single means of egress complying with Section 1006.2.
5. Corridors adjacent to the exterior walls of buildings shall be permitted to have unprotected openings on unrated exterior walls where unrated walls are permitted by Table 705.5 and unprotected openings are permitted by Table 705.8.
6. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector must activate

self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an approved automatic fire alarm system where such system is provided.

[Add and amend]

1101.1 Scope. The provisions of this chapter shall control the design and construction of facilities for accessibility for individuals with disabilities.

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

[Add] Exception to Section 1102.1 Design

Exception: Buildings regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

1503.4.4 Drainage across adjacent properties. No roof drainage or surface drainage shall drain onto adjacent properties except where an engineered drainage plan calls for drainage across properties, and the appropriate drainage easements have been recorded in the deed records, and the necessary physical measures for protection of the adjacent properties have been installed.

1507.8.1 Deck requirements. Wood shingles shall be used only on solid sheathing.

1507.9.1 Deck requirements. Wood shakes shall be used only on solid sheathing.

Table 1507.9.6 amended to read as follows:

TABLE 1507.9.6 WOOD SHAKE MATERIAL REQUIREMENTS

MATERIAL	MINIMUM GRADES	APPLICABLE GRADING RULES
Wood shakes of naturally durable wood	1	Cedar Shake and Shingle Bureau
Taper sawn shakes and shingles of naturally durable wood	1	Cedar Shake and Shingle Bureau
Preservative-treated shakes and shingles of naturally durable wood	1	Cedar Shake and Shingle Bureau
Fire-retardant-treated shakes of naturally durable wood	1	Cedar Shake and Shingle Bureau
Preservative-treated taper sawn shakes of Southern pine treated in accordance with AWPA Standard U1 (Commodity Specification A, Use Category 3B and section 5.6)	1 or 2	Forest Products Laboratory of the Texas Forest Services

[Amend] previous ordinance....section has moved

~~1511.1~~ 1512.1 General. Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9, including but not limited to decking, flashing, and ventilation.

[Amend] previous ordinance....section has moved

~~1511.3.1.1~~ 1512.2.1.1 Exceptions. A roof re-cover shall not be permitted where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.
4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to Figure 1511.3.1.1.

Figure ~~1511.3.1~~ 1512.2.1.1; Insert the following figure as follows:

FIGURE ~~1511.3.1.1~~ 1512.2.1.1 HAIL EXPOSURE MAP

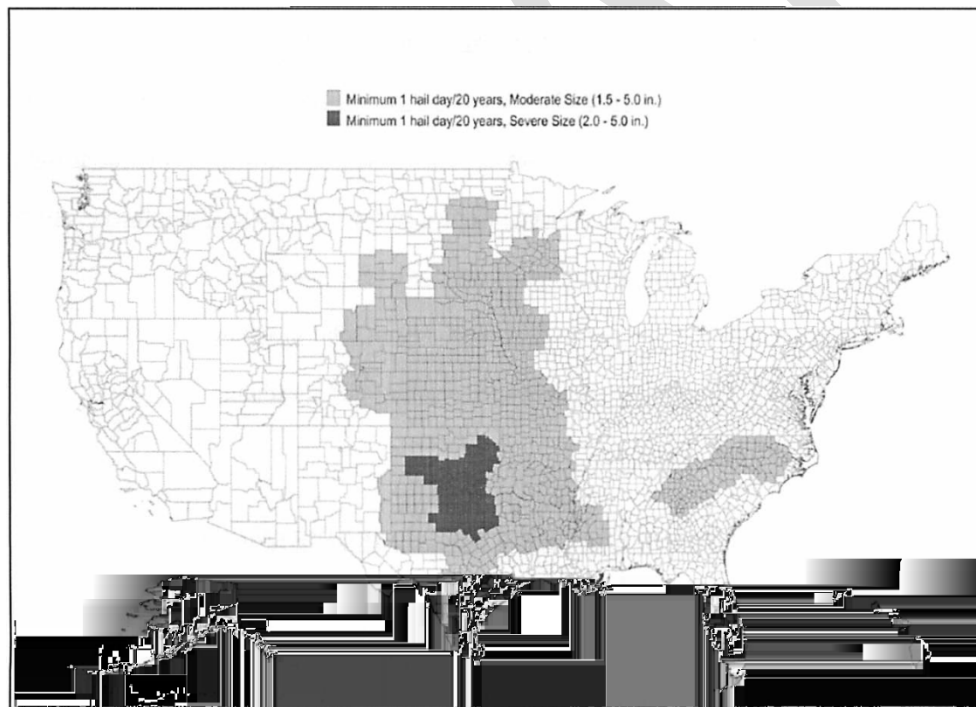


Table 1604.1; Insert the following table as follows:

Ground Snow Load	Wind Design				Seismic Design Category	Subject To Damage From			Winter Design Temp	Ice Barrier Under-
	Speed	Topographic effects	Special wind	Wind- borne		Weathering	Frost line	Termite		

			debris zone	debris zone			depth			layerment Required
20 psf	Sec. 1609	NO	NO	NO	B	Moderate	18"	Moderate to heavy	20°	NO

TABLE 1604.1 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

[Amend] Section 1612.1 to read as follows

1612.1 General. All structures constructed within a Special Flood Hazard area as designated by Chapter 4-8, Flood Damage Mitigation, of the Municipal Code shall comply with Chapter 4-8 and other applicable sections of this code.

[Amend] Section 1612.3 to read as follows

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Amarillo," (flood hazard Chap. 4-8 Amarillo Municipal Code), as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section. The City Engineer is responsible for flood hazard areas; references to the building official relating to flood hazard areas will have the same meaning as to the City Engineer or designated Flood Plain Manager.

[Add] Section 1612.4 to read as follows

1612.4 Flood hazard documentation. The following documentation shall be prepared and sealed by a registered design professional and submitted to the building official:

1. For construction in flood hazard areas not subject to high-velocity wave action:
 - 1.1. The elevation of the lowest floor, including the basement, as required by the lowest floor elevation inspection in Section 110.3.3.
 - 1.2. For fully enclosed areas below the design flood elevation where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.6.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.6.2.2 of ASCE 24.
 - 1.3. For dry floodproofed nonresidential buildings, construction documents shall include a statement that the dry floodproofing is designed in accordance with ASCE 24.
 - 1.4. All structures constructed within a Special Flood Hazard area as designated by Chapter 4-8 of the Municipal Code shall be provided with a foundation system designed by a registered professional engineer or registered architect.

[Add and amend] Section 2901.1 to read as follows

[P] 2901.1 Scope. The provisions of this chapter and the International Plumbing Code shall govern the design, construction, erection and installation of plumbing components, appliances, equipment and systems used in buildings and structures covered by this code. Toilet and bathing rooms shall be constructed in accordance with Section 1210. Private sewage disposal systems shall conform to the International Private Sewage Disposal Code. The International Fire Code, the International Property Maintenance Code and the International Plumbing Code shall govern the use and maintenance of plumbing components, appliances, equipment and systems. The International Existing Building Code and the International Plumbing Code shall govern the alteration, repair, relocation, replacement and addition of plumbing components, appliances, equipment and systems. The provisions of this Chapter are meant to work in coordination with the provisions of Chapter 4 of the International Plumbing Code. Should any conflicts arise between the two chapters, the Building Official shall determine which provision applies.

[Amend] Section 2902.1 to read as follows

[P] 2902.1 Minimum number of fixtures. Plumbing fixtures shall be provided in the minimum number as shown in Table 2902.1 based on the actual use of the building or space. Uses not shown in Table 2902.1 shall be considered individually by the code official. The number of occupants shall be determined by this code. In other than E Occupancies, the minimum number of fixtures in Table 2902.1 may be lowered, if requested in writing, by the applicant stating reasons for a reduced number and approved by the Building Official.

[Add] footnote to table 2902.1

Table 2902.1; footnote g.

g. Drinking fountains are not required in M Occupancies with an occupant load of 100 or less, B Occupancies with an occupant load of 25 or less, and for dining and/or drinking establishments.

[Add] Section 2902.1.4 to read as follows

2902.1.4 Additional requirements for food establishments and vended water or ice. Refer to City of Amarillo Ordinance No. 7703 and Chapter 8-5, Article IV, Section 8-5-21 of the Amarillo Municipal Code.

[Delete]

~~3001.2 Emergency elevator communication systems for the deaf, hard of hearing and speech impaired. An emergency two-way communication system shall be provided. The system shall provide visible text and audible modes that meet all of the following requirements:~~

~~1. When operating in each mode, include a live interactive system that allows back and forth conversation~~

~~between the elevator occupants and emergency personnel.~~

~~2. Is operational when the elevator is operational.~~

~~3. Allows elevator occupants to select the text-based or audible mode depending on their communication~~

~~needs to interact with emergency personnel.~~

[Add/amend]

3002.1 Hoistway enclosure protection. Elevator, dumbwaiter and other hoistway enclosures shall be shaft enclosures complying with Sections 712 and 713.

Exceptions:

1. Elevators completely located within atriums shall not require hoistway enclosure protection.
2. Elevators in open or enclosed parking garages that serve only the parking garage, shall not require hoistway enclosure protection.

[Amend]

3005.4 Machine rooms, control rooms, machinery spaces, and control spaces. The following rooms and spaces shall be enclosed with fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both:

1. Machine rooms
2. Control rooms
3. Control spaces
4. Machinery spaces outside of the hoistway enclosure

The fire-resistance rating shall be not less than the required rating of the hoistway enclosure served by the machinery. Openings in the fire barriers shall be protected with assemblies having a fire protection rating not less than that required for the hoistway enclosure doors.

Exceptions:

- ~~1. For other than fire service access elevators and occupant evacuation elevators, where machine rooms, machinery spaces, control rooms and control spaces do not abut and do not have openings to the hoistway enclosure they serve, the fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both, shall be permitted to be reduced to a 1-hour fire-resistance rating.~~
- ~~2. For other than fire service access elevators and occupant evacuation elevators, in buildings four stories or less above grade plane where machine room, machinery spaces, control rooms and control spaces do not abut and do not have openings to the hoistway enclosure they serve, the machine room, machinery spaces, control rooms and control spaces are not required to be fire-resistance rated.~~

1. Elevator machine rooms, control rooms, machinery spaces and control spaces completely located within atriums shall not require enclosure protection.
2. Elevator machine rooms, control rooms, machinery spaces and control spaces in open or enclosed parking garages that serve only the parking garage, shall not require enclosure protection.

[Add] Section 3005.7 to read as follows

3005.7 Fire Protection in Machine rooms, control rooms, machinery spaces and control spaces.

[Add] Section 3005.7.1 to read as follows

3005.7.1 Automatic sprinkler system. The building shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, except as otherwise permitted by Section 903.3.1.1.1 and as prohibited by Section 3005.7.2.1.

[Add] Section 3005.7.2.1 to read as follows

3005.7.2.1 Prohibited locations. Automatic sprinklers shall not be installed in machine rooms, elevator machinery spaces, control rooms, control spaces and elevator hoistways.

[Add] Section 3005.7.2.1 to read as follows

3005.7.2.2 Sprinkler system monitoring. The sprinkler system shall have a sprinkler control valve supervisory switch and water-flow initiating device provided for each floor that is monitored by the building's fire alarm system.

[Add] Section 3005.7.3 to read as follows

3005.7.3 Water protection. An approved method to prevent water from infiltrating into the hoistway enclosure from the operation of the automatic sprinkler system outside the elevator lobby shall be provided.

3005.7.4 Shunt trip. Means for elevator shutdown in accordance with Section 3005.5 shall not be installed.

[Add] Section 3005.8 to read as follows

3005.8 Storage. Storage shall not be allowed within the elevator machine room, control room, machinery spaces and or control spaces. Provide approved signage at each entry to the above listed locations stating: "No Storage Allowed."

[Amend] Section 3006+.2 to read as follows

3006.2 Hoistway opening protection required. Elevator hoistway door openings shall be protected in accordance with Section 3006.3 where an elevator hoistway connects more than three stories, is required to be enclosed within a shaft enclosure in accordance with Section 712.1.1 and any of the following conditions apply:

1. The building is not protected throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. The building contains a Group I-1, Condition 2 occupancy.
3. The building contains a Group I-2 occupancy.
4. The building contains a Group I-3 occupancy.
5. The building is a high rise and the elevator hoistway is more than ~~75 feet (22 860 mm)~~ 55 feet (16,764 mm) in height. The height of the hoistway shall be measured from the lowest floor to the highest floor of the floors served by the hoistway.

{Remaining text unchanged...}

[Add] Section 3202.2.4 to read as follows

3202.2.4 Landscaping terraces. Landscaping terraces may be constructed on public property when approved by the Building Official and the Director of Planning provided that:

1. The terrace does not encroach upon or impede passage along a public sidewalk.
2. The terrace is not installed so as to violate any traffic ordinance.
3. The terrace does not exceed the maximum allowed fence height; and
4. When the need arises for the repair or improvement of streets or utilities, the expense for moving the terrace shall be borne by the property owner.

3301.3 Site maintenance. Each person engaged in the construction, alteration or repair of any building shall be responsible for placing all trash and debris in a container or enclosure until the trash and debris are removed from the construction lot or site, and for installing erosion control measures both as required in accordance with the City's NPDES plan. The Building Official may cause all inspections to be withheld or work stopped until:

1. The construction lot or site and adjacent properties are free of trash, debris, or unused material generated from the construction site; and
2. Until effective erosion control measures are installed.

[Amend][Add] To amend ordinance and add Section 3307.3 to the adopted code

~~3307.2~~ 3307.3 Damage to public utilities. Any damage to public utilities caused by or during construction shall be immediately replaced or repaired by the owner of the property under construction, or the contractor responsible for the damage, at the expense of the owner or responsible contractor.

[Amend] to read as follows

C101.1 Scope. The provisions of this appendix shall apply exclusively to agricultural buildings. Such buildings shall be classified as Group U and shall include the following uses:

1. Livestock shelters or buildings, including shade structures and milking barns.
2. Poultry buildings or shelters.
3. Barns.
4. Storage of equipment and machinery used exclusively in agriculture.
5. Horticultural structures, including detached production greenhouses and crop protection shelters.
6. Sheds.
7. Grain silos.
8. Stables.
9. Kennels.

Section C105.1 Kennels. Kennels shall comply with the following:

1. Floors shall have a smooth, hard, nonabsorbent, corrosion-resistant surface such as concrete, ceramic tile or other approved materials. Cages with grated floors may be installed above kennel floors. Such grated floors shall be of nonabsorbent; corrosion-resistant materials, sufficient in strength and composition to safely support the animals, protect their feet and legs from injury, and not allow the accumulation of liquids.
2. Floors shall be provided with positive drainage to an approved drainage system. Drainage from a stall or cage shall not flow across or through another stall or cage. Kennel floors shall slope uniformly at a rate of not less than one-fourth (1/4) inch per foot or more than one-half (1/2) inch per foot to a gutter or floor drain. If provided, gutters shall similarly slope to a drain and have rounded corners to facilitate cleaning. Drains complete with traps and vents shall be installed in accordance with the Plumbing Code and shall be connected to the City's sanitary sewer system or to a septic system approved by the Environmental Health Department.
3. The interior surface of kennel walls to a height of six (6) feet above the floor shall be of materials which are smooth, hard, non-absorbent, and non-corrosive. All joints and seams in interior wall surfaces and between the walls and floors shall be sealed to prevent moisture penetration and to prevent the accumulation of solids and liquids.
4. Kennels shall be provided with ventilation during such time as the building is occupied by animals by means of operable exterior openings with an area of not less than one-twentieth (1/20) of the floor area or shall be provided with a mechanically operated exhaust system capable of providing at least four (4) air changes per hour. Such systems shall be connected directly to the exterior. Outdoor kennels shall provide adequate shelter from sun, rain, and cold weather.

Section J103. Reserved for Future Use.

Section J104. Reserved for Future Use.

Section J107.5 Compaction. All fill material shall be compacted to a minimum 95 percent of maximum density and shall be within 2% of optimum moisture content as determined by ASTM D 698, Standard Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

Section K101.0 Title. These regulations shall be known as the Electrical Code-Administrative Provisions of City of Amarillo and shall be cited as such and will be referred to herein as "this code."

Section K103.2 Work exempt from permit. The following work shall be exempt from the requirement for a permit:

1. Listed cord- and plug-connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles, but not the outlets therefor.
3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Temporary wiring for experimental purposes in suitable experimental laboratories.

5. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
6. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Portable heating, cooking or clothes drying appliances. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Section K106.2.2 Underslab Rough-in. Underslab slab rough-in inspection shall be made at such time that all raceways and outlet boxes are installed and prior to pouring of concrete and concealment.

Section K106.3 Rough-in. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all wiring and other components to be concealed are complete, and prior to the installation of wall or ceiling membranes.

Minor extension exception. For minor extensions and additions which, in the previously expressed judgment of the Electrical Inspector adequate inspection is possible after completion of the work, a rough-in inspection may not be required.

Section K106.3 Final. Final inspection shall be made upon the completion of all electrical installation work and prior to a certificate of compliance being issued.

Certification required: A certification of compliance shall be obtained from the Electrical Inspector on every Electrical Installation before the Electrical Installation is tied to the power supply of an existing installation or to the Electric Company service lines.

Additional inspections. The building official may, when necessary to ensure compliance with this chapter, require additional inspections to the slab rough-in, rough-in and final inspections.

Special inspections. When in the opinion of the building official any proposed Electrical Installation involves unusual hazard or methods of installation, the building official may allow the electrical contractor responsible for the work to employ a special inspector who is competent in the particular type of Electrical Installation requiring a special inspection. The special inspector shall observe the work assigned to be certain it conforms to approved design drawings and specifications. All inspection reports shall be furnished to the building official, including a final signed report stating whether the work requiring special inspection was in conformance with the approved plans and specifications and applicable workmanship provisions of this chapter.

Section K111.1 Adoption. Electrical systems and equipment shall be designed, constructed, and installed in accordance with the NFPA 70 as applicable, except as otherwise provided in this code.

SECTION 2. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining

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

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

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

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

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2023.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of September, 2023; and PASSED on Second and Final Reading the 10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

DRAFT



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8083

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-5, Article II, Section 4-5-22 to adopt the 2021 edition of the International Swimming Pool and Spa Code, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of swimming pools and spas; providing for the issuance of permits and collection of fees.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also, staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades from 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

Below are dates we held public meetings on zoom and in person:

February 7, 2020
May 15, 2020
May 29, 2020
June 12, 2020
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November 23, 2020
December 17, 2020
May 13, 2021
June 23, 2021
July 8, 2021
July 22, 2021
September 2, 2021
September 16, 2021
September 30, 2021
October 21, 2021
November 4, 2021
November 18, 2021
December 2, 2021
January 27, 2022
February 17, 2022
March 3, 2022
May 26, 2022
May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance 8083 (draft)

08/7/23 _____

ORDINANCE NO. 8083

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-5, ARTICLE II, SECTION 4-5-22 TO ADOPT THE 2021 EDITION OF *THE INTERNATIONAL SWIMMING POOL AND SPA CODE*, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF SWIMMING POOLS AND SPAS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council finds that it is in the best interest of public health and safety to adopt the 2021 edition of the *International Swimming Pool and Spa Code*, regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment; providing for the issuance of permits and collection of fees; and,

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

SECTION 1. That Chapter 4-5, Article II, Section 4-5-22 be and hereby is amended to read as follows:

Sec. 4-5-22. Adoption of swimming pool and spa code; amendments.

- (a) *Code adopted.* There is hereby adopted the *International Swimming Pool and Spa Code*, 2015 2021 edition (published by the International Code Council), exclusive of its appendix chapters, with the following amendments, copies of which shall be maintained by the building official:

[Insert] Section 101.1 Title as follows

[A] 101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of The City of Amarillo, hereinafter referred to as “this code.”

[Amend][Add]

[A]102.9 *Other laws.* The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law, to include but not limited to:

1. Texas Department of State Health Services (TDSHS); *Standards for Public Pools and Spas*; §285.181 through §285.208, (TDSHS rules do not apply to pools serving one- and two family dwellings).
2. *Texas Department of Licensing and Regulation (TDLR); 2012 Texas Accessibility Standards (TAS)*, TAS provide the scoping and technical requirements for accessibility for Swimming Pool, wading pools and spas and shall comply with *2012 TAS, Section 242*. (TAS rules do not apply to pools serving one- and two family dwellings).
Exception: Elements regulated under Texas Department of Licensing and Regulation (TDLR) and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

[Insert][Amend][Add] Section [A]103.1 to read as follows:

[A] 103.1 Creation of enforcement agency. The City of Amarillo Department of Building Safety is hereby created and the official in charge thereof shall be known as the Code Building Official. The Environmental Health Department is hereby created and the official in charge thereof shall be known as the Director of Environmental Health for operation and maintenance of any public swimming pool in accordance with this code, as well as local and state codes. Any use of "Code Official" in the adopted code and amendments shall be considered as reference to this section.

[Strike] Section 105.6.2 content moved section is deleted

~~105.6.2 Fee schedule. The fees for all work shall be as indicated in the schedule of fees in Chapter 4-1 of the Amarillo Municipal Code.~~

[Strike] Section 107.4 content moved section is deleted

~~107.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair an pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine in accordance with section 1-1-5 of the Amarillo Municipal Code of Ordinances.~~

[Strike] Section 107.5 content moved section is deleted

~~107.5 Stop work orders. Upon notice from the code official, work on any system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as specified in section 1-1-5 of the Municipal Code for violations.~~

[Strike] Section 108.1 content has been moved and section reassigned

~~108.1 Board of appeals established. Construction Advisory and Appeals Board, see Chapter 2-6 of the Municipal Code.~~

[Amend] Section [A]108.2 to read as follows

[A] 108.2 Schedule of permit fees. Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by ~~the applicable governing authority~~ Section 4-1 of City of Amarillo Municipal code.

[Delete] Section 112 Board of Appeals in its entirety

~~SECTION 112~~

~~BOARD OF APPEALS~~

~~[A] 112.1 Membership of board. The board of appeals shall consist of five members appointed by the chief appointing authority as follows: one for 5 years, one for 4 years, one for years, one for 2 years and one for 1 year. Thereafter, each new member shall serve for 5 years or until a successor has been appointed.~~

[Insert] Section 112 Construction Advisory and Appeals Commission.

Board of appeals established. Named the Construction Advisory and Appeals Board, reference Chapter 2-6 of the City of Amarillo Municipal Code.

[Delete] Section [A]113.4 in its entirety.

~~[A] 113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

[Amend][Add] the following to Section 202 Definitions.

ENVIRONMENTAL HEALTH: The Environmental Health Department regulates the operation of public pools. Routine inspections on pools and spas open to the public are conducted to document compliance with the standards set forth in State law in accordance with Chapter 8-5-13 of the Municipal Code.

[Amend][Add] Section 305.1 to read as follows

305.1 General. The provisions of this section shall apply to the design of barriers for ~~restricting entry into areas having pools and spas. Where spas or hot tubs are equipped with a lockable safety cover complying with ASTM F1346 and swimming pools are equipped with a powered safety cover that complies with ASTM F1346, the areas where those spas, hot tubs or pools are located shall not be required to comply with Sections 305.2 through 305.7.~~ for all pools and spas. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such pools and

spas. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exceptions: One- and two-family dwellings provided with the following:

1. Spas and hot tubs with a lockable safety cover that complies with ASTM F 1346.
2. Swimming pools with a powered safety cover that complies with ASTM F 1346.

[Amend][Add] Section 305.2 to read as follows

305.2 Outdoor swimming pools and spas. All Outdoor pools and spas aquatic vessels and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7 and in accordance with the Texas Administrative Code, Texas Health and Safety Code 757 for public pools.

[Strike] from ordinance only, wording exists the proposed code

~~305.2.7 Chain link dimensions. The maximum opening formed by a chain link fence shall be not more than 1.75 inches (44 mm). Where the fence is provided with slats fastened at the top and bottom which reduces the openings, such openings shall be not more than 1.75 inches (44mm).~~

[Add] Subsection 305.2.7.1

305.2.7.1 Chain link fencing prohibited. Chain link fencing is not permitted as a barrier in public pools built after October 1, 2004.

Exception: Class B public pool.

[Strike] from ordinance only, redundant, wording exists in the proposed code.

~~305.6 Natural barriers used in a one and two family dwelling. In the case where the pool or spa area abuts the edge of a lake or other natural body of water, public access is not permitted or allowed along the shoreline, and required barriers extend to and beyond the water's edge a minimum of eighteen (18) inches, a barrier is not required between the natural body of water shoreline and the pool or spa.~~

[Add][Amend] Section 307.1.4 add exception to read as follows:

307.1.4 Accessibility. An accessible route to public pools and spas shall be provided in accordance with the International Building Code. Accessibility within public pools and spas shall be provided as required by the accessible recreational facilities provisions of the International Building Code. Pool and spa lifts providing an accessible means of entry into the water shall be listed and labeled in accordance with UL 60335-2-1000 and be installed in accordance with ICC A117.1 and NFPA 70.

Exception: Components of projects regulated by and registered with Architectural Barriers Division of Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

[Amend][Add] Section 310.1 to read as follows:

310.1 General. Suction entrapment avoidance for ~~pools and spas~~ aquatic vessels shall be provided in accordance with APSP 7 (ANSI/PHTA/ICC 7). Suction entrapment avoidance

for public swimming pools in accordance with State of Texas Rules for Public Swimming Pools and Spas, Title 25 TAC Chapter 265 Subchapter L, Rule §265.190.

Exceptions:

1. ~~Portable~~ Residential spas and ~~portable residential~~ exercise spas listed and labeled in accordance with UL 1563 or CSA

C22.2 No. 218.1.

2. Suction entrapment avoidance for wading pools shall be provided in accordance with Section 405.

[Amend] Section 317.7 as follows:

~~313.7 Emergency shutoff switch for spas and hot tubs. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5 ft) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to single family dwellings. There is no Exception for: On-ground storable and permanent in-ground residential swimming pools. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 1.5 m (5 ft.) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to one- and two-family dwellings and townhouses.~~

~~Exception: Onground storable pools, permanent inground residential swimming pools, residential spas and residential water features.~~

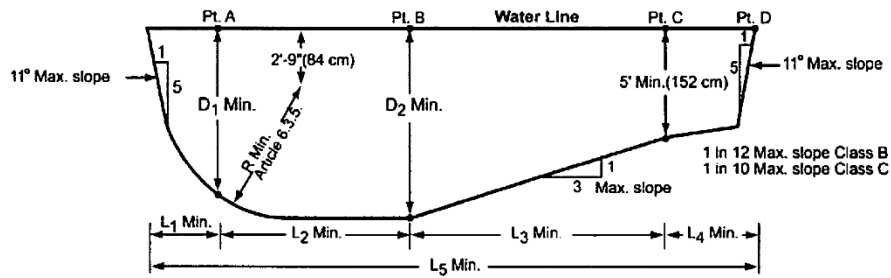
[Strike] Section 402.12 , Table 402.12 and Figure 402.12

~~402.12 water envelopes. The minimum diving water envelopes shall be in accordance with Table 402.12.~~

Table 402.12
MINIMUM DIVING WATER ENVELOPES
(See Figure 402.12)

Pool Type	Minimum dimensions	Minimum width of pool at:									
	D1	D2	D3	L1	L2	L3	L4	L5	Pt. A	Pt. B	Pt. C
VI	8'-6"	9'-0"	4'-0"	4'-0"	12'-0"	14'-0"	4'-0"	34'-0"	16'-0"	18'-0"	18'-0"
VII	11'-2"	10'-10"		5'-0"	16'-5"	13'-2"	4'-0"	38'-7"	18'-0"	20'-0"	20'-0"
VIII	12'-2"	11'-10"	6'-0"	6'-0"	19'-9"	13'-11'	2'-0"	41'-8"	20'-0"	23'-0"	23'-0"
IX	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Figure 402.12 is Deleted



**Figure 402.12 Minimum Diving water envelopes
CONSTRUCTION DIMENSIONS FOR WATER ENVELOPES FOR CLASS B AND CLASS C POOLS**

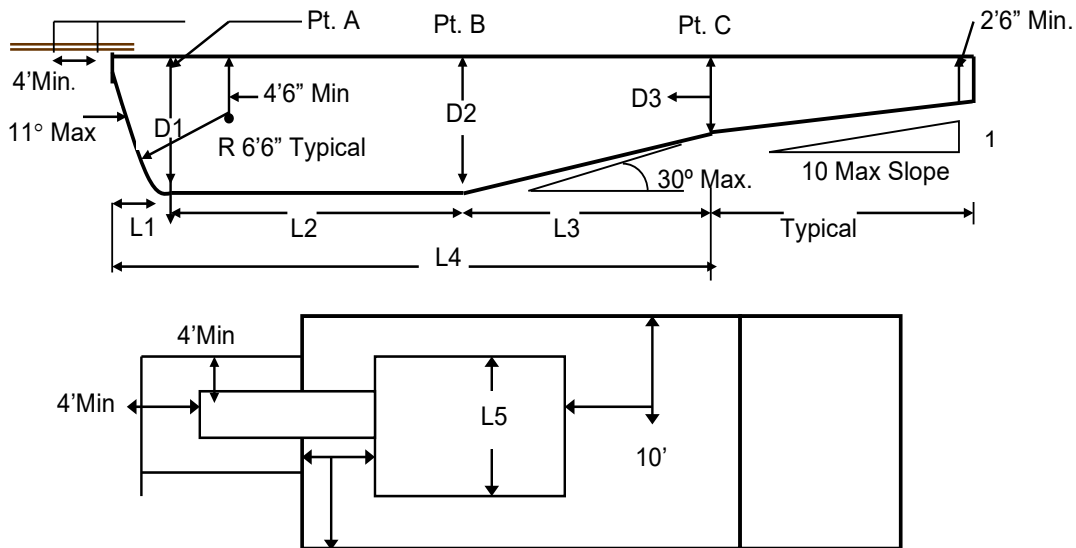
[Add][Amend] Section 402.12

402.12 Water envelopes. The minimum diving water envelopes shall be in accordance with Table 402.12 Texas Department of State Health services, Administrative Code Title 25, Chapter 265, Section 186 (e) and Figure: 25 TAC 256 265.186 (e) (6). (Delete Table 402.12 and Figure 402.12)

[Insert] Table 402.12 source:25 TAC §265.186 (e) (6)

Maximum Diving Board Height Over Water	¾ Meter	1 Meter	3 Meters
Max. Diving Board Length	12 ft.	16 ft.	16 ft.
Minimum Diving Board Overhang	2 ft. 6 in.	5 ft.	5 ft.
D1 Minimum	8 ft. 6 in.	11 ft. 2 in.	12 ft. 2 in.
D2 Minimum	9 ft.	10 ft. 10 in.	11 ft. 10 in.
D3 Minimum	4 ft.	6 ft.	6 ft.
L1 Minimum	4 ft.	5 ft.	5 ft.
L2 Minimum	12 ft.	16 ft. 5 in.	19 ft. 9 in.
L3 Minimum	14 ft. 10 in.	13 ft. 2 in.	13 ft. 11 in.
L4 Minimum	30 ft. 10 in.	34 ft. 7 in.	38 ft. 8 in.
L5 Minimum	8 ft.	10 ft.	13 ft.
H Minimum	16 ft.	16 ft.	16 ft.
From Plumbet to Pool Wall at Side	9 ft.	10 ft.	11 ft. 6 in.
From Plumbet to Adjacent Plumbet	10 ft.	10 ft.	10 ft.

[Insert] Figure 402.12 source: 25 TAC §265.186 (e) (6)



[Amend] Section 402.13 to read as follows

402.13 Ladders for diving equipment. Ladders shall be provided with two grabrails or two handrails. There shall be a uniform distance between ladder treads, with a 7 inch (178 mm minimum) distance and 12 inch (305 mm) maximum distance. Supports, platforms, steps, and ladders for diving equipment shall be designed to carry the anticipated loads. Steps and ladders shall be of corrosion-resistant material, easily cleanable and with slip-resistant tread.

Exception: The distance between treads for the top and bottom riser can vary but shall be not less than 7 inches (178 mm) and not greater than 12 inches (305 mm)

411.2 Pool stairs. The design and construction of stairs extending into the pool in either shallow or deep water, including recessed pool stairs, shall comply with Sections 411.2.1 through 411.2.4.

[Amend] Section 411.2.1 Tread dimensions and area as follows

411.2.1 Tread dimensions and area. Treads shall have a minimum unobstructed horizontal depth (i.e., horizontal run) of 12 inches and a minimum width of 20 inches. Treads shall be not less than 24 inches (607 mm) at the leading edge. Treads shall have an unobstructed surface area of not less than 240 square inches (0.154 m²) and an unobstructed horizontal depth of not less than 10 inches (254 mm) at the centerline.

[Amend] Section 411.2.2 Risers

411.2.2 Risers. Risers for steps shall have a maximum uniform height of 10 inches, with the bottom riser height allowed to taper to zero. Risers, except for the bottom riser, shall have a uniform height of not greater than 12 inches (305 mm) measured at the centerline. The bottom riser height is allowed to vary to the floor.

[Amend] Section 411.5.1 to read as follows

411.5.1 Swimouts. Swimouts, located in either the deep or shallow area of a pool, shall comply with all of the following:

1. The horizontal surface shall be not greater than 20 inches (508mm) below water line;
2. An unobstructed surface shall be provided that is equal to or greater than that required for the top tread of the pool stairs in accordance with Section 411.2;
3. Where used as an entry and exit access, swimouts shall be provided with steps that comply with the pool stair requirements of Section 411.2; and,
4. The leading edge shall ~~be visually set apart~~ provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface

411.5.2 Underwater seats and benches. Underwater seats and benches, whether used alone or in conjunction with pool stairs, shall comply with all of the following:

1. The horizontal surface shall be not greater than 20 inches (508mm) below the water line;
2. An unobstructed surface shall be provided that is a not less than of 10 inches (254 mm) in depth and not less than 24 inches (607mm) in width;
3. Underwater seats and benches shall not be used as the required entry and exit access;
4. Where underwater seats are located in the deep area of the pool where manufactured or constructed diving equipment is installed, such seats shall be located outside of the minimum water envelope for diving equipment;
5. The leading edge shall be ~~visually set apart~~ provided with a horizontal solid or broken stripe at least 1 inch wide on the top surface along the front leading edge of each step. This stripe shall be plainly visible to persons on the pool deck. The stripe shall be a contrasting color to the background on which it is applied, and the color shall be permanent in nature and shall be a slip-resistant surface.
6. The horizontal surface shall be at or below the water line; and,
7. A tanning ledge or sun shelf used as the required entry and exit access shall be located not greater than 12 inches below the water line.

[Amend] 603.2 to read as follows

~~41/2 feet (1372 mm), the floor shall have a distinctive marking at the 41/2 feet (1372 mm) water depth.~~ Class A and B pools over 5 feet deep: the transition point of the pool from the shallow area to the deep area of the pool shall be visually set apart with a 4-inch minimum width row of floor tile, a painted line, or similar means using a color contrasting with the bottom; and a rope and float line shall be provided between 1 foot and 2 feet on the shallow side of the 5-foot depth along and parallel to this depth from one side of the pool to the other side. The floats shall be spaced at not greater than 7-foot intervals; and the floats shall be secured so they will not slide or bunch up. The stretched float line shall be of sufficient size and strength to offer a good handhold and support loads normally imposed by users. If the

owner or operator of the pool knows or should have known in the exercise of ordinary care that a rope or float is missing, broken, or defective, the problem shall be promptly remedied.

[Amend] Section 610.5.1 to read as follows:

610.5.1 Uniform height of ~~9~~ 10 inches. Except for the bottom riser, risers at the centerline shall have a maximum uniform height of ~~9~~ 10 inches (254 mm). The bottom riser height shall be permitted to vary from the other risers.

Section 4.6.1 Dual outlets. The flow rating for each listed cover/grate shall be greater than the maximum flow as determined in accordance with 4.4.1.

Section 4.7 Dual cover/grate separation. Dual cover/grates shall be separated by a minimum of 3 feet (914 mm) but not more than 5 feet (1524mm) measured from suction outlet cover inside edge to inside edge (see figures 4, 5, 6, 8, 9 ,and 10) or located on two (2) different planes, i.e., one (1) on the bottom and one (1) on the vertical wall, or one (1) each on two (2) separate walls. (See figures 7 and 14.)

Section 5.3.2 Dual outlet separation. Dual outlets shall be separated by a minimum of 3 feet (914 mm) but not more than 5 feet (1524mm) measured from center to center of the suction pipes (see figures 4,5, and 6) or located on two (2) different planes, i.e., one (1) on the bottom and one (1) on the vertical wall, or one (1) each on two (2) separate walls. (See figures 7 and 14.)

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

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

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

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

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2023.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of September, 2023; and PASSED on Second and Final Reading the 10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8084

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, adopting the 2021 edition of the International Fire Code to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises, providing for the issuance of permits and collection of fees.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also, staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades from 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

Below are dates we held public meetings on zoom and in person:

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May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance No. 8084 (draft)

8/09/23 _____

ORDINANCE NO. 8084

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, ADOPTING THE 2021 EDITION OF THE *INTERNATIONAL FIRE CODE* TO REGULATE AND GOVERN THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board and the Fire Marshal, the City Council now finds it is in the best interests of public health, safety, and welfare to adopt the 2021 edition of the *International Fire Code* to regulate and govern the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises; providing for the issuance of permits and collection of fees; and, making necessary repeals and amendments to conform other provisions.

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

SECTION 1. That Chapter 10-2, Article II, Section 10-2-16 is hereby re-adopted to now read as follows:

Sec. 10-2-16. Fire code adopted; amendments.

Code adopted. There is hereby adopted the 2021 edition of the International Fire Code, (published by the International Code Council), including Appendices B, C, and D with the following amendments, copies of which shall be maintained by the Fire City Marshal and Building Official:

101.1 Title. These regulations shall be known as the Fire Code of the City of Amarillo. Hereinafter referred to as "this code."

[Add]

105.5.53 Electronic access control systems. Construction permits are required for the installation or modification of an electronic access control system, as specified in Chapter 10. A separate construction permit is required for the installation or modification of a fire alarm system that may be connected to the access control system. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

[Amend] 107.1 thru 107.6.3

~~113.1~~ *107.1 Fees.* A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

~~113.2~~ *107.2 Schedule of fees.* A fee for each required inspection or permit shall be paid as required, in accordance with Section ~~113.2.1~~ 107.2.1

~~113.2.1~~ *107.2.1 Fees for Required Inspections and Permits.* An inspection is required from the ~~Department of Fire Prevention~~ Fire City Marshal for obtaining a license or approval from any agency other than the City of Amarillo to engage in an activity, operation, practice, or function will be charged a fee as outlined in Table 113.2.1. The fee shall be paid at the time of request and prior to any inspection being performed. A permit required from the ~~Department of Fire Prevention~~ Fire City Marshal will require a fee as outlined in Table 113.2.2. The fee shall be paid at the time of permit application.

TABLE ~~113.2.1~~ 107.2.1 INSPECTION FEES

	Occupant Load	Fee
Day Care-All childcare facility inspections	Up to 50	\$40.00-\$100.00
	51 to 150	\$80.00
	Over 150	\$80.00 for first 150 plus \$40.00 For each additional 100 or fraction thereof
Foster/Group Home/Shelter **	1 to 5	\$40.00 50.00
	6 to 15 and up	\$80.00 100.00
	Over 15	\$80.00 for first 15 plus \$40.00 For each additional 15 or fraction thereof
Nursing Homes	Up to 50 beds	\$160.00 200.00
	51 to 100 beds	\$240.00 250.00
	Over 200 beds- 101+	\$240 for first 100 beds Plus \$80.00 for each additional 100 beds or fraction thereof 300.00

Hospitals	Up to 100 200 beds	\$320.00 350.00
	101 to 200 beds	\$400.00
	Over 200 beds +	\$400.00 for first 200 beds Plus \$80.00 for each additional 100 beds or Fraction thereof \$600.00
Assembly/Other	Up to 2,500 5000 sq. ft	\$40.00 50.00
	5001 - 10,000	\$100.00
Facilities	10,001 – 50,000	\$125.00
	2,501 to 5,000 sq. ft	\$80.00
	50,001 – 100,000	\$150.00
	5,001 to 10,000 sq. ft Over 100,000 Re-inspection-	\$120.00 200.00 plus \$50.00 for each additional 25,000 sq ft No charge for 1 st inspection \$25.00 for 2 nd inspection \$50.00 for subsequent inspections
	10,001 to 50,000 sq. ft	\$160.00
	Over 50,000 sq. ft	\$160.00 for first 50,000 sq. ft. plus \$40.00 for each additional 25,000 sq. ft. or fraction thereof
TABC Licensed Facilities		\$40.00
Mobile food unit inspection	\$50.00	
Hotel/Apartment Inspections	\$200.00 biennially	
Fire final Inspection	\$50.00	
Re-inspection/no-show/ Not ready	\$50.00	
Variance request application	\$100.00	
After hours Inspection	\$100.00 per inspector per hour	
Investigation Inspection working without a permit)	Two times the permit fee	

******(additional \$10 for more than 1 home from same applicant)

TABLE 113.2.2 107.2.2 PERMIT FEES

Operational Permits	\$40.00 50.00 application fee
Renewal Pyrotechnic display	\$40.00 \$100.00 per event
Standby required-Amusement (Haunted house)	\$300.00 \$100.00 every 30 days
Construction Permits Flame effect\$50	\$80.00- \$50.00

Re-inspection Temp. membrane structures, canopies, special event, carnival, fair	\$40.00 -\$100.00 \$100.00 - cooking on site \$50.00 - No cooking on site
All other operational permit types	Application fee only

a. Technology Fee \$11.00

[Amend] 107.4 thru 107.6

~~107.3~~ *107.4 Work commencing before permit issuance.* Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to an additional fee established by the applicable governing authority, which shall be in addition to the required permit fees.

~~107.4~~ *107.5 Related fees.* The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

~~107.5~~ *107.6 Refunds.* Any refunds will be in accordance with the Section 107.6.1 through Section 107.6.4:

~~107.5.1~~ *107.6.1 Fee refunds.* Fees collected in accordance with this chapter may be refunded under the following conditions when requested in writing by the person who paid the fee within one hundred eighty (180) days of the collection of the fee.

~~107.5.2~~ *107.6.2 Fee collected in error.* Any fee under this chapter that was collected in error shall be refunded.

~~107.5.3~~ *107.6.3 Fire Inspection fees.* When an inspection request is withdrawn or cancelled by the requestor prior to any inspection action by the City, then eighty (80) percent of the application fee shall be refunded. If the inspection has begun, then no refund shall be granted.

~~107.5.4~~ *107.6.4 Permit fees.* When a permit is withdrawn or canceled by the applicant before any work, activity or operation has begun as authorized by that permit, then eighty (80) percent of the permit fee shall be refunded. If any work, activity or operation has begun in accordance with the permit, then no refund shall be granted.

[Amend]

~~111.1~~ *111.1 Board of appeals established.* Construction Advisory and Appeals Board Commission , see Chapter 2-6 of the Municipal Code.

[Add] [Add]

112.3.5 Citations. It is the intent of this department to achieve compliance by traditional means of inspection, notification, granting of reasonable time to comply and re-inspection. After all reasonable means to gain compliance have failed, or when a condition exists that causes an immediate and/or extreme threat to life, property or safety from fire or explosion, the Fire Code Official or their designee who has the discretionary duty to enforce a code or ordinance may issue a notice to appear (citation) for the violation. Citations shall be issued only by the Fire Code Official or their designee .

[Amend]

~~109.4~~ 112.4 Violation penalties. Violation of any of the provisions of this code shall constitute an offense punishable by a fine not to exceed two thousand dollars (\$2,000.00) in accordance with section 1-1-5 of the Municipal Code.

[Amend]

~~111.4~~ 113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine as specified in section 1-1-5 of the Municipal Code for violations.

[Amend]

~~110.5~~ 114.8 Unsafe structures. Abandoned and substandard structures shall be subject to the requirements of applicable provisions of this Municipal Code and state law.

202 Definitions:

[Add] [Add]

AMBULATORY CARE FACILITY. Buildings or portions thereof used to provide medical, surgical, psychiatric, nursing, or similar care on a less than 24-hour basis to persons who are rendered incapable of self-preservation by the services provided or staff has accepted responsibility for care recipients already incapable. This group may include but not be limited to the following:

- Dialysis centers
- Procedures involving sedation
- Sedation dentistry
- Surgery centers
- Colonic centers
- Psychiatric centers

[Add] [Add]

Analog Intelligent Addressable Fire Detection System. Any system capable of calculating a change in value by directly measurable quantities (voltage, resistance, etc.) at the sensing point. The physical analog may be conducted at the sensing point or at the main control panel. The system shall be able for compensating for long term changes in sensor response while maintaining a constant sensitivity. The compensation shall have a preset point at which a detector maintenance signal shall

be transmitted to the control panel. The sensor shall remain capable of detecting and transmitting an alarm while in maintenance alert.

[Add] [Amend]

ATRIUM. An opening connecting ~~two~~ three or more stories other than enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air-conditioning, or other equipment, which is closed at the top and not defined as a mall. Stories, as used in this definition, do not include balconies within assembly groups or mezzanines that comply with Section 505 of the *International Building Code*.

[Add] [Add]

DEFEND IN PLACE. A method of emergency response that engages building components and trained staff to provide occupant safety during an emergency. Emergency response involves remaining in place, relocating within the building, or both, without evacuating the building.

[Amend]

FIRE City MARSHAL - The fire code official of the Department of Fire Prevention City of Amarillo.

[Add] [Amend]

HIGH-RISE BUILDING. A building with an occupied floor located more than ~~75~~ 55 feet (~~22,860~~ 16,764 mm) above the lowest level of fire department vehicle access.

NIGHTCLUB-a place of entertainment open at night, usually serving or allowing the consumption of alcoholic beverages, having a floor show, or providing music and space for dancing.

[Add] [Amend]

REPAIR GARAGE. A building, structure or portion thereof used for servicing or repairing motor vehicles. This occupancy shall also include garages involved in minor repair, modification and servicing of motor vehicles for items such as lube changes, inspections, windshield repair or replacement, shocks, minor part replacement, and other such minor repairs.

[Add] [Add]

SELF-SERVICE STORAGE FACILITY. Real property designed and used for the purpose of renting or leasing individual storage spaces to customers for the purpose of storing and removing personal property on a self-service basis.

[Add] [Add]

STANDBY PERSONNEL. Qualified fire service personnel, approved by the Fire Chief. When utilized, the number required shall be as directed by the Fire Chief. Charges for utilization shall be as normally calculated by the jurisdiction.

[Add] [Add]

UPGRADED OR REPLACED FIRE ALARM SYSTEM. A fire alarm system that is

upgraded or replaced includes, but is not limited to the following:

- Replacing one single board or fire alarm control unit component with a newer model
- Installing a new fire alarm control unit in addition to or in place of an existing one
- Conversion from a horn system to an emergency voice/alarm communication system
- Conversion from a conventional system to one that utilizes addressable or analog devices

The following are not considered an upgrade or replacement:

- Firmware updates
- Software updates
- Replacing boards of the same model with chips utilizing the same or newer firmware

[Add] [Amend]

307 Prohibited open burning. No person may cause, suffer, allow, or permit any open burning within the city limits of Amarillo, except as provided by this section.

Exceptions:

1. Recreational fires conducted in accordance with Section 307.
2. Training fires for fire-fighting personnel when conducted in compliance with Title 30 of the Texas Administrative Code, Sections 111.201-111.221.
3. Open burning conducted in accordance with Section 307 for which a permit has been secured from the fire code official.

[Amend] [Add]

307.1.1 Prohibited Open Burning. ~~Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.~~ No person may cause, suffer, allow or permit any open burning within the city limits of Amarillo.

Exceptions:

1. Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official. The fire code official may authorize Fire Hazard Mitigation procedures in accordance with the City's Fire Hazard Mitigation Plan.
2. Any fire lawfully kindled by the City of Amarillo for the purposes of hazard mitigation that meets all of the requirements of section 4-3-2 (Sec. 4) of the Code of Ordinances of the City of Amarillo, Texas.

[Add] [Amend]

307.2 Permit Required. A permit shall be obtained from the Fire Code Official in accordance with Section 5105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, ~~prevention or control of disease or pests, or open burning a bonfire.~~ Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Examples of state or local law, or regulations referenced elsewhere in this section may include but not be limited to the following:

1. Texas Commission on Environmental Quality (TCEQ) guidelines and/or restrictions.
2. State, County, or Local temporary or permanent bans on *open burning*.
3. Local written policies as established by the Fire Code Official.

[Add] [Amend]

307.4 Location. The location for open burning shall not be less than ~~50~~ 300 feet (~~15,240 mm~~) (91,440 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within ~~50~~ 300 feet (~~15,240~~ 91,440 mm) of any structure.

Exceptions:

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. ~~The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3~~
feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

[Add] [Amend]

307.4.1 Bonfires. ~~A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.~~ A bonfire shall not be conducted within the city limits of Amarillo.

[Add] [Amend]

307.4.2 Recreational fires. ~~Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.~~ A recreational fire shall not be conducted within the city limits of Amarillo.

[Amend]

308.1.4 Open-flame cooking and heating devices. ~~Charcoal burners and other~~ open-flame cooking devices, heating, outdoor fireplaces, and other similar devices used for any purpose shall not be located or ~~operated~~ used on combustible balconies, decks or within 10 feet (3048 mm) of combustible construction.

[Add] [Amend]

308.1.6.3 Sky Lanterns. A person shall not release or cause to be released an ~~untethered~~ unmanned free-floating device containing an open flame or other heat source, such as but not limited to a sky lantern.

[Add] [Amend]

311.5 Placards. ~~Any~~ The Fire Code Official is authorized to require marking of any vacant or abandoned buildings or structures determined to be unsafe pursuant to Section 114 of this code relating to structural or interior hazards, shall be marked as required by Section 311.5.1 through 311.5.5.

[Add] [Add]

322 EMS Elevator. Where elevators are provided in buildings, the elevator, or not less than one elevator per bank, shall be provided for fire department emergency access to all floors. A single elevator shall constitute a bank. The elevator car shall be of such size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position and emergency personnel. The elevator and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches in height and shall be placed inside on both sides of the hoist way door frame. This section for the new construction of elevators and is not applicable to existing elevators in existing buildings.

[correction] *correct a numerical error in 2012 code presentation and adoption*

~~403.3.1~~ 401.3.1 Fire events. In the event of an unwanted fire occurs, or the discovery of fire, smoke, or unauthorized release of a hazardous material on a property, the owner or occupant shall immediately report such condition to the fire department.

[Add] [Amend]

403.4 Group E occupancies. An *approved* fire safety and evacuation plan in accordance with Section 404 shall be prepared and maintained for Group E occupancies and for buildings containing both a Group E occupancy and an atrium. A diagram depicting two evacuation routes shall be posted in a conspicuous location in each classroom. Group E occupancies shall comply with Sections 403.4.1 through 403.4.3.

[Add] [Add]

404.2.2 Fire safety plans. Fire safety plans shall include the following.

1. thru 3. *Text unchanged...*

4. Add 4.10 Fire extinguishing system controls.

5. thru 7. *Text unchanged...*

[Add] [Amend]

405.5 Time. The Fire Code Official may require an evacuation drill at any time. Drills shall be held at unexpected times and under varying conditions to simulate the unusual conditions that occur in case of fire.

Exceptions: *unchanged*

[Add] [Amend]

501.4 Timing of Installation. When fire apparatus access roads or a water supply for fire protection is required to be installed for any structure or development, they shall be installed, tested, and approved prior to the time of which construction has progressed beyond completion of the foundation of any structure. ~~such protection shall be installed~~

~~and made serviceable prior to and during the time of construction except when approved alternative methods of protection are provided.~~ Temporary street signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles in accordance with Section 505.2.

[Add] [Amend]

503.1.1 Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the *exterior walls* of the first story of the building as measured by an *approved* route around the exterior of the building or facility. Except for one- or two-family dwellings, the path of measurement shall be along a minimum of a ten(10') feet wide unobstructed pathway around the external walls of the structure.

[Add] [Add]

503.1.4 Residential subdivision. The maximum dead-end cul-de-sac length shall not exceed 600 feet (600') as measured from the centerline of the intersecting street to the center point of the radius.

[Amend]

Section 503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than ~~20 feet (6096 mm)~~ 24 feet (7315 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than ~~13 feet 6 inches (4115 mm)~~ 14 feet 6 inches (4420 mm).

[Add] [Amend]

503.2.3 Surface. Fire apparatus access roads shall be designed and maintained to support imposed loads of 80,000 Lbs. for fire apparatus and so as to provide all weather driving capabilities, and shall be paved using either asphalt or concrete as defined by this amendment the City of Amarillo's Driveway and Parking Manual.

[Add] [Amend]

503.2.4 Turning radius. The required turning radius of a fire apparatus access road shall be in accordance with this section. Any such fire lane shall either connect both ends to a dedicated public street or fire lane or be provided with an approved turnaround having a minimum outer radius of fifty feet. If two or more interconnection lanes are provided, interior radius for that connection shall be required in accordance with the following:

24-foot fire lane – min radius 30 feet

26-foot fire lane – min radius 30 feet

30-foot fire lane – min radius 20 feet

Intersecting fire lanes of dissimilar widths shall be provided with turn radii based upon the shortest width. Fire lane dimensions established by Appendix D, or other sections of this Code, shall be superseded by the criteria established by this section. The requirements of Section D105 shall remain unchanged.

[Add] [Amend]

503.2.7 Grade. The grade of the fire apparatus access road shall be within the limits established by the *fire code official based on the Fire Department's apparatus*. In no case shall the grades along a fire apparatus access road exceed the following:

Along the fire apparatus access road – 6%

Cross slope – 5%

[Add] [Amend]

503.2.8 Angles of approach and departure. The angles of approach and departure for fire apparatus access roads shall not exceed 6% or as approved by the Fire Code Official.

[Amend] [Add]

503.3 Marking. ~~Where required by the Fire Code Official, approved signs or other approved notices or markings that include the words NO PARKING – FIRE LANE~~ Striping, signs, or other markings, when approved by the Fire Code Official, shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated Striping, signs and other markings shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

(1) Striping – Fire apparatus access roads shall be continuously marked by painted lines of red traffic paint six inches (6”) in width to show the boundaries of the lane. The words “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” shall appear in four inch (4”) white letters at 25 feet intervals on the red border markings along both sides of the fire lanes. Where a curb is available, the striping shall be on the vertical face of the curb.

(2) Signs – Signs shall read “NO PARKING FIRE LANE” or “FIRE LANE NO PARKING” and shall be 12” wide and 18” high. Signs shall be painted on a white background with letters and borders in red, using not less than 2” lettering. Signs shall be permanently affixed to a stationary post and the bottom of the sign shall be six feet, six inches (6’-6”) above finished grade. Signs shall be spaced not more than fifty feet (50’) apart along both sides of the fire lane. Signs may be installed on permanent buildings or walls or as approved by the Fire Chief Code Official.

503.3.1 Unauthorized marking. No person may mark, post or otherwise identify a private passageway or public roadway as a fire lane, fire zone or in such a manner as tends to create confusion as to whether the passageway is a fire lane without obtaining approval by the fire code official.

[Add] [Amend]

505.1 Address Identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than ~~4 inches (102 mm)~~ 6 inches (152.4 mm) high with a minimum stroke width of ½ inch (12.7 mm). Where required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road, buildings do not immediately front a street, and/or the building cannot be viewed from the public way, a monument, pole or other sign with approved 6 inch (152.4 mm) height building numerals or addresses and 4 inch (101.6 mm) height suite/apartment numerals of a color contrasting with the background of the building or other approved means shall be used to identify the structure. Numerals or addresses shall be posted on a minimum 20 inch (508 mm) by 30 inch (762 mm) background on border. Address identification shall be maintained.

Exception: R-3 Single Family occupancies shall have approved numerals of a minimum 3½ inches (88.9 mm) in height and a color contrasting with the background clearly visible and legible from the street fronting the property and rear alleyway where such alleyway exists.

[Add] [Add]

506.1.3 Knox box locations. The key box shall be provided at the entrance to the sprinkler riser room and the fire pump room. Additional key boxes shall be placed at the main entrance to a large building when determined by the fire code official that it is necessary due to the size and remoteness from the sprinkler riser room and/or fire pump room. All Knox boxes shall be installed between 68" to 74" to the bottom of the box, above surrounding grade.

[Add] [Amend]

507.4 Water Supply Test Date and Information. The water supply test used for hydraulic calculation of fire protection systems shall be conducted in accordance with NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and within one year of sprinkler plan submittal. The Fire Code Official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the Fire Code Official; as required, or approved documentation of the test shall be provided to the Fire Code Official prior to final approval of the water supply system. The exact location of the static/residual hydrant and the flow hydrant shall be indicated on the design drawings. All fire protection plan submittals shall be accompanied by a hard copy of the waterflow test report, or as approved by the Fire Code Official

[Add] [Amend]

507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. Posts, fences, vehicles, growth, trash, storage and other materials or objects shall not be

placed or kept near fire hydrants, fire department inlet connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernible. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

[Add] [Add]

509.1.2 Sign Requirements. Unless more stringent requirements apply, lettering for signs required by this section shall have a minimum height of 2 inches (50.8 mm) when located inside a building and 4 inches (101.6 mm) when located outside, or as approved by the Fire Code Official. The letters shall be of a color that contrasts with the background.

[Add] [Amend]

605.4.1 Fuel oil storage in outside, above-ground tanks. Where connected to a fuel-oil piping system, the maximum amount of fuel oil storage allowed outside above ground without additional protection shall be 660 gallons (2,498 L). The storage of fuel oil above ground in quantities exceeding 660 gallons (2,498 L) shall comply with NFPA 31 and Chapter 57.

[Add] [Amend]

605.4.2 Fuel oil storage inside buildings. Fuel oil storage inside buildings shall comply with sections 605.4.2.2 through 605.4.2.8 ~~or~~ and Chapter 57.

[Add] [Amend]

807.5.2.2 Artwork in Corridors. Artwork and teaching materials shall be limited on the walls of corridors to not more than 20 percent of the wall area. Such materials shall not be continuous from floor to ceiling or wall to wall. Curtains, draperies, wall hangings, and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

Exception: Corridors protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 shall be limited to 50 percent of the wall area.

[Add] [Amend]

807.5.2.3 Artwork in Classrooms. Artwork and teaching materials shall be limited on walls of classrooms to not more than 50 percent of the specific wall area to which they are attached. Curtains, draperies, wall hangings and other decorative material suspended from the walls or ceilings shall meet the flame propagation performance criteria of NFPA 701 in accordance with Section 807 or be noncombustible.

[Add] [Amend]

901.4.7 Pump and riser room size. {Existing text to remain} ... Minimum riser room size shall be 36 sq ft, with the minimum dimension being 6 feet.

[Add] [Add]

901.4.7.5 Fire protection equipment only. Fire pump and automatic sprinkler system riser rooms shall be limited to equipment that is intended for fire protection and operations.

[Add] [Add]

901.6.1.1 Standpipe Testing. Building owners/managers must maintain and test standpipe systems as per NFPA 25 requirements. The following additional requirements shall be applied to the testing that is required every 5 years:

1. The piping between the Fire Department Connection (FDC) and the standpipe shall be backflushed or inspected by approved camera when foreign material is present or when caps are missing, and also hydrostatically tested for all FDC's on any type of standpipe system. Hydrostatic testing shall also be conducted in accordance with NFPA 25 requirements for the different types of standpipe systems.
2. For any manual (dry or wet) standpipe system not having an automatic water supply capable of flowing water through the standpipe, the tester shall connect hose from a fire hydrant or portable pumping system (as approved by the Fire Code Official) to each FDC, and flow water through the standpipe system to the roof outlet to verify that each inlet connection functions properly. Confirm that there are no open hose valves prior to introducing water into a dry standpipe. There is no required pressure criteria at the outlet. Verify that check valves function properly and that there are no closed control valves on the system.
3. Any pressure relief, reducing, or control valves shall be tested in accordance with the requirements of NFPA 25. All hose valves shall be exercised.
4. If the FDC is not already provided with approved caps, the contractor shall install such caps for all FDC's as required by the Fire Code Official.
5. Upon successful completion of standpipe test, place a blue tag (as per Texas Administrative Code, Fire Sprinkler Rules for Inspection, Test and Maintenance Service (ITM) Tag) at the bottom of each standpipe riser in the building. The tag shall be check-marked as "Fifth Year" for Type of ITM, and the note on the back of the tag shall read "5 Year Standpipe Test" at a minimum.
6. The procedures required by Texas Administrative Code Fire Sprinkler Rules with regard to Yellow Tags and Red Tags or any deficiencies noted during the testing, including the required notification of the local Authority Having Jurisdiction (Fire Code Official) shall be followed.
7. Additionally, records of the testing shall be maintained by the owner and contractor, if applicable, as required by the State Rules mentioned above and NFPA 25.
8. Standpipe system tests where water will be flowed external to the building shall not be conducted during freezing conditions or during the day prior to expected night time freezing conditions.
9. Contact the Fire Code Official for requests to remove existing fire hose from Class II and III standpipe systems where employees are not trained in the utilization of this firefighting equipment. All standpipe hose valves must remain in place and be provided with an approved cap and chain when approval is given to remove hose by the Fire Code Official.

[Add] [Add]

901.6.4 Nuisance Alarms. Nuisance alarms shall not be given, signaled or transmitted or caused or permitted to be given, signaled or transmitted in any manner.

[Add] [Amend]

901.7 Systems Out of Service. Where a required *fire protection system* is out of service or in the event of an excessive number of activations, the fire department and the Fire Code Official shall be notified immediately and, where required by the Fire Code Official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service....*{Remaining text unchanged}*

[Add] [Amend]

903.2 Where required. *Approved automatic sprinkler systems* in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Automatic Sprinklers shall not be installed in elevator machine rooms, elevator machine spaces, and elevator hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances. Storage shall not be allowed within the elevator machine room. Signage shall be provided at the entry doors to the elevator machine room indicating “ELEVATOR MACHINERY – NO STORAGE ALLOWED.”

[Add] [Add]

903.2.8.5 Storage rooms. Within Group R occupancies, storage areas that are leased or rented shall comply with Section 903.2.8.3.

[Add] [Amend]

903.2.11 Specific buildings areas and hazards... *{ text unchanged }*...

Exception: Open parking garages in compliance with Section 406.5 of the International Building Code.

[Add] [Amend]

903.2.11.3 Buildings 55 Feet or more in Height. An automatic sprinkler system shall be installed throughout buildings that have one or more stories ~~with an occupant load of 30 or more~~ located 55 feet (16 764 mm) or more above the lowest level of fire department vehicle access, measured to the finished floor.

Exceptions:

Open parking structures in compliance with Section 406.5 of the International Building Code, having no other occupancies above the subject garage.

~~1. Occupancies in Group F-2.~~

[Add] [Add]

903.2.11.7 High-Piled Combustible Storage. For any building with a clear height exceeding 12 feet (4,572 mm), see Chapter 32 to determine if those provisions apply.

[Add] [Add]

903.2.11.8 Spray Booths and Spray Rooms. New and existing spray booths and spraying rooms shall be protected by an approved automatic fire-extinguishing system. Existing spray booths or spray rooms that are not already equipped with an approved automatic fire suppression system will be required to come into compliance by January 1, 2025.

[Add] [Amend]

903.3.1.1.1 Exempt Locations. When approved by the Fire Code Official, automatic sprinklers shall not be required in the following rooms or areas where such... {Existing text unchanged}...because it is damp, of fire-resistance-rated construction or contains electrical equipment.

1. Any room where the application of water, or flame and water, constitutes a serious life or fire hazard.
2. Any room or space where sprinklers are considered undesirable because of the nature of the contents, when approved by the Code Official.
3. Generator and transformer rooms, under the direct control of a public utility, separated from the remainder of the building by walls and floor/ceiling or roof/ceiling assemblies having a fire-resistance rating of not less than 2 hours.
4. In rooms or areas that are of noncombustible construction with wholly noncombustible contents.
5. Fire service access Elevator machine rooms, and machinery spaces, and hoistways, other than pits where such sprinklers would not necessitate shunt trip requirements under any circumstances.
6. {Delete}

[Add] [Amend]

903.3.1.3 NFPA 13D Sprinkler Systems. Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; Group R-4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D or in accordance with state law.

[Add] [Add]

903.3.1.4 Freeze protection. Freeze protection systems for automatic fire sprinkler systems shall be in accordance with the requirements of the applicable referenced NFPA standard and this section.

903.3.1.4.1 Attics. Only dry pipe, preaction, or listed antifreeze automatic fire sprinkler systems shall be allowed to protect attic spaces.

Exception: Wet-pipe fire sprinkler systems shall be allowed to protect non-ventilated attic spaces where:

1. The attic sprinklers are supplied by a separate floor control valve assembly to allow ease of draining the attic system without impairing sprinklers throughout the rest of the building, and
2. Adequate heat shall be provided for freeze protection as per the applicable referenced NFPA standard, and be allowed to protect attic spaces.
3. The attic space is a part of the building's thermal, or heat envelope, such that insulation _____ is provided at the roof deck, rather than at the ceiling level.

[Add] [Amend]

903.3.5 Water supplies. Water supplies for *automatic sprinkler systems* shall comply with this section and the standards referenced in Section 903.3.1. The potable water supply shall be protected against backflow in accordance with the requirements of this section and the *International Plumbing Code*. For connections to public waterworks systems, the water supply test used for design of *fire protection systems* shall be adjusted to account for seasonal and daily pressure fluctuations based on information from the water supply authority and as *approved by the fire code official*. Water supply as required for such systems shall be provided in conformance with the supply requirements of the respective standards; however, every water-based fire protection system shall be designed with a 10-psi safety factor. Reference Section 507.4 for additional design requirements.

[Add] [Amend]

903.4 Sprinkler system supervision and alarms. Valves controlling the water supply for *automatic sprinkler systems*, pumps, tanks, water levels and temperatures, critical air pressures and waterflow switches on all sprinkler systems shall be electrically supervised by a *listed* fire alarm control unit.

Exceptions:

1. *Automatic sprinkler systems* protecting one- and two-family *dwellings*.
2. Limited area sprinkler systems in accordance with Section 903.3.8.
3. *Automatic sprinkler systems* installed in accordance with NFPA 13R where a common supply main is used to supply both domestic water and the *automatic sprinkler system*, and a separate shutoff valve for the *automatic sprinkler system* is not provided.
4. Jockey pump control valves that are sealed or locked in the open position.
5. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
6. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open

position.

7. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

8. Underground key or hub gate valves in roadway boxes.

Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

[Add] [Amend]

903.4.2 Alarms. An *approved* audible device, located on the exterior of the building in an *approved* location, shall be connected to each *automatic sprinkler system*. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the *automatic sprinkler system* shall actuate the building fire alarm system. The alarm device required on the exterior of the building shall be a weatherproof horn/strobe notification appliance with a minimum 75 candela strobe rating, installed as close as practicable to the fire department connection.

[Add] [Amend]

905.2 Installation Standard. Standpipe systems shall be installed in accordance with this section and NFPA 14. Fire department connections for standpipe systems shall be in accordance with Section 912. Manual dry standpipe systems shall be supervised with a minimum of 10 psig and a maximum of 40 psig air pressure with a high/low alarm.

[Add] [Add]

905.3.9 Buildings Exceeding ~~40,000~~ 12,000 sq. ft. In buildings exceeding ~~40,000~~ 12,000 square feet in (1,115 m²) area per story and where any portion of the building's interior area is more than 200 feet (60,960 mm) of travel, vertically and horizontally, from the nearest point of fire department vehicle access, Class I automatic wet or manual wet standpipes shall be provided.

Exceptions:

1. Automatic dry, semi-automatic dry, and manual dry standpipes are allowed as provided for in NFPA 14 where approved by the Fire Code Official.
2. R-2 occupancies of four stories or less in height having no interior corridors.

[Add] [Amend]

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required ~~interior~~ exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at an intermediate landing between stories, unless otherwise approved by the Fire Code Official.

Exception: *{text unchanged}*

2. *{Existing text unchanged}*

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception: Where floor areas adjacent to an exit passageway are reachable from an ~~interior~~ exit stairway hose connection by a ..*{Remainder of text unchanged}*

4. *{Existing text unchanged}*

5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a two-way a hose connection shall be located to serve the roof or at the highest landing of an interior exit stairway with stair access to the roof provided in accordance with Section 1011.12.

6. *{Existing text unchanged}*

7. When required by this Chapter, standpipe connections shall be placed adjacent to all required exits to the structure and at two hundred feet (200') intervals along major corridors thereafter, or as otherwise approved by the Fire Code Official.

[Add] [Add]

905.9 Valve supervision. Valves controlling water supplies shall be supervised in the open position so that a change in the normal position of the valve will generate a supervisory signal at the supervising station required by Section 903.4. Where a fire alarm system is provided, a signal shall be transmitted to the control unit. Sprinkler and standpipe system water-flow detectors shall be provided for each floor tap to the sprinkler system and shall cause an alarm upon detection of water flow for more than 45 seconds. All control valves in the sprinkler and standpipe systems except for fire department hose connection valves shall be electrically supervised to initiate a supervisory signal at the central station upon tampering.

Exceptions:

1. Valves to underground key or hub valves in roadway boxes do not require supervision.
2. Valves locked in the normal position and inspected as provided in this code in buildings not

equipped with a fire alarm system

[Add] [Add]

907.1.4 Design Standards. Where a new fire alarm system is installed, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke detectors shall have analog

initiating devices. Where a new fire alarm system is installed with more than 20 initiating devices, the devices shall be addressable type devices.

[Add]

907.2.1 Group A. *{Text unchanged}*...

Exception: {Text unchanged}..

Activation of fire alarm notification appliances shall:

1. Cause illumination of the *means of egress* with light of not less than 1 foot-candle (11 lux) at the walking surface level, and
2. Stop any conflicting or confusing sounds and visual distractions.
3. Activation of a pre-recorded message clearly audible throughout the building when occupant load is over 1,000 people.

[Add] [Amend]

907.2.3 Group E. A manual fire alarm system that initiates the occupant notification signal utilizing an emergency voice/alarm communication system meeting the requirements of Section 907.5.2.2 and installed in accordance with Section 907.6 shall be installed in Group E educational occupancies. When automatic sprinkler systems or smoke detectors are installed, such systems or detectors shall be connected to the building fire alarm system. An approved smoke detection system shall be installed in Group E day care occupancies. Unless separated by a minimum of 100' open space, all buildings, whether portable buildings or the main building, will be considered one building for alarm occupant load consideration and interconnection of alarm systems.

Exceptions:

1. *{Existing text unchanged}*
 - 1.1. Residential In-Home day care with not more than 12 children may use interconnected single station detectors in all habitable rooms. (For care of more than five children 2 1/2 or less years of age, see Section 907.2.6.) *{No change to remainder of exceptions}*

[Add] [Amend]

907.2.13 High-rise buildings.

3. Open air portions of buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the International Building Code; however, this exception does not apply to accessory uses including but not limited to sky boxes, restaurants, and similarly enclosed areas.

[Add] [Add]

907.4.2.7 Type. Manual alarm initiating devices shall be an approved double action type.

[Add] [Add]

907.5.3 Occupant notification. Occupant notification in accordance with this section and 907.5 shall be required for all new construction, or existing construction complying with

the International Building Code, for renovations to existing buildings, tenant spaces, changes in occupancy, replacement or modification of the existing fire alarm system, or as required by the Fire Code Official, for all buildings or spaces provided with an approved automatic fire sprinkler system.

[Add] [Amend]

907.6.6 Monitoring. Fire alarm systems required by this chapter or by the International Building Code shall be monitored by an approved supervising station in accordance with NFPA 72. See 907.6.3 for the required information transmitted to the supervising station.

[Add] [Amend]

910.2 Where required. Smoke and heat vents or a mechanical smoke removal system shall be installed as required by Sections 910.2.1 and 910.2.2.

Exceptions:

1. Frozen food warehouses used solely for storage of Class I and II commodities where protected by an *approved automatic sprinkler system*.
2. Only manual smoke and heat removal shall not be required in areas of buildings equipped with early suppression fast-response (ESFR) sprinklers. Automatic smoke and heat removal is prohibited.
3. Only manual smoke and heat removal shall not be required in areas of buildings equipped with control mode special application sprinklers with a response time index of $50(m \times s)^{1/2}$ or less that are *listed* to control a fire in stored commodities with 12 or fewer sprinklers. Automatic smoke and heat removal is prohibited.

[Add] [Add]

910.2.3 Group H. Buildings and portions thereof used as a Group H occupancy as follows:

1. In occupancies classified as Group H-2 or H-3, any of which are more than 15,000 12,000 square feet (1,394 1,115 m²) in single floor area.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

2. In areas of buildings in Group H used for storing Class 2, 3, and 4 liquid and solid oxidizers, Class 1 and unclassified detonable organic peroxides, Class 3 and 4 unstable (reactive) materials, or Class 2 or 3 water-reactive materials as required for a high-hazard commodity classification.

Exception: Buildings of noncombustible construction containing only noncombustible materials.

[Add] [Add]

910.3.4.1 Sprinklered buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically. The automatic operating mechanism of the smoke and heat vents shall operate at a temperature rating at least 100 degrees F (approximately 38 degrees Celsius) greater than the temperature rating of the sprinklers installed.

Exception: Manual only systems per Section 910.2.

[Add] [Add]

910.3.4.2 Nonsprinklered Buildings. Where installed in buildings not equipped with an approved automatic sprinkler system, smoke and heat vents shall operate automatically by actuation of a heat-responsive device rated at between 100°F (56°C) and 220°F (122°C) above ambient.

Exception: Listed gravity-operated drop out vents.

[Add] [Add]

912.2.3 Hydrant Distance. The fire department connection shall be located within 100 feet of an approved fire hydrant as the fire hose lays along an approved unobstructed path.

[Add] [Add]

913.2.1.1 Fire Pump Room Access. When located on the ground level at an exterior wall, the fire pump room shall be provided with an exterior fire department access door that is not less than 3 ft. in width and 6 ft. – 8 in. in height, regardless of any interior doors that are provided. A key box shall be provided at this door, as required by IFC Section 506.1.

Exception: When it is necessary to locate the fire pump room on other levels or not at an exterior wall, the corridor leading to the fire pump room access from the exterior of the building shall be provided with equivalent fire resistance as that required for the pump room, or as approved by the Fire Code Official. Access keys shall be provided in the key box as required by IFC Section 506.1.

[Add] [Amend]

914.3.1.2 Water supply to required fire pumps. In all buildings that are more than ~~420 feet (128 m)~~ 120 feet (37m) in building height, ~~and buildings of Type IVA and IVB construction that are more than 120 feet (36.6 m) in building height,~~ required fire pumps shall be supplied by connections to not fewer than two water mains located in different streets. Separate supply piping shall be provided between each connection to the water main and the pumps. Each connection and the supply piping between the connection and the pumps shall be sized to supply the flow and pressure required for the pumps to operate.

Exception: {No change to exception}

[Add] [Add]

1006.2.2.7 Electrical Rooms. For electrical rooms, special exiting requirements may apply. Reference the electrical code as adopted.

[Add] [Amend]

1010.2.5 Bolt locks. Manually operated flush bolts or surface bolts are not permitted.

Exceptions

1. {text unchanged}....

2. *{text unchanged}*...
3. 3. Where a pair of doors serves an occupant load of less than 50 persons in a Group B, F, M or S occupancy. (Remainder unchanged)
4. 4. Where a pair of doors serves a Group A, B, F, M or S occupancy *{Remainder of text unchanged}*

[Add] [Add] location in the 2018 code was 1010.1.9.9

1010.2.12 Sensor release of electrically locked egress doors... *{text unchanged}*..

1. thru 7. ...*{text unchanged}*

8. If a full building smoke detection is not provided, approved smoke detectors shall be provided on both the access and egress sides of doors and in a location approved by the Fire Code Official. Actuation of a smoke detector shall automatically unlock the door.

[Add] [Amend]

1015.8 Window openings....*{text unchanged}*...

1. Operable windows where the top of the sill of the opening is located more than 75 feet (22 860 mm) 55 feet (16 764mm) above the finished grade or other surface below and that are provided with window fall prevention devices that comply with ASTM F2006.

[Add] [Add] Corridors

1020.2 Construction...*{text unchanged}*..

1. thru 5. *{Text unchanged}*

6. In group B occupancies, corridor walls and ceilings need not be of fire-resistive construction within a single tenant space when the space is equipped with approved automatic smoke-detection within the corridor. The actuation of any detector must activate self-annunciating alarms audible in all areas within the corridor. Smoke detectors must be connected to an approved automatic fire alarm system where such system is provided.

[Add] [Amend] location change from 18's to the 21's

1032.2 Reliability. Required exit accesses, exits and exit discharges shall be continuously maintained free from obstructions or impediments to full instant use in the case of fire or other emergency. ~~where the building area served by the means of egress is occupied.~~ An exit or exit passageway shall not be used for any purpose that interferes with a means of egress.

[Add] [Add]

1103.7.7 Fire Alarm System Design Standards. Where an existing fire alarm system is upgraded or replaced, the devices shall be addressable. Fire alarm systems utilizing more than 20 smoke and/or heat detectors shall have analog initiating devices. Where 20 or

more devices of an existing fire alarm are upgraded or replaced, the devices shall be addressable type devices.

Exception: Existing systems need not comply unless the total building, or fire alarm system, remodel or expansion exceeds 30% of the building. When cumulative building, or fire alarm system, remodel or expansion initiated after the date of original fire alarm panel installation exceeds 50% of the building, or fire alarm system, the fire alarm system must comply within 18 months of permit application.

[Add] [Add]

1103.7.7.1 Communication requirements. Refer to Section 907.6.6 for applicable requirements.

[Add] [Amend]

1203.1.3 Emergency power systems and standby power systems shall be installed in accordance with the International Building Code, NFPA 70, NFPA 110 and NFPA 111. Existing installations shall be maintained in accordance with the original approval, except as specified in Chapter 11.

[Add] [Add]

1203.1.10 Critical Operations Power Systems (COPS). For Critical Operations Power Systems necessary to maintain continuous power supply to facilities or parts of facilities that require continuous operation for the reasons of public safety, emergency management, national security, or business continuity, see NFPA 70.

[Add] [Amend]

1203.2 Where Required. Emergency and standby power systems shall be provided where required by Sections 1203.2.1 through 1203.2.19 or elsewhere identified in this code or any other referenced code.

[Add] [Amend]

1203.2.4 Emergency Voice/Alarm Communications Systems. Emergency power shall be provided for emergency voice/alarm communications systems in the following occupancies, or as specified elsewhere in this code, as required in Section 907.5.2.2.5. The system shall be capable of powering the required load for a duration of not less than 24 hours, as required in NFPA 72.

1. Covered and Open Malls, Section 907.2.19 and 914.2.3
2. Group A Occupancies, Sections 907.2.1 and 907.5.2.2.4.
3. Special Amusement Buildings, Section 907.2.12
4. High-rise Buildings, Section 907.2.13
5. Atriums, Section 907.2.14
6. Deep Underground Buildings, Section 907.2.18

[Add] [Amend]

1203.2.18 Smoke Control Systems. Standby power shall be provided for smoke control systems in the following occupancies, or as specified elsewhere in this code, as required in Section 909.11:

1. Covered Mall Building, International Building Code, Section 402.7
2. Atriums, International Building Code, Section 404.7
3. Underground Buildings, International Building Code, Section 405.8
4. Group I-3, International Building Code, Section 408.4.2
5. Stages, International Building Code, Section 410.2.5
6. Special Amusement Buildings (as applicable to Group A's), International Building Code, Section 411.1
7. Smoke Protected Seating, Section 1029.6.2.

[Add] [Add]

1203.2.20 Covered and Open Mall Buildings. Emergency power shall be provided in accordance with Section 907.2.19 and 914.2.3.

[Add] [Add]

1203.2.21 Airport Traffic Control Towers. A standby power system shall be provided in airport traffic control towers more than 65 ft. in height. Power shall be provided to the following equipment:

1. Pressurization equipment, mechanical equipment and lighting.
2. Elevator operating equipment.
3. Fire alarm and smoke detection systems.

[Add] [Add]

1203.2.22 Smokeproof Enclosures and Stair Pressurization Alternative. Standby power shall be provided for smokeproof enclosures, stair pressurization alternative and associated automatic fire detection systems as required by the International Building Code, Section 909.20.6.2.

[Add] [Add]

1203.2.23 Elevator Pressurization. Standby power shall be provided for elevator pressurization system as required by the International Building Code, Section 909.21.5.

[Add] [Add]

1203.2.24 Elimination of Smoke Dampers in Shaft Penetrations. Standby power shall be provided when eliminating the smoke dampers in ducts penetrating shafts in accordance with the International Building Code, Section 717.5.3, exception 2.3.

[Add] [Add]

1203.2.25 Common Exhaust Systems for Clothes Dryers. Standby power shall be provided for common exhaust systems for clothes dryers located in multistory structures in accordance with the International Mechanical Code, Section 504.10, Item 7.

[Add] [Add]

1203.2.26 Hydrogen Cutoff Rooms. Standby power shall be provided for mechanical ventilation and gas detection systems of Hydrogen Cutoff Rooms in accordance with the International Building Code, Section 421.

[Add] [Add]

1203.2.27 Means of Egress Illumination in Existing Buildings. *Emergency power shall be provided for means of egress illumination in accordance with Section 1104.5 when required by the fire code official. (90 minutes in I-2, 60 minutes elsewhere.)*

[Add] [Add]

1203.7 Energy Time Duration. Unless a time limit is specified by the Fire Code Official, in this chapter or elsewhere in this code, or in any other referenced code or standard, the emergency and standby power system shall be supplied with enough fuel or energy storage capacity for not less than 2-hour full-demand operation of the system.

Exception: Where the system is supplied with natural gas from a utility provider and is approved.

[Add] [Amend]

2304.1 Supervision of Dispensing. The dispensing of fuel at motor fuel-dispensing facilities shall be conducted by a qualified attendant or shall be under the supervision of a qualified attendant at all times or shall be in accordance with Section 2204.3. the following:

1. Conducted by a qualified attendant; and/or,
2. Shall be under the supervision of a qualified attendant; and/or
3. Shall be an unattended self-service facility in accordance with Section 2304.3.

At any time the qualified attendant of item Number 1 or 2 above is not present, such operations shall be considered as an unattended self-service facility and shall also comply with Section 2304.3.

[Delete]

2401.2 Deleted

[Add] [Amend]

2404.4 Fire protection. Spray booths and spray rooms shall be protected by an approved automatic fire-extinguishing system complying with Chapter 9. Protection shall extend to exhaust plenums, exhaust ducts and both sides of dry filters where such filters are used. Existing spray booths or spray rooms that are not already equipped with an approved

automatic fire suppression system will be required to come into compliance by January 1, 2025.

[Delete]

3103.3.1 Deleted

[Add] [Amend]

Table 3206.2 General Fire Protection and Safety Requirements. ...*Text unchanged*
footnote:

h. Not required Where storage areas are protected by either early suppression fast response (ESFR) sprinkler systems or control mode special application sprinklers with a response time index of 50 (m•s)^{1/2} or less that are listed to control a fire in the stored commodities with 12 or fewer sprinklers, installed in accordance with NFPA 13, manual smoke and heat vents or manually activated engineered mechanical smoke exhaust systems shall be required within these areas.

[Add] [Add]

Table 3206.2 General Fire Protection and Safety Requirements. Add footnote j

j. High hazard high-piled storage areas shall not exceed 500,000 square feet. A 2-hour fire wall constructed in accordance with Section 706 of the International Building Code shall be used to divide high-piled storage exceeding 500,000 square feet in area.

[Add] [Amend]

3311.1 Required access. *Approved* vehicle access for fire fighting shall be provided to all construction or demolition sites. Vehicle access shall be provided to within 100 feet (30 480 mm) of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. When fire apparatus access roads are required to be installed for any structure or development, they shall be approved prior to the time at which construction has progressed beyond completion of the foundation of any structure. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

[Amend]

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited. The restrictions of this section shall be applicable and in force throughout the territory of the City of Amarillo, Texas. The owner, lessee or occupant of the property or structure where fireworks are being stored, manufactured, sold, or used shall be deemed responsible for violating this section.

Exceptions:

1. Only when approved for fireworks displays, storage, and handling of fireworks as allowed in Section 5604 and 5608.

~~2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.~~

3. 2. The use of fireworks for approved fireworks displays as allowed in Section 5608.

4. ~~The possession, storage, sale... {Delete remainder of text}~~

[Delete] entire section

~~5609 Temporary Storage of Consumer Fireworks.~~

~~5609.1 General. Where the display or temporary storage of fireworks 1.4G (consumer fireworks) is allowed by Section 5601.1.3, Exception 4, such display or storage shall comply with the applicable requirements of NFPA 1124.~~

[Add]

SECTION 5610

ENFORCEMENT AND SEIZURE OF FIREWORKS

5610.1 General. Where the possession, manufacture, storage, sale, handling and use of fireworks is prohibited, Section 5610.1.1 through 5610.1.3 will provide remedy for violation and the destruction of fireworks.

5610.1.1 The fire department and police department are each authorized to seize, and destroy the fireworks seized, inside the city limits in violation of this chapter, in accordance with the following procedures:

1. At the time of seizing illegal fireworks inside the city limits, the Fire Marshal or police officer shall prepare an inventory of such fireworks and photograph same at the scene. All such photographs shall constitute and be evidence.
2. The Fire Marshal or police officer shall, by end of the tour of duty during which the fireworks are seized, deposit same into a receptacle dedicated for the purpose by the fire or police department. Such container shall be secure from flames, other sources of ignition, pilfering, and theft.
3. As soon as practicable thereafter, and in accordance with internal orders and procedures of the fire or police chief, all such fireworks shall be destroyed, disabled, or otherwise rendered useless by any safe method, by personnel trained in the handling of explosives or hazardous materials.

5610.1.2 The fire and police chief may adopt reasonable internal regulations and procedures for their respective departments, as necessary to implement this section.

5610.1.3 The seizure of illegal fireworks in violation of Texas Occupations Code, Chapter 2154, shall remain in custody as evidence, with destruction delayed, in accordance with the requirements and procedures of Section 2154.304, of the Texas Occupations Code.

SECTION 5609 TEMPORARY STORAGE OF CONSUMER FIREWORKS—is deleted.

[Amend]

5610.1 General. Where the possession, manufacture, storage, sale, handling and use of fireworks is prohibited, Section 5610.1.1 through 5610.1.3 will provide remedy for violation and the destruction of fireworks.

5610.1.1 ~~The fire department~~ City Marshal or their designee and police department are each authorized to seize, and destroy the fireworks seized, inside the city limits in violation of this chapter, in accordance with the following procedures:

1. At the time of seizing illegal fireworks inside the city limits, the Fire Marshal or police officer shall prepare an inventory of such fireworks and photograph same at the scene. All such photographs shall constitute and be evidence.
2. The Fire Marshal or police officer shall, by end of the tour of duty during which the fireworks are seized, deposit same into a receptacle dedicated for the purpose by the fire or police department. Such container shall be secure from flames, other sources of ignition, pilfering, and theft.
3. As soon as practicable thereafter, and in accordance with internal orders and procedures of the fire or police chief, all such fireworks shall be destroyed, disabled, or otherwise rendered useless by any safe method, by personnel trained in the handling of explosives or hazardous materials.

5610.1.2 The fire and police chief may adopt reasonable internal regulations and procedures for their respective departments, as necessary to implement this section.

5610.1.3 The seizure of illegal fireworks in violation of Texas Occupations Code, Chapter 2154, shall remain in custody as evidence, with destruction delayed, in accordance with the requirements and procedures of Section 2154.304, of the Texas Occupations Code.

[Add] [Amend]

5703.6 Piping Systems. Piping systems, and their component parts, for flammable and combustible liquids shall be in accordance with Sections 5703.6.1 through 5703.6.11. An approved method of secondary containment shall be provided for underground tank and piping systems.

[Add] [Add]

5704.2.9.5.3. Combustible liquid storage tanks inside of buildings. The maximum aggregate allowable quantity limit shall be 3,000 gallons of Class II or II III combustible liquids for storage in protected above ground tanks complying with Section 3404.2.9.7 when all the following conditions are met.

1.The entire 3,000-gallon quantity shall be in stored in protected above ground tanks;

2.The 3,000-gallon capacity shall be permitted to be stored in a single tank or multiple smaller tanks.

3.The tanks shall be located in a room protected by an automatic sprinkler system complying with Section 903.3.1.1.

4.Tanks shall be connected to fuel burning equipment, including generators, utilizing and approved closed piping system.

The quantity of combustible liquid stored in tanks complying with this section shall not be counted towards the maximum allowable quantity set forth in Table 5003.1.1(1), and such tanks shall not be located more than two stories below grade.

[Add] [Amend]

5704.2.11.4 Leak Prevention. Leak prevention for underground tanks shall comply with Sections 5704.2.11.4.1 and 5704.2.11.4.2 through 5704.2.11.4.3. An approved method of secondary containment shall be provided for underground tank and piping systems.

[Add] [Add]

5704.2.11.4.3 Observation Wells. Approved sampling tubes of a minimum 4 inches in diameter shall be installed in the backfill material of each underground flammable or combustible liquid storage tank. The tubes shall extend from a point 12 inches below the average grade of the excavation to ground level and shall be provided with suitable surface access caps. Each tank site shall provide a sampling tube at the corners of the excavation with a minimum of 4 tubes. Sampling tubes shall be placed in the product line excavation within 10 feet of the tank excavation and one every 50 feet routed along product lines towards the dispensers, a minimum of two are required.

[Add] [Amend]

5707.4 Mobile fueling areas. During fueling, the mobile fueling vehicle and point of connection to the vehicle shall not be located on public streets, *public ways* or inside *buildings*. Fueling on the roof level of parking structures or other *buildings* is prohibited. Mobile fueling sites shall be restricted to commercial, industrial, governmental, or manufacturing, where the parking area having such operations is primarily intended for employee vehicles. Mobile fueling shall be conducted for fleet fueling or employee vehicles only, not the general public. Commercial sites shall be restricted to office-type or similar occupancies that are not primarily intended for use by the public.

[Add] [Add]

6103.2.1.8 Jewelry Repair, Dental Labs and Similar Occupancies. Where natural gas service is not available, portable LP-Gas containers are allowed to be used to supply approved torch assemblies or similar appliances. Such containers shall not exceed 20-pound (9.0 kg) water capacity. Aggregate capacity shall not exceed 60-pound (27.2 kg) water capacity. Each device shall be separated from other containers by a distance of not less than 20 feet.

[Add] [Add]

6104.2 Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) [JURISDICTION TO SPECIFY].

1. Exception: In particular installations, this capacity limit shall be determined by the *fire code official*, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

2. Except as permitted in Sections 308 and 6104.3.2, LP-gas containers are not permitted in residential areas.

[Add] [Amend]

6107.4 Protecting Containers from Vehicles. Where exposed to vehicular damage due to proximity to alleys, driveways or parking areas, LP-gas containers, regulators, and piping shall be protected in accordance with NFPA-58 Section 312.

[Add] [Amend]

6109.13 Protection of Containers. LP-gas containers shall be stored within a suitable enclosure or otherwise protected against tampering. Vehicle impact protection shall be provided as required by Section 6107.4.

~~Exception: ——— Vehicle impact protection shall not be required for protection of LP-gas containers where the containers are kept in lockable, ventilated cabinets of metal construction.~~

[Add] {Amend]

Table B105.2 amend footnote a. to read as follows

- a. The reduced fire-flow shall be not less than ~~1,000~~ 1,500 gallons per minute.

[Add] [Amend]

Table C102.2 amend footnote b. to read as follows

b. Where streets are provided with median dividers that cannot be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes ~~and have a traffic count of more than 30,000 vehicles per day~~, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis.

[Add] [Amend]

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross *building area* of more than 62,000 square feet (5760 m²) shall be provided with two separate and *approved* fire apparatus access roads.

~~Exception: Projects having a gross *building area* of up to 124,000 square feet (11 520 m²) that have a single *approved* fire apparatus access road where all buildings are equipped throughout with *approved automatic sprinkler systems*.~~

Part VII. Appendices. Adoption of the following appendices:

Appendix B - Fire-Flow Requirements for Buildings.

Appendix C - Fire Hydrant Locations and Distribution.

Appendix D - Fire Apparatus Access Roads.

(Ord. No. 7359, § 1, 2, 9-4-2012; Ord. No. 7618, § 1, 8-30-2016; Ord. No. 7688, § 19, 9-12-17)

Secs. 10-2-17—10-2-30. Reserved.

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

SECTION 2. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 3. Continuation. That nothing in this ordinance or any code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance.

SECTION 4. Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

SECTION 5. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2023.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of September, 2023; and PASSED on Second and Final Reading the 10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8085

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article I, Section 4-3-21 to adopt the 2021 edition of the International Mechanical Code, with amendments regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; providing for the issuance of permits and collection of fees, and related matters.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also, staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades from 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

Below are dates we held public meetings on zoom and in person:

February 7, 2020
May 15, 2020
May 29, 2020
June 12, 2020

June 25, 2020
July 23, 2020
August 6, 2020
August 19, 2020
September 3, 2020
October 8, 2020
October 22, 2020
November 19, 2020
November 23, 2020
December 17, 2020
May 13, 2021
June 23, 2021
July 8, 2021
July 22, 2021
September 2, 2021
September 16, 2021
September 30, 2021
October 21, 2021
November 4, 2021
November 18, 2021
December 2, 2021
January 27, 2022
February 17, 2022
March 3, 2022
May 26, 2022
May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance No. 8085 (draft)

ORDINANCE NO. 8085

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE I, SECTION 4-3-21 IS AMENDED TO ADOPT THE 2021 EDITION OF THE *INTERNATIONAL MECHANICAL CODE*, WITH AMENDMENTS REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES, AND RELATED MATTERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council now finds it is in the best interest of the public health, safety, and welfare to adopt the 2021 edition of the *International Mechanical Code* (published by the International Code Council) with certain amendments.

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

SECTION 1. That Chapter 4-3, Article I, Section 4-3-21 be and hereby amended, to now read as follows:

Sec. 4-3-21. Mechanical Code adopted; amendments.

(a) *Code adopted.* There is hereby adopted by reference as is fully set out in the *International Mechanical Code*, 2021 edition, published by the International Code Council with the following amendments, copies of which shall be maintained by the Building Official:

Section 101.1. Amend to read as follows:

R101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Amarillo hereinafter referred to as "this code."

[Amend] section 102.8 to read as follows

102.8 Referenced Codes and Standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes (when specifically adopted), and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 shall mean the Electrical Code as adopted.

[Strike] location change in the 2021 code

Section 106.5. Amend to read as follows:

Section 106.5.2 Fee schedule. The fees shall be as provided in Chapter 4-1 of the Municipal Code of Ordinances.

Section 106.5.3. Delete section.

Section 108.4. Delete section.

Section 108.5. Amend to read as follows:

108.5 Stop work orders. Upon notice from the code official that mechanical work that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as specified in the Municipal Code of Ordinances.

[Amend] [A] Section 109.2 to read as follows:

Section [A]109.2 Schedule of permit fees, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority Chapter 4-1, Article I, Division 1, Section 4-1-1 thru 4-1-4 of the City of Amarillo Municipal Code.

[Amend] 109.4 to read as follows:

[A] 109.4 Work commencing before permit issuance. Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to a fee established by Chapter 4-1 of the City of Amarillo Municipal code that shall be in addition to the required permit fees.

[Amend] to read as follows:

[A] 109.6 Refunds. ~~The code official is authorized to establish a refund policy.~~ Refund Policy is as established in section 4-1 of The City of Amarillo Municipal code.

[Amend]

[A] 113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~subject to fines established by the authority having jurisdiction.~~ liable for a fine as specified in Section 4-1 City of Amarillo Municipal Code.

[Delete] section 114 delete entire section

114 Means of Appeals

[Insert] the following

Section 114 Means of Appeal

114.1 Application for appeal. Any person shall have the right to appeal a decision of the Code Official to the Construction Advisory and Appeals Commission established by Municipal ordinance. The Commission shall be governed by the enabling ordinance.

[Amend] to read as follows

306.3 Appliances in attics. Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall be not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. In new construction, access is required to be provided by one of the following methods.

1. A permanent stair.
2. A pull-down stair with a minimum 300 lb. (136 kg) capacity.
3. An access door from an upper floor level

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length. ~~the passageway shall be not greater than 50 feet (15 250 mm) in length.~~

[Amend] to read as follows

306.3.1 Electrical requirements. A luminaire controlled by a switch located at the required passageway

opening with additional luminaires placed every 20' and a receptacle outlet shall be installed at or near the appliance location in accordance with NFPA 70. Exposed lamps shall be protected from damage by location or lamp guards.

Section 307.3. Amend to read as follows:

306.5 Equipment and Appliances on Roofs or Elevated Structures. Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4,877 mm) above grade to access, an interior or exterior means of access shall be provided. Exterior ladders providing roof access need not extend closer than 12 feet (2,438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall . . . {Bulk of section to read the same} . . . on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope).... {Remainder of text unchanged}

[Amend] to read as follows

306.5.1 Sloped Roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of three units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1,067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code... {remainder of text unchanged}.

[Add] section 306.6 to read as follows

306.6 Water Heaters Above Ground or Floor. When the mezzanine or platform in which a water heater is installed is more than eight (8) feet (2,438 mm) above the ground or floor level, it shall be made accessible by a stairway or permanent ladder fastened to the building.

Exception: A maximum 10-gallon water heater (or larger with approval) is capable of being accessed through a lay-in ceiling and the water heater installed is not more than ten (10) feet (3,048 mm) above the ground or floor level and may be reached with a portable ladder.

[Amend] Section 307.2.3 item 2. As follows.

307.2.3 Auxiliary and secondary drain systems. *{text unchanged}*

1. *{text unchanged}*....

2. A separate overflow drain line shall be connected to the drain pan provided with the equipment. Such overflow drain shall discharge to a conspicuous point of disposal to alert occupants in the event of a stoppage of the primary drain. The overflow drain line shall connect to the drain pan at a higher level than the primary drain connection. However, the conspicuous point shall not create a hazard such as dripping over a walking surface or other areas so as to create a nuisance.

{remainder of section unchanged}.....

307.3 Condensate Pumps. Condensate pumps located in uninhabitable space, such as attics and crawl spaces, shall be connected to the appliance or equipment served such that when the pump fails, the appliance or equipment will be prevented from operating. Pumps shall be installed in

accordance with the manufacturer's instructions and shall not prevent the operation of fuel fired appliances.

Section 307.4. Amend to read as follows:

307.4 Auxiliary drain pan. Category IV condensing appliances shall have an auxiliary drain pan where damage to any building component will occur as a result of stoppage in the condensate drainage system or failure of a condensate pump. These pans shall be installed in accordance with the applicable provisions of Section 307.2.3 item (1.) and be provided under condensate pumps.

[Add] Section 403.2.1 item 5 as follows

4. Toilet rooms within private dwellings that contain only a water closet, lavatory, or combination thereof may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

[Add][Amend]

501.3 Exhaust Discharge. The air removed by every mechanical exhaust system shall be discharged outdoors at a point where it will not cause a public nuisance and not less than the distances specified in Section 501.3.1. The air shall be discharged to a location from which it cannot again be readily drawn in by a ventilating system. Air shall not be exhausted into an attic, crawl space, or be directed onto walkways.

Exceptions:

1. Whole-house ventilation-type attic fans shall be permitted to discharge into the attic space of dwelling units having ventilated private attics.

2. Commercial cooking recirculating systems.

3. Where installed in accordance with the manufacturer's instructions and where mechanical or natural ventilation is otherwise provided in accordance with Chapter 4, listed and labeled domestic ductless range hoods shall not be required to discharge to the outdoors.

4. Toilet room exhaust ducts may terminate in a warehouse or shop area when infiltration of outside air is present.

[Amend]

Section 918. Add section to read as follows:

~~918.1-2~~ 2.1 Total electric heating. Primary central heating and cooling forced air systems utilizing only electric heat shall utilize heat pumps.

SECTION 2. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining

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

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

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

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

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2023.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of September, 2023; and PASSED on Second and Final Reading the 10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8086

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article III, Section 4-3-31 to adopt the 2021 edition of the International Residential Code, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in; providing for the issuance of permits and collection of fee.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also, staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades from 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

Below are dates we held public meetings on zoom and in person:

February 7, 2020
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July 8, 2021
July 22, 2021
September 2, 2021
September 16, 2021
September 30, 2021
October 21, 2021
November 4, 2021
November 18, 2021
December 2, 2021
January 27, 2022
February 17, 2022
March 3, 2022
May 26, 2022
May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance No. 8086 (draft)

ORDINANCE NO. 8086

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE III, SECTION 4-3-31 TO ADOPT THE 2021 EDITION OF THE *INTERNATIONAL RESIDENTIAL CODE*, REGULATING AND GOVERNING THE CONSTRUCTION, ALTERATION, MOVEMENT, ENLARGEMENT, REPLACEMENT, REPAIR, EQUIPMENT, LOCATION, REMOVAL AND DEMOLITION OF DETACHED ONE AND TWO FAMILY DWELLINGS AND MULTIPLE SINGLE FAMILY DWELLINGS (TOWNHOUSES) NOT MORE THAN THREE STORIES IN HEIGHT WITH SEPARATE MEANS OF EGRESS IN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council now finds it is in the best interests of public health, safety, and welfare to adopt the 2021 edition of the *International Residential Code*;

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

SECTION 1. That Chapter 4-3, Article III, Section 4-3-31 be and hereby amended, to now read as follows:

Sec. 4-3-31. Applicability; adoption of residential code; amendments.

- (a) This section is applicable to all structures within the City described herein as one-and two-family dwellings and townhouses not more than three (3) stories in height.
- (b) There is hereby adopted the *International Residential Code*, ~~2015~~ 2021 edition (as published by the International Code Council), excluding Part VIII Electrical (Chapters 34-43), and including Appendices A-J, copies of which shall be maintained by the Building Official, with the following amendments:

R101.1 Title. Insert "City of Amarillo".

[Amend] Section R102.4 as follows

R102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections R102.4.1 and R102.4.2. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the amendments as well. Any reference made to NFPA 70 or the Electrical Code shall mean the Electrical Code as adopted.

[Insert]

R103.1 Creation of enforcement agency. The City of Amarillo Department of Building Safety is hereby created and the official in charge thereof shall be known as the Building Official.

[Delete] to align with the Municipal code

~~R104.10.1 Flood hazard areas. The *building official* shall not grant modifications to any provisions required in flood hazard areas as established by Table R301.2 unless a determination has been made that:~~

- ~~1. There is good and sufficient cause showing that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section R322 inappropriate.~~
- ~~2. Failure to grant the modification would result in exceptional hardship by rendering the lot undevelopable.~~
- ~~3. The granting of modification will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.~~
- ~~4. The modification is the minimum necessary to afford relief, considering the flood hazard.~~
- ~~5. Written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the design flood elevation increases risks to life and property, has been submitted to the applicant.~~

R104.12 Contractor Registration. The Building Official shall receive applications from and register contractors according to the rules adopted by the City in Chapter 4-1 of the Amarillo Municipal Code.

R105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit prior to start of demolition or construction activity.

Building permits issued to either registered contractors, or Homeowners. Building permits for construction of, alterations of, or additions to buildings and structures shall only be issued to either:

1. A residential building contractor registered in accordance with Chapter 4-1 of the Amarillo Municipal Code, or
2. A Homeowner, for work to be done on his property, when the Homeowner is acting as his own building contractor.

[Amend] Section R105.2 #5 to read as follows

R105.2 Work exempt from permit. Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet (18.58 m²).
2. Fences not over 8 feet (2438mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and Driveways located within private property lot lines.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet (18.58m²) in area, that are not more than 30 inches (762 mm) above *grade* at any point, are not attached to a *dwelling* and do not serve the exit door required by Section R311.4.

[Delete] Addressed in municipal Code

~~R105.3.1.1 Determination of substantially improved or substantially damaged existing buildings in flood hazard areas. For applications for reconstruction, rehabilitation, addition, alteration, repair or other improvement of existing buildings or structures located in a flood hazard area as established by Table R301.2, the building official shall examine or cause to be examined the construction documents and shall make a determination with regard to the value of the proposed work. For buildings that have sustained~~

damage of any origin, the value of the proposed work shall include the cost to repair the building or structure to its predamaged condition. If the *building official* finds that the value of proposed work equals or exceeds 50 percent of the market value of the building or structure before the damage has occurred or the improvement is started, the proposed work is a substantial improvement or *repair* of substantial damage and the building official shall require existing portions of the entire building or structure to meet the requirements of Section R322. For the purpose of this determination, a substantial improvement shall mean any *repair*, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or *repair* is started. Where the building or structure has sustained substantial damage, repairs necessary to restore the building or structure to its predamaged condition shall be considered substantial improvements regardless of the actual repair work performed. The term shall not include either of the following:

1. Improvements to a building or structure that are required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to ensure safe living conditions.
2. Any *alteration* of a *historic building* or structure, provided that the *alteration* will not preclude the continued designation as a *historic building* or structure. For the purposes of this exclusion, a *historic building* shall be any of the following:
 - 2.1. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places.
 - 2.2. Determined by the Secretary of the US Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district.
 - 2.3. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

[Delete]

R106.1.4 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by Table R301.2, *construction documents* shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate.
2. The elevation of the proposed lowest floor, including *basement*; in areas of shallow flooding (AO Zones), the height of the proposed lowest floor, including *basement*, above the highest adjacent *grade*.

~~3. The elevation of the bottom of the lowest horizontal structural member in coastal high-hazard areas (V Zone) and in Coastal A Zones where such zones are delineated on flood hazard maps identified in Table R301.2 or otherwise delineated by the jurisdiction.~~
~~4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.~~

[Strike] from ordinance to align with State HB 852

~~108.3 Building permit valuations. Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor. Final building permit valuation shall be set by the building official in accordance with the most current Building Valuation Data as published by the International Code Council or approved statements sufficient to clearly document all construction costs.~~

R108.5 Refunds. Fee refunds shall be made in accordance with Chapter 4-1 of the Municipal Code.

[Amend]

~~R108.2 R109.2 Schedule of permit fees.~~ On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule of fees in Chapter 4-1 of the Amarillo Municipal Code.

[Delete]

~~R109.3 Permit valuations.- Delete entire section in line with State of Texas H.B. 852~~

[Amend]

~~R112 Board of Appeals.~~ Construction Advisory and Appeals Board. Commission See, Chapter 2-6, of the Amarillo Municipal Code.

[Add] [Amend]

R202 Townhouse. A single-family dwelling unit constructed in a group of three or more attached units separated by property lines in which each unit extends from foundation to roof and with a yard or public way on at least two sides.

[Amend] [Add]

R302.1 Exterior walls.

6. Zero lot line structures platted in accordance with the City of Amarillo Zoning Ordinance. The following specific provisions shall apply:
 - 6.1 Exterior wall finish shall be brick veneer, masonry units or other approved materials.
 - 6.2 Soffit material shall be of approved material.
 - 6.3 Roof ventilation openings not permitted underside of soffit.
 - 6.4 Plumbing cleanout allowed when required.
 - 6.5 Allowance of openings constructed of masonry unit glass: single opening maximum 9 square feet or up to three (3) openings; each a maximum of 4 square feet, spaced minimum 24 inches apart.
7. Open non-combustible carport structures may be constructed when also approved within adopted ordinances.

[Amend] Table R301.2.(1)

Table R301.2.(1) amended as follows: Delete Manual J design criteria from table and footnote N

TABLE R301.2 (1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Design				Seismic Design Category	Subject To Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
	Speed	Topographic effects	Special wind debris zone	Wind-borne debris zone		Weathering	Frost line depth	Termite					
20 psf	115 mph	NO	NO	NO	B	Moderate	18"	Moderate to heavy	20°	NO	AM C 4-8	311	57.2°

[Amend] R302.5.1 to read as follows

R302.5.1 Opening protection. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1-3/8 inches (35 mm) in thickness, solid or honeycomb core steel doors not less than 1-3/8 inches (35 mm) thick, or 20-minute fire-rated doors. ~~Doors shall be self-latching and equipped with a self-closing or automatic closing device.~~

[Amend] Section R303.3 to read as follows

R303.3 Bathrooms. Bathrooms, water closet compartments and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 square feet (0.3

M2), one-half of which shall be openable.

Exception: The glazed areas shall not be required where artificial light and a local exhaust system are provided. The minimum local exhaust rates shall be determined in accordance with Section M1505. Exhaust air from the space shall be exhausted directly to the outdoors. Spaces containing only a water closet or water closet and a lavatory may be ventilated with an approved mechanical recirculating fan or similar device designed to remove odors from the air.

[Add] Section R306.5 to read as follows

R306.5 Walls containing Drain, waste, or vent piping shall be constructed with a minimum of 2x6 framing members.

[Amend] Section R310.1 to read as follows

R310.1 Exception. Storm shelters and basements used only to house mechanical equipment and not exceeding total floor area of ~~200~~ 400 square feet (37.16m²).

[Delete] to align with State Law

R313. Automatic Fire Sprinkler Systems. Delete entire Section.

[Amend] Section 315.2.2 to delete exception 3

R315.2.2 Alterations, repairs and additions. Where alterations, repairs or additions requiring a permit occur, or where one or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be equipped with carbon monoxide alarms located as required for new dwellings.

Exceptions:

1. Work involving the exterior surfaces of dwellings, such as the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing systems when all such work occurs on the exterior of dwellings, such as water or sewer lines, or lawn irrigation systems are exempt from the requirements of this section.
- ~~3. Installation, alteration or repairs of mechanical systems that are not fuel fired.~~

[Amend] to read as follows

R315.3 Carbon monoxide alarms. Carbon monoxide alarms in dwelling units shall be installed outside of each separate sleeping area in the immediate vicinity of the bedrooms. Where a fuel-burning appliances is located within a bedroom or its attached bathroom, a carbon monoxide alarm shall be installed within the bedroom. Approved alarms shall be installed in accordance with manufacturers' installation instructions or located on the wall or ceiling at a height no less than 42 inches above floor, avoiding locations near heating/cooling vents or areas which provide turbulent airflow, and minimum 36 inches away from openings to areas of high humidity. Avoid installing CO alarms in kitchens or above fuel-burning appliances.

[Amend] To read as follows

R319 Address identification. Buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102mm) in height with a stroke width of not less than 0.5 inch (12.7mm). Where required by the building code official, address identification shall be provided in additional approved locations facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

[Strike] [Delete} strike from this ord. and delete from code

Section R322 Flood resistant construction

~~*R322.1 General.* Buildings and structures constructed in whole or in part in flood hazard areas (including A or V Zones) as established in Table R301.2(1) shall be designed and constructed in accordance with the provisions contained in this section. Buildings and structures located in whole or in part in identified floodways shall be designed and constructed in accordance with ASCE 24. The City Engineer is designated as the Floodplain Manager. The Floodplain Manager is responsible for determining base flood elevation and associated permitting requirements. Any references within Section 322 Flood-Resistant Construction to the building official will have similar meaning as to the Floodplain Manager.~~

[Strike] [Delete]

~~*R322.2 Flood hazard areas (including A Zones).* All areas that have been determined to be prone to flooding but not subject to high-velocity wave action shall be designated as flood hazard areas. Flood hazard areas that have been delineated as subject to wave heights between 1 1/2 feet (457 mm) and 3 feet (914 mm) shall be designated as Coastal A Zones. All building and structures constructed in whole or in part in flood hazard areas shall be designed and constructed in accordance with Sections R322.2.1 through R322.2.3~~

[Add] [Amend]

R322 Flood hazard areas elevation certificate required.

One and two family dwellings located in a flood zone/area must have a finish floor elevation certificate; the certificate/documentation shall be sealed by a State of Texas licensed Engineer.

[Amend]

R401.2 Requirements. Foundation construction shall be capable of accommodating all loads according to Section R301 and of transmitting the resulting loads to the supporting soil. Fill soils that support footings and foundations shall be designed, installed and tested in accordance with accepted engineering practice. Gravel fill used as footings for wood and precast concrete foundations shall comply with Section R403. Concrete foundations will be

designed by registered design professional licensed in the State of Texas or constructed in compliance with the ~~2015~~ 2017 Panhandle Residential Foundation Manual.

R405.1 Concrete or masonry foundations. Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least 1 foot (305 mm) beyond the outside edge of the footing and 6 inches (152 mm) above the top of the footing and be covered with an *approved* filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an *approved* filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on a minimum of 2 inches (51mm) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.

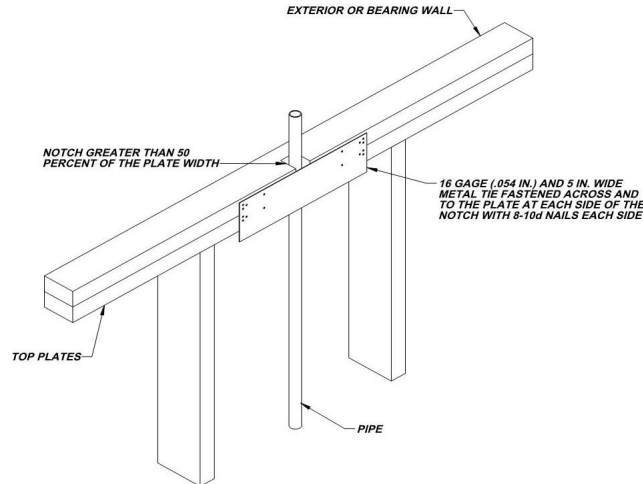
Exception: A drainage system is not required when the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1 or constructed in accordance with the ~~2012~~ 2017 Panhandle Residential Foundation Manual.

[Add] [Amend]

R602.6.1 Drilling and notching of top plate. When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 Ga) and 1 ½ inches (38) mm 5 inches (127 mm) wide shall be fastened across and to the plate at each side of the opening with not less than eight 10d (0.148 inch diameter) ~~nails having a minimum length of 1½ inches (38 mm) or eight (#10) wood screws having a minimum length of not less than 1½ inch (38 mm)~~ at each side or equivalent as approved by the Code Official. Fasteners will be offset to prevent splitting of the top plate material. The metal tie must extend a minimum of 6 inches past the opening. See figure R602.6.1. {Remainder unchanged}

[Add] [Amend]

Figure 602.6.1
TOP PLATE FRAMING TO ACCOMMODATE PIPING



R905.7.1 Deck requirements. Wood shingles shall be used only on solid sheathing.

R905.8.1 Deck requirements. Wood shakes shall be used only on solid sheathing.

908.1 General. Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9, including but not limited to decking, flashing, and ventilation.

Table R905.8.5 amended as follows:

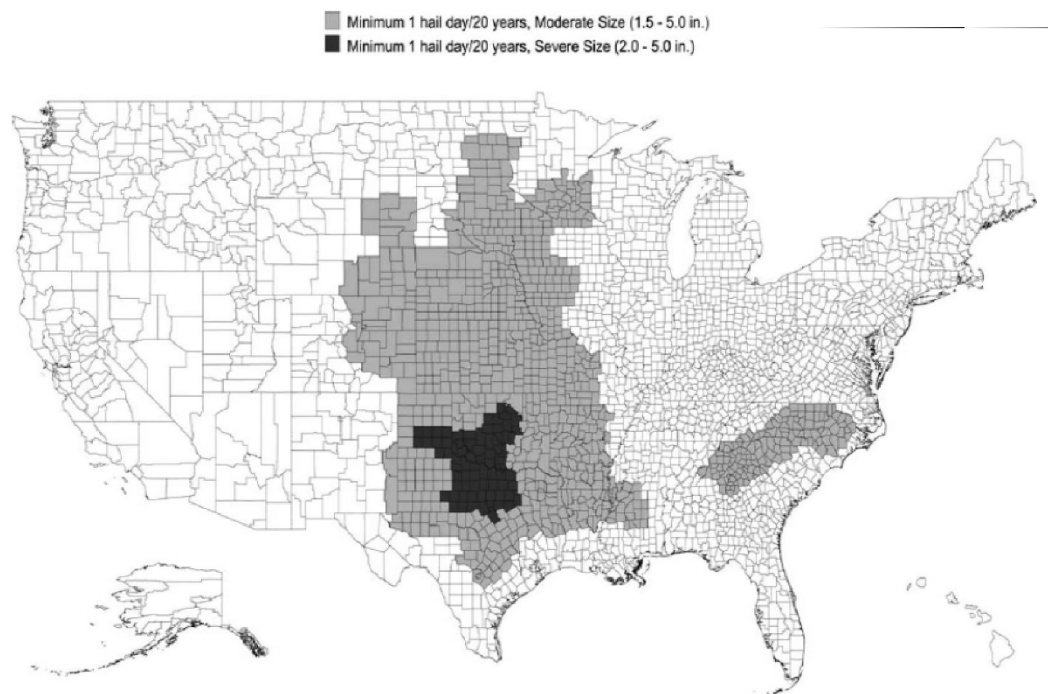
TABLE R905.8.5 WOOD SHAKE MATERIAL REQUIREMENTS

MATERIAL	MINIMUM GRADES	APPLICABLE GRADING RULES
Wood shakes of naturally durable wood	1	Cedar Shake and Shingle Bureau
Taper sawn shakes and shingles of naturally durable wood	1	Cedar Shake and Shingle Bureau
Preservative-treated shakes and shingles of naturally durable wood	1	Cedar Shake and Shingle Bureau
Fire-retardant-treated shakes of naturally durable wood	1	Cedar Shake and Shingle Bureau
Preservative-treated taper sawn shakes of Southern pine treated in accordance with AWPAs Standard U1 (Commodity Specification A, Use Category 3B and section 5.6)	1 or 2	Forest Products Laboratory of the Texas Forest Services

R908.3.1.1. A roof re-cover shall not be permitted where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.
4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to Figure R908.3.1.1.

908.3.1.1 HAIL EXPOSURE FIGURE MAP



[Add] [Amend]

R908.1 General. Materials and methods of application used for re-covering or replacing an existing roof covering shall comply with the requirements of Chapter 9, including but not limited to decking, flashing, and ventilation.

[Strike] [Delete]

Chapter 11 of the IRC 2021 in its entirety. Refer to IECC 2015

~~N1102.1 (R402.1) General (Prescriptive). The building thermal envelope shall meet the requirements of N1102.1.1 through N1102.1.4 as amended until December 31, 2017.~~

Effective January 1, 2018 Table N1102.1.2 and Table N1102.1.4 will be in effect as printed in 2015 IRC.

TABLE N1102.1.2 (R402.1.2) INSULATION AND FENESTRATION REQUIREMENTS
BY COMPONENT^a

Climate Zone	Fenestration U-Factor	Skylight ^b U-Factor	Glazed Fenestration SHGC ^{b,e}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab ⁴ R-Value & Depth	Crawl Space Wall R-Value
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13 + 5 ^h	8/13	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.55	0.40	40	15 or 13 + 1 ^h	8/13	19	10/13	5, 12 in.	10/13
5 and Marine 4	0.32	0.55	NR	49	20 or 13 + 5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.32	0.55	NR	49	20 + 5 or 13 40 10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	49	20 + 5 or 13 + 10 ^h	19/21	38 ^g	15/19	10, 4 ft	15/19

Footnotes shall remain unchanged.

TABLE N1102.1.4 (R402.1.4)
EQUIVALENT U-FACTORS^a

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Ceiling U-Factor	Frame Wall U-Factor	Mass Wall U-Factor ^b	Floor U-Factor	Basement Wall U-Factor	Crawl Space Wall U-Factor
1	0.50	0.75	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.030	0.084	0.165	0.064	0.360	0.477
3	0.35	0.55	0.030	0.060	0.098	0.047	0.091 ^e	0.136
4 except Marine	0.35	0.55	0.026 0.028	0.060 0.070	0.098	0.047	0.059	0.065

5 and Marine 4	0.32	0.55	0.026	0.060	0.082	0.033	0.059	0.055
6	0.32	0.55	0.026	0.045	0.060	0.033	0.050	0.055
7 and 8	0.32	0.55	0.026	0.045	0.057	0.028	0.050	0.055

Footnotes shall remain unchanged.

N1102.2.1 (R402.2.1) Ceilings with attic spaces. Where Section N1102.1.1 would require 40 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-40 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. This reduction shall not apply to the U-factor alternative approach in Section N1102.1.3 and the total UA alternative in Section N1102.1.4.

N1103.3.3 (R403.3.3) Duct Testing (Mandatory). Ducts shall be pressure tested to determine air leakage by one of the following methods:

1. ~~Rough-in test: Total leakage shall be measured with a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure if installed at the time of the test. All registers shall be taped or otherwise sealed during the test.~~
2. ~~Postconstruction test: Total leakage shall be measured with a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.~~

~~*Exception:* A duct air leakage test shall not be required where the ducts and air handlers are located entirely within the building thermal envelope.~~

~~Duct testing to be done by a company/person who is certified by a recognized accreditation organization and their equipment be recertified on an annual basis. Contractors who choose not to attain the required certification or use the proper testing tools will be required to engage the services of a certified tester.~~

~~A written report of the results of the test shall be signed by the party conducting the test and provided to the code official.~~

[Amend] to read as follows

M1305.1.2 Appliances in attics. Attics containing appliances shall be provided . *{Bulk of paragraph unchanged}* . . . side of the appliance. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. As a minimum, for access to the attic space, provide one of the following: In new construction, access is required to be provided by one of the following methods.

1. A permanent stair.
2. 1. A pull-down stair with a minimum 300 lb. (136 kg) capacity.
3. 2. An access door from an upper floor level.

Exceptions:

1. The passageway and level service space are not required where the appliance can be serviced and removed through the required opening.

2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length. ~~the passageway shall be not more than 50 feet (15 250 mm) long.~~

[Amend] to read as follows

M1305.1.2.1 Electrical requirements. A luminaire controlled by a switch located at the required passageway opening with additional luminaires placed every 20' and a receptacle outlet shall be installed at or near the appliance location in accordance with Chapter 39. Exposed lamps shall be protected from damage by location or lamp guards.

M1402.4 Total Electric Heating. Primary central heating and cooling forced air systems utilizing only electric heat shall utilize heat pumps.

[Amend] to add exception

M1411.3.1.1 Water-level monitoring devices. *{Existing text to remain}*

Exception: Install a tee fitting so a water level detection device will not restrict the flow of water and still shut down the unit if a stoppage occurs.

[Strike] from ordinance

~~*M1411.4 Condensate Pumps.* Condensate pumps located in uninhabitable space, such as attics and crawl spaces, shall be connected to the appliance or equipment served such that when the pump fails, the appliance or equipment will be prevented from operating. Pumps shall be installed in accordance with the manufacturer's instructions and shall not prevent the operation of fuel fired appliances.~~

M1411.5 Auxiliary drain pan. Category IV condensing appliances shall have an auxiliary drain pan where damage to any building component will occur as a result of stoppage in the condensate drainage system or failure of a condensate pump. These pans shall be installed in accordance with the applicable provisions of section M1411.3.1 item (1.) and be provided under condensate pumps.

[Amend]

M1503.6 Makeup air required. Where one or more gas, liquid or solid fuel-burning appliance that is neither direct-vent nor uses a mechanical draft venting system is located within a dwelling unit's air barrier, each exhaust system capable of exhausting in excess of 400 cubic feet per minute (0.19 m³/s) shall be mechanically or passively provided with makeup air at a rate approximately equal to the difference between exhaust air rate and 400 cubic feet per

minute. Such makeup air systems shall be equipped with not fewer than one damper complying with Section M1503.6.2.

Exception: Makeup air is not required for exhaust systems installed for the exclusive purpose of space cooling and intended to be operated only when windows or other air inlets are open. Where all appliances in the house are of sealed combustion, power-vent, unvented, or electric, the exhaust hood system shall be permitted to exhaust up to 600 cubic feet per minute (0.28 m3/s) without providing makeup air. Exhaust hood systems capable of exhausting in excess of 600 cubic feet per minute (0.28 m3/s) shall be provided with a makeup air at a rate approximately to the difference between the exhaust air rate and 600 cubic feet per minute.

[Amend]

M2005.2 Prohibited locations. Fuel-fired water heaters shall not be installed in a room used as a storage closet. Water heaters located in a bedroom or bathroom shall be installed in a sealed enclosure so that combustion air will not be taken from the living space. Access to such enclosure may be from the bedroom or bathroom when through a solid door, weather-stripped in accordance with the exterior door air leakage requirements of the International Energy Conservation Code. Installation of direct-vent water heaters within an enclosure is not required.

[Amend]

G2415.12 (404.12) Minimum burial depth. Underground piping systems shall be installed a minimum depth of ~~12 inches (305 mm)~~ 18 inches (457 mm) below grade to top of pipe, ~~except as provided for in Section G2415.12.1.~~

[Delete]

G2415.12.1 (404.12.1) Individual Outdoor Appliances; *{Delete in its entirety}*

[Amend]

G2417.1 (406.1) General. Prior to acceptance and initial operation, all piping installations shall be inspected and pressure tested to determine that the materials, design, fabrication, and installation practices comply with the requirements of this code. The permit holder shall make the applicable tests prescribed in Sections 2417.1.1 through 2417.1.5 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice to the Code Official when the piping system is ready for testing. The equipment, material, power and labor necessary for the inspections and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests.

[Amend]

G2417.1.2 (406.1.2) Repairs and additions. In the event repairs or additions are made after the pressure test, the affected piping shall be tested.

~~Minor repairs and additions are not required to be pressure tested provided that the work is inspected and connection are tested with a noncorrosive leak-detecting fluid or other approved leak-detecting methods.~~

[Amend]

G2417.4.2 (406.4.2) Test duration. The test duration shall be held for a length of time satisfactory to the Building Official, but in no case for ~~be not less than ten (10) fifteen (15)~~ minutes but not longer than sixty (60) minutes. ~~For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa), the test duration shall be held for a length of time satisfactory to the Building Official, but in no case for less than thirty (30) minutes.~~

[Add] Section G2420.1.4 to read as follows

G2420.1.4 Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

[Amend]

G2445.2 (621.2) Prohibited use. One or more unvented room heaters shall not be used as the sole source of comfort heating in a dwelling unit.

Exception: Existing approved unvented room heaters may continue to be used in dwelling units, in accordance with the code provisions in effect when installed, when approved by the Building Official unless an unsafe condition is determined to exist as described in International Fuel Gas Code Section 108.7 of the Fuel Gas Code.

[Amend]

G2448.1.1 (624.1.1) Installation requirements. The requirements for water heaters relative to sizing, relief valves, drain pans and scald protection shall be in accordance with this code or per Code Official.

[Strike]

~~P2503.6 Shower liner test. Where shower floors and receptors are made watertight by the application of materials required by Section P2709.2, the completed liner installation shall be tested prior to the installation of the shower floor covering. The pipe from the shower drain shall be plugged watertight for the test. The floor and receptor area shall be filled with potable water to a depth of not less than 2 inches (51mm) measured at the threshold. Where a threshold of not less than 2 inches (51mm) in height does not exist, a temporary threshold shall be constructed to retain the test water in the lined floor or receptor area to a level not less than 2 inches (51mm) in depth measured at the threshold. The water shall be retained for a test period of not less than 15 minutes and there shall not be evidence of leakage.~~

[Amend]

2503.5.1 *Rough Plumbing.* DWV systems shall be tested on completion of the rough piping installation by water, ~~by air for piping systems other than plastic, or by a vacuum of air for plastic piping systems,~~ without evidence of leakage. The test shall be applied to the drainage system in it's entirety or in sections after rough-in piping has been installed, as follows:

1. *Water test.* Each section shall be filled with water to a point not less than ~~40~~ 5 feet (3048 1524 MM) above the highest fitting connection in that section, or to the

highest point in the completed system. Water shall be held in the section under test for a period of 15 minutes. The system shall prove leak free by visual inspection.

~~2. *Air test.* The portion under test shall be maintained at a gauge pressure of 5 pounds per square inch (psi) (34 kPa) or 210 inches of mercury column (34 kPa). This pressure shall be held without the introduction of additional air for a period 15 minutes.~~

~~3. *Vacuum test.* The portion under test shall be evacuated of air by a vacuum-type pump to achieve a uniform gauge pressure of 5 pounds per square inch or a negative 10 inches of mercury column (- 34 kPa). This pressure shall be held without removal of additional air for a period of 15 minutes.~~

[Amend]

P2603.3 Protection against corrosion. Metallic piping, except for cast iron, ductile iron and galvanized steel, shall not be placed in direct contact with steel framing members, concrete or cinder walls and floors or other masonry. Metallic piping shall not be placed in direct contact with corrosive soil. Where sheathing is used to prevent direct contact, the sheathing shall have a thickness of not less than 0.008 inch (8 mil) (0.203 mm) and the sheathing shall be made of approved material plastic. Where sheathing protects piping that penetrates concrete or masonry walls or floors, the sheathing shall be installed in a manner that allows movement of the piping within the sheathing.

[Amend]

P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 12 inches (305 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 12 inches (305 mm) below grade or per code official.

[Amend] to read as follows

Section P2801.6.1 Pan size and drain. The pan shall be not less than 1½ inches (38 mm) in depth and shall be of sufficient size and shape to receive all dripping or condensate from the tank or water heater. The pan shall be drained by an indirect waste pipe having a diameter of not less than ¾ inch (19 mm). Piping for safety pan drains shall be of those materials listed in Table P2906.5. Multiple pan drains may terminate to a single discharge piping system when approved by the administrative authority and permitted by the manufactures installation instructions and installed with those instructions. {Existing text unchanged}

[Amend]

Section P2804.6.1 Requirements for discharge piping. The discharge piping serving a pressure relief valve, temperature relief valve or combination valve shall:

1. Not be directly connected to the drainage system.

2. Discharge through an air gap located in the same room as the water heater.
3. Not be smaller than the diameter of the outlet of the valve served and shall discharge full size to the air gap.
4. Serve a single relief device and shall not connect to piping serving any other relief device or equipment.
5. Discharge to the floor, to the pan serving the water heater or storage tank, to a waste receptor or an approved location or to the outdoors.

{Remainder of text unchanged}

Local Amendments:

1. Use of flexible copper on discharge piping serving a pressure-relief valve, temperature-relief valve or combination valve is prohibited.
2. When a water heater is located in the interior of a building/residence with no method to drain the pan according to this code, a water alarm and/or automatic shut-off device shall be installed.
3. If the discharge piping serving a pressure-relief valve, temperature-relief valve or combination valve is unable to be discharged to the outside according to this code, alternate discharge means or methods may be approved by the Code Official on a case by case basis.

[Add] [Amend]

P2902.5.3 Lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double-check assembly or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

[Strike] from ordinance only

~~P3002.1 Piping within buildings. Drain, waste and vent (DWV) piping in buildings shall be as shown in Tables P3002.1(1) and P3002.1(2) except that galvanized wrought-iron or galvanized steel pipe shall not be used underground and shall be maintained not less than 6 inches (152 mm) above ground. Allowance shall be made for the thermal expansion and contraction of plastic piping.~~

TABLE P3002.1(1) ABOVE-GROUND DRAINAGE AND VENT PIPE

PIPE	STANDARD
Acrylonitrile butadiene styrene (ABS) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid, or composite wall	ASTM D 2661; ASTM F 628; ASTM F 1488; CSA B181.1
Cast-iron pipe	ASTM A 74; CISPI 301; ASTM A 888
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, L, M or DWV)	ASTM B 75; ASTM B 88; ASTM B

	251; ASTM B 306
Galvanized steel pipe	ASTM A 53
Polyolefin pipe	CSA B181.3
Polyvinyl chloride (PVC) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid, or composite wall	ASTM D 2665; ASTM F 891; CSA B181.2; ASTM F 1488
Polyvinyl chloride (PVC) plastic pipe with a 3.25 inch O.D. and a solid, or composite wall	ASTM D 2949; ASTM F 1488
Stainless steel drainage systems, Types 304 and 316L	ASME A 112.3.1

TABLE P3002.1(2) UNDERGROUND BUILDING DRAINAGE AND VENT PIPE

PIPE	STANDARD
Acrylonitrile butadiene styrene (ABS) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid, or composite wall	ASTM D 2661; ASTM F 628; ASTM F 1488; CSA B181.1
Cast iron pipe	ASTM A 74; CISPI 301; ASTM A 888
Copper or copper alloy tubing (Type K, L, M or DWV)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 306
Polyolefin pipe	ASTM F 1412; CSA B181.3
Polyvinyl chloride (PVC) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid, or composite wall	ASTM D 2665; ASTM F 891; ASTM F 1488; CSA B181.2
Polyvinyl chloride (PVC) plastic pipe with a 3.25 inch O.D. and a solid, or composite wall	ASTM D 2949; ASTM F 1488
Stainless steel drainage systems, Type 316L	ASME A 112.3.1

[Strike} from ordinance only

P3002.2 Building sewer. Building sewer piping shall be as shown in Table P3002.2. Forced main sewer piping shall conform to one of the standards for ABS plastic pipe, copper or copper alloy tubing, PVC plastic pipe or pressure-rated pipe listed in Table P3002.2.

TABLE P3002.2 BUILDING SEWER PIPE

MATERIAL	STANDARD
Acrylonitrile butadiene styrene (ABS) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid, or composite wall	ASTM D 2661; ASTM F 628; ASTM F 1488
Cast iron pipe	ASTM A 74; ASTM A 888; CISPI 301
Acrylonitrile butadiene styrene (ABS) plastic pipe in sewer and drain diameters, including SDR 42 (PS 20), PS35, SDR 35 (PS 45), PS50, PS100, PS140, SDR 23.5 (PS 150) and PS200; with a solid, or composite wall	ASTM F 1488; ASTM D 2751
Polyvinyl chloride (PVC) plastic pipe in sewer and	ASTM F 891; ASTM F 1488;

drain diameters, including PS 25, SDR 41 (PS 28), PS 35, SDR 35 (PS 46), PS 50, PS 100, SDR 26 (PS 115), PS140 and PS 200; with a solid, or composite wall	ASTM D 3034; CSA B182.2; CSA B182.4
Concrete pipe	ASTM C 14; ASTM C 76; CSA A257.1M; CSA A257.2M
Copper or copper-alloy tubing (Type K or L)	ASTM B 75; ASTM B 88; ASTM B 251
Polyethylene (PE) plastic pipe (SDR-PR)	ASTM F 714
Polyolefin pipe	ASTM F 1412; CSA B181.3
Polyvinyl chloride (PVC) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with solid, or composite wall	ASTM D 2665; ASTM D 2949; ASTM D 3034; ASTM F 1412; CSA B182.2; CSA B182.4
Polyvinyl chloride (PVC) plastic pipe with a 3.25 inch O.D. and a solid, or composite wall	ASTM D 2949, ASTM F 1488
Stainless steel drainage systems, Types 304 and 316L	ASME A 112.3.1
Vitrified clay pipe	ASTM C 425; ASTM C 700

[Amend]

P3003.9.2 Solvent cementing. Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B137.3, CSA B181.2 or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

~~Exception: A primer is not required where both of the following conditions apply:~~

- ~~1. The solvent cement used is third-party certified as conforming to ASTM D 2564~~
- ~~2. The solvent cement is used only for joining PVC drain, waste, and vent pipe and fittings in not pressure applications in sizes up to and including 4 inches (102mm) in diameter.~~

Part VIII - ELECTRICAL Delete in its entirety, S.B. 365 Sec. 214.213 (adoption 2020 NEC w/amendments

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

or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

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

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

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

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2023.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of September, 2023; and PASSED on Second and Final Reading the 10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8087

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article IV, Section 4-3-41 to amend the 2015 edition of the International Energy Conservation Code, with amendments, regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems; providing for the issuance of permits and collection of fees.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also, staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades from 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

Below are dates we held public meetings on zoom and in person:

February 7, 2020
May 15, 2020
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November 23, 2020
December 17, 2020
May 13, 2021
June 23, 2021
July 8, 2021
July 22, 2021
September 2, 2021
September 16, 2021
September 30, 2021
October 21, 2021
November 4, 2021
November 18, 2021
December 2, 2021
January 27, 2022
February 17, 2022
March 3, 2022
May 26, 2022
May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance No. 8087 (draft)

ORDINANCE NO. 8087

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE IV, SECTION 4-3-41 TO AMEND THE 2015 EDITION OF THE *INTERNATIONAL ENERGY CONSERVATION CODE*, WITH AMENDMENTS, REGULATING AND GOVERNING ENERGY EFFICIENT BUILDING ENVELOPES AND INSTALLATION OF ENERGY EFFICIENT MECHANICAL, LIGHTING AND POWER SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council now finds it is in the best interests of public health, safety, and welfare to amend the 2015 edition of the *International Energy Conservation Code* to regulate and govern energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems, and providing for the issuance of permits and collection of fees.

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

SECTION 1. That Chapter 4-3, Article IV, Section 4-3-41 be and hereby amended to now read as follows:

Sec. 4-3-41. Adoption of energy conservation code with amendments.

Code adopted. There is hereby adopted the *International Energy Conservation Code*, 2015 edition, published by the International Code Council with the following amendments, copies of which shall be maintained by the Building official:

C101.1 Title. Insert "City of Amarillo"

C104.1.1 Contractor Registration. The Building Official shall receive applications from and register contractors according to the rules adopted by the City in Chapter 4-1 of the Amarillo Municipal Code.

C107.2 Schedule of permit fees. A fee for each permit shall be paid as required, in accordance with the schedule as provided in Chapter 4-1 of the Municipal Code of Ordinances.

C107.3 Work commencing before permit issuance. Any person who commences any work before obtaining the necessary permits shall be subject to fees as provided in Chapter 4-1 of the Municipal Code of Ordinances.

C107.5 Refunds. Fee refunds shall be made in accordance with Chapter 4-1 of the Municipal Code.

C108.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine in accordance with section 1-1-5 of this Municipal Code of Ordinances.

[Strike] from ordinance only, it is to remain in the adopted code (2015 IECC), unamended.

R402.1 General (Prescriptive). ~~The building thermal envelope shall meet the requirements of 402.1.1 through 402.1.4 as amended until December 31, 2017. Effective January 1, 2018 Table R402.1.1 and Table R402.1.3 will be in effect as printed in 2015 IECC.~~

TABLE N1102.1.2 (R402.1.2)
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT^a

Climate Zone	Fenestration U-Factor	Skylight ^b U-Factor	Glazed Fenestration SHGC ^{b,e}	Ceiling R-Value	Wood Frame Wall R-Value	Mass Wall R-Value	Floor R-Value	Basement Wall R-Value	Slab R-Value & Depth	Craw Space Wall R-Value
1	NR	0.75	0.25	30	13	3/4	13	0	0	0
2	0.40	0.65	0.25	38	13	4/6	13	0	0	0
3	0.35	0.55	0.25	38	20 or 13 + 5 ^h	8/13	19	5/13 ^f	0	5/13
4 except Marine	0.35	0.55	0.40	40	15 or 13 + 1 ^h	8/13	19	10/13	5, 12 in.	10/13
5 and Marine 4	0.32	0.55	NR	49	20 or 13 + 5 ^h	13/17	30 ^g	15/19	10, 2 ft	15/19
6	0.32	0.55	NR	49	20 + 5 or 13-40 10 ^h	15/20	30 ^g	15/19	10, 4 ft	15/19
7 and 8	0.32	0.55	NR	49	20 + 5 or 13 + 10 ^h	19/21	38 ^g	15/19	10, 4 ft	15/19

Footnotes shall remain unchanged.

TABLE N1102.1.4 (R402.1.4)
EQUIVALENT U-FACTORS^a

Climate Zone	Fenestration U-Factor	Skylight U-Factor	Ceiling U-Factor	Frame Wall U-Factor	Mass Wall U-Factor ^b	Floor U-Factor	Basement Wall U-Factor	Crawl Space Wall U-Factor
1	0.50	0.75	0.035	0.084	0.197	0.064	0.360	0.477
2	0.40	0.65	0.030	0.084	0.165	0.064	0.360	0.477
3	0.35	0.55	0.030	0.060	0.098	0.047	0.091 ^c	0.136
4 except Marine	0.35	0.55	0.026 0.028	0.060 0.070	0.098	0.047	0.059	0.065
5 and Marine 4	0.32	0.55	0.026	0.060	0.082	0.033	0.059	0.055
6	0.32	0.55	0.026	0.045	0.060	0.033	0.050	0.055
7 and 8	0.32	0.55	0.026	0.045	0.057	0.028	0.050	0.055

Footnotes shall remain unchanged.

R403.3.2 Sealing (Mandatory). Ducts, air handlers, and filter boxes shall be sealed. Joints and seams shall comply with either the *International Mechanical Code* or *International Residential Code*, as applicable.

Exceptions:

1. Air-impermeable spray foam products shall be permitted to be applied without additional joint seals.
2. Where a duct connection is made that is partially inaccessible, three screws or rivets shall be equally spaced on the exposed portion of the joint so as to prevent a hinge effect.
3. Continuously welded and locking-type longitudinal joints and seams in ducts operating at static pressures less than 2 inches of water column (500 Pa) pressure classification shall not require additional closure systems.

Duct tightness shall be verified by either of the following:

1. Postconstruction test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 square feet (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm (113.3 L/min) per 100 ft² (9.29 m²) of conditioned floor area when tested at a pressure differential of 0.1

inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm (85 L/min) per 100 square feet (9.29 m²) of conditioned floor area.

Exception: The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.

Duct testing to be done by a company/person who is certified by a recognized accreditation organization and their equipment be recertified on an annual basis. Contractors who choose not to attain the required certification or use the proper testing tools will be required to engage the services of a certified tester.

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

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

SECTION 4. Continuation. That nothing in this ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance.

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

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2012.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of September, 2023; and PASSED on Second and Final Reading the 10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8088

This item is the first reading of an ordinance amending the Municipal Code of the city of Amarillo, Chapter 4-3, Article V to adopt the 2021 edition of the International Fuel Gas Code regulating and governing fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees therefore.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also, staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades from 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

Below are dates we held public meetings on zoom and in person:

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September 16, 2021
September 30, 2021
October 21, 2021
November 4, 2021
November 18, 2021
December 2, 2021
January 27, 2022
February 17, 2022
March 3, 2022
May 26, 2022
May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance No. 8088 (draft)

ORDINANCE NO. 8088

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE V TO ADOPT THE 2021 EDITION OF THE *INTERNATIONAL FUEL GAS CODE* REGULATING AND GOVERNING FUEL GAS SYSTEMS AND GAS-FIRED APPLIANCES AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council now finds it is in the best interest of the public health, safety, and welfare to adopt the 2021 edition of the *International Fuel Gas Code* (published by the International Code Council) for regulating and governing fuel gas systems and gas-fired appliances as herein provided, and providing for the issuance of permits and collection of fees therefore;

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

SECTION 1. That Chapter 4-3, Article V, Section 4-30-50 be and hereby amended, to read as follows:

ARTICLE V. FUEL GAS CODE

Section 4-3-50. Adoption of fuel gas code; amendments.

- a) *Code adopted.* There is hereby adopted the 2021 edition of the *International Fuel Gas Code*, published by the International Code Council with the following amendments, copies of which shall be maintained by the Building Official:

[Amend] Section 101.1 to read as follows:

R101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Amarillo hereinafter referred to as "this code."

[Add] exception as follows

[A] 102.2 Existing installations. Except as otherwise provided for in this chapter, a provision in this code shall not

require the removal, alteration or abandonment of, nor prevent the continued utilization and maintenance of, existing installations lawfully in existence at the time of the adoption of this code.

Exception: Existing dwelling units shall comply with Section 621.2.

[Add][Amend] Section 102.8 to read as follows

[A]102.8 Referenced Codes and Standards. The codes and standards referenced herein shall be those that are listed in Chapter 15 and such codes (when specifically adopted), and standards shall be considered part of the requirements of this code to the prescribed extent of each such reference.

[Delete] Section [A]102.8.1

~~[A] 102.8.1. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.~~

[Add][Amend] 102.8.2 to read as follows

[A] 102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard. Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 shall mean the Electrical Code as adopted.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and the manufacturer's installation instructions shall apply.

[Strike] Section 106.6.1 has been moved

~~Section 106.6.1. Amend to read as follows:~~

~~106.6.1 Work commencing before permit issuance. Any person who commences any work on an installation before obtaining the necessary permits shall be subject to fees as provided in Chapter 4-1 of the Municipal Code of Ordinances.~~

[Strike] Section 106.6.2 content has been moved

~~Section 106.6.2. Amend to read as follows:~~

~~106.6.2 Fee schedule. Fees as provided in Chapter 4-1 of the Municipal Code of Ordinances.~~

[Strike] Section 106.6.3 content has been moved

~~Section 106.6.3. is deleted.~~

[Strike] Section 108.4 content has been moved

~~Section 108.4. is deleted.~~

[Strike] section 108.5 content has been moved

~~Section 108.5. Amend to read as follows:~~

~~108.5 Stop work orders. Upon notice from the code official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as specified in the Municipal Code of Ordinances.~~

[Amend] Section[A] 109.2 to read as follows:

Section [A]109.2 Schedule of permit fees, a fee for each permit shall be paid as required, in accordance with ~~the schedule as established by the applicable governing authority~~ Chapter 4-1 of the City of Amarillo Municipal Code.

[Strike] Section [A]109.3 in its entirety

~~[A] 109.3 Permit valuations. The applicant for a permit shall provide an estimated permit value at the time of application. Permit valuations shall reflect the total value of work, including materials and labor, for which the permit is being issued, such as mechanical equipment and permanent systems. If, in the opinion of the code official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the code official. Final building permit valuation shall be set by the code official in accordance with Chapter 4-1 of the City of Amarillo Municipal code.~~

[Amend] [A]109.4 to read as follows:

[A] 109.4 Work commencing before permit issuance. Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to a fee established by ~~the code official~~ Chapter 4-1 of the City of Amarillo Municipal code that shall be in addition to the required permit fees.

[Amend] [M]306.3 to read as follows:

306.3 Appliances in attics. Attics containing appliances shall be provided with an opening and unobstructed passageway large enough to allow removal of the largest appliance. The passageway shall be not less than 30 inches (762 mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length measured along the centerline of the passageway from the opening to the appliance. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space not less than 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the appliance. The clear access opening dimensions shall be not less than 20 inches by 30 inches (508 mm by 762 mm), and large enough to allow removal of the largest appliance. In new construction, access is required to be provided by one of the following methods.

1. A permanent stair.
2. A pull-down stair with a minimum 300 lb. (136 kg) capacity.
3. An access door from an upper floor level

Exceptions:

1. The passageway and level service space are not required where the appliance is capable of being serviced and removed through the required opening.
2. Where the passageway is unobstructed and not less than 6 feet (1829 mm) high and 22 inches (559 mm) wide for its entire length. ~~the passageway shall be not greater than 50 feet (15 250 mm) in length.~~

[Amend] [M] 306.5 as follows

[M] 306.5 Equipment and Appliances on Roofs or Elevated Structures. Where equipment requiring access or appliances are located on an elevated structure or the roof of a building such that personnel will have to climb higher than 16 feet (4877 mm) above grade to access, an interior or exterior means of access shall be provided. Exterior ladders providing roof access need not extend closer than 12 feet (2,438 mm) to the finish grade or floor level below and shall extend to the equipment and appliances' level service space. Such access shall . . . {Bulk of section to read the same} . . . on roofs having a slope greater than four units vertical in 12 units horizontal (33-percent slope) ... {Remainder of text unchanged}.

[Add][Amend] to read as follows

[M] 306.5.1 Sloped roofs. Where appliances, equipment, fans or other components that require service are installed on a roof having a slope of 3 units vertical in 12 units horizontal (25-percent slope) or greater and having an edge more than 30 inches (762 mm) above grade at such edge, a catwalk at least 16 inches in width with substantial cleats spaced not more than 16 inches apart shall be provided from the roof access to a level platform at the appliance. The level platform shall be provided on each side of the appliance to which access is required for service, repair or maintenance. The platform shall be not less than 30 inches (762 mm) in any dimension and shall be provided with guards. The guards shall extend not less than 42 inches (1,067 mm) above the platform, shall be constructed so as to prevent the passage of a 21-inch-diameter (533 mm) sphere and shall comply with the loading requirements for guards specified in the International Building Code.

[Amend] Section 307.5. to read as follows:

307.5 Auxiliary drain pan. Category IV condensing appliances shall have an auxiliary drain pan where damage to any building component will occur as a result of stoppage in the condensate drainage system or failure of a condensate pump. These pans shall be installed in accordance with the applicable provisions of Section 307.2.3 item (1.) of the 2015 International Mechanical Code and be provided under condensate pumps.

[Amend] Section 307.6. to read as follows:

307.6 Condensate pumps. Condensate pumps located in uninhabitable spaces, such as attics and crawl spaces, ~~shall be connected to the appliance or equipment served such that when the pump fails, the appliance or equipment will be prevented from operating.~~ Pumps shall be installed in accordance with the manufacturer's instructions and shall not prevent the operation of fuel fired appliances.

[Add] [Amend] Section 404.12 to read as follows

404.12 Minimum burial depth. Underground piping systems shall be installed a minimum depth of 12 18 inches (305 458 mm) top of pipe below grade, ~~except as provided for in Section 404.12.1.~~

[Delete] Section 404.12.1 in its entirety

404.12.1 Individual outdoor appliances. Individual lines to outdoor lights, grills and other appliances shall be installed not less than 8 inches (203 mm) below finished grade, provided that such installation is approved and is installed in locations not susceptible to physical damage.

[Add][Amend] Section 406.4 to read as follows

406.4 Test pressure measurement. Test pressure shall be measured with a manometer or with a pressure-measuring device designed and calibrated to read, record or indicate a pressure loss caused by leakage during the pressure test period. The source of pressure shall be isolated before the pressure tests are made. ~~Mechanical gauges used to measure test pressures shall have a range such that the highest end of the scale is not greater than five times the test pressure.~~

[Add][Amend] section 406.4.1 to read as follows

406.4.1 Test pressure. The test pressure to be used shall be no less than ~~1-1/2 times the proposed maximum working pressure, but no less than 3~~ 3 psig (20 kPa gauge), or at the discretion of the Code Official, the piping and valves may be tested at a pressure of at least six (6) inches (152 mm) of mercury, measured with a manometer or slope gauge, irrespective of design pressure. Where the test pressure exceeds 125 psig (862 kPa gauge), the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe. For tests requiring a pressure of 3 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one half inches (3 1/2"), a set hand, 1/10 pound incrementation and pressure range not to exceed 6 psi for tests requiring a pressure of 3 psig. For tests requiring a pressure of 10 psig, diaphragm gauges shall utilize a dial with a minimum diameter of three and one-half inches (3 1/2"), a set hand, a minimum of 2/10 pound incrementation and a pressure range not to exceed 20 psi. For welded piping, and for piping carrying gas at pressures in excess of fourteen (14) inches water column pressure (3.48 kPa) (1/2 psi) and less than 200 inches of water column pressure (52.2 kPa) (7.5 psi), the test pressure shall not be less than ten (10) pounds per square inch (69.6 kPa). For piping carrying gas at a pressure that exceeds 200 inches of water column (52.2 kPa) (7.5 psi), the test pressure shall be not less than one and one-half times the proposed maximum working pressure. Diaphragm gauges used for testing must display a current calibration and be in good working condition. The appropriate test must be applied to the diaphragm gauge used for testing.

[Add][Add] Section 409.1.4 to read as follows

409.1.4 Valves in CSST installations. Shutoff valves installed with corrugated stainless steel (CSST) piping systems shall be supported with an approved termination fitting, or equivalent support, suitable for the size of the valves, of adequate strength and quality, and located at intervals so as to prevent or damp out excessive vibration but in no case greater than 12-inches from the center of the valve. Supports shall be installed so as not to interfere with the free expansion and contraction of the system's piping, fittings, and valves between anchors. All valves and supports shall be designed and installed so they will not be disengaged by movement of the supporting piping.

[Add][Amend] Section 410.1 to read as follows

410.1 Pressure regulators. A line pressure regulator shall be installed where the appliance is designed to operate at a lower pressure than the supply pressure. Line gas pressure regulators shall be listed as complying with ANSI Z21.80/CSA 6.22. Access shall be provided to pressure regulators. Pressure regulators shall be protected from physical damage. Regulators installed on the exterior of the building shall be approved for outdoor installation. Access to regulators shall comply with the requirements for access to appliances as specified in Section 306.

Exception: A passageway or level service space is not required when the regulator is capable of being serviced and removed through the required attic opening.

[Amend] Section 412.1 to read as follows:

[F] 412.1 General. Motor fuel-dispensing facilities for LP-gas fuel shall be in accordance with Railroad Commission of Texas rules, this section and the International Fire Code. The operation of LP-gas motor fuel-dispensing facilities shall be regulated by the International Fire Code and in accordance with Railroad Commission of Texas rules.

[Amend] Section 413.1 to read as follows:

[F] 413.1 General. Motor fuel-dispensing facilities for CNG fuel shall be in accordance with Railroad Commission of Texas rules, this section and the *International Fire Code*. The operation of CNG motor fuel dispensing facilities shall be regulated by the *International Fire Code* and in accordance with Railroad Commission of Texas rules.

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

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

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

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

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law promptly after adoption, and become effective on October 1, 2023.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of September, 2023; and PASSED on Second and Final Reading the 10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8089

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-3, Article VI, Section 4-3-60 to adopt the 2021 edition of the International Existing Building Code, with amendments as shown, regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings; providing for the issuance of permits and collection of fees.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also, staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades from 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

Below are dates we held public meetings on zoom and in person:

February 7, 2020
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May 29, 2020
June 12, 2020
June 25, 2020

July 23, 2020
August 6, 2020
August 19, 2020
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November 19, 2020
November 23, 2020
December 17, 2020
May 13, 2021
June 23, 2021
July 8, 2021
July 22, 2021
September 2, 2021
September 16, 2021
September 30, 2021
October 21, 2021
November 4, 2021
November 18, 2021
December 2, 2021
January 27, 2022
February 17, 2022
March 3, 2022
May 26, 2022
May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance No. 8089 (draft)

ORDINANCE NO. 8089

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-3, ARTICLE VI, SECTION 4-3-60 TO ADOPT THE 2021 EDITION OF THE *INTERNATIONAL EXISTING BUILDING CODE*, WITH AMENDMENTS AS SHOWN, REGULATING AND GOVERNING THE REPAIR, ALTERATION, CHANGE OF OCCUPANCY, ADDITION AND RELOCATION OF EXISTING BUILDINGS, INCLUDING HISTORIC BUILDINGS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council now finds it is in the best interest of the public health, safety, and welfare to adopt the 2021 edition of the *International Existing Building Code* (published by the International Code Council), regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings; providing for the issuance of permits and collection of fees.

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

SECTION 1. That Chapter 4-3, Article IV, Section 4-3-60 be and hereby is amended to read as follows:

ARTICLE VI. EXISTING BUILDING CODE

Sec. 4-3-60. Adoption of code.

SECTION 1. That Chapter 4-3, Article VI, Section 4-3-60 be and hereby amended, to now read as follows: (a)

Code adopted. There is hereby adopted the 2015 2021 edition of the *International Existing Building Code*, (published by the International Code Council,) including Appendix B, with the following amendments, copies of which shall be kept in the Building Official's office:

Section 101.1. Insert: City of Amarillo.

Section 101.4.2.1. Add Section to read as follows:

101.4.2.1 Abandoned buildings. Certificate of Occupancy required prior to re-occupancy is hereby added to read as follows:

101.4.2.1.1 Intent. The purpose of this Section is to ensure that minimum levels of structural integrity, fire protection, life safety features, ventilation, light, sanitation, accessibility, and public improvements shall be provided in and around abandoned buildings or structures prior to re-occupancy. It is not the intent of this Section to require compliance with the latest Codes adopted by the city as if abandoned buildings or structures subject to this Section were being newly constructed. Nor is it the intent of this Section to require a new Certificate of Occupancy for a vacant building or structure, which is secured against unauthorized entry by the public and of which the essential components, as defined in 101.4.2.1.2.2 below, have been maintained in serviceable condition.

101.4.2.1.2 Certificate of Occupancy required prior to re-occupancy. When a building or structure has become abandoned, a Certificate of Occupancy shall be obtained prior to re-occupancy of the building or structure. For the purpose of this Section a building or structure shall be considered to have been abandoned when either of the following conditions exists:

101.4.2.1.2.1 The previous use of the building has been discontinued and the building has been left unsecured or open to unauthorized entry by the general public.

101.4.2.1.2.2 The previous use of the building has been discontinued and maintenance of the building has been neglected to the extent that one or more essential components of the building or structure have failed or no longer serve their intended purpose. Essential components include: Roof coverings; structural components; exterior envelopes including walls, doors and windows; electrical systems; plumbing systems; HVAC systems; fire extinguishing systems; fire resistive construction; fire resistive separations; exit ways; or other life/safety systems.

101.4.2.1.3 Conditions for issuance of a Certificate of Occupancy. Prior to issuing a Certificate of Occupancy for an abandoned building or structure subject to this Section, the Building Official may: require plans to be submitted which will clearly indicate the intended use of the building or structure, its location on the property, and any proposed improvements; inspect the building or structure to ascertain adequacy and serviceability of the essential components listed in 101.4.2.1.2.2 above with respect to the intended use; require repairs or improvements to the building or structure based upon those inspections; and/or require that the applicable permits and inspections be obtained for work which is proposed or required under this Section.

101.4.2.1.4 Guidelines and regulations. To determine the requirements for repairs or improvements to abandoned buildings or structures subject to this Section, the Building Official may utilize this Code as a guideline and may utilize other publications of the International Code Council or National Electric Code related to existing buildings.

[amend] Section 102.4 to read as follows

[A] 102.4 Referenced codes and standards. The codes, when specifically adopted, and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

[Amend] to add exception to Section 305.1

[BS] 305.1 General. Where used, in-situ load tests shall be conducted in accordance with Section 1708 of the *International Building Code*.

Exception: Components of projects regulated by and registered with Architectural Barriers Division Texas Department of Licensing and Regulation shall be deemed to be in compliance with the requirements of this chapter.

[delete] section 401.3 Flood hazard areas. Delete this section in its entirety. To align with local ordinance

[delete] section 405.2.5 Flood hazard areas. Delete this section in its entirety. To align with local ordinance

[amend] to read as follows

406.1 Material. Existing electrical wiring and equipment undergoing *repair* shall be allowed to be repaired or replaced with like material., in accordance with the requirements of NFPA 70.

[delete] section 502.3 Flood hazard areas. Delete this section in its entirety. To align with local ordinance

[amend] to read as follows

504.1.2 Existing fire escapes. Existing fire escapes shall continue to be accepted as a component in the means of egress in existing buildings only. Existing fire escapes shall be permitted to be repaired.

[delete] section 504.1.3 New Fire Escapes. Delete section in its entirety

~~504.1.3 New fire escapes. New fire escapes for existing buildings shall be permitted only where exterior stairways cannot be utilized due to lot lines limiting stairway size or due to the sidewalks, alleys or roads at grade level. New fire escapes shall not incorporate ladders or access by windows.~~

[delete] 507.3 Flood Hazard areas. Delete this section in its entirety. To align with local ordinance.

[delete] 701.3 Flood Hazard areas. Delete this section in its entirety. To align with local ordinance.

[amend] section as follows

702.6 Materials and methods. All new work shall comply with the materials and methods requirements in the International Building Code, International Energy Conservation Code, International Mechanical Code, National Electrical Code, and International Plumbing Code, as applicable, that specify material standards, detail of installation and connection, joints, penetrations, and continuity of any element, component, or system in the building.

Section 706.705.1 Amend to read as follows:

~~706.4~~ 705.1 General. Material and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Chapter 15 of the International Building Code, including but not limited to decking, flashing, and ventilation.

Exceptions:

1. Roof replacement or roof recover of existing low-slope roof coverings shall not be required to meet the minimum design slope requirement of one-quarter unit vertical in 12 units horizontal (2-percent slope) in Section 1507 of the International Building Code for roofs that provide positive drainage.
2. Recovering or replacing an existing roof covering shall not be required to meet the requirement for secondary (emergency overflow) drains or scuppers in ~~Section 1503.4~~

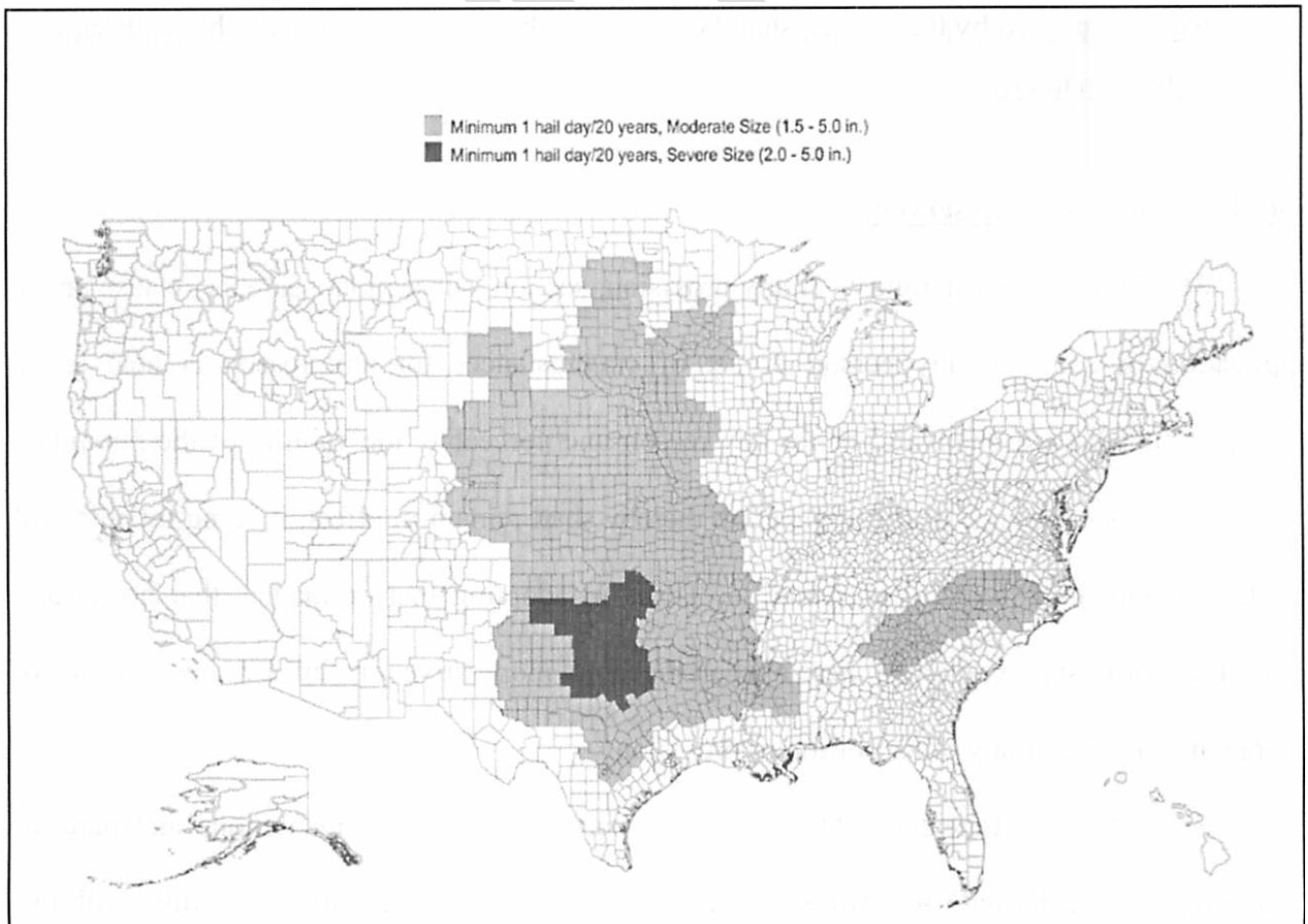
1502 of the International Building Code (IBC) for roofs that provide for positive drainage. For the purposes of this exception, existing secondary drainage or scupper systems required in accordance with the IBC shall not be removed unless they are replaced by secondary drains or scuppers designed and installed in accordance with section 1503.4 1502 of the IBC.

Section 706.3 705.2.1.1 Amend to read as follows:

~~706.3~~ 705.2.1.1 **Exceptions** roof re-cover shall not be permitted where any of the following conditions occur:

1. Where the existing roof or roof covering is water-soaked or has deteriorated to the point that the existing roof or roof covering is not adequate as a base for additional roofing.
2. Where the existing roof covering is wood shake, slate, clay, cement or asbestos-cement tile.
3. Where the existing roof has two or more applications of any type of roof covering.
4. For asphalt shingles, when the building is located in an area subject to moderate or severe hail exposure according to Figure 706.3 705.2.1.1(1) Hail Exposure Map.

FIGURE ~~706.3~~ 705.2.1.1(1) HAIL EXPOSURE MAP



[amend] to read as follows:

802.5.1 Minimum requirement. Every portion of a floor, such as a balcony or a loading dock, open-sided walking surfaces, including mezzanines, equipment platforms, aisles, stairs, ramps and landings that is more than 30 inches (762 mm) above the floor or grade below and is not provided with guards, or those in which the existing guards are judged to be in danger of collapsing, shall be provided with guards

[amend] to add paragraph

803.1 Scope. [Existing text unchanged]

For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls capable of resisting the passage of smoke containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

[amend] exception to read as follows

803.2.6 Supervision. Fire sprinkler systems required by this section shall be supervised by one of the following methods:

1. Approved central station system in accordance with NFPA 72.
2. Approved proprietary system in accordance with NFPA 72.
3. Approved remote station system of the jurisdiction in accordance with NFPA 72.
4. Where approved by the code official, approved local alarm service that will cause the sounding of
an alarm in accordance with NFPA 72.

Exception: Supervision is not required for the following where the fire code does not require such for new construction.

- ~~1. Underground key or hub gate valves in roadway boxes.~~
- ~~2. Halogenated extinguishing systems.~~
- ~~3. Carbon dioxide extinguishing systems.~~
- ~~4. Dry and wet chemical extinguishing systems.~~
- ~~5. Automatic sprinkler systems installed in accordance with NFPA 13R where a common supply main is used to supply both domestic and automatic sprinkler systems and a separate shutoff valve for the automatic sprinkler system is not provided.~~

[amend] change section to read as follows:

803.3 Standpipes. Refer to Section 1103.6 of the Fire Code for retroactive standpipe requirements.

~~Where the work area includes exits or corridors shared by more than one tenant and is located more than 50 feet (15 240 mm) above or below the lowest level of fire department access, a standpipe system shall be provided. Standpipes shall have an approved fire department connection with hose connections at each floor level above or below the lowest level of fire department access. Standpipe systems shall be installed in accordance with the International Building Code.~~

~~Exceptions:~~

~~1. A pump shall not be required provided that the standpipes are capable of accepting delivery by~~

~~fire department apparatus of not less than 250 gallons per minute (gpm) at 65 pounds per square inch (psi) (946 L/m at 448 KPa) to the topmost floor in buildings equipped throughout with an~~

~~automatic sprinkler system or not less than 500 gpm at 65 psi (1892 L/m at 448 KPa) to the topmost floor in all other buildings. Where the standpipe terminates below the topmost floor, the~~

~~standpipe shall be designed to meet (gpm/psi) (L/m/KPa) requirements of this exception for possible future extension of the standpipe.~~

~~2. The interconnection of multiple standpipe risers shall not be required.~~

[amend]

804.6.2 Transoms. In all buildings of Group I-1, I-2, R-1 ,R-2, B, and E occupancies, all transoms in corridor walls in

work areas shall be either glazed with 1/4-inch (6.4 mm) wired glass set in metal frames or other glazing assemblies having a fire protection rating as required for the door and permanently secured in the closed position or sealed with materials consistent with the corridor construction.

[amend]

[BS] 805.2 Existing structural elements carrying gravity loads. Any existing gravity load-carrying structural element for which an alteration causes an increase in design dead, live or snow load, including snow drift effects, of more than 5 percent shall be replaced or altered as needed to carry the gravity loads required by the International Building Code for new structures. Any existing gravity load-carrying structural element whose gravity load-carrying capacity is decreased as part of the alteration shall be shown to have the capacity

to resist the applicable design dead, live and snow loads, including snow drift effects, required by the International Building Code for new structures.

Exceptions:

~~1. Buildings of Group R occupancy with not more than five dwelling or sleeping units used solely for residential purposes where the altered building complies with the conventional light frame construction methods of the International Building Code or the provisions of the International Residential Code.~~

~~2. 1. Buildings in which the increased dead load is attributable to the addition of a second layer of roof covering weighing 3 pounds per square foot~~

[add][amend]

904.1 Automatic sprinkler systems. An automatic sprinkler system shall be provided in a work area where required by Section 803.2 or this section . For the purpose of fire sprinkler protection and fire alarm requirements included in this section, the work area shall be extended to include at least the entire tenant space or spaces bounded by walls containing the subject work area, and if the work area includes a corridor, hallway, or other exit access, then such corridor, hallway, or other exit access shall be protected in its entirety on that particular floor level.

[add][amend]

904.1.1 High-rise buildings. An automatic sprinkler system shall be provided in work areas of where the high-rise buildings. ~~has a sufficient municipal water supply for the design and installation of an automatic sprinkler system at the site.~~

[delete]

1103.3 Flood Hazard Areas. -delete section in its entirety.

[delete]

1201.4 Flood Hazard Areas. -delete section in its entirety.

[amend] to read as follows:

1301.3.2 Compliance with other codes. Buildings that are evaluated in accordance with this section

shall comply with the International Fire Code. ~~and International Property Maintenance Code.~~

[delete] from current ordinance; as well as, IEBC 2021 section 1301.2 (chapter/section changed)

~~1401.2 Applicability. Structures existing prior to April 3rd, 1928 , in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 5 through 13. The provisions of Sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to~~

be, or are proposed to be, in Groups A, B, E, F, I-2, M, R and S. These provisions shall not apply to buildings with occupancies in Group H, I or I-4.

[amend] to correct existing ordinance to align with IEBC 2021

Appendix B - Supplementary Accessibility Requirements for Existing Buildings and Facilities. Appendix B was added to address accessibility in construction for items that are not typically enforceable through the traditional building code enforcement process. Chapter 11 of the *International Building Code (IBC)* contains provisions that set forth requirements for accessibility to buildings and their associated sites and facilities for people with physical disabilities. Sections 410, 605, 705, 806, 906, 1006, 1012.1.4, 1012.8, 1105, 1204.1, 1205.15, 1401.2.5 and 1508 306,801.1,901.2,1101.2, and 1508 in the code address accessibility provisions and alternatives permitted in existing buildings.

[amend][add] add exception to B101.1 to read as follows:

B101.1 General. Qualified historic buildings and facilities shall comply with Sections B101.2 through B101.5.

Exception: Buildings regulated under Texas Department of Licensing and Regulation; TDLR and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

[amend][add]

Section B102.1; Add an exception to read as follows:

B102.1 General. Existing fixed transportation *facilities* and stations shall comply with Section B102.2.

Exception: Buildings regulated under Texas Department of Licensing and Regulation; TDLR and built in accordance with TDLR approved plans, including any variances or waivers granted by the TDLR, shall be deemed to be in compliance with the requirements of this Chapter.

Sec. 4-3-61 to 4-3-69. Reserved.

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

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

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

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

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2023.

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Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8090

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-4, to adopt the 2020 edition of the National Electrical Code, with certain amendments.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also, staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades from 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

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June 23, 2021
July 8, 2021
July 22, 2021
September 2, 2021
September 16, 2021
September 30, 2021
October 21, 2021
November 4, 2021
November 18, 2021
December 2, 2021
January 27, 2022
February 17, 2022
March 3, 2022
May 26, 2022
May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance No. 8090 (draft)

8/07/23 _____

ORDINANCE NO. 8090

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-4, TO ADOPT THE 2020 EDITION OF THE *NATIONAL ELECTRICAL CODE*, WITH CERTAIN AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council now finds that it is in the best interests of the public health, safety, and welfare (and amendments), and to adopt the 2020 edition of the *National Electrical Code*;

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

SECTION 1. That Chapter 4-4, Article III, Section 4-4-46 is hereby amended to read as follows:

Sec. 4-4-46. Electrical Code adopted; amendments.

Code adopted. For all buildings, structures, and electrical installations under the jurisdiction of the City of Amarillo, there is hereby adopted the NFPA 70, *National Electrical Code*, 2014-2020 Edition, published by the National Fire Protection Association, copies of which shall be maintained by the Building Official, with the following amendments:

Article 90.4 Enforcement; add the following language:

(A) Supervision of Work: In the actual work of installing, maintaining, altering, or repairing any electrical conductors or equipment which requires a permit, apprentice electricians shall be directly supervised by a higher-grade classification of electrical license as described in

Subchapter A, Section 1305.002 of the TDLR Texas Electrical Safety and Licensing Act when

electrical work is being performed. Each higher-grade classification supervisor shall be limited to directly supervising 4 apprentices.

Informational Note No. 1: As defined by the State of Texas in Title 8, Occupational Code Chapter 1305 administered by the Texas Department of Licensing and Regulation for the proper grade classifications of electrical license.

Article 100; add the following to definitions:

Engineering Supervision. Supervision by a Qualified State of Texas Licensed Professional Engineer engaged in the design or maintenance of electrical installations.

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

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

SECTION 4. Continuation. That nothing in this ordinance or in the code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance.

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

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law promptly after adoption, and become effective on October 1, 2023.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of September, 2023; and PASSED on Second and Final Reading the 10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Economic Development and Redevelopment
Public Safety

Department: Building Safety

Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8091

This item is the first reading of an ordinance amending the Municipal Code of the City of Amarillo, Chapter 4-5, Article II, Section 4-5-21 by repealing the 2015 edition of The International Plumbing Code and adopting the 2021 edition of such code, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems; providing for the issuance of permits and collection of fees.

Agenda Item Summary: Building codes are regularly updated to address new technologies, research findings, and emerging safety concerns. It is crucial to stay current on these updates. The main purpose of building codes are to protect public health, safety and general welfare as they relate to the construction and occupancy of buildings and structures. Also, staying current with the latest building codes gives Amarillo the best ISO rating. ISO's Building Code Effectiveness Grading Schedule (BCEGS®) was among the key data sources FEMA relied upon for its analysis. BCEGS assesses building codes in most communities nationwide to determine which codes are in effect and how well a community enforces them, with particular emphasis on mitigating losses from natural disasters. Many insurance companies rely on BCEGS for underwriting because safer buildings withstand natural disasters better, leading to lower insured losses from such events. BCEGS assigns communities grades from 1 (exemplary commitment to building code enforcement) to 10. Communities with effective building codes benefit from reduced insurance premiums.

Requested Action: Approve ordinance as presented.

Funding Summary: N/A

Community Engagement Summary: During this process we kept our website updated with information and links. We sent out emails to contractors and associations. Also, our staff discussed these changes face to face.

Below are dates we held public meetings on zoom and in person:

February 7, 2020
May 15, 2020
May 29, 2020
June 12, 2020

June 25, 2020
July 23, 2020
August 6, 2020
August 19, 2020
September 3, 2020
October 8, 2020
October 22, 2020
November 19, 2020
November 23, 2020
December 17, 2020
May 13, 2021
June 23, 2021
July 8, 2021
July 22, 2021
September 2, 2021
September 16, 2021
September 30, 2021
October 21, 2021
November 4, 2021
November 18, 2021
December 2, 2021
January 27, 2022
February 17, 2022
March 3, 2022
May 26, 2022
May 2, 2023
June 1, 2023
June 8, 2023

Staff Recommendation: Approve ordinance as presented.

Attachments: 1. Ordinance No. 8091 (draft)

ORDINANCE NO. 8091

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 4-5, ARTICLE II, SECTION 4-5-21 BY REPEALING THE 2015 EDITION OF *THE INTERNATIONAL PLUMBING CODE* AND ADOPTING THE 2021 EDITION OF SUCH CODE, REGULATING AND GOVERNING THE DESIGN, CONSTRUCTION, QUALITY OF MATERIALS, ERECTION, INSTALLATION, ALTERATION, REPAIR, LOCATION, RELOCATION, REPLACEMENT, ADDITION TO, USE OR MAINTENANCE OF PLUMBING SYSTEMS; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, upon the recommendation of the Construction Advisory & Appeals Board, the City Council finds that it is in the best interest of public health and safety to repeal the 2015 edition of the *International Plumbing Code* and to adopt the 2021 edition of the *International Plumbing code*, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems; providing for the issuance of permits and collection of fees; and,

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

SECTION 1. That Chapter 4-5, Article II, Section 4-5-21 be and hereby is amended, to adopt the 2021 *Edition of the International Plumbing Code* with amendments, to read as follows:

Sec. 4-5-21. Adoption of plumbing code and any applicable appendices; amendments.

a) *Code adopted.* There is hereby adopted the *International Plumbing Code*, 2021 edition (published by the International Code Council), exclusive of its appendix chapters, with the following amendments, copies of which shall be maintained by the building official:

[Insert] to read as follows

Section 101.1. Amend to read as follows:

101.1 Title. These regulations shall be known as the *International Plumbing Code* of City of Amarillo hereinafter referred to as "this code."

[Amend] to read as follows

102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes, when specifically adopted, and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Section 102.8.1 and 102.8.2.

[strike]

~~A] [102.8.1 Conflicts. Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.~~

[Amend] to read as follows

~~[A] 102.8.2 Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the International Codes specified in Section 101.4, the provisions of this code or the International Codes specified in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard. .-Whenever amendments have been adopted to the referenced codes and standards, each reference to said code and standard shall be considered to reference the adopted amendments. Any reference to NFPA 70 shall mean the Electrical Code as adopted.~~

[Strike]

~~106.5.1 Work commencing before permit issuance. Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to fees as established by Chapter 4-1, Article I, Division 1, Section 4-1-1 thru 4-1-4 of the City of Amarillo Municipal Code~~

[Strike]

~~106.5.2 Fee schedule. The fees shall be as provided in Chapter 4-1 of the Municipal Code of Ordinances.~~

[Insert][Amend] 109.2 to read as follows

~~[A] 109.2 Schedule of permit fees. Where work requires a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. as provided in Chapter 4-1 of the Municipal Code of Ordinances.~~

[Amend] as follows

~~[A]109.3 Work commencing before permit issuance. Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to fees as established by the code official that shall be in addition to the required permit fees-Chapter 4-1, Article I, Division 1, Section 4-1-1 thru 4-1-4 of the City of Amarillo Municipal Code~~

[Amend][Delete]

Section 106.6.3 109.4. Fees. -Delete section.

Section 108.4. 109.5 Refunds -Delete section.

[strike]

Section 108.5. Amend to read as follows: wording is in the 2021 IPC chapter 113

~~108.5 Stop work orders. Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine as specified in the Municipal Code of Ordinances.~~

[Amend] to read as follows

[A] 113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to fines established by the authority having jurisdiction. liable for a fine as specified in the City of Amarillo Municipal Code of Ordinances.

[Delete] section 114 Means of Appeals- delete entire section

[Insert] Section 114 Means of Appeal

Section 114 Means of Appeal

114.1 Application for appeal. Any person shall have the right to appeal a decision of the Code Official to the Construction Advisory and Appeals Commission established by Municipal ordinance. The Commission shall be governed by the enabling ordinance.

Section 305.4.1. Amend to read as follows

305.4.1 Sewer depth. ~~Building sewers that connect to private sewage disposal systems shall be installed not less than [NUMBER] inches (mm) below finished grade at the point of septic tank connection.~~ Building sewers shall be a minimum of 12 inches (305 mm) below grade.

[Amend] Section 305.7 to read as follows

305.7 Protection of components of plumbing system. Components of a plumbing system installed within 3' along alleyways, driveways, parking garages or other locations in a

manner in which they could be exposed to damage shall be recessed into the wall or otherwise protected in an *approved* manner.

Section 312.2. Amend to read as follows:

312.2 Drainage and vent water test. A water test shall be applied to the drainage system either in its entirety or in sections. If applied to the entire system, all openings in the piping shall be tightly closed, except the highest opening, and the system shall be filled with water to the point of overflow. If the system is tested in sections, each opening shall be tightly plugged except the highest openings of the section under test, and each section shall be filled with water, but no section shall be tested with less than a 5-foot (1524 mm) head of water. In testing successive sections, a lowest opening head test at each floor level if multiple floors shall be tested at the plumbing rough-in inspection. This test shall be held for not less than 15 minutes.

[Strike] 312.9 from ordinance and code

~~*312.9 Shower liner test.* Where shower floors and receptors are made watertight by the application of materials required by Section 421.5.2, the completed liner installation shall be tested. The pipe from the shower drain shall be plugged watertight for the test. The floor and receptor area shall be filled with potable water to a depth of not less than 2 inches (51mm) measured at the threshold. Where a threshold of at least 2 inches (51mm) high does not exist, a temporary threshold shall be constructed to retain the test water in the lined floor or receptor area to a level not less than 2 inches (51mm) deep measured at the threshold. The water shall be retained for a test period of not less than 15 minutes, and there shall not be evidence of leakage.~~

Sections 312.10.1 and 312.10.2. Amend to read as follows:

312.10.1 Inspections. Annual inspections shall be made of all backflow prevention assemblies and *air gaps* to

determine whether the assemblies are operable and air gaps exist. In the absence of local provisions, the owner is responsible to ensure that testing is performed.

312.10.2 Testing. Reduced pressure principle, double check, pressure vacuum breaker, reduced pressure detector fire protection, double check detector fire protection, and spill-resistant vacuum breaker backflow preventer assemblies and hose connection backflow preventers shall be tested at the time of installation, immediately after repairs or relocation and at least annually. The testing procedure shall be performed in accordance with applicable local provisions. In the absence of local provisions, the owner is responsible to ensure that testing is done in accordance with one of the following standards: (stated list of standards is adopted as is, without change.)

[Strike] the following from **ordinance only**. Tables to remain *as published.* (to allow use of all code approved materials)

Section 702.1. Amend to read as follows:

~~*702.1 Above-ground sanitary drainage and vent pipe.* Above-ground soil, waste and vent pipe shall conform to one of the standards listed in Table 702.1.~~

Table 702.1 ABOVE-GROUND DRAINAGE AND VENT PIPE

PIPE	STANDARD
Acrylonitrile butadiene styrene (ABS) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid or composite wall	ASTM D 2661; ASTM F 628; ASTM F 1488; CSA B181.1
Cast-iron pipe	ASTM A 74; CISPI 301; ASTM A 888
Copper or copper-alloy pipe	ASTM B 42; ASTM B 302
Copper or copper-alloy tubing (Type K, L, M or DWV)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 306
Galvanized steel pipe	ASTM A 53
Polyolefin pipe	CSA B181.3
Polyvinyl chloride (PVC) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid or composite wall	ASTM D 2665; ASTM F 891; CSA B181.2; ASTM F 1488
Polyvinyl chloride (PVC) plastic pipe with a 3.25 inch O.D. and a solid or composite wall	ASTM D 2949; ASTM F 1488
Stainless steel drainage systems, Types 304 and 316L	ASME A 112.3.1

[Strike] from ordinance only

Section 702.2. Amend to read as follows:

702.2 Underground building sanitary drainage and vent pipe. Underground building sanitary drainage and vent pipe shall conform to one of the standards listed in Table 702.2.

TABLE 702.2 UNDERGROUND BUILDING DRAINAGE AND VENT PIPE

PIPE	STANDARD
Acrylonitrile butadiene styrene (ABS) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid or composite wall	ASTM D 2661; ASTM F 628; ASTM F 1488; CSA B181.1
Cast-iron pipe	ASTM A 74; CISPI 301; ASTM A 888
Copper or copper alloy tubing (Type K, L, M or DWV)	ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 306
Polyolefin pipe	ASTM F 1412; CSA B181.3
Polyvinyl chloride (PVC) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid or composite wall	ASTM D 2665; ASTM F 891; ASTM F 1488; CSA B181.2
Polyvinyl chloride (PVC) plastic pipe with a 3.25 inch O.D. and a solid or composite wall	ASTM D 2949; ASTM F 1488
Stainless steel drainage systems, Type 316L	ASME A 112.3.1

[Strike] from ordinance only

Section 702.3. Amend to read as follows:

702.3 Building sewer pipe. Building sewer pipe shall conform to one of the standards listed in Table 702.3.

TABLE 702.3 BUILDING SEWER PIPE

MATERIAL	STANDARD
Acrylonitrile butadiene styrene (ABS) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with a solid, or composite wall	ASTM D 2661; ASTM F 628; ASTM F 1488
Cast iron pipe	ASTM A 74; ASTM A 888; CISPI 301
Acrylonitrile butadiene styrene (ABS) plastic pipe in sewer and drain diameters, including SDR 42 (PS 20), PS35, SDR 35 (PS 45), PS50, PS100, PS140, SDR 23.5 (PS 150) and PS200; with a solid or composite wall	ASTM F 1488; ASTM D 2751
Polyvinyl chloride (PVC) plastic pipe in sewer and drain diameters, including PS 25, SDR 41 (PS 28), PS 35, SDR 35 (PS 46), PS 50, PS 100, SDR 26 (PS 115), PS140 and PS 200; with a solid or composite wall	ASTM F 891; ASTM F 1488; ASTM D 3034; CSA B182.2; CSA B182.4
Concrete pipe	ASTM C 14; ASTM C 76; CSA A257.1M; CSA A257.2M
Copper or copper alloy tubing (Type K or L)	ASTM B 75; ASTM B 88; ASTM B 251
Polyethylene (PE) plastic pipe (SDR-PR)	ASTM F 714
Polyolefin pipe	ASTM F 1412; CSA B181.3
Polyvinyl chloride (PVC) plastic pipe in IPS diameters, including schedule 40, DR 22 (PS 200) and DR 24 (PS 140); with solid or composite wall	ASTM D 2665; ASTM D 2949; ASTM D 3034; ASTM F 1412; CSA B182.2; CSA B182.4
Polyvinyl chloride (PVC) plastic pipe with a 3.25 inch O.D. and a solid or composite wall	ASTM D 2949, ASTM F 1488
Stainless steel drainage systems, Types 304 and 316L	ASME A 112.3.1
Vitrified clay pipe	ASTM C 425; ASTM C 700

Section 903.1.1 Amend to read as follows:

903.1.1 Roof extension unprotected. All open vent pipes that extend through a roof shall be terminated at least 12 inches (305 mm) above the roof. ~~except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.~~

[Amend] to read as follows

918.3 Where permitted. Individual, *branch* and circuit vents shall be permitted to terminate with a connection to an individual or branch-type air admittance valve in accordance with Section 918.3.1. *Stack vents* and vent *stacks* shall be permitted to terminate to stack-type air admittance

valves in accordance with Section 918.3.2. Air admittance valves shall only be installed with the prior approval of the Code Official.

[Amend] Section 1003.3 to read as follows

1003.3 Grease interceptors. Grease interceptors shall comply with the requirements of ~~Sections 1003.3.1 through~~

~~1003.3.8.~~ Article IV- Environmental Health ; sec. 8-5-27 City of Amarillo Municipal Code of Ordinances.

[Delete] sections 1003.3.1 through 1003.3.8

[Amend] to read as follows

1106.1 General. The size of the vertical conductors and leaders, building storm drains, building storm sewers, and any horizontal branches of such drains or sewers shall be based on six (6) inches per hour ~~the 100-year hourly rainfall rate indicated in Figure 1106.1 or on other rainfall rates determined from approved local weather data.~~

[Delete] entire section.-*addressed elsewhere in municipal code*

~~Section 1009 Combined sanitary and storm public sewer~~

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

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

SECTION 4. Continuation. That nothing in this ordinance or in any code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired,

or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

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

SECTION 6. Publishing and Effective Date. This ordinance shall be published according to law and be effective on October 1, 2023.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 26th day of September, 2023; and PASSED on Second and Final Reading the 10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Public Safety
Department: City Marshal's Office
Contact Person: Jacob Diaz, City Marshal

Agenda Caption: CONSIDERATION OF ORDINANCE NO. 8092

This item is the first reading of an ordinance amending the Amarillo Municipal Code, Chapter 14-8, to update general standards and sanitary requirements for massage establishments and to require a license to operate a massage establishment or to provide massage services.

Agenda Item Summary: The City Marshal's Office will be presenting information on the proposed updates and amendments to Amarillo City Ordinance Chapter 14-8 - Massage Establishments. Changes will impact Massage Establishment licensing and inspection regulations.

This is the first update to the City's ordinance related to Massage Establishments since 1986. The goal is to improve public safety within Amarillo.

Our objectives are to 1) Identify and track all massage establishments within Amarillo 2) Process and applications and issue business licenses 3) conduct initial and annual inspections 4) Begin accepting applications after 2nd reading and final approval 5) Begin enforcement on January 1, 2024.

Requested Action: Consideration of ordinance.

Funding Summary: Not applicable.

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval.

Attachments: 1. Ordinance No. 8092 (draft)

ORDINANCE NO. 8092

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 14-8, TO UPDATE GENERAL STANDARDS AND SANITARY REQUIREMENTS FOR MASSAGE ESTABLISHMENTS AND TO REQUIRE A LICENSE TO OPERATE A MASSAGE ESTABLISHMENT OR TO PROVIDE MASSAGE SERVICES; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, PENALTY, PUBLICATION, AND EFFECTIVE DATE.

WHEREAS, an illicit massage business is a massage establishment that serves as a front for a commercial sex operation, often involving victims of human trafficking; and

WHEREAS, according to the Attorney General of the State of Texas, illicit massage businesses in the United States have an estimated \$2.5 billion in annual revenue; and

WHEREAS, according to the Polaris Project, a nonprofit non-governmental organization that works to combat and prevent sex and labor trafficking in North America, illicit massage businesses are the second-most-often reported type of human trafficking reported to the National Human Trafficking Hotline; and

WHEREAS, the City's existing regulations, which were passed in 1986, are outdated and no longer effectively address the community's illicit massage businesses or reflect current industry standards and practices; and

WHEREAS, the revisions contained in this Ordinance are necessary to protect the public health and safety.

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

SECTION 1. The Amarillo Municipal Code, Chapter 14-8 be and hereby is amended in part to now read as follows:

CHAPTER 14-8. - MASSAGE ESTABLISHMENTS

ARTICLE I. - IN GENERAL

Sec. 14-8-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Massage Therapy: Any process consisting in kneading, rubbing or otherwise manipulating the skin of the body of a human being for the purpose of body massage, either with the hand or by means of electrical instruments or apparatus, or other special apparatus. Massage Therapy includes Reflexology.

Massage Establishment: Any Building, room, place or establishment other than a regularly licensed hospital where Massage Therapy or Other Massage Services are regularly advertised, offered, or manipulated ~~Massage or manipulated exercises are practiced upon the human body~~ by anyone not a duly licensed physician, whether with or without use of mechanical, therapeutic or bathing devices, and shall include Turkish bathhouses.

Massage Therapist: A person who practices or administers Massage Therapy or Other Massage Services to a client for compensation. The term includes a licensed massage therapist, therapeutic massage practitioner, massage technician, masseur, masseuse, myotherapist, body massager, body rubber, or any derivation of those titles.

Other Massage Services: Any services offered or performed for compensation at a Massage Establishment that involve physical contact with a client, and may include the use of oil, lubricant, salt glow, a heat lamp, a hot and cold pack, or a tub, shower, jacuzzi, sauna, steam, or cabinet bath.

Owner: Any owner, proprietor, shareholder, director, officer, partner, member, manager, trustee, or receiver of a Massage Establishment.

Reflexology: Energy work on the hands and feet only which involves holding or touching on the energy points. Reflexology does not involve manipulating soft tissue, stroking, rubbing, tapping, stretching, bathing, scrubbing, or the use of oils or lotions, or the touching of any other part of the body.

Sec. 14-8-2. - Exemptions.

This chapter shall not apply to the following:

- (1) A licensed physical therapist, ~~a licensed massage therapist~~, a licensed athletic trainer, a licensed cosmetologist, or a licensed barber performing functions authorized under the license held, a licensed physician or chiropractor, or any

- individual working under the direct supervision of a licensed physician or chiropractor, while engaged in practicing the healing arts; or
- (2) The administration of Massage Therapy for therapeutic purposes in a hospital, nursing home, or other health care facility;
- (3) ~~A Massage Establishment operated by a nonprofit corporation, provided that such Massage Establishment is not the sole or principal activity of the nonprofit corporation.~~

ARTICLE II. – STANDARDS OF OPERATION

Sec. 14-8-3. - Right of inspection, interference with inspectors.

- (a) ~~The City Marshal and law enforcement officers of the Police and Health Departments of the City are hereby authorized and empowered to enter, for the purpose of inspection, and to inspect at any time Massage Establishments in the City to determine or ensure compliance with the provisions of this chapter, for the preservation of law and order and decency and further empowered to, at any time, make such examinations through the licensed physicians of the Department of Health of the City as are necessary to determine whether or not such employees are infected with any infectious disease.~~
- (b) Whenever necessary to inspect or enforce any of the provisions of this chapter, the City Marshal or law enforcement officers may enter the building or premises at all reasonable times during the hours of operation to conduct any duty authorized by this chapter. If the building or premises are occupied, the City Marshal or law enforcement officers must present proper credentials and request entry. If the building or the premises are unoccupied, the City Marshal or law enforcement officers must make a reasonable effort to locate the owner or other persons having charge of the building or premises and request entry. If entry is refused, or if the owner or other person having charge or control of the building or premises cannot be located, the City Marshal or law enforcement officers may exercise any and all enforcement powers granted by law to secure entry.
- (c) The City Marshal and law enforcement officers reserve the right, and shall be authorized to, enter the premises at any time to inspect the Massage Establishment

if, in the sole discretion of the City Marshal or law enforcement officers, an inspection is required to protect public health, sanitation, or safety.

- (d) It shall be grounds for the revocation of licenses issued under this chapter to interfere with the inspection of such Ppremises.

Sec. 14-8-4. – Hours of operation; living, sleeping quarters prohibited.

~~No A~~ Message Establishment may operate only shall be kept open for any purpose between the hours of 8:00 a.m. and 10:00 p.m. and 8:00 a.m. No such establishment shall be operated or conducted in connection with any place that is or could be construed either directly or indirectly as used for living or sleeping quarters.

Sec. 14-8-5. – Employing prostitutes.

It shall be unlawful for any person operating a Massage Establishment to employ a ~~known~~ prostitute in any capacity therein.

Sec. 14-8-6. – Other general standardsReserved.

- (a) A Massage Therapist shall be clothed from the shoulders to the knees at all times while administering Massage Therapy or Other Massage Services, or while in the presence of any customer.
- (b) A customer shall be covered at a minimum from the waist down at all times during Massage Therapy or while receiving Other Massage Services.
- (c) The number of active rooms where Massage Therapy is performed shall not exceed the number of Massage Therapists actively employed by and working at the Massage Establishment.
- (d) Doors into areas or rooms where Massage Therapy is performed shall remain unlocked at all times.
- (e) A detailed list of the various massage procedures, treatments, and services performed in the Massage Establishment and the respective charge or cost for each shall be in writing and displayed in a prominent location in the Massage Establishment and made easily accessible and available for inspection by the public.
- (f) A Massage Establishment shall not provide any bathing or shower services as part of Massage Therapy or Other Massage Services. This includes the use of bathhouses, table showers, cabinet baths, the use of tubs or showers, or any

similar services. This section does not prohibit the use of showers by customers in separate dressing rooms or locker rooms.

- (g) All Massage Establishments operating under the authority of this chapter are declared public places, and, during hours of operation, shall not have the doors to the entrances or exists locked or obstructed in any way to prevent free ingress and egress of people. However, such doors may be closed.

Sec. 14-8-7. – List of employees, contractors, and Owners.

The manager, operator, or person in charge of a Massage Establishments shall keep on the premises a current list of the names, phone numbers, and addresses of, and copies of the government-issued identification card for, all Massage Establishment employees and contractors, both on duty and off duty and regardless of the job they perform, and of all Owners of the Massage Establishment. For employees and contractors that administer Massage Therapy or Other Massage Services, other than Reflexology, the list shall include the employee's or contractor's state massage license number and expiration date. Such list shall be shown to all proper authorities of the City Marshal or any law enforcement officer Police and Health Departments upon request.

Sec. 14-8-8. - Operation in residential area.

It shall be unlawful for any Massage Establishment to be operated in any section of the City which is Zoned for Residential purposes.

Sec. 14-8-9. - Sanitary requirements.

Each Massage Establishment shall be maintained in accordance with applicable state sanitary and health codes and regulations governing massage establishments.

~~It shall be the duty of every person conducting or operating a Massage Establishment to keep the same at all times in a clean and sanitary condition. All instruments and mechanical, therapeutic and bathing devices, or parts thereof, that come into contact with the human body shall be sterilized by a modern and approved method of sterilization before initial use, and any such instruments and devices, or parts thereof, after having been used upon one (1) patron shall be sterilized before being used on another. All towels and linens furnished for use of one (1) patron shall not be furnished for use of another until thoroughly laundered.~~

Sec. 14-8-10. –Registration of customers. ~~Administering massage to person of opposite sex.~~

- (a) The Massage Establishment shall maintain a complete written daily register listing the name, address, phone number, and type of identification provided for each customer. A current driver's license or other government-issued identification card containing descriptive information consistent with the physical characteristics of such customer shall be satisfactory personal identification in verifying the name and address of the customer.
- (b) It shall be unlawful for any customer to give false identification as to name or address. It shall further be unlawful for a manager, operator, employee, or contractor of a Massage Establishment to knowingly permit a customer to give a false name or address.
- (c) The daily register must be kept and maintained at the licensed Massage Establishment for two years. It shall be made available to the City Marshal or a law enforcement officer for inspection upon request at any time during the hours of operation of the Massage Establishment.
- (d) Massage Therapists must provide an initial consultation to each client prior to the first massage session and obtain the signature of the client on a consultation document, as required by state law. The initial consultation document must be maintained as required by state law.

~~It shall be unlawful for any person to administer a Massage in any Massage Establishment to any person of the opposite sex. This section shall not apply to licensed chiropractor, nor shall it apply to any registered physical therapist or registered nurse operating under the direction of a physician.~~

Secs. 14-8-11—14-8-25. - Reserved.

ARTICLE III. - LICENSE

Sec. 14-8-26. – Required for Massage Establishment and Massage Therapist.

- (a) Massage Establishment License. It shall be unlawful for any person to operate a Massage Establishment without the Owner first having obtained a license therefor from the City Marshal City Secretary, in accordance with the provisions of this article, and paying the fee provided for in this article. Massage Establishment licenses shall be applied for by and issued to the Owner of the Massage Establishment. ~~Such licenses shall only be issued upon the approval in writing of~~

~~the Director of Public Health and the Chief of Police, and a Certificate of Occupancy from the Building Inspector.~~

- (b) Massage Therapist License. It shall be unlawful for any person act as a Massage Therapist or to perform Massage Therapy or Other Massage Services without first having obtained a license therefor from the City Marshal, in accordance with the provisions of this article, and paying the fee provided for in this article.
- (c) Licenses issued under this article are nontransferable and must be renewed annually.
- (d) If there is a change in the ownership of the Massage Establishment, the new Owner must apply for a license as a new applicant. A Massage Establishment may not operate under a new Owner until a Massage Establishment license is issued by the City Marshal to the new Owner. For purposes of this section, a change in ownership is the addition or deletion of any Owner.
- (e) No Massage Establishment license may be transferred to another location. If the location of a Massage Establishment changes, the Owner must apply for a new license before the Massage Establishment may provide Massage Therapy or Other Massage Services.

Sec. 14-8-27. – Application; investigation; approval; issuance of applicant.

- (a) Licenses provided for in this article shall be applied for and obtained from the City Marshal, and any license issued under the terms of this article shall be subject to revocation as provided.
- (b) Certificate of occupancy required. An applicant for an original Massage Establishment license shall first obtain from the Building Official a Certificate of Occupancy for the Massage Establishment.
- (c) Annual inspection required. An applicant for an original Massage Establishment license must pass an inspection incidental to the issuance of the license before the license may be issued. An applicant for a Massage Establishment license renewal must pass an inspection necessary to ensure compliance with this chapter before the renewal may be granted.

(d) Massage Establishment license. Any person desiring a license to operate a Massage Establishment shall file with the City Marshal a written application for a license, which application shall contain the following information and material:

- (1) the physical address of the Massage Establishment;
- (2) if the Massage Establishment premises are leased, the names, addresses, and telephone numbers of the lessor(s) and the lessee(s);
- (3) if the applicant is an individual, the following information for both the applicant and their spouse:
 - a. their name, date of birth, and residence address;
 - b. their length of residence in the city and state;
 - c. whether either has at any time during the preceding three (3) years
~~After an application has been made for an original license or a renewal of an existing license to operate a Massage Establishment, the Chief of Police shall cause an investigation to be made of the applicant's character and whether or not the applicant has been convicted of any crime involving any of the offenses described in section 14-8-30; moral turpitude in any State, municipal or federal court, or whether the applicant is a person of unfit character, or whether the holder of a license for such an establishment, or any employee of such establishment, committed any lewd, indecent or other act contrary to common decency during the last licensing period, or such an establishment employs any person convicted of any crime involving moral turpitude in any State, municipal or federal court, or whether such an establishment employs a woman who has been convicted of vagrancy or prostitution or who is a known prostitute.~~
 - d. whether either has at any time in the preceding three (3) years applied for an original license under this article;
 - e. their employment history for the preceding five (5) years ;

- (4) if the applicant is an entity, the following information for each Owner and each manager, operator, or person who is primarily responsible for the management of the Massage Establishment:
 - a. their name, date of birth, and residence address;
 - b. their length of residence in the city and state;
 - c. whether they have at any time during the preceding three (3) years been convicted of any crime involving any of the offenses described in section 14-8-30;
 - d. whether either has at any time in the preceding three (3) years applied for an original license under this article;
 - e. their employment history for the preceding five (5) years ;
- (5) if the applicant is a domestic entity, a copy of a certificate of fact issued by the Office of the Texas Secretary of State, or for a foreign entity, a copy of a comparable certificate issued by the applicable foreign state agency;
- (6) the names and addresses of, and copies of the government-issued identification card for, all employees and contractors (regardless of the job they perform) of the Massage Establishment for which the license is sought, a copy of the current state massage therapy license for each Massage Therapist employee and contractor (other than Reflexology practitioners), and a copy of the state massage establishment license for the Massage Establishment itself; and
- (7) such other and additional information that the City Marshal may from time to time deem proper and necessary.
- (e) Massage Therapist license. Any person desiring a license to perform Massage Therapy or Other Massage Services shall file with the City Marshal a written application for a license, which application shall contain the following information and material:
 - (1) the applicant's date of birth and full legal name, including any and all names by which the person has been known during the last five (5) years;
 - (2) the applicant's current address and telephone number;

- (3) the applicant's state massage therapist license number and expiration date, unless the applicant practices Reflexology;
- (4) a copy of the applicant's government-issued identification card; and
- (5) such other and additional information that the City Marshal may from time to time deem proper and necessary

Sec. 14-8-28. – Authorization for criminal background checks.~~Applicant to furnish names of employees; medical certificates for employees.~~

After an application has been made for a license under this article, the City Marshal, in his or her discretion, may conduct a criminal history background check on the applicant and all other persons identified in the application pursuant to section 14-8-27(d). An applicant is not eligible for a license under this article if the applicant or any persons identified in the application pursuant to section 14-8-27(d) have been finally convicted of a misdemeanor involving moral turpitude or a felony in the five (5) years preceding the date of the application.

~~At the time of making application for the license required by this article, the applicant shall furnish to the Health Department of the City the names and addresses of all employees of Massage Establishments. All such employees of Massage Establishments shall be required to secure from the Health Department a medical certificate certifying that such employee has been examined and that such examination discloses the fact that such person employed, or to be employed by such establishment, is free from any infectious or communicable disease. Such medical certificate shall be renewed annually by the Director of Public Health.~~

Sec. 14-8-29. – Fee; refund policy.

The annual license fee shall be two one hundred fifty dollars (\$1250.00) for each Massage Establishment license and fifty dollars (\$50) for each Massage Therapist license. ~~If the license is obtained between January 1 and June 30 of any year, the full amount of such fees shall be paid. If such license is obtained between July 1 and December 31 of any year, the fee shall be one-half of such amount. No refund shall ever be made of any such license fees.~~

Sec. 14-8-30. – Grounds for r~~Refusal to issue or~~; grounds for refusal to renew; grounds for revocation.

The City Marshal ~~Chief of Police~~ may ~~shall~~ refuse to approve the issuance or renew, ~~at of~~ or may revoke, any license required by this article if the ~~to any applicant or license holder or the~~

Owner, manager, operator, person in charge, employee, or contractor of any Massage Establishment commits any of the following acts or fails to comply with or meet any of the following requirements: who has been

- (a) prior or subsequent final conviction convicted of any crime misdemeanor involving moral turpitude or a felony, in accordance with section 14-8-28; in any State, municipal or federal court, or where the applicant is a person of unfit character, or where the holder of a license for such an establishment or any employee of such an establishment committed any lewd, indecent or other act contrary to common decency during the last licensing period, or where any such establishment employs any person convicted of any crime involving moral turpitude in any State, municipal or federal court, or which employs a woman who has been convicted of vagrancy or prostitution, or who is a known prostitute.
- (b) prior or subsequent final conviction of, entering a plea of nolo contendere or guilty to, or receiving deferred adjudication for an offense involving prostitution or any other sexual offense;
- (c) the occurrence at the Massage Establishment of any act or conduct in violation of this chapter, including, but not limited to, the standards set forth in section 14-8-6;
- (d) massage of prohibited body areas;
- (e) failure to submit current state licenses and government-issued identification cards, as applicable, for the Massage Establishment and all employees and contractors operating at the Massage Establishment;
- (f) failure to properly register a customer or maintain a customer registration ledger as required by this chapter or applicable state law;
- (g) knowingly permitting a customer to provide false registration information;
- (h) violation of the hours of operation as set forth in section 14-8-4;
- (i) prohibiting entrance to the City Marshal or a law enforcement officer for the purpose of inspection of the licensed premises or the books or records required to be kept by this chapter;
- (j) failure to provide the required books or records for inspection as required by this chapter or applicable state law;

- (k) failure to display a list of services performed in the massage establishment as required by section 14-8-6;
- (l) performing any massage procedure, service, or treatment, or asking or collecting a charge for same, other than the services displayed as required by section 14-8-6;
- (m) violation of any of the sanitary requirements set forth in section 14-8-9;
- (n) failure to pass an inspection conducted by the City Marshal or other designated officer in accordance with this chapter.

Sec. 14-8-31. – Appeal from denial or revocation.

- (a) If the City Marshal ~~Chief of Police~~ refuses to approve the issuance of an original license or the renewal of a license to any applicant under this article, or revokes a license from any licensee under this article, the action of the City Marshal ~~Chief of Police~~ shall be final unless within ten (10) days of notice of the City Marshal's decision, the applicant or licensee provides sufficient evidence that such action causing the violation or conduct has been cured. If such violation has been cured to the satisfaction of the City Marshal, then the license shall be promptly issued or reinstated. If after the ten (10) day cure period, such violation or conduct is not cured to the satisfaction of the City Marshal, such denial or revocation shall become final, unless the applicant or licensee shall, within ten (10) days after the refusal or revocation to approve the issuance of or the renewal of a license, file a written appeal to the Office of Civil Administrative hearings. with the City Secretary, addressed to the City Council, requesting a hearing by the City upon the question as to whether or not his application shall be granted.
- (b) If such an appeal is filed, the City Marshal ~~Chief of Police~~ shall provide the Office of Civil Administrative Hearings ~~Council~~ with a record of all proceedings theretofore had with reference to the application or revocation in question, including the written application, together with the action of the City Marshal ~~Chief of Police~~ and the reasons for such action. The Office of Civil Administrative Hearings ~~City Council~~ shall, render a decision within thirty (30) days, ~~grant a hearing thereon to determine the correctness of the action of the Chief of Police. At such hearing the City Council may make such investigation as it may see fit, whether all the pertinent facts appear in the application or not, and~~

~~the City Council shall determine whether or not such license shall be granted or refused, and such action as the City Council shall take thereon~~ The decision of the Office of Civil Administrative Hearings shall be final and conclusive.

Sec. 14-8-32. – Display.

- (a) The license(s) required by this article shall be displayed in a prominent location in the Massage Establishment, and a copy shall be made easily accessible and available for inspection by the public. ~~exhibited at all times in such establishments.~~
- (b) Each licensed Massage Establishment must notify each client of the name, mailing address, and telephone number of the Texas Department of State Health Services for the purpose of directing complaints to the department. This information must be provided on a sign displayed in a prominent location in the Massage Establishment.
- (c) Each licensed Massage Establishment must post the human trafficking notices required by state law.

Sec. 14-8-33. - Grace period~~Revocation~~.

All persons required by this chapter to obtain a license are hereby granted a grace period, beginning the effective date of this chapter and December 31, 2023 at 11:59 p.m. central standard time.

~~Any Massage Establishment license issued by the City Secretary after approval in writing by the Director of Public Health and the Chief of Police, pursuant to this article, may be suspended or revoked by the Chief of Police when it shall appear that the business of the person to whom such permit was issued has been conducted in a disorderly or improper manner, or in violation of any statute of the State, any provision of this Code or other ordinance of the City, or that the person conducting such business is of unfit character to conduct same, or that the purposes for which such license has been issued is being abused, to the detriment of the public, or that the license is being used for a purpose different from that for which it was issued to the license holder. Such notice of revocation shall be given by the Chief of Police in writing and shall be addressed to the license holder's last known business address.~~

Sec. 14-8-34. – Enforcement; penalty for violation~~Appeal from decision to revoke~~.

- (a) The City Marshal shall have primary responsibility for enforcing all provisions of this chapter. Other officers of the city, as designated by the city manager, shall share responsibility for enforcing the provisions of this chapter.
- (b) The city may exercise any and all enforcement powers granted by law in enforcing the provisions of this chapter.
- (c) Any person or entity who violates any of the provisions of this chapter or fails to comply with any of the requirements thereof shall be guilty of a misdemeanor and subject to a fine as set forth in section 1-1-5 of this Code. Each day that a violation is permitted to exist shall constitute a separate offense.
- ~~(a) — If the Chief of Police revokes the license issued to any license holder under this article, the action of the Chief of Police shall be final unless the license holder shall, within ten (10) days after the receipt of written notice of such revocation, file a written appeal with the City Secretary addressed to the City Council, requesting a hearing by the Council upon the question as to whether or not such license should have been revoked.~~
- ~~(b) — If such an appeal is filed, the Chief of Police shall provide the City Council with a record of all the proceedings theretofore had with reference to the revocation of the license in question, together with the action of the Chief of Police and the reasons for such action. The City Council shall, within thirty (30) days, grant a hearing thereon to determine the correctness of the action of the Chief of Police. At such hearing the City Council may make such investigation as it may see fit, and the City Council shall determine whether or not the action of the Chief of Police shall be ratified and confirmed, or should be set aside, and such decision of the City Council, after such hearing, shall be final and conclusive as to all parties.~~

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

SECTION 6. Publication. This ordinance shall be published as required by law.

SECTION 7. Effective Date. This ordinance shall become effective ten days after the date of its second publication as required by the Charter of the City of Amarillo.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 10th day of October, 2023; and PASSED on Second and Final Reading the 24th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney



Agenda Transmittal Memo

Date: October 10, 2023

Council Priority: Communication
Fiscal Responsibility

Department: City Secretary

Contact Person: Stephanie Coggins, City Secretary

Agenda Caption: CONSIDERATION OF RESOLUTION NO. 10-10-23-1

This item considers a resolution to make nominations to fill upcoming vacancies on the board of directors of the Potter and Randall Appraisal Districts. The Potter-Randall Appraisal District (PRAD) has 10 upcoming vacancies on the individual Potter and Randall County Appraisal Districts' Board of Directors. Upon receipt of these nominations, PRAD will distribute a ballot for governmental entities with voting entitlements in Potter and Randall counties to vote on these vacant positions, as established by State law requirements.

Agenda Item Summary: Each of PRAD's individual board of directors is made up of five directors. As a taxing district with voting entitlements, the City may nominate, by resolution, one to five candidates for each of these two boards.

Requested Action: Consider nomination of citizens to be added to the list of candidates for potential election to PRAD's individual Potter and Randall Appraisal Districts Board of Directors.

Funding Summary: N/A

Community Engagement Summary: This item along with the PRAD board election process and new changes approved by the 88th Legislative session were discussed with City Council at their regular meeting on September 26, 2023.

Staff Recommendation: Staff recommends approval of the resolution with nominations to the appraisal districts' boards.

Attachments: 1. Resolution No. 10-10-23-1 (Draft) PRAD Nominations

RESOLUTION NO. 10-10-23-1

A RESOLUTION TO MAKE NOMINATIONS TO FILL
VACANCIES ON THE BOARD OF DIRECTORS OF THE
POTTER AND RANDALL APPRAISAL DISTRICTS

WHEREAS, Section 6.03(1) of the Texas Property Tax Code requires the nomination of a member to fill a vacancy on the board of directors of an appraisal district by the governing bodies of the taxing entities entitled by Section 6.03 of the Texas Property Tax Code to vote; and

WHEREAS, the City of Amarillo is entitled to submit nominees by resolution to the Chief appraiser for members to serve a one-year term.

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

SECTION 1. That the nominee(s) for the ballot for the Potter Appraisal District Board of Directors are:

SECTION 2. That the nominee(s) for the ballot for the Randall Appraisal District Board of Directors are:

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas this
10th day of October 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

DRAFT



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Public Safety
Department: City Manager's Office
Contact Person: Andrew Freeman, Interim City Manager

Agenda Caption: CONSIDERATION OF RESOLUTION NO. 10-10-23-2

This item is to consider a resolution ratifying the Meet and Confer Agreement with the Amarillo Professional Fire Fighers Association.

Agenda Item Summary: This meet and confer agreement between the City of Amarillo and the Amarillo Professional Fire Fighters Association was drafted to address the specific issue of establishing a Fire Marshal's Office within the Amarillo Fire Department. Most recently, the City Marshal's Office has been handling all fire prevention related duties previously handled by the Fire Marshal's Office, which was most recently a stand-alone department and at one time was housed within the Amarillo Fire Department.

This agreement accomplishes the following:

- Establishes the Fire Marshal's Office as a division of the Amarillo Fire Department.
- Duties will include fire prevention, fire safety education, fire code inspection, fire investigation, and arson investigation (criminal investigations will be conducted by a licensed peace officer).
- Amarillo Fire Department authorized strength will increase by one Deputy Chief, three Captains, two Lieutenants, two Drivers, and one Fire Fighter to work within the Fire Marshal's Office division.
- Five personnel will be moving from the City Marshal's Office, including one Captain, two Lieutenants, one Driver, and one Admin Tech for support. The remaining positions will be filled by Amarillo Fire Department personnel.
- The Stennett v. City of Amarillo lawsuit will be settled as part of this agreement with Michael Brandon Stennett being promoted to one of the newly created Captain positions to be assigned to the Fire Suppression division of the Amarillo Fire Department. His promotion will be made retroactive to January 30, 2016 and Stennett will have seniority as a Captain based on that promotion date.
- The parties agree in good faith that they will begin negotiations for a successor agreement on or before January 31, 2024.

Requested Action: Consider approval of the meet and confer agreement.

Funding Summary: N/A - utilizes existing staff and funding sources

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of the agreement as presented.

Attachments:

1. Resolution No. 10-10-23-2 (draft) Res-Meet and Confer 10.05.21
2. Meet and Confer - 10-1-23FNL copy

RESOLUTION NO. 10-10-23-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: A RESOLUTION RATIFYING THE MEET AND CONFER AGREEMENT WITH THE AMARILLO PROFESSIONAL FIRE FIGHTERS ASSOCIATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes the invaluable service that members of the Amarillo Fire Department provide for the citizens of Amarillo; and

WHEREAS, the City Council finds that an open dialogue regarding employment concerns of the Amarillo Fire Department contributes to the continued success of the department; and

WHEREAS, the City Council desires to formalize its show of support and solidarity with members of the Amarillo Fire Department towards the common goal of providing superior public safety for the citizens of Amarillo.

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

SECTION 1: Adoption. The City Council of the City of Amarillo, Texas hereby approves and ratifies the attached Meet and Confer Agreement between the City of Amarillo, Texas and the Amarillo Professional Fire Fighters Association.

SECTION 2. Effective date. This Resolution shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this
10th day of October, 2023.

Cole Stanley, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

MEET AND CONFER AGREEMENT
BETWEEN
CITY OF AMARILLO
AND
AMARILLO PROFESSIONAL FIRE FIGHTERS ASSOCIATION

EFFECTIVE _____, 2023

(Page left for signatures)

TABLE OF CONTENTS

Article 1 -
ARTICLE 1 - PREAMBLE.....1
ARTICLE 2 – FIRE MARSHAL’S OFFICE2
ARTICLE 3 - TERM OF AGREEMENT5

ARTICLE 1 PREAMBLE

Section 1. Date of Agreement

This Agreement is made between the City of Amarillo, Texas, hereinafter referred to as the “City,” and the Amarillo Professional Fire Fighters Association, Local 542 of the International Association of Fire Fighters, AFL-CIO-CLC, hereinafter referred to as the “Association.” The Agreement is effective beginning on the date it is ratified by the Amarillo City Council, and the Agreement’s terms shall be effective only until the expiration date of the Agreement, unless otherwise stipulated in the Agreement.

Section 2. Purpose of Agreement

WHEREAS, City has voluntarily endorsed the meet and confer process under Texas Local Government Code Chapter 142, Subchapter C, as an efficient way of conducting its labor relations with Amarillo fire fighters; and

WHEREAS, the Association has pledged to support the service and mission of the Amarillo Fire Department, to constructively support the goals and objectives of the Amarillo Fire Department, and to abide by the statutorily imposed no strike or work slowdown obligations placed upon it; and

WHEREAS, it is the intent and purpose of the parties to set forth herein their entire Agreement;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties mutually agree as follows.

ARTICLE 2 FIRE MARSHAL'S OFFICE

Section 1. Establishment of Fire Marshal's Office

On the effective date of this Agreement, the Fire Marshal's Office will be established as a division of the Amarillo Fire Department.

Section 2. Classifications

The parties agree that all fire prevention, fire safety education, fire code inspection, fire investigation, and arson investigation duties performed by the Fire Marshal's Office must be performed by classified fire fighters. Notwithstanding any provision herein, all criminal investigations will be conducted by a licensed peace officer.

In order to fulfill that requirement, by ratifying this Agreement, the Amarillo City Council hereby increases the authorized strength of the Amarillo Fire Department by one Deputy Chief, three Captains, two Lieutenants, two Drivers, and one Fire Fighter.

During the term of this Agreement, one of the three Deputy Chief positions will be assigned to be the Fire Marshal (the Fire Chief has authority to assign any Deputy Chief to perform that assignment), the assignment of two of the three newly added Captain positions will be Inspector/Investigator II in the Fire Marshal's Office, the assignment of the two newly added Lieutenant positions will be Inspector/Investigator I in the Fire Marshal's Office, the assignment of the two newly added Driver positions will be Inspector I in the Fire Marshal's Office, and the assignment of the one newly added Fire Fighter position will be Plans Examiner in the Fire Marshal's Office.

Section 3. Staffing the Fire Marshal's Office

Within 10 days of the effective date of this Agreement, the Fire Chief, at his discretion, may fill the newly created positions and Fire Marshal's Office assignments by appointment as follows:

A. Any employee who is employed by the Amarillo Fire Department, has a permanent classification in at least an officer level, is eligible for certification by the Texas Commission on Fire Protection at the intermediate level or its equivalent as determined by that commission, and has served as a fully paid fire fighter for at least five years may be appointed to occupy the newly added Deputy Chief position. After the effective date of this Agreement, the Fire Chief will have authority to appoint two of the three Deputy Chief positions.

The Fire Chief may fill subsequent vacancies in the newly added Deputy Chief position under this subsection within 90 days after the date a vacancy occurs in the position. A person appointed under this subsection serves at the pleasure of the Fire Chief. A person who is removed from the position by the Fire Chief shall be reinstated in the department and placed in the same classification, or its equivalent, that the person held before appointment. The person retains all

rights of seniority in the department. If a person appointed under this subsection is charged with an offense in violation of civil service rules and indefinitely suspended by the Fire Chief, the person has the same rights and privileges of a hearing before the commission in the same manner and under the same conditions as a classified employee. If the commission, a hearing examiner, or a court of competent jurisdiction finds the charges to be untrue or unfounded, the person shall immediately be restored to the same classification, or its equivalent, that the person held before appointment. The person has all the rights and privileges of the prior position according to seniority and shall be repaid for any lost wages.

B. The employee who, on the effective date of this Agreement, holds the rank of TCFP Inspector/Investigator II, or TCFP Inspector/Investigator I and Peace Officer in the Amarillo City Marshal's Office may be appointed to occupy one of the two newly added Captain positions that are assigned to be Inspector/Investigator II in the Fire Marshal's Office.

C. One or both of the employees who, on the effective date of this Agreement, holds the rank of TCFP Inspector/Investigator I, or must obtain certification as TCFP Inspector/Investigator I within 6 months of appointment in the Amarillo City Marshal's Office may be appointed to occupy one or both of the newly added Lieutenant positions that are assigned to be Inspector/Investigator I in the Fire Marshal's Office.

D. The employee who, on the effective date of this Agreement, holds the rank of TCFP Inspector I in the Amarillo City Marshal's Office may be appointed to occupy one of the two newly added Driver positions that are assigned to be Inspector I in the Fire Marshal's Office.

E. The employee who, on the effective date of this Agreement, holds the rank of Firefighter in the Amarillo Fire Department may be appointed to occupy the newly added Fire Fighter position that is assigned to be Plans Examiner in the Fire Marshal's Office.

Section 4. Provisions Relating to Incumbent City Marshal's Office Employees

A. If, under Section 3 of this Article, the Fire Chief appoints to positions assigned to work in the Fire Marshal's Office one or more employees who, on the effective date of this Agreement, work in the Amarillo City Marshal's Office, then any such appointed employees have the status of civil service employees and are not required to take competitive examinations to remain in their positions. Any such appointed employees shall receive credit for their seniority and time in rank with the Fire Marshal's Office/City Marshal's Office for all purposes for which seniority and time in rank are used in Texas Local Government Code Chapter 143.

B. A fire department employee who has civil service status under this Section may be promoted only:

1. by competitive examination in accordance with the competitive civil service procedures prescribed in Texas Local Government Code Chapter 143; and
2. within positions that are assigned to work in the Fire Marshal's Office.

C. A fire department employee who has civil service status under this Section may not:

1. supervise or evaluate classified civil service personnel assigned to fire suppression or emergency medical operations; or
2. laterally transfer to fire suppression or emergency medical operations.

D. A fire department employee who has civil service status under this Section shall continue to participate in the Texas Municipal Retirement System on the same terms as the employee participated prior to appointment to the fire department and shall not participate in the Amarillo Firemen's Relief and Retirement Fund.

E. If a fire department employee who has civil service status under this Section leaves the employee's position for any reason, a person selected to fill that position must be selected in accordance with the competitive civil service procedures prescribed in Texas Local Government Code Chapter 143.

Section 5. Provisions Relating to the Settlement of the *Stennett v. City of Amarillo et al.* Lawsuit

In connection with the settlement of the lawsuit styled *Stennett v. City of Amarillo et al.*, Cause No. V-105821-00-2, in the County Court at Law Number 2 of Potter County, Texas, Michael Brandon Stennett will be promoted to the newly added Captain position, which will be assigned in the Fire Suppression division of the Amarillo Fire Department. The promotion will take effect within 10 days after a notice of nonsuit is filed dismissing the lawsuit pursuant to a final, fully executed settlement agreement. The promotion will be made retroactive to January 30, 2016, and Stennett will have seniority as a Captain based on that promotion date.

Section 6. Preemption.

This Agreement preempts and supersedes all contrary provisions in Texas Local Government Code Chapters 141, 142, and 143 to the fullest extent allowed by law.

ARTICLE 3

TERM OF AGREEMENT

Section 1. Term of Agreement

This Agreement shall be effective as of the date it is ratified by the City Council. It shall remain in full force and effect until the 30th day of September 2024.

Section 2. Negotiations for Successor Agreement

The parties agree in good faith that they will begin negotiations for a successor Agreement on or before January 31, 2024.

Section 3. Continuation during Negotiations

If the parties are engaged in negotiations for a successor Agreement at the time this Agreement expires, the Association's and the City's negotiating teams shall have the authority to extend this Agreement in 30 calendar day increments by mutual written agreement, during any period of good faith negotiations after such termination date, not to exceed a total of 6 months.



Agenda Transmittal Memo

Date: October 10, 2023
Council Priority: Public Safety
Department: City Manager's Office
Contact Person: Andrew Freeman, Interim City Manager

Agenda Caption: CONSIDER APPROVAL - SETTLEMENT AND RELEASE AGREEMENT BETWEEN MICHAEL BRANDON STENNETT AND THE CITY OF AMARILLO

This item is to consider approval of the settlement and release agreement between Michael Brandon Stennett and the City of Amarillo in conjunction with the Meet and Confer agreement between the City of Amarillo and the Amarillo Professional Fire Fighters Association.

Agenda Item Summary: This agenda item is being presented in conjunction with the Meet and Confer agreement between the City of Amarillo and the Amarillo Professional Fire Fighters Association. The agreement settles all claims between both the City and Stennett in relation to the Michael Brandon Stennett v. City of Amarillo, et. al. lawsuit that started in September 2016. The agreement includes dismissal of the lawsuit, release and waiver of rights, covenant not to sue, and other details. As part of the agreement, Stennett will receive partial backpay and benefits as well as a promotion to the rank of Captain in the fire suppression division of the Amarillo Fire Department as stated in the Meet and Confer agreement.

Requested Action: Consider approval of the settlement and release agreement

Funding Summary: N/A

Community Engagement Summary: N/A

Staff Recommendation: Staff recommends approval of the settlement and release agreement as presented.

Attachments: None