

AGENDA

FOR A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE HELD ON TUESDAY, JUNE 28, AT 1:00 P.M., CITY HALL, 601 SOUTH BUCHANAN STREET, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

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

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

INVOCATION: Joan Gaines, Covenant Presbyterian Church

ANNOUNCEMENTS

PUBLIC ADDRESS:

(For items on the agenda for City Council consideration)

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

AGENDA

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

- A. Review agenda items for regular meeting and attachments;
- B. Updates from Councilmembers serving on outside boards and commissions
 - i. Pedestrian and Bicycle Safety Advisory Committee
 - ii. Beautification and Public Arts Advisory Board
 - iii. Environmental Task Force
 - iv. Convention and Visitors Bureau;
- C. Update on Bloomberg Harvard Innovation Track;
- D. Request future agenda items and reports from City Manager.

2. CONSENT ITEMS:

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

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

A. CONSIDER APPROVAL – MINUTES:

(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the regular meeting held on June 14, 2022.

B. CONSIDER APPROVAL – MINUTES:

(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the special meeting held on June 17, 2022.

C. CONSIDERATION OF ORDINANCE NO. 7986:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning Tract 52 and a portion of Tract 53, Whitaker's Subdivision, in Section 92, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Light Industrial District and Agricultural District to Light Industrial District with Specific Use Permit 202 (I-1/S-202) for an Asphalt or Concrete Batching Plant. (Vicinity: Triangle Dr. and Lakeside Dr.; Applicant/s: Brad Stuteville for Vankor Properties LLC.)

D. CONSIDERATION OF ORDINANCE NO. 7987:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning Lot 6, Block 3, Canode-Com. Park Unit No. 7, an addition to the City of Amarillo, in Section 42, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District and Heavy Commercial District to Heavy Commercial District. (Vicinity: Interstate 40 and Coulter St.; Applicants: Bryan Elrod for Britten and Withrow LP)

E. CONSIDERATION OF ORDINANCE NO. 7988:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning Lots 13 and 14, Block 22, Belmont Park Annex, an addition to the City of Amarillo, in Section 157, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from General Retail District to Manufactured Home District. (Vicinity: Mirror St. and N.E. 16th Ave.; Applicant/s: Diana Soto)

F. CONSIDERATION OF ORDINANCE NO. 7989:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading to consider an ordinance rezoning Lot 4, Block 1, Medical Institute Subdivision Unit No. 5, an addition to the City of Amarillo, in Section 25, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Office District 2 to Planned Development District 398 for reduction of minimum parking requirements related to multi-family development. (Vicinity: SW 9th Ave. and Wallace Blvd.; Applicant/s: Louis Homen for LHMK LLC)

G. CONSIDER ACCEPTANCE – COMMUNITY MENTAL HEALTH GRANT:

(Contact: Casie Stoughton, Public Health Director)

Grantor: Texas Health and Human Services Commission (HHSC)

Grant Amount: \$149,070.00

This item considers acceptance of the award from HHSC from September 1, 2022 through August 31, 2023 to renew the Community Mental Health Grant CMHG grant supporting the Local Outreach to Suicide Survivors (LOSS) Team.

H. CONSIDER AWARD – CONSTRUCTION CONTRACT FOR CONCRETE WORK AT FIRE STATIONS #2 AND #13:

(Contact: Jerry Danforth, Facilities Director)

Award to: Tri-State General Contracting Group, Inc. - \$255,058.44

This item considers the award of a construction contract for the concrete driveway replacement at Fire Station #2 and partial driveway repair and replacement at Fire Station #13.

I. CONSIDER AWARD – CONTRACT FOR INSURANCE COVERAGE POLICIES:

(Contact: Mitchell Normand, HR Director)

Award to: USI Southwest - \$3,082,512.00

This item considers the award of an insurance contract for the following lines of coverage: Business Travel Accident, Inland Marine (Rare Books), Professional Liability (Medical Malpractice), Cyber Liability, Public Official Liability, Law Enforcement Liability, Property, Boiler & Machinery, and AFD Fire Fleet – Auto PD.

J. CONSIDER AWARD – RENEWAL OF CLAIMS ADMINISTRATION CONTRACT FOR THIRD-PARTY ADMINISTRATIVE SERVICES:

(Contact: Mitchell Normand, HR Director)

Award to: Claims Administrative Services - \$150,000.00

This item considers the award of a contract to provide claims adjustment services for workers' compensation, auto physical, auto liability, and property damage claims.

K. CONSIDER PURCHASE – REFUSE SIDELOADERS, 6-YD DUMP TRUCKS, 12-YD DUMP TRUCKS, SERVICE BODY TRUCKS, WINCH TRUCKS AND ROLL-OFF TRUCKS:

(Contact: Donny Hooper, Public Works Director)

Award to: Roberts Truck Center -	\$1,645,470.00
Bruckner's Truck Sales -	\$ 606,575.16
Randall Reed Prestige Ford -	\$ 269,360.00
Total Award:	\$2,521,405.16

This item considers the purchase of scheduled replacements and additions of multiple vehicles to be used by Solid Waste Collection, Street, Water Distribution, and Wastewater Collection departments in their daily operations. The units being replaced have reached or exceeded their useful life.

L. CONSIDER AWARD – MOTOR FUEL ANNUAL CONTRACT:

(Contact: Donny Hooper, Public Works Director)

Award to: Saratoga Rack Marketing LLC as follows:

Gasoline: OPIS price average less \$0.056/gallon

Diesel: OPIS price average less \$0.045/gallon

This item considers the award of an annual contract to provide unleaded and diesel fuel to the City of Amarillo. This is a one-year contract with two one-year options to renew. Pricing for the contract is based off of Oil Price Information Service (OPIS) daily rack average for Amarillo Area.

M. CONSIDER AWARD – WATER METER BOX WITH ADAPTER RING SUPPLY AGREEMENT:

(Contact: Trent Davis, Purchasing Agent)

Award to: Core & Main - \$68,750.00

This item considers the purchase of water meter boxes with adapter rings to replenish warehouse stock that will be used by the Water and Sewer Utilities department.

N. CONSIDER AWARD –TRAFFIC LIGHT POLES AND ACCESSORIES:

(Contact: Trent Davis, Purchasing Agent)

Award to: Tiger Electric Supply - \$85,220.00

This item considers the purchase of traffic light poles and accessories to replenish warehouse stock that will be used by the Traffic department.

O. CONSIDER AWARD – GATE/TAPPING VALVE SUPPLY AGREEMENT:

(Contact: Trent Davis, Purchasing Agent)

Award to: Premier Waterworks - \$81,323.00

This item considers the purchase of gate and tapping valves to replenish warehouse stock that will be used by the Water and Sewer Utilities department.

P. CONSIDER AWARD – PROJECT MANAGEMENT SOFTWARE ANNUAL SUBSCRIPTION:

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

Award to: E-Builder, Inc. - \$87,604.30

This item considers the award of a one-year contract for the E-Builder Project Management Software that is used by the Capital Projects & Development Engineering department to manage construction projects.

Q. CONSIDER AWARD – WATER TRANSFER LINE TRENCH REPAIR: SOUTHEAST 13TH AVE AND BOLTON TO SOUTHEAST 27TH AND BOLTON:

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

Award to: Amarillo Utility Contractors Inc. - \$2,575,395.00

This item considers the award of a construction contract for trench and surface repairs above a 48-inch water transfer line along Bolton Street.

3. NON-CONSENT ITEM:

A. CONSIDER AWARD – FIBER BROADBAND INTERNET SERVICE PROVIDER (ISP) SERVICE:

(Contact: Rich Gagnon, Managing Director and CIO)

Award to: AT&T - \$2,000,000.00

This item considers the award of a contract for fiber broadband internet service for use in the Amarillo Connected Broadband Project. Funding for this item is provided through a grant from the American Rescue Plan Act (ARPA).

B. PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7990:

(Contact: Brady Kendrick, Planner II)

This item is a public hearing and first reading to consider an ordinance vacating a 2,492 square foot portion of a public right-of-way (alley) located adjacent to Lots 4 through 6 and a portion of Lot 3, Block 16, Morningside Subdivision, an addition to the City of Amarillo, in Section 156, Block 2, A.B.&M. Survey, Potter County, Texas. (Vicinity: Amarillo Blvd. and Mirror St.; Applicant/s: Andrew Mitchell for Jamal Enterprises, LP)

C. PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7991:

(Contact: Brady Kendrick, Planner II)

This item is a public hearing and first reading to consider an ordinance rezoning Lot 26J, Block 25, Coulter Acres Unit No. 8, the remaining portions of Lots 26 and 27, Block 2, Coulter Acres Unit No. 1, a portion of Lot 27C and all of 27D, Block 2, Coulter Acres Unit No. 5, all in Section 38, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 1 (R-1) to Office District 2 (O-2). (Vicinity: SW 77th Ave. and Coulter St.; Applicant/s: Greg Farber on behalf of The Reserve Offices LLC, Hayes Holdings & Investment Group LLC, and Redeemer Presbyterian)

D. CONSIDERATION OF ORDINANCE NO. 7992:

(Contact: Bryan McWilliams, City Attorney)

This item is the first reading of an ordinance that would grant West Texas Gas Utility the franchise and rights to use public rights-of-way to provide retail gas service in the city.

E. CONSIDERATION OF RESOLUTION NO. 06-28-22-1:

(Contact: Brady Kendrick, Planner II)

This item is to consider a resolution setting a date, time, and place for a Public Hearing to consider the proposed annexation of certain property by the City of Amarillo, Texas and authorizing the City Manager to execute an Agreed Service Plan. (Vicinity: Soncy Rd. and SW 34th Ave.; Applicant/s: Daryl Furman for the Emeline Bush O'Brien/Sobieski Trust)

4. EXECUTIVE SESSION:

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

A. 551.072 – Discussion regarding the purchase, exchange, lease, or value of real property:

i. Purchase of real property in the Eastern Texas panhandle.

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 378-3014 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 24th day of June 2022, at 4:00 p.m. in accordance with the Open Meetings Laws of the State of Texas, Chapter 551, Texas Government Code.


Stephanie Coggins, City Secretary

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 14th day of June 2022, the Amarillo City Council met at 1:00 p.m. for a regular meeting held in Council Chamber, located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

GINGER NELSON	MAYOR
FREDA POWELL	MAYOR PRO TEM/COUNCILMEMBER NO. 2
COLE STANLEY	COUNCILMEMBER NO. 1
EDDY SAUER	COUNCILMEMBER NO. 3
HOWARD SMITH	COUNCILMEMBER NO. 4

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

JARED MILLER	CITY MANAGER
ANDREW FREEMAN	ASSISTANT CITY MANAGER
FLOYD HARTMAN	ASSISTANT CITY MANAGER
LAURA STORRS	ASSISTANT CITY MANAGER
BRYAN MCWILLIAMS	CITY ATTORNEY
JENIFER RAMIREZ	ASSISTANT TO THE CITY MANAGER
STEPHANIE COGGINS	CITY SECRETARY

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

The invocation was given by Margie Gonzales with VIDA Church. Mayor Nelson led the Pledge of Allegiance.

PUBLIC ADDRESS

James Schenck, of Amarillo, spoke against Agenda Items No. 2J and 2K. Kenneth B. Flores, of Amarillo, spoke for Agenda Item No. 3C.

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

- A. Review agenda items for regular meeting and attachments;
- B. Discuss Homeless Services Update;
- C. Discuss Update on Amarillo Broadband Project;
- D. Updates from Councilmembers serving on outside boards and commissions
 - a. Amarillo Local Government Corporation
 - b. Convention and Visitors Bureau; and
- E. Request future agenda items and reports from City Manager.

ITEM 2 – CONSENT AGENDA

Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. A motion was made to approve the consent agenda, with the exception of Agenda Item Nos. 2-J and 2-K by Councilmember Powell, seconded by Councilmember Smith.

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

This item considers approval of the City Council minutes for the regular meeting held on May 24, 2022.

- B. **CONSIDERATION OF ORDINANCE NO. 7981:**

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading of an ordinance to consider the rezoning of Lot 71, Block 19, Westover Park Unit No. 27, an addition to the City of Amarillo, in Section 31, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to Moderate Density District. (Vicinity: Coulter St. and Pinnacle Dr.; Applicant/s: Rick Enns for First United Methodist Church)

C. CONSIDERATION OF ORDINANCE NO. 7982:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading of an ordinance to consider the rezoning of portions of Tracts 8, 9, and 12, C.R. Austin's Subdivision of the E. & S. parts of Section 4, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 1 and Agricultural District to Residential District 3. (Vicinity: Scotty Dr. and Santa Fe Trl.; Applicant/s: Barry Christy)

D. CONSIDERATION OF ORDINANCE NO. 7983:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading of an ordinance to consider the rezoning of Lots 4 through 8, Block 41, The Colonies Unit No. 75, an addition to the City of Amarillo, in Section 40, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 1 to Residential District 3. (Vicinity: Continental Pkwy S. and Colonies Ct.; Applicant/s: Jill Miller, Barry Bedwell for Bedwell Homes LTD, and Anthony Saikowski)

E. CONSIDERATION OF ORDINANCE NO. 7984:

(Contact: Brady Kendrick, Planner II)

This item is a second and final reading of an ordinance to consider the rezoning of Lot 11A, Block 1, Sunset Park Addition Unit No. 5, an addition to the City of Amarillo, in Section 226, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Office District 1 to Office District 1 with a Specific Use Permit for the placement of a carport in the front yard setback. (Vicinity: Julian Blvd. and Georgia St.; Applicant/s: Gregg Bliss for GRV Holdings LLC)

F. CONSIDER APPROVAL – MUTUAL RESCISSION OF LANDSCAPE MAINTENANCE CONTRACT BETWEEN THE COLONIES MASTER ASSOCIATION, INC., AMARILLO INTEGRATED, AND THE CITY OF AMARILLO:

(Contact: Justin Oppel, Development Customer Service Coordinator)

This item considers approval of an agreement to mutually rescind the Landscape Maintenance Agreement for Amarillo Integrated to perform the landscape maintenance services for all areas serviced by the Colonies Public Improvement District (PID). This rescission has been mutually agreed upon by all three parties.

G. CONSIDER AWARD – CRADLEPOINT MOBILE ROUTERS SOFTWARE MAINTENANCE RENEWAL:

(Contact: Rich Gagnon, Managing Director and CIO)

Award to: ROK Brothers - \$50,750.80

This item considers the award of a software maintenance subscription renewal for numerous Cradlepoint mobile routers utilized by various departments for mobile internet connectivity among various devices and/or locations.

H. CONSIDER AWARD - BUILDING AUTOMATION SYSTEM (BAS) UPGRADE AT THE RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT:

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

Award to: Trane Technologies - \$539,669.00 (Buy Board Contract # 631-20)

This item considers award of a contract to replace the existing Honeywell LONworks based Building Automation System (BAS) in the Rick Husband Amarillo International Airport terminal building with a new non-proprietary DDC BACnet controls system, including new software and graphical interface.

I. CONSIDER AWARD - PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING (A&E) DESIGN SERVICES FOR THE SERVICE CENTER NORTH BUILDING:

(Contact: Jerry Danforth, Facilities Director)

Award to: C.H. Guernsey & Company (Guernsey) - \$237,750.00

This item considers the award of a professional services agreement for architectural and engineering (A&E) design services for the renovation of office space at the Service Center North Building located at 2100 N. Spruce Amarillo, Texas.

L. CONSIDER PURCHASE – TRANSFER STATION LOADER:

(Contact: Donny Hooper, Public Works Director)

Award to: Warren CAT - \$290,937.51 (Buy Board Contract #597-19)

This item considers the purchase of a Loader to be used at the City of Amarillo Refuse Transfer Station for daily operation requirements under the Texas Commission on Environmental Quality (TCEQ). This is a scheduled replacement of Fleet Unit No. 8043 which has exceeded its useful life.

M. CONSIDER APPROVAL – ADDITIONAL LICENSES AND SUPPORT FOR CALL CENTER:

(Contact: Jennifer Gonzales, Utility Billing Manager)

Award to: AT&T and InContact - \$70,693.01

This item considers the approval of additional licenses to assist in implementation of 311 employees into Utility Billing's current call center and the implementation and installation of coaching and learning management features, performance incentives, and additional support.

N. CONSIDER AWARD – REHABILITATION OF THE ALLIS CHAMBERS SPLIT CASE PUMP AT THE 34TH PUMP STATION:

(Contact: Floyd Hartman, Assistant City Manager)

Award to: Klinger-GPI - \$66,512.00

This item considers approval of a contract to remove, evaluate, and rehabilitate the Allis Chambers Split Case Pump at 34th Pump Station. This repair allows the Osage Water Treatment Plant to move water efficiently and systematically to the Southwest side of Amarillo to assets where demand has been identified.

O. CONSIDER PURCHASE – TRAFFIC BEADS AND PAINT SUPPLY AGREEMENT:

(Contact: Trent Davis, Purchasing Agent)

Award to: Potters Industries - \$18,000.00

Ennis-Flint - \$58,500.00

Total Award - \$76,500.00

This item considers award of an annual supply agreement to purchase traffic beads and paint to replenish warehouse stock for use by the Traffic department.

P. CONSIDERATION OF AVIATION CLEAR ZONE EASEMENT:

(Contact: Brady Kendrick, Planner II)

This item considers an Aviation Clear Zone Easement, being 4,350 feet above mean sea level above the plat of Windmill Acres Unit No. 13, an addition to the City of Amarillo, being a replat of Lot 59, Block 1, Windmill Acres Unit No. 12, in Section 152, Block 2, A.B.&M. Survey, Randall County, Texas. (Vicinity: SE 46th Ave. and Osage St.; Applicants: Sic Parvis Magna LLC and Attebury Elevators, LLC)

Q. CONSIDERATION OF RESOLUTION NO. 06-14-22-1:

(Contact: Jason Riddlespurger, Community Development Director)

This item is to consider a resolution to adopt the 2021 Continuum of Care (CoC) award. The U.S. Department of Housing and Urban Development awarded Community Development \$453,336.00 in CoC funding to provide planning dollars for the local CoC along with direct services and housing for those experiencing homelessness. This award will renew funding for existing programs to allow Community Development and Amarillo's CoC to maintain existing services.

R. CONSIDERATION OF RESOLUTION NO. 06-14-22-2:

(Contact: Jason Riddlespurger, Community Development Director)

This item is to consider of a resolution to adopt the 2021 Ending Homelessness Award. Texas Department of Housing and Community Affairs (TDHCA) awarded Community Development \$51,804.00 in Ending Homelessness funding to provide dollars for direct services and housing for those experiencing homelessness. Amarillo was one of ten select communities in Texas eligible for this fund based on our current administration of the Emergency Solutions Grant.

S. CONSIDERATION OF RESOLUTION NO. 06-14-22-3:

(Contact: Jason Riddlespurger, Community Development Director)

This item is to consider a resolution adopting the award of additional funding under the Emergency Solutions Grant (ESG) CARES 2 contract. Texas Department of Housing and Community Affairs (TDHCA) awarded Community Development an additional \$216,474 under our ESG CARES 2 contract. This additional funding is designated for rental assistance for those currently experiencing homelessness and rental assistance to assist struggling households with rental payments to prevent eviction. Community Development was awarded the additional funding due to our high expenditure rate of previous funds under the original ESG CARES 2 contract.

T. CONSIDERATION OF A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT BETWEEN THE CITY OF AMARILLO AND CROSSROADS HOUSING DEVELOPMENT CORPORATION FOR THE COMMONS AT ST. ANTHONY'S PROJECT LOCATED AT AMARILLO BOULEVARD AND POLK STREET:

(Contact: Andrew Freeman, Assistant City Manager)

This item considers approval of a Chapter 380 Economic Development Program Agreement for the construction of an affordable 124-unit senior independent living apartment building to be located on the east end of the existing St. Anthony's Hospital building at Amarillo Boulevard and Polk Street.

U. CONSIDERATION OF A CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT BETWEEN THE CITY OF AMARILLO AND ST. ANTHONY'S AMARILLO HOUSING 20, LP FOR THE COMMONS AT ST. ANTHONY'S PROJECT LOCATED AT AMARILLO BOULEVARD AND POLK STREET:

(Contact: Andrew Freeman, Assistant City Manager)

This item considers approval of a Chapter 380 Economic Development Program Agreement for the construction of an affordable 124-unit senior independent living apartment building to be located on the east end of the existing St. Anthony's Hospital building at Amarillo Boulevard and Polk Street.

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith, and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

ITEM 2J: Mayor Nelson introduced an item to consider the award of a contract for installation of water and electrical utilities at the Santa Fe Depot located at 401 S. Grant in Amarillo, Texas. Jerry Danforth, Facilities Director presented the item. A motion was made to approve the item as presented by Councilmember Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith, and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

ITEM 2K: Mayor Nelson introduced an item to consider awarding a contract for the erection of a new steel events pavilion at the Santa Fe Depot located at 401 S. Grant in Amarillo, Texas. Mr. Danforth presented the item. Beth Duke, with Center City, and Leman Wall, with the Working Ranch Cowboy Association, shared comments. No action was taken.

Mayor Nelson called a recess of the meeting at 3:30 p.m. Mayor Nelson resumed the meeting at 4:05 p.m.

ITEM 3 – NON-CONSENT ITEMS:

ITEM 3A: Mayor Nelson introduced an ordinance rezoning Tract 52 and a portion of Tract 53, Whitaker's Subdivision, in Section 92, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Light Industrial District and Agricultural District to Light Industrial District with Specific Use Permit 202 (I-1/S-202) for an Asphalt or Concrete Batching Plant. (Vicinity: Triangle Dr. and Lakeside Dr.; Applicant/s: Brad Stuteville for Vankor Properties LLC.). Brady Kendrick, Planner II presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made that the following captioned ordinance be passed by Councilmember Powell, seconded by Councilmember Smith.

ORDINANCE NO. 7986

**AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS:
PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL
ZONING MAP OF THE CITY OF AMARILLO, TEXAS;
PROVIDING FOR CHANGE OF USE DISTRICT
CLASSIFICATION OF SPECIFIED PROPERTY IN THE
VICINITY OF TRIANGLE DRIVE AND LAKESIDE DRIVE,
POTTER COUNTY, TEXAS; PROVIDING A SAVINGS
CLAUSE; PROVIDING A REPEALER CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.**

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith, and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

ITEM 3B: Mayor Nelson introduced an ordinance rezoning Lot 6, Block 3, Canode-Com. Park Unit No. 7, an addition to the City of Amarillo, in Section 42, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District and Heavy Commercial District to Heavy Commercial District. (Vicinity: Interstate 40 and Coulter St.; Applicants: Bryan Elrod for Britten and Withrow LP). Mr. Kendrick presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made that the following captioned ordinance be passed by Councilmember Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 7987

**AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS:
PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL
ZONING MAP OF THE CITY OF AMARILLO, TEXAS;
PROVIDING FOR CHANGE OF USE DISTRICT
CLASSIFICATION OF SPECIFIED PROPERTY IN THE
VICINITY OF INTERSTATE 40 AND COULTER STREET,
POTTER COUNTY, TEXAS; PROVIDING A SAVINGS
CLAUSE; PROVIDING A REPEALER CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.**

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith, and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

ITEM 3C: Mayor Nelson introduced an ordinance rezoning Lots 13 and 14, Block 22, Belmont Park Annex, an addition to the City of Amarillo, in Section 157, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from General Retail District to Manufactured Home District. (Vicinity: Mirror St. and N.E. 16th Ave.; Applicant/s: Diana Soto). Mr. Kendrick presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made that the following captioned ordinance be passed by Councilmember Powell, seconded by Councilmember Stanley.

ORDINANCE NO. 7988

**AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS:
PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL
ZONING MAP OF THE CITY OF AMARILLO, TEXAS;
PROVIDING FOR CHANGE OF USE DISTRICT
CLASSIFICATION OF SPECIFIED PROPERTY IN THE
VICINITY OF NORTH MIRROR STREET AND NORTHEAST
SIXTEENTH AVENUE, POTTER COUNTY, TEXAS;
PROVIDING A SAVINGS CLAUSE; PROVIDING A
REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE
DATE.**

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

ITEM 3D: Mayor Nelson introduced an ordinance rezoning Lot 4, Block 1, Medical Institute Subdivision Unit No. 5, an addition to the City of Amarillo, in Section 25, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Office District 2 to Planned Development District 398 for reduction of minimum parking requirements related to multi-family development. (Vicinity: SW 9th Ave. and Wallace Blvd.; Applicant/s: Louis Homen for LHMK LLC). Mr. Kendrick presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made that the following captioned ordinance be passed by Councilmember Powell, seconded by Councilmember Smith.

ORDINANCE NO. 7989

**AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS:
PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL**

ZONING MAP OF THE CITY OF AMARILLO, TEXAS;
PROVIDING FOR CHANGE OF USE DISTRICT
CLASSIFICATION OF SPECIFIED PROPERTY IN THE
VICINITY OF SOUTHWEST 9TH AVENUE AND WALLACE
BOULEVARD, POTTER COUNTY, TEXAS; PROVIDING A
SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE;
AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith and Stanley;
voting NO were none; absent were none; the motion passed by a 5-0 vote.

ITEM 3E: Mayor Nelson introduced a resolution authorizing the Canadian River Municipal Water Authority to issue refunding bonds to refund all or a part of the outstanding Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Refunding Bonds, Series 2014 (Conjunctive Use Groundwater Supply Project) (the "Series 2014 Bonds"). Ms. Storrs presented the item. A motion was made that the following captioned Resolution be passed by Councilmember Powell, seconded by Councilmember Sauer.

RESOLUTION NO. 06-14-22-4

A RESOLUTION BY THE CITY OF AMARILLO, TEXAS
AUTHORIZING REFUNDING OF CANADIAN RIVER
MUNICIPAL WATER AUTHORITY SUBORDINATE LIEN
CONTRACT REVENUE REFUNDING BONDS, SERIES
2014 (CONJUNCTIVE USE GROUNDWATER SUPPLY
PROJECT).

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith and Stanley;
voting NO were none; absent were none; the motion passed by a 5-0 vote.

ITEM 3F: Mayor Nelson introduced a resolution approving the project plan for the second and final installment of American Rescue Plan Act (ARPA) funding of \$19,838,158.50 in accordance with eligible uses identified in the Final Ruling issued by the United States Department of the Treasury that took effect April 1, 2022. Ms. Storrs presented the item. A motion was made that the following captioned Resolution be passed by Councilmember Powell, seconded by Councilmember Sauer.

RESOLUTION NO. 06-14-22-5

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

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer, Smith and Stanley;
voting NO were none; absent were none; the motion passed by a 5-0 vote.

Mayor Nelson adjourned the Regular meeting at 5:01 p.m.

ATTEST:

Stephanie Coggins, City Secretary

Ginger Nelson, Mayor

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 17th day of June 2022, the Amarillo City Council met at 4:30 p.m. for a special meeting held in the Council Chambers on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

FREDA POWELL	MAYOR PRO TEM/COUNCILMEMBER NO. 2
EDDY SAUER	COUNCILMEMBER NO. 3
HOWARD SMITH	COUNCILMEMBER NO. 4

Absent were Mayor Ginger Nelson and Councilmember Cole Stanley. Also in attendance were the following administrative officials:

JARED MILLER	CITY MANAGER
ANDREW FREEMAN	ASSISTANT CITY MANAGER
FLOYD HARTMAN	ASSISTANT CITY MANAGER
LAURA STORRS	ASSISTANT CITY MANAGER
JENNIFER RAMIREZ	ASSISTANT TO CITY MANAGER
KERRY TILLEY	OF COUNSEL
JONNI GLICK	ASSISTANT CITY SECRETARY

A quorum was established by Mayor Pro Tem Powell and Councilmembers Sauer and Smith. Mayor Pro Tem Powell called the meeting to order at 4:30 p.m., welcomed those in attendance, and the following business was conducted:

PUBLIC ADDRESS

There was no one signed up for public address.

ITEM 1 – DISCUSS AND AUTHORIZE NEW EVENTS PAVILION AT THE SANTA FE DEPOT:

Mayor Pro Tem Powell introduced an item to discuss and authorize a new events pavilion at the Santa Fe Depot. Mr. Miller and Jerry Danforth, Facilities Director, presented the item. A motion was made to authorize the City Manager, Jared Miller, to execute all documents necessary for the erection of a steel building of approximately 60,000 square feet in the amount not to exceed \$3,000,000.00, to be funded by hotel occupancy taxes, by Councilmember Sauer, seconded by Councilmember Smith.

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

Mayor Pro Tem Powell adjourned the Special meeting at 4:44 p.m.

ATTEST:

Stephanie Coggins, City Secretary

Ginger Nelson, Mayor

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	June 28, 2022	Council Priority	Regular Agenda Item – Public Hearing
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Department	Brady Kendrick – Planner II Planning and Development Services
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Agenda Caption
<u>CONSIDERATION OF ORDINANCE NO. 7986</u>

Second and final reading to consider an ordinance rezoning Tract 52 and a portion of Tract 53, Whitaker’s Subdivision, in Section 92, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Light Industrial District and Agricultural District to Light Industrial District with Specific Use Permit 202 (I-1/S-202) for an Asphalt or Concrete Batching Plant.

VICINITY: Triangle Dr. and Lakeside Dr.

APPLICANT/S: Brad Stuteville for Vankor Properties LLC

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Agricultural District to the south and Light Industrial District in all other directions.

Adjacent land uses consist of an auto parts store to the northwest, a construction company to the west, and undeveloped land in all other directions.

Proposal

The applicant is requesting a change in zoning in order to develop the tract with an Asphalt or Concrete Batching Plant Operation.

Analysis

Staff’s analysis of zoning change requests begins with referring to the Comprehensive Plan’s Future Land Use and Character Map, which identifies recommended future land uses. Additionally, staff considers what impact on area existing zoning and development patterns a request may have as well as its conformity to the Neighborhood Unit Concept of Development (NUC).

The Future Land Use Map identifies the applicant’s tract as being in the Industrial Category. The recommended development type for the above-mentioned category includes heavy and light industrial, heavy commercial, as well as office uses accessory to a primary industrial use. That said, the Planning and Zoning Commission is of the opinion that the applicants request is compatible with the recommended types of develop.

Regarding the Neighborhood Unit Concept of Development, this concept calls for more intensive uses such as commercial, retail, office, and multi-family development to be located at or near Section Line Arterial Intersections with intensity of use and/or zoning decreasing inward towards the center/middle of a section.

Light Industrial District 1 allows for a variety of industrial and heavy commercial products including but not limited to a recycling collection facility, hazardous waste collection, processing, or disposal, as well as storage warehousing to name a few.

Such zoning districts are typically located at the periphery of a section with a shift inward to less intense zoning transitions moving towards the interior of the section. The request conforms to the NUC in that the applicant’s tract would be located nearby the section line arterial intersection of Triangle Drive and Loop 335 and surrounded by industrial zoning. Considering this, the Planning and Zoning Commission is of the opinion that the proposal conforms to the NUC.

In analyzing the area zoning and development patterns in the area, the applicant's tract is in an industrial area of Amarillo with many of the land uses being commercial or industrial in nature. Typically, a particular use is allowed to be considered in a zoning district via a Specific Use Permit because the use is similar to uses allowed outright yet differs enough to warrant consideration to ensure its compatibility with the surrounding development and zoning character.

Given the development characteristics to the west, east, and at the SW corner of Triangle and Lakeside, and the fact that the Planning and Zoning Commission understands the majority of the batch plant equipment will be located in the southern portion of the site, the Planning and Zoning Commission is of the opinion that allowing such is in character with either existing or other allowed land uses in industrial zoning. That said, it must be noted that north of Triangle Dr, there are residences. Typically, residential land uses in close proximity to industrial uses is not recommended and is the reasoning that residential land uses should not be allowed in industrial zoning.

Given all the above, it is the Planning and Zoning Commissions opinion that should the applicant's requested land use be allowed, minimal additional impacts, if any, on the residences will result considering the commercial impacts such as traffic, light, and noise exist due to the majority of industrial land uses in the area being industrial or commercial in nature.

Requested Action/Recommendation

Notices have been sent to all property owners within 200 feet as required by State Law. As of this writing, two property owners expressed concern with the proposed land use.

One of the area property owners resides in the residential area north of Triangle Dr and stated that a potential negative impact on property values would result. The second area property owner located at the SW Corner of Lakeside and Triangle Dr, expressed concern with the dust and dirt associated with the operation. During the meeting, the applicant stated that the Texas Commission on Environmental Quality regulates such and that equipment that mitigates such are required and will be in place.

Considering the just mentioned, the Planning and Zoning Commission recommended **APPROVAL** of the request as presented.

ORDINANCE NO.7986

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF TRIANGLE DRIVE AND LAKESIDE DRIVE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, after a public hearing before the Planning and Zoning Commission for proposed zoning changes on the property hereinafter described, the Commission filed its final recommendation and report on such proposed zoning changes with the City Council; and

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

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

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

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

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

Rezoning of Tract 52 and a portion of Tract 53, Whitaker's Subdivision, in Section 92, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Light Industrial District and Agricultural District to Light Industrial District with Specific Use Permit 202 (I-1/S-202) for an Asphalt or Concrete Batching Plant, being further described below and in the attached Site Plan, incorporated herein:

LEGAL DESCRIPTION

Tracts No. Fifty-two (52), and the South four acres of Tract No. Fifty-three (53) of the Whitaker Subdivision of 85.23 acres out of the North Part of Section No. Ninety-two (92), Block No. Two (2), AB&M Survey, Potter County, Texas, save and except for a parcel of land out of Tract 53 of the Whitaker Subdivision located in Section 92, Block No. Two (2), AB&M Survey, Potter County, Texas. Said excepted parcel being more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the West line of Lakeside Road also being the East line of Tract 53, and the South line of property previously owned by Jack Stansbury, et al, located North 89 degrees 45 minutes 30 seconds West a distance of 30.00 feet and South 00 degrees 12 minutes 01 second West a distance of 543.50 feet from the Northeast corner of Section 92;

THENCE South 00 degrees 12 minutes 01 seconds West along the West line of Lakeside Road and the East line of Tract 53, a distance of 520.30 feet to a point in the North right of way line of the C.R.I. & P. Railroad;

THENCE North 87 degrees 00 minutes 15 seconds West along said North right of way line a distance of 51.87 feet to a point in the proposed West right of way line of Loop Highway 335;

THENCE North 03 degrees 55 minutes 56 seconds East along said proposed West right of way line a distance of 518.89 feet to a point in the aforementioned South line of property previously owned by Jack Stansbury, et al;

THENCE South 89 degrees 45 minutes 30 seconds East along said property line a distance of 18.04 feet to the place of beginning and containing an area of 0.417 acres, more or less.

NOTE: The Company is prohibited from insuring the area or quantity of the land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

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

SECTION 4. All ordinances and resolutions or parts thereof that conflict with this Ordinance are hereby repealed, to the extent of such conflict.

SECTION 5. This Ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the 14th day of June, 2022 and **PASSED** on Second and Final Reading on this the 28th day of June, 2022.

Ginger Nelson, Mayor

ATTEST:

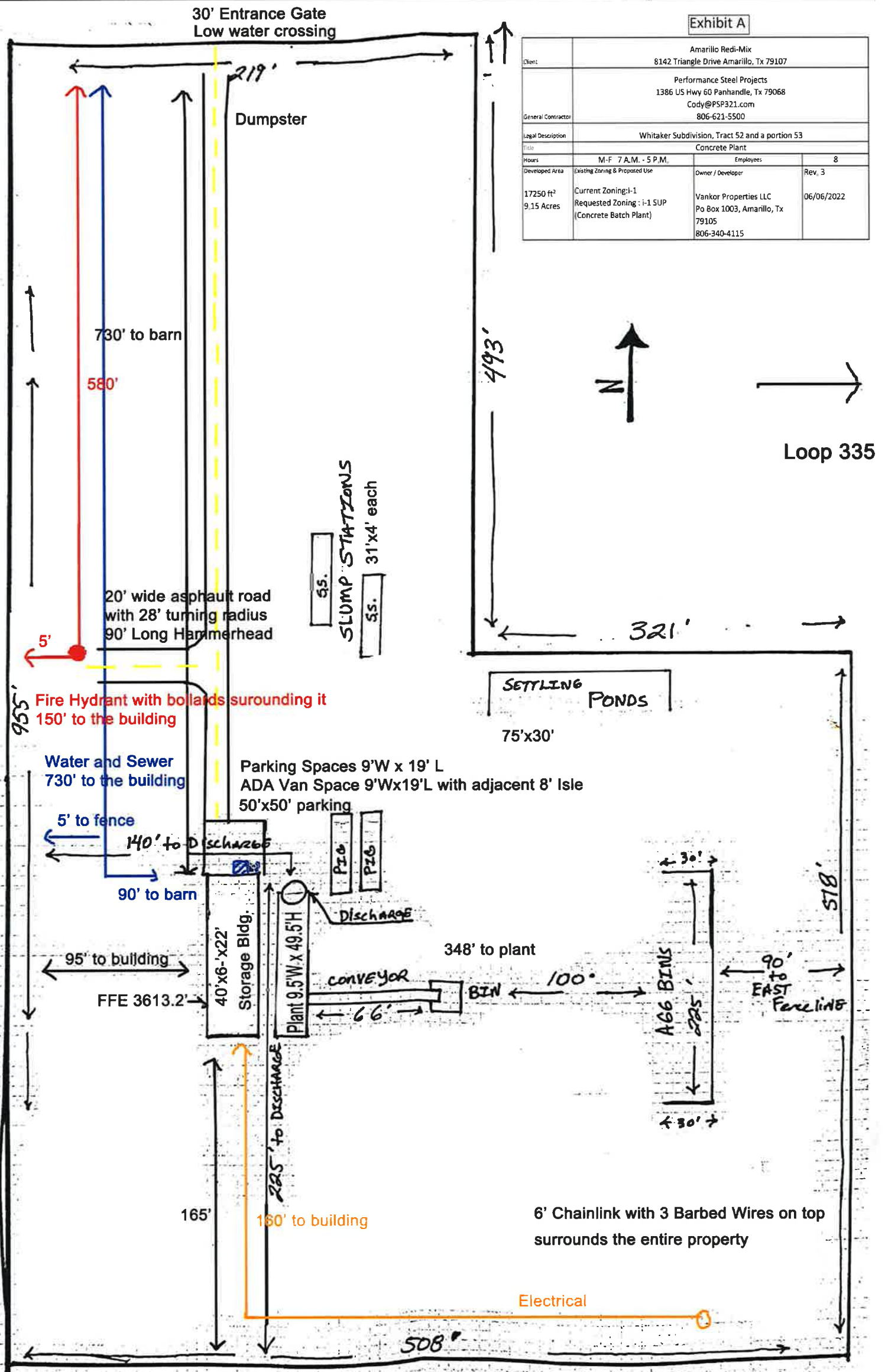
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

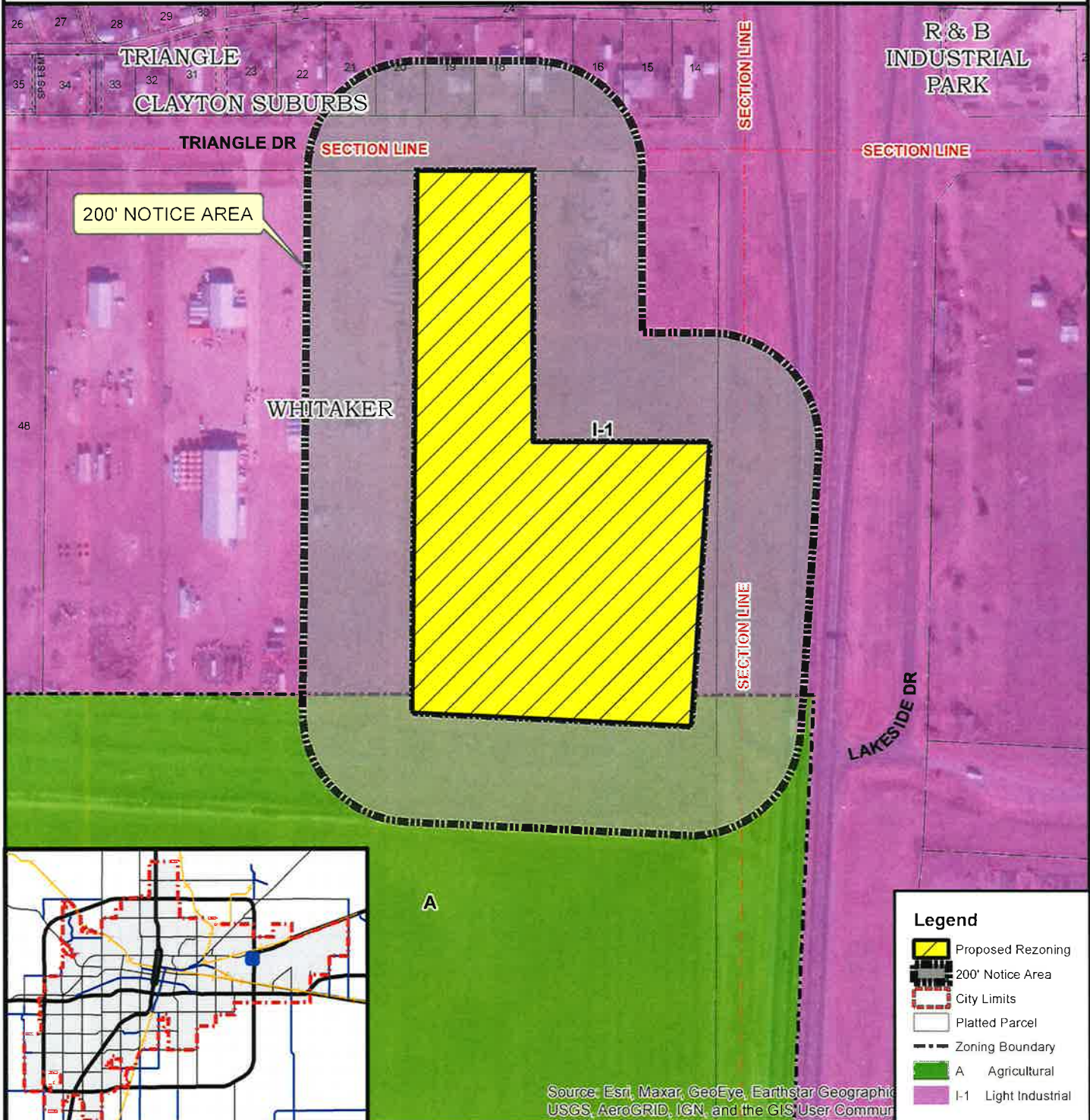
Bryan McWilliams, City Attorney

Exhibit A

Client	Amarillo Redi-Mix 8142 Triangle Drive Amarillo, Tx 79107		
General Contractor	Performance Steel Projects 1386 US Hwy 60 Panhandle, Tx 79068 Cody@PSP321.com 806-621-5500		
Legal Description	Whitaker Subdivision, Tract 52 and a portion 53		
Title	Concrete Plant		
Hours	M-F 7 A.M. - 5 P.M.	Employees	8
Developed Area	Existing Zoning & Proposed Use	Owner / Developer	Rev. 3
17250 ft ² 9.15 Acres	Current Zoning: i-1 Requested Zoning : i-1 SUP (Concrete Batch Plant)	Vankor Properties LLC Po Box 1003, Amarillo, Tx 79105 806-340-4115	06/06/2022

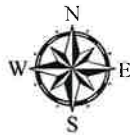


REZONING FROM I-1 & A TO I-1 WITH SUP



**CITY OF AMARILLO
PLANNING DEPARTMENT**

Scale: 1 inch = 250 feet
Date: 5/3/2022
Case No: Z-22-16



Rezoning of Tract 52 and a portion of Tract 53, Whitaker's Subdivision, in Section 92, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Light Industrial District and Agricultural District to Light Industrial District with a Specific Use Permit for an Asphalt or Concrete Batching Plant.

Owner: Brad Stuteville for Vankor Properties LLC

Vicinity: Triangle Dr. and Lakeside Dr.

AP: S-11

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

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	June 28, 2022	Council Priority	Regular Agenda Item – Public Hearing
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Department	Planning and Development Services Brady Kendrick – Planner II
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Agenda Caption
<u>CONSIDERATION OF ORDINANCE NO. 7987</u>

Second and final reading to consider an ordinance rezoning Lot 6, Block 3, Canode-Com. Park Unit No. 7, an addition to the City of Amarillo, in Section 42, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District and Heavy Commercial District to Heavy Commercial District.
VICINITY: Interstate 40 and Coulter St.
APPLICANT/S: Bryan Elrod for Britten and Withrow LP

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consist of Planned Development District 108 and Heavy Commercial District to the north, Heavy Commercial District and Agricultural District to the south, Heavy Commercial District to the east, and Agricultural District to the west.

Adjacent land uses consist of a hotel and restaurant to the north, undeveloped land to the south, a private drive and Rock Island Rail Trail to the east, and undeveloped land to the west.

Proposal

The applicant is requesting a change in zoning in order to construct 120ft tall cell tower on the west portion of Lot 6 currently zoned Agricultural District. Agricultural District does allow for a telecommunications tower, however the three-story maximum building height of the district would not allow for a tower height of 120 feet as it would not meet fall radius equal to the height of the tower. Heavy Commercial allows for unlimited building height and would accommodate the proposed tower height as a “height” setback requirement does not apply in zoning districts in which unlimited building height is allowed.

Analysis

The Planning and Zoning Commission’s analysis of zoning change requests begins with referring to the Comprehensive Plan’s Future Land Use and Character Map, which identifies recommended future land uses. Additionally, the Planning and Zoning Commission considers what impact on area existing zoning and development patterns a request may have as well as its conformity to the Neighborhood Unit Concept of Development (NUC).

Considering cell towers are allowed in all zoning districts, the typical Planning practices such as the Future Land Use Map and Neighborhood Unit Concept of development don’t play as large of a role.

What does play a role is the surrounding characteristics of development and zoning patterns. The applicant’s tract is merely expanding westward existing Heavy Commercial zoning to accommodate the height of the tower. With a 120ft tower allowed in existing Heavy Commercial zoning to the south, east, and northeast, the Planning and Zoning Commission is of the opinion that should the applicant’s request be approved and the proposed tower be erected, it would not be out of character.



Requested Action/Recommendation

Notices were sent to neighboring property owners as required by State Law. As of this writing, one phone call has been received from a neighboring property owner expressing concern about the height of the proposed tower.

Considering the just mentioned, the Planning and Zoning Commission recommends **APPROVAL** of the request as presented.

ORDINANCE NO. 7987

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF INTERSTATE 40 AND COULTER STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, after a public hearing before the Planning and Zoning Commission for proposed zoning changes on the property hereinafter described, the Commission filed its final recommendation and report on such proposed zoning changes with the City Council; and

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

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

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

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

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

Rezoning of Lot 6, Block 3, Canode-Com. Park Unit No. 7, an addition to the City of Amarillo, in Section 42, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District and Heavy Commercial District to Heavy Commercial District.

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

SECTION 4. All ordinances and resolutions or parts thereof that conflict with this ordinance are hereby repealed, to the extent of such conflict.

SECTION 5. This Ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the 14th day of June, 2022 and PASSED on Second and Final Reading on this the 28th day of June, 2022.

Ginger Nelson, Mayor

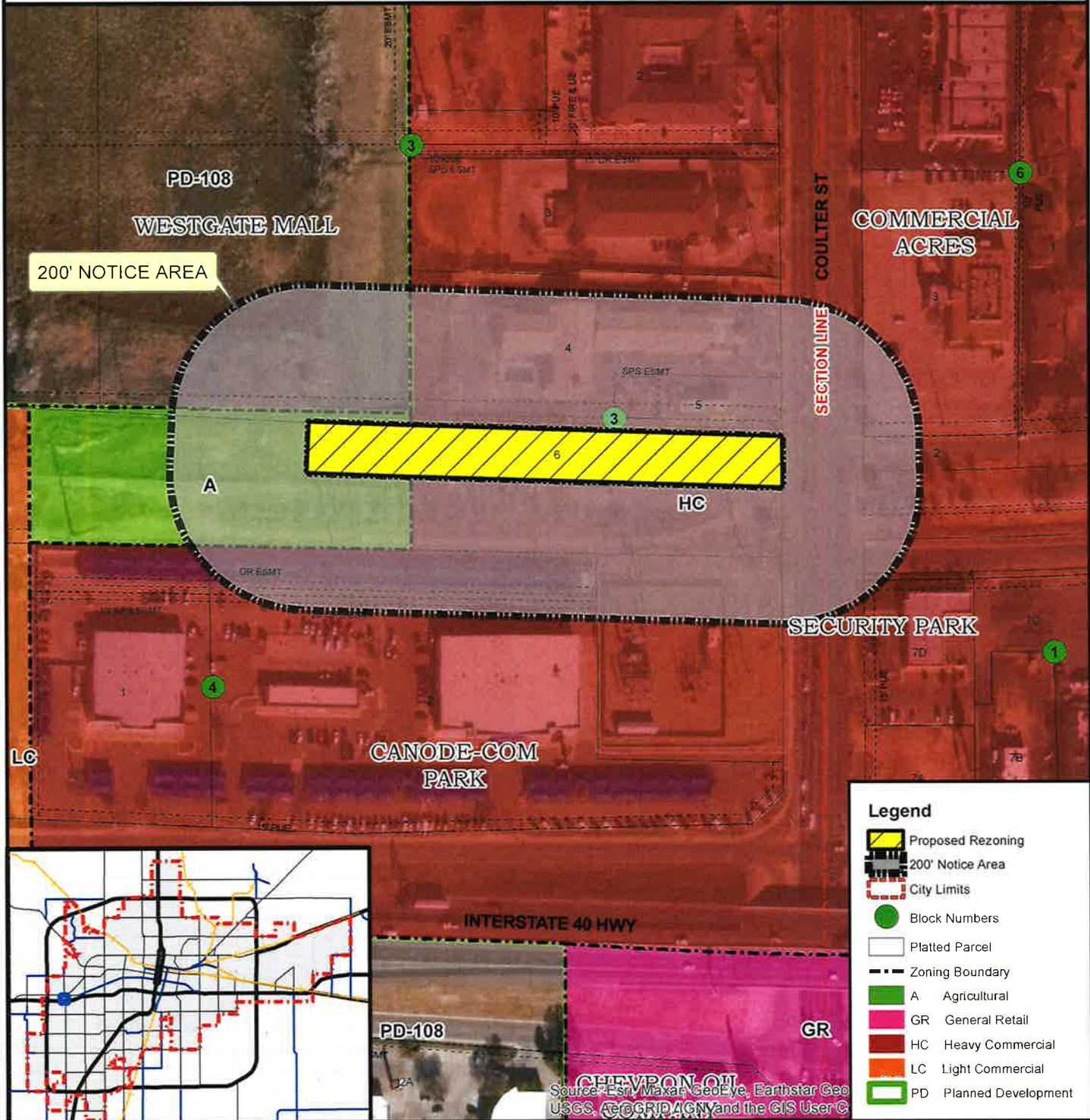
ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

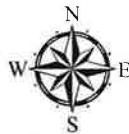
Bryan McWilliams, City Attorney

REZONING FROM A AND HC TO HC



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 200 feet
Date: 5/2/2022
Case No: Z-22-17



Z-22-17 Rezoning of Lot 6, Block 3, Canode-Com. Park Unit No. 7, an addition to the City of Amarillo, in Section 42, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District and Heavy Commercial District to Heavy Commercial District.

VICINITY: Interstate 40 and Coulter St.

APPLICANT/S: Bryan Elrod for Britten and Withrow LP

AP: I-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.

Amarillo City Council

Agenda Transmittal Memo



Item No. 2E

Meeting Date	June 28, 2022	Council Priority	Regular Agenda Item – Public Hearing
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Department	Brady Kendrick – Planner II Planning and Development Services
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Agenda Caption

CONSIDERATION OF ORDINANCE NO. 7988

Second and final reading to consider an ordinance rezoning Lots 13 and 14, Block 22, Belmont Park Annex, an addition to the City of Amarillo, in Section 157, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from General Retail District to Manufactured Home District.

VICINITY: Mirror St. and N.E. 16th Ave.

APPLICANT/S: Diana Soto

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Manufactured Home District to the west and General Retail District in all directions.

Adjacent land uses consist of undeveloped land to the north and single-family detached homes in all other directions.

Proposal

The applicant is requesting a change in zoning in order to place a Type B manufactured home on the lots. The only type of manufactured home allowed by right in the General Retail District (GR) is a Type C (brand new double-wide). Type A and B manufactured homes are not allowed on lots zoned GR and is the reason for the request.

Analysis

Staff's analysis of zoning change requests begins with referring to the Comprehensive Plan's Future Land Use and Character Map, which identifies recommended future land uses. Additionally, staff considers what impact on area existing zoning and development patterns as well as its conformity to the Neighborhood Unit Concept of development (NUC).

The applicant's tract is identified as being in the General Residential Category. This category calls for detached residential dwellings as the primary focus while also allowing for attached housing types subject to compatibility and open space standards. The applicant's request would conform with this recommended category as manufactured homes are proposed to be placed on each of the lots which are both 7,830 square feet (2,830 above the minimum lot area for a manufactured home of 5,000 square feet).

Regarding the Neighborhood Unit Concept of Development, this concept calls for more intensive uses such as commercial, retail, office, and multi-family development to be located at or near Section Line Arterial Intersections with intensity of use and/or zoning decreasing inward towards the center/middle of a section. Residential land uses are common to be found mid-section, but modern planning principles attempt to avoid access onto major thoroughfares. That said, when considering the fact that there exist residences to the north and south along the west side of Mirror St, the Planning and Zoning Commission is of the opinion minimal additional negative impacts would result should two more residential uses be allowed.

Concerning surrounding development and zoning patterns, the applicant's lots are adjacent to zoning that allows such uses (Manufactured Home District) and where other similar residential products are found (Mirror St). Considering the existing development patterns, the Planning and Zoning Commission is of the opinion that if the applicant's request is approved, better fits the overall character

of the area, more so than retail development surrounded on three sides (north, west, and south) by residential and would not negatively impact the area.

Requested Action/Recommendation
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Notices were sent to all property owners within 200 feet. As of this writing, one phone call has been received expressing no opposition to the request.

Considering all the just mentioned information, the Planning and Zoning Commission recommends **APPROVAL** of the request as presented.

ORDINANCE NO. 7988

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF NORTH MIRROR STREET AND NORTHEAST SIXTEENTH AVENUE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, after a public hearing before the Planning and Zoning Commission for proposed zoning changes on the property hereinafter described, the Commission filed its final recommendation and report on such proposed zoning changes with the City Council; and

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

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

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

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

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

Rezoning of Lots 13 and 14, Block 22, Belmont Park Annex, an addition to the City of Amarillo, in Section 157, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from General Retail District to Manufactured Home District.

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

SECTION 4. All ordinances and resolutions or parts thereof that conflict with this Ordinance are hereby repealed, to the extent of such conflict.

SECTION 5. This Ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the 14th day of June, 2022 and PASSED on Second and Final Reading on this the 28th day of June, 2022.

Ginger Nelson, Mayor

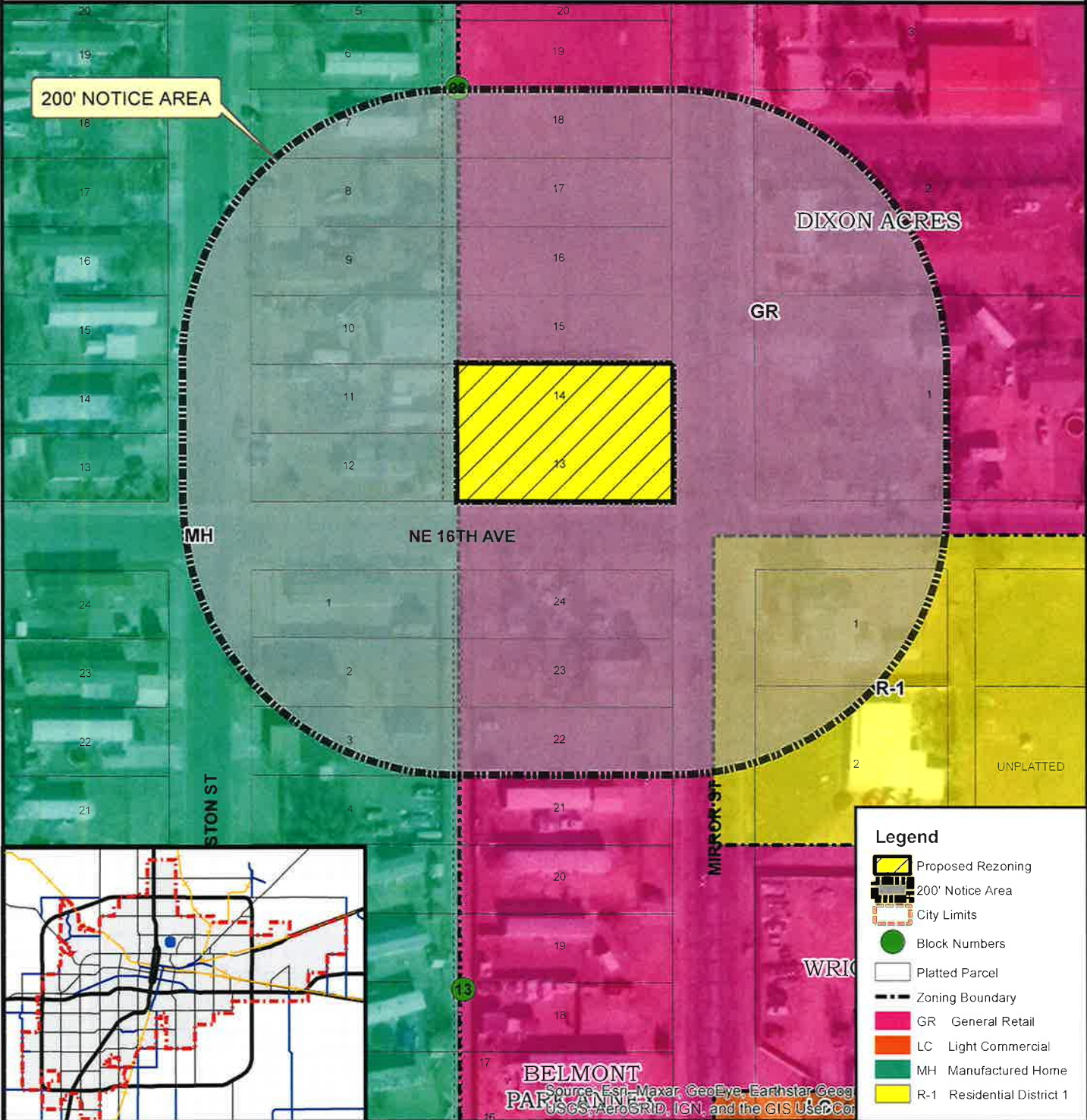
ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

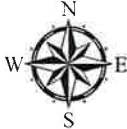
Bryan McWilliams, City Attorney

REZONING FROM GR TO MH



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 100 feet
Date: 4/25/2022
Case No: Z-22-18



Rezoning of Lots 13 and 14, Block 22, Belmont Park Annex Unit No. 1, a addition to the City of Amarillo, in Section 157, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from General Retail District (GR) to Manufactured Home District (MH).

Owner: Diana Soyo

Vicinity: N Mirror & NE 16th

AP: O-10

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

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	June 28, 2022	Council Priority	Regular Agenda Item – Public Hearing
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Department	Planning and Development Services Brady Kendrick – Planner II
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Agenda Caption
<u>CONSIDERATION OF ORDINANCE NO. 7989</u>

Second and final reading to consider an ordinance rezoning Lot 4, Block 1, Medical Institute Subdivision Unit No. 5, an addition to the City of Amarillo, in Section 25, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Office District 2 to Planned Development District 398 for reduction of minimum parking requirements related to multi-family development.
VICINITY: SW 9th Ave. and Wallace Blvd.
APPLICANT/S: Louis Homen for LHMK LLC

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Office District 2 to the north and west, Agricultural District to the east, and Planned Development District 2 to the south.

Adjacent land uses consist of undeveloped land to the north and east, a City Park and undeveloped land to the south, and a multi-tenant office building to the west.

Proposal

The applicant is proposing a change in zoning to develop the tract with a four story apartment complex.

While the applicant’s proposed use is allowed under the tract’s current zoning, the applicant’s site was designed with anticipation of the passing of the City’s updated zoning ordinance that would change parking requirements for apartments. Due to site constraints, the applicant is unable to meet the current parking ratios for an apartment complex (1.5 per unit). The applicant under the current code would be required 158 parking spaces and has room for 138 on-site. If approved, the standards listed below would require 138 parking spaces for the proposed complex of 105 units.

With the consideration of the new Zoning Ordinance being approximately 18 months away, the applicant chose to submit for a Planned Development that utilized the parking requirements that were proposed as part of the Zoning Ordinance revision.

The proposed Planned Development would allow for all uses allowed in Office District 2 and a multi-family apartment complex that meets Multiple-Family District 2 (MF-2) density standards. Bulk/area requirements and signage shall comply with Multiple-Family District 2 standards. The full site development standards are attached.

Analysis

The Planning and Zoning Commission’s analysis of zoning change requests begins with referring to the Comprehensive Plan’s Future Land Use and Character Map, which identifies recommended future land uses. Additionally, the Planning and Zoning Commission considers what impact on area existing zoning and development patterns a request may have as well as its conformity to the Neighborhood Unit Concept of Development (NUC).

The applicant’s tract is identified as being in the Suburban Commercial Future Lane Use category. This category calls for a wide range of commercial retail and services uses at varying scales depending on the site including offices (both large and/or multi-story), institutional uses, and Planned Developments to accommodate custom site designs or mixing of uses in a Suburban character setting. When considering the nature of the applicant’s proposed Planned Development (those uses

allowed in Office District 2 and the proposed apartment complex), the request would conform with the Future Land Use Map category for this tract.

Regarding the Neighborhood Unit Concept of Development, this concept calls for more intensive uses such as commercial, retail, office, and multi-family development to be located at or near Section Line Arterial Intersections with intensity of use and/or zoning decreasing inward towards the center/middle of a section.

The applicant's tract is located approximately 1,500 feet east of the intersection of Coulter Street and SW 9th Avenue, the section line intersection for this area. When considering the typical Neighborhood Unit Concept of Development (NUC), the tract is located in towards the periphery of what would typically be a transition zone from lower intensity office type land uses to higher density residential development that is located further away from the intersection. In this instance, the applicant's request, when considering the proposed uses allowed under the Planned Development and comparing the zoning pattern seen at Section Line intersections around Amarillo, it is the Planning and Zoning Commission's opinion that the request does conform with the NUC.

The Planning and Zoning Commission also notes that the zoning pattern and characteristics of this portion of the section of land vary from the typical NUC as much of this section of land is developed with nonresidential land uses, primarily medical related office uses and limited retail activity, due to the proximity of the Medical District to the south.



Regarding the primary reason for the Planned Development, as was previously mentioned, the site is proposed to be developed with apartments that would be focused towards workers within the Medical District and parking was proposed to be provided in accordance with the standards under the proposed Zoning Ordinance. This would provide parking based on the number of bedrooms per unit versus the current 1.75 spaces per unit. This would include:

- 1 parking space per every studio or one bedroom unit.
- 1.5 parking spaces per every two bedroom unit.
- 1.75 parking spaces per every three bedroom or greater unit.
- 1 parking space per every 400 square feet of office area.
- All other land uses shall comply with the parking ratios found in Section 4-10-211.

While there is some limited additional land on the east side of the applicant's site that could be theoretically utilized for additional parking, due to the topography on the east side of the site, the eastern most portion of the site is undevelopable and also would be located on the edge of a creek that flows through that area. The initial site plan provided based on the number of units would meet the parking requirements based on the number of units that has been proposed and the parking requirements listed in the Planned Development.

Considering the previously mentioned information, the Planning and Zoning Commission is of the opinion that the request would not be detrimental to the existing zoning or development patterns in the area. Additionally, considering that the applicant's request would conform with the proposed parking standards under the new Zoning Ordinance and the unanticipated delay in the adoption of the new Zoning Ordinance, the Planning and Zoning Commission is of the opinion that if approved,

the parking needs for this site will be adequately satisfied and will not result in any detrimental impacts.

Requested Action/Recommendation
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Notices were sent to all property owners within 200 feet as required by State Law. As of this writing, no comments have been received regarding the request.

Considering the previously mentioned information, the Planning and Zoning Commission recommends **APPROVAL** of the request as presented.

ORDINANCE NO. 7989

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SOUTHWEST 9TH AVENUE AND WALLACE BOULEVARD, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, after a public hearing before the Planning and Zoning Commission for proposed zoning changes on the property hereinafter described, the Commission filed its final recommendation and report on such proposed zoning changes with the City Council; and

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

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

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

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

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

Rezoning of Lot 4, Block 1, Medical Institute Subdivision Unit No. 5, an addition to the City of Amarillo, in Section 25, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Office District 2 to Planned Development District 398 for reduction of minimum parking requirements related to multi-family development, development standards attached herein as Exhibit A.

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

SECTION 4. All ordinances and resolutions or parts thereof that conflict with this Ordinance are hereby repealed, to the extent of such conflict.

SECTION 5. This Ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the 14th day of June, 2022 and PASSED on Second and Final Reading on this the 28th day of June, 2022.

Ginger Nelson, Mayor

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

Planned Development District 398 Development Standards

1. Allowed land uses:

All land uses allowed in Office District 2 and a multi-family apartment complex that meets Multiple-Family District 2 (MF-2) density standards. No use other than that allowed under the previous zoning classification (Office District 2) or that which is specified by this Planned Development is allowed. Any other use change shall require a zoning amendment for this site.

2. Landscaping:

Shall comply with the City of Amarillo Landscape Ordinance.

3. Off street parking:

1 parking space per every studio or one bedroom apartment unit.

1.5 parking space per every 2 bedroom apartment unit.

1.75 parking space per every 3 bedroom or greater apartment unit.

1 parking space per 400 square feet of office area.

All other allowed land uses shall comply with parking ratios found in Section 4-10-211 (Vehicle Parking Regulations) of the Amarillo Zoning Ordinance.

4. All signage is restricted to Business Sign Standards listed for Multiple-Family District 2 (MF-2) zoning. No signs shall be operated on the property that use or have attached any flashing, pulsating, or rotating lighting source or reflector.
5. All parking and driveways shall conform to the requirements of Section 9 of the Development Policy Manual of the City of Amarillo unless noted otherwise.
6. All exterior lighting shall be directed onto the property in such a manner to minimize or eliminate glare across adjacent property lines.
7. All refuse containers shall be screened and maintained in such a manner as to prevent blowing trash and debris.
8. Any additional bulk or area requirement not specifically noted on this Planned Development shall comply with the Multiple-Family District 2 (MF-2) standards.
9. Any and all utility relocations or adjustments required for this development shall be the responsibility of the developer(s).
10. All fencing, screening, landscaping, driveways, and parking areas shall be maintained in good condition at all times by owners. All landscaping to be installed prior to receiving a certificate of occupancy, or within six months of occupying structure if bad weather exists. All landscape material, trees, grass, shrubs, etc., shall be installed on the site in the same manner as depicted on this Planned Development and all landscaped areas shall be served with a sprinkler system.

11. The approval of this Planned Development by the City of Amarillo in no way shall alter or abrogate requirements of the Uniform Building Code as adopted and amended by the City of Amarillo.
12. The City of Amarillo or its franchised utility shall not be required to replace any obstructions, paving, or plantings that must be removed during the course of maintenance, construction, or reconstruction within any public utility or drainage easement.
13. All exterior mechanical equipment shall be located and/or screened in such a manner as to eliminate or minimize noise and visual impact to adjacent properties.
14. All surface storm water collected on this site shall drain directly to adjacent public right of way or by other means if approved by the City Engineer.
15. The developer shall comply with all ADA requirements.

I acknowledge and agree to all standards of development as listed on this Planned Development.

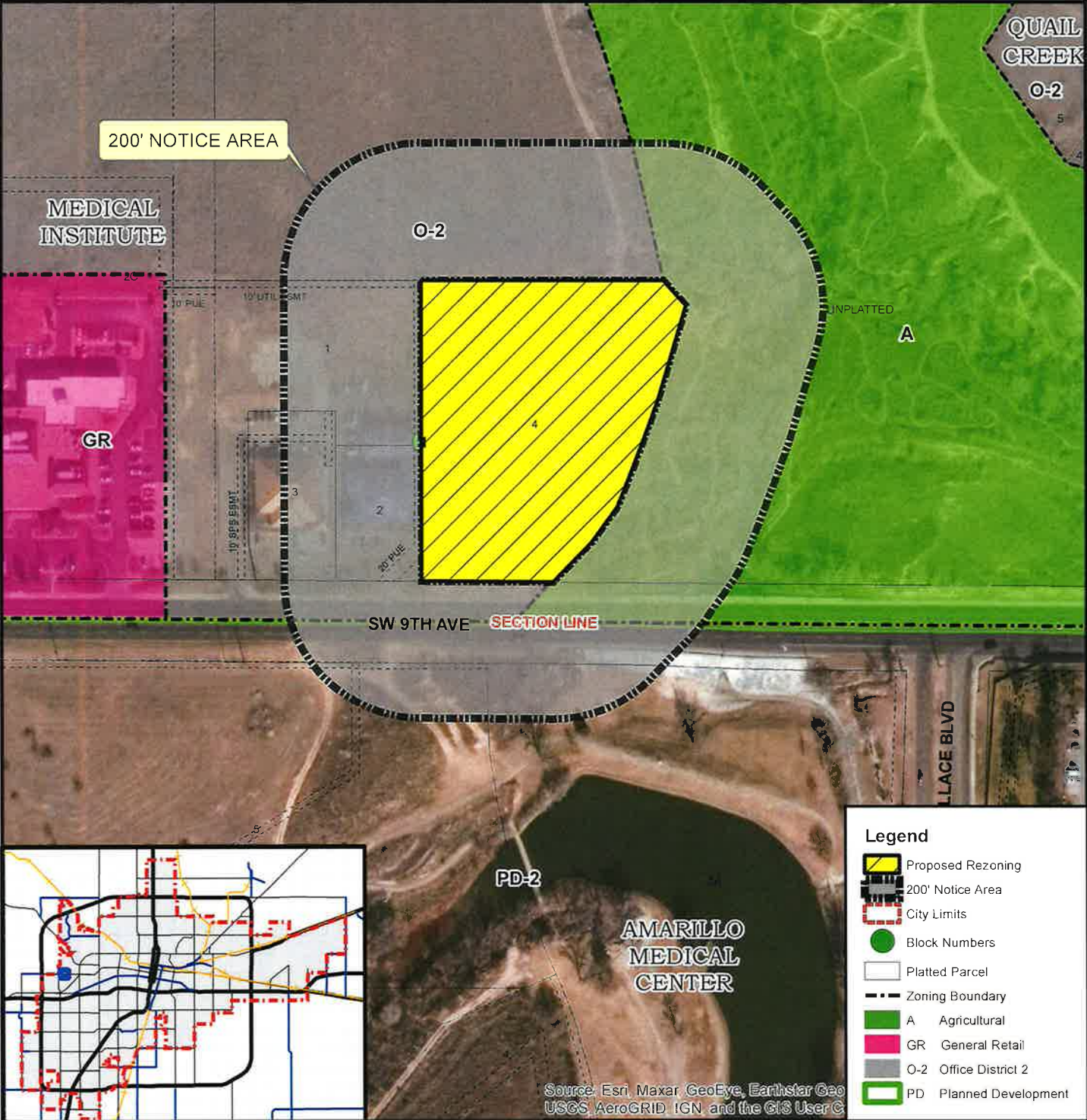


Signature of owner/Developer

5-10-2022

Date

REZONING FROM O-2 TO PD



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 200 feet
Date: 5/2/2022
Case No: Z-22-19



Z-22-19 Rezoning of Lot 4, Block 1, Medical Institute Subdivision Unit No. 5, an addition to the City of Amarillo, in Section 25, Block 9, B.S.&F. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Office District 2 to Planned Development District for reduction of minimum parking requirements related to multi-family development.

VICINITY: SW 9th Ave. and Wallace Blvd.
APPLICANT/S: Louis Homen for LHMK LLC

AP: J-11

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Amarillo City Council

Agenda Transmittal Memo

Meeting Date	June 28, 2022	Council Priority	Public Safety
Department	Public Health		
Contact	Casie Stoughton, Director of Public Health		

Agenda Caption

Consider Acceptance – Community Mental Health Grant
Grantor: Texas Health and Human Services Commission (HHSC)
Grant Amount: \$149,070

This item considers acceptance of the award from HHSC from September 1, 2022 through August 31, 2023 to renew the Community Mental Health Grant CMHG grant supporting the Local Outreach to Suicide Survivors (LOSS) Team.

Agenda Item Summary

The public health department will continue partnering with Family Support Services to provide the LOSS Team in Potter and Randall Counties, serving survivors of suicide in our community.

Requested Action

Accept grant award.

Funding Summary

This grant is provided by the Texas Health and Human Services Commission (HHSC).

Community Engagement Summary

Family Support Services, Potter County Sheriff’s office, Randall County Sheriff’s office, Amarillo Police Department, Canyon Police Department.

Staff Recommendation

Staff recommend acceptance of this grant.

Amarillo City Council

Agenda Transmittal Memo



Item No. 2H

Meeting Date	June 28, 2022	Council Priority	Public Safety
Department	Facilities Department		
Contact	Jerry Danforth, Facilities Director		

Agenda Caption

CONSIDER AWARD – CONSTRUCTION OF FIRE STATION #2 & #13 CONCRETE WORK.
(Contact: Jerry Danforth, Facilities Director)
Jr Tri-State General Contracting Group, Inc. -- \$255,058.44

This item considers the award of a construction contract for the concrete driveway replacement at Fire Station #2 and partial driveway repair and replacement at Fire Station #13.

Agenda Item Summary

This award is for the construction contract to Tri-State General Contracting, Inc. (Tri-State) for the concrete driveway replacement for Fire Station #2 and partial driveway repair and replacement for Fire Station #13. The existing driveway at Station #2 is original to the building and is experiencing spalling, cracking, and general failure. Station #13 has two areas that the concrete slab has settled and will need to be removed and replace.

Requested Action

Approval and award of the construction contract to Tri-State General Contracting, Inc. for the amount of \$255,058.44

Funding Summary

This project is funded from account # 462190.17400.1040

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of contract award to Tri-State General Contracting, Inc. (Tri-State) for the concrete driveway replacement for Fire Station #2 and #13.

Bid 7315 Replacement of Driveway at FS #2 & FS #13
Opened 4:00 p.m. June 21, 2022

To be awarded as one lot		TRI-STATE GEENERAL CONTRACTING
Line 1 Replacing the driveway at fire station #2 and #13, per specifications		
1 ea	Unit Price	\$255,058.440
	Extended Price	255,058.44
Bid Total		255,058.44
Award by Vendor	\$ 255,058.44	
City	Amarillo, TX	

Amarillo City Council

Agenda Transmittal Memo

Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility
Department	Human Resources, Risk Management Division		
Contact	Mitchell Normand, Human Resources Director		

Agenda Caption
Consider Award – Contract for Insurance Coverage Policies
Award to: USI Southwest - \$3,082,512.00

Agenda Item Summary
This item considers the award of a contract to USI Southwest for the following lines of coverage:
- Business Travel Accident - Inland Marine (Rare Books) - Professional Liability (Medical Malpractice) - Cyber Liability - Public Official Liability - Law Enforcement Liability - Property - Boiler & Machinery - AFD Fire Fleet – Auto PD

Requested Action
Consider award of contract to USI Southwest.

Funding Summary
6300.15615

Community Engagement Summary
N/A

Staff Recommendation
Staff recommends award of the item as presented.



City of Amarillo - Schedule of Insurance



Line of Coverage	Current Carrier	Expiration Date	Limits	Deductible	Expiring Premium	Actual 2022	% Increase or Decrease
Business Travel Accident	Hartford	8/6/2022	\$250,000/\$1,250,000	\$0	\$5,871	\$5,871	0%
Inland Marine (Rare Books)	Liberty Mutual	7/1/2022	\$1,983,852	\$2,500	\$6,369	\$6,705	5%
Professional Liability (Med Mal)	AmWins	7/1/2022	Multiple	\$25,000	\$37,516	\$34,457	-8%
Cyber Liability	AIG	7/1/2022	\$3,000,000	\$25,000	\$46,918	\$61,470	31%
Public Official Liability	Indian Harbor	7/1/2022	\$2,000,000	\$2,500	\$4,311	\$4,187	-3%
Law Enforcement Liability	Hudson	7/1/2022	\$6,000,000	\$100,000	\$151,327	\$152,182	1%
Property	Layered Program	7/1/2022	\$100mil Loss Limit	\$250,000 with 5% W/H	\$2,040,861	\$2,673,528	31%
Boiler & Machinery	Included	7/1/2022	\$200mil Loss Limit	\$25,000	\$39,334	\$45,253	15%
*AFD Fire Fleet - Auto PD	AGCS Marine	7/1/2022	\$16,396,456	\$10,000	\$83,296	\$98,859	19%
Total Premium					\$2,415,803	\$3,082,512	28%

Amarillo City Council

Agenda Transmittal Memo

Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility
Department	Human Resources, Risk Management Division		
Contact	Mitchell Normand, Human Resources Director		

Agenda Caption

Consider-Award renewal contract for the City of Amarillo Third-Party Administration (TPA) services to Claims Administrative Services (CAS) for \$150,000.00.

Agenda Item Summary

This is renewal contract for insurance claims administration. This contract provides claims adjustment services for workers' compensation, auto physical, auto liability, and property damage claims.

Requested Action

Consider for award the City of Amarillo Third-Party Administration contract to Claims Administrative Services (CAS) in the amount of \$150,000.00.

Funding Summary

63125.62000

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends award of a three-year contract, with renewal options for three additional one-year terms for Third-Party Administration services.

RFP NO. 15-22
CITY OF AMARILLO WORKER'S COMPENSATION THIRD PARTY CLAIMS ADMINISTRATION SERVICES

Preliminary Points Compilation Criteria Ranking	Economic Evaluation of the Proposed Fee Schedule: Evaluation of the proposed fee schedule and options which provides the best value to the City	Extent to which the vendor's services meet the City's needs: This includes all requested information included and thoroughness of the response, understanding and acceptance of the scope of services, acceptance of the RFP and contract requirements, clarity, and conciseness of the response. Documents provide a clear vision of how the vendor's services meet the City's needs.	Indicators or Probable Performance Under Contract: Indicators of probable performance under the contract to include: past vendor performance, financial resources and ability to perform, experience or demonstrated capability and responsibility, references, and the vendors ability to provide reliable maintenance agreements and support.	Total Points Possible	Ranking	
	Points Possible					
Vendor	105	135	60	300		Comments
CLAIMS ADMINISTRATION SERVICES	105	135	60	300	1	
Date: 5-18-22						

Amarillo City Council

Agenda Transmittal Memo

Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility, Best Practices, Customer Service
Department	Public Works - Fleet Services Division		
Contact	Glenn Lavender, Fleet Services Superintendent		

Agenda Caption	
CONSIDER: purchase of Refuse Sideloaders, 6yd Dump Trucks, 12yd Dump Trucks, Service Body Trucks, Winch Trucks, Roll-Off Trucks Bid # 6984	
Award to listed vendor,	
Roberts Truck Center	\$1,645,470.00
Bruckner’s Truck Sales	\$606,575.16
Randall reed Prestige Ford	<u>\$269,360.00</u>
Total Award	\$2,521,405.16

Agenda Item Summary
Scheduled replacements and additions of multiple vehicles to be used by Solid Waste Collection, Street, Water distribution, Waste Water Collection. Replacement vehicles have reached or exceeded life cycle. These vehicles will be used in the daily operational requirements.

Requested Action
Recommend approval to evaluated vendor as listed on Bid Evaluation and Recommendation Form.

Funding Summary
Funding for this purchase will be from 61120.84100 Fleet Services Auto Rolling Stock Fund.
Cost \$2,521,405.16

Community Engagement Summary
N/A

Staff Recommendation
Staff recommends Approval purchase of replacement vehicles. This bid was a Competitive bid sent out to 89 vendors.

Bid No. 7278 HEAVY TRUCKS
Opened 4:00 p.m. May 19, 2022

To be awarded by line item	RANDALL REED'S	PRESTIGE FORD	BRUCKNER TRUCK SALES ALT #1	ROBERTS TRUCK CENTER	BTE BODY	BRUCKNER TRUCK SALES	BRUCKNER TRUCK SALES ALT #2
Line 1 Class 6 Trucks 26,000 GVW Truck, With Medium Duty Service Body, per specifications							
2 ea							
Unit Price	\$94,750.000			\$105,114.000		\$152,164.010	
Extended Price		189,500.00		210,228.00		304,328.02	
Line 2 Class 6 Trucks 26,000 GVW Truck, With 16 Foot Flat Bed, per specifications							
1 ea							
Unit Price	\$79,860.000			\$85,438.000		\$99,105.680	
Extended Price		79,860.00		85,438.00		99,105.68	
Line 3 Class 6 Trucks 26,000 GVW Truck, With Dump Bed, per specifications							
2 ea							
Unit Price	\$98,800.000			\$96,413.000		\$134,678.310	
Extended Price		197,600.00		192,826.00		269,356.62	
Line 4 Class 8 Trucks 52,000 GVW Truck, With Heavy Duty Dump Bed, per specifications							
4 ea							
Unit Price				\$112,036.000			
Extended Price				448,144.00			
Line 5 Class 7 Trucks 28,500 GVW, With 6 Cubic Yard Dump Bed, per specifications							
1 ea							
Unit Price	\$99,280.000			\$95,838.000			
Extended Price		99,280.00		95,838.00			
Line 6 Class 7 Trucks 28,500 GVW Truck, With V-Box Material Spreader, per specifications							
2 ea							
Unit Price				\$109,269.000	\$44,305.000		
Extended Price				218,538.00	88,610.00		

To be awarded by line item	BRUCKNER TRUCK SALES		BRUCKNER TRUCK SALES		BRUCKNER TRUCK SALES	
	RANDALL REED'S PRESTIGE FORD	ALT #1	ROBERTS TRUCK CENTER	BTE BODY	BRUCKNER TRUCK SALES	ALT #2
Line 7 Class 8 Trucks 54,000 GVW Truck, With 25 Yard Commercial Side Loader Refuse Body, per specifications						
3 ea						
Unit Price			\$181,895.000			
Extended Price	-	-	545,685.00	-	-	-
Line 8 Class 8 Trucks 60,000 GVW Truck, With 35 Cubic Yard High Compaction, per specifications						
2 ea						
Unit Price		\$303,287.580			\$316,123.790	
Extended Price	-	606,575.16	-	-	-	632,247.58
Line 9 75 Cubic Yard Refuse Trailer, per specifications						
1 ea						
Unit Price			\$144,439.000			
Extended Price	-	-	144,439.00	-	-	-
Bid Total	566,240.00	606,575.16	1,941,136.00	88,610.00	672,790.32	632,247.58
Award by Vendor	\$ 269,360.00	\$ 606,575.16	1,645,470.00			
City	Garland, TX	Amarillo, TX	Amarillo, TX			

Amarillo City Council

Agenda Transmittal Memo



Item No. 2L

Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility, Best Practices, Customer Service
Department	Public Works - Fleet Services Division		
Contact	Donny Hooper, Public Works Director		

Agenda Caption

CONSIDER AWARD - MOTOR FUEL ANNUAL CONTRACT

Award to: Saratoga Rack Marketing LLC, based on Best Evaluated bid awarded as one lot.

Agenda Item Summary

Motor fuel annual contract. 850,000.00 gallons-ULSD Grade 2-D-Diesel and 700,000 gallons of Unleaded Motor Fuel used by all City of Amarillo Fleet vehicles. Contract is for one (1) year with two (2) renewals based on purchasing policies and procedures. Pricing for contract is based off OPIS (Oil Price Information Service) daily rack average for Amarillo Area. Motor Fuel Contract will be awarded with discounted OPIS pricing of -.0560pg Diesel and -.0450pg Unleaded.

Requested Action

Recommend award of one (1) year contract with two (2) optional renewals.
Annual Contract proposal was bid out to 30 vendors with 4 responses.

Funding Summary

Funding for this contract will be from 6100.15420 Fleet Services Fuel Inventory.
Estimated cost per year \$3,804,418.00

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of annual contract for Motor Fuel.

Bid No. 7280 MOTOR FUEL ANNUAL CONTRACT
 Opened 4:00 p.m. June 2, 2022

To be awarded as one lot	SARATOGA RACK MARKETING LLC	DAVISON OIL	CENTERGAS FUELS INC	PETROLEUM TRADERS COPR
Line 1 Ultra Low Sulfur Diesel, per specifications 850,000 ga				
Unit Price	(\$0.0560)	(\$0.035)	\$0.0175	\$0.0598
Extended Price	(47,600.00)	(29,325.00)	14,875.00	50,830.00
Line 2 Unleaded Regular Gasoline, per specifications 700,000 ga				
Unit Price	(\$0.0450)	(\$0.018)	\$0.0175	\$0.0470
Extended Price	(31,500.00)	(12,390.00)	12,250.00	32,900.00
Bid Total	(79,100.00)	(41,715.00)	27,125.00	83,730.00
Award by Vendor City	\$ (79,100.00) Knoxville, TN			

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility
Department	Central Stores		
Contact	Trent Davis, Purchasing Agent		

Agenda Caption
CONSIDER AWARD – WATER METER BOX WITH ADAPTER RING SUPPLY AGREEMENT
Core & Main \$68,750.00

Agenda Item Summary
Bid 7258
These items are to be considered for award of the Water Meter Box with Adapter Ring Supply Agreement.

Requested Action
Consider approval of the award for the water meter box with adapter ring supply agreement.

Funding Summary
Funding is available in inventory account 1000.15400.

Community Engagement Summary
N/A

Staff Recommendation
City staff is recommending approval of award.

Bid No. 7258 Water Meter Box with Adapter Ring Supply Ageement
Opened 4:00 p.m., May 5 2022

To be awarded as one lot

CORE & MAIN

PREMIER WATERWORKS

Line 1 WATERMETER BOX WITH
ADAPTER RING , per specifications

500 ea

Unit Price

\$137.50

\$140.00

Extended Price

68,750.00

70,000.00

Bid Total

68,750.00

70,000.00

Award by Vendor
City

\$ 68,750.00
Lubbock, TX

Amarillo City Council

Agenda Transmittal Memo



Item No. 2N

Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility
Department	Central Stores		
Contact	Trent Davis Purchasing Agent		

Agenda Caption

CONSIDER AWARD – Bid #7264 Traffic Light Poles and Accessories

Zigzag International Group \$65,610.00

Agenda Item Summary

Bid # 7264

These items are to be considered for award of the Traffic Light Poles and Accessories.

Requested Action

Consider approval of the award for the Traffic Light Poles and Accessories.

Funding Summary

Funding is available in inventory account 1000.15400

Community Engagement Summary

N/A

Staff Recommendation

City staff is recommending approval of award.

Bid No. 7264 Traffic Light Poles and Accessories
Opened 4:00 p.m., May 5, 2022

To be awarded as one lot		ZIG ZAG INTERNATIONAL GROUP LLC	TIGER ELECTRIC DBA WILDCAT ELECTRIC
Line 1 8' Luminaire Arm , per specifications			
60 ea			
Unit Price	\$370.50		\$377.00
Extended Price		22,230.00	22,620.00
Line 2 17" Highway light Pole Base, per specifications			
40 ea			
Unit Price	\$452.00		\$598.00
Extended Price		18,080.00	23,920.00
Line 3 33.5' Highway Light Pole, per specifications			
20 ea			
Unit Price	\$1,265.00		\$1,934.00
Extended Price		25,300.00	38,680.00
Bid Total		65,610.00	85,220.00
Award by Vendor		\$ 65,610.00	
City		Riverview, FL	

Amarillo City Council

Agenda Transmittal Memo

Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility
Department	Central Stores		
Contact	Trent Davis Purchasing Agent		

Agenda Caption

CONSIDER AWARD-Bid #7289 Gate/Tapping Valve Supply Agreement

Premier Waterworks \$81,323.00

Agenda Item Summary

Bid #7289

These items are to consider for award of the Gate/Tapping Valve Supply Agreement.

Requested Action

Consider approval of the award for Gate/Tapping Valve Supply Agreement.

Funding Summary

Funding is available in inventory account 1000.15400.

Community Engagement Summary

N/A

Staff Recommendation

City staff is recommending approval of award.

Bid No. 7289 Gate/Tapping Valves Supply Agreement
Opened 4:00 p.m., June 2, 2022

To be awarded as one lot PREMIER WATERWORKS CORE & MAIN

Line 1 GATE VALVE, 4" M.J. BRONZE
STEM, FOR C900 PIPE , per
specifications

10 ea

Unit Price

\$541.00

\$543.00

Extended Price

5,410.00

5,430.00

Line 2 GATE VALVE, 6" M.J. BRONZE
STEM, FOR C900 PIPE, per specifications

40 ea

Unit Price

\$684.00

\$692.00

Extended Price

27,360.00

27,680.00

Line 3 GATE VALVE, 8" M.J. BRONZE
STEM, FOR C900 PIPE, per specifications

10 ea

Unit Price

\$1,100.00

\$1,102.00

Extended Price

11,000.00

11,020.00

Line 4 GATE VALVE, 10" M.J. BRONZE
STEM, FOR C900 PIPE, per specifications

1 ea

Unit Price

\$1,718.00

\$1,718.00

Extended Price

1,718.00

1,718.00

Line 5 GATE VALVE, 12" M.J. BRONZE
STEM, FOR C900 PIPE, per specifications

1 ea

Unit Price

\$2,175.00

\$2,175.00

Extended Price

2,175.00

2,175.00

Line 6 TAPPING VALVE, 4" M.J. BRONZE
STEM, FOR C900 PIPE, per specifications

10 ea

Unit Price

\$697.00

\$694.00

Extended Price

6,970.00

6,940.00

To be awarded as one lot	PREMIER WATERWORKS	CORE & MAIN
Line 7 TAPPING VALVE, 6" M.J. BRONZE STEM, FOR C900 PIPE, per specifications		
20 ea		
Unit Price	\$985.00	\$982.00
Extended Price	19,700.00	19,640.00
Line 8 TAPPING VALVE, 8" M.J. BRONZE STEM, FOR C900 PIPE, per specifications		
1 ea		
Unit Price	\$1,455.00	\$1,452.00
Extended Price	1,455.00	1,452.00
Line 9 TAPPING VALVE, 10" M.J. BRONZE STEM, FOR C900 PIPE, per specifications		
1 ea		
Unit Price	\$2,225.00	\$2,198.00
Extended Price	2,225.00	2,198.00
Line 10 TAPPING VALVE, 12" M.J. BRONZE STEM, FOR C900 PIPE, per specifications		
1 ea		
Unit Price	\$3,310.00	\$3,302.00
Extended Price	3,310.00	3,302.00
Bid Total	81,323.00	81,555.00
Award by Vendor	\$ 81,323.00	
City	Lubbock, TX	

Amarillo City Council

Agenda Transmittal Memo



Item No. 2P

Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility
Department	Capital Projects & Development Engineering		
Contact Person	Kyle Schniederjan, Director of CP&DE		

Agenda Caption

CONSIDER AWARD – PROJECT MANAGEMENT SOFTWARE ANNUAL SUBSCRIPTION

Award to: E-Builder - \$87,604.30

This item considers the award of a one-year contract for the E-Builder Project Management Software that is used by the Capital Projects & Development Engineering department to manage construction projects.

Agenda Item Summary

Consider for approval the "e-Builder" Project Management Software system annual subscription renewal for period of June 1, 2022, through May 31, 2023. The Capital Projects and Development Engineering (CP&DE) department uses this software to manage construction projects throughout the city including development projects and capital projects for multiple departments and multiple funding sources. The software aids the CP&DE department with contract management, quality assurance and quality control, schedule tracking, and progress payment tracking. This software has been in use for approximately 4 years and because of this initial investment staff is recommending approval of this renewal subscription as the best value to the City.

Requested Action

Consider Authorizing City Manager to execute the new Master License and Services Agreement with e-Builder Inc., in the amount of - \$87,604.30

Funding Summary

Funding for this project is available in the Department Base Budget and was approved in the FY 21/22 City Budget.

Community Engagement Summary

This project will have a little impact on the community.

Staff Recommendation

City Staff is recommending approval and authorization of the Master License and Services Agreement.

Bid No. 7310 Purchase of E-Builder Software Subscription
Opened 4:00 p.m. June 9, 2022

To be awarded as one lot

E-BUILDERS INC

Line 1 Amarillo Ebuilder ENT Capital
Program Subscription Renewal, per
specifications

1 ea

Unit Price

\$43,802.150

Extended Price

43,802.15

Line 2 Amarillo Ebuilder ENT Capital
Program Subscription Renewal, per
specifications

1 ea

Unit Price

\$43,802.150

Extended Price

43,802.15

Bid Total

87,604.30

Award by Vendor

\$87,604.30

City

Sunrise, FL



Amarillo City Council

Agenda Transmittal Memo

Meeting Date	June 28, 2022	Council Priority	Long Term Plan for Infrastructure
Department	Capital Projects & Development Engineering		
Contact	Matthew Thomas, City Engineer		

Agenda Caption
CONSIDER AWARD BID NO. 7256/JOB NO. 523459 WATER TRANSFER LINE TRENCH REPAIR: SE 13 TH AVENUE & BOLTON STREET TO SE 27 TH AVENUE & BOLTON STREET

This item is to consider award of the construction contract for the trench repair to Amarillo Utility Contractors, Inc. in the amount of \$2,575,395.00.

Agenda Item Summary
This item is to consider approval of the bid for trench and surface repairs above a 48-inch water transfer line along Bolton Street:
The extent of repairs will be from SE 13 th Avenue and Bolton Street to SE 27 th Avenue & Bolton Street. Construction will include the removal and replacement of the embedment material above the transfer line and asphaltic pavement restoration.

Requested Action
Consider approval and award to Amarillo Utility Contractors, Inc.; – \$2,575,395.00.

Funding Summary
Funding for this project is available in the Project Budget Number 523459. Funding for this project was made available from water rate revenues.

Community Engagement Summary
This project will have an impact on a specific portion of the community. There will be impact during construction due to temporary lane closures along Bolton Street. City Staff, along with our Contractor will coordinate with individual businesses and property owners adjacent to the project. Staff will update the public with press releases, public announcements, and a web-based project status page throughout the project.

Staff Recommendation
City Staff is recommending approval and award of the contract.

Bid No. 7256 BEST VALUE BID FOR WATER TRANSFER LINE TRENCH REPAIR: SE 13TH AVE & BOLTON TO SE 27TH AVE & BOLTON ST. Tabulation Compilation showing Scoring Criteria	Purchase Price	Bidder's Qualifications	Safety Record Questionnaire	Maximum Possible =300				
							For Additional Comments or if More Space is Needed, Please Attach A Separate Sheet.	
Company	40.00	55.00	5.00	Total	Average	Rank	Comments	
MCKEE UTILITY CONTRACTORS	26.9342	49.6600	4.8100	81.40	81.40%	2		
AMARILLO UTILITY CONTRACTORS	29.8104	49.3300	3.0000	82.14	82.14%	1		
J LEE MILLIGAN	20.4652	50.3300	4.4000	75.20	75.20%	3		
MH CIVIL CONSTRUCTORS, INC.	21.5233	46.33	4.76	72.61	72.61%	5		
LA FULLER & SONS	40.0000	27.66	5	72.66	72.66%	4		

Amarillo City Council

Agenda Transmittal Memo



Item No. 3A

Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility, Civic Pride
Department	Information Technology		
Contact	Rich Gagnon, Managing Director and CIO		

Agenda Caption

Award – AT&T Broadband ISP Service (Internet Service Provider) - Fiber

This item considers the award of a contract for fiber broadband internet service for use in the Amarillo Connected Broadband Project.

Agenda Item Summary

AT&T fiber broadband internet service will provide service for the Amarillo Connected Broadband Project.

Requested Action

Approval of award to AT&T in the amount of \$2,000,000.00

Funding Summary

Funding is available in the Broadband job account (620075).

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of award.

RFP#12-22
CITY OF AMARILLO BROADBAND EXPANSION: PHASE 1

Preliminary Points Evaluation Criteria Ranking	Cost:	Network Design and Construction Performance:	Digital Equity:	Coverage Area:	Marketing and Community Partnership:	Total Points Possible	Ranking	
	Points Possible							
Vendor	60	60	60	60	60	300		Comments
AT&T	60.00	60.00	60.00	47.28	57.00	284.28	1	
AW BROADBAND	32.46	42.84	60.00	60.00	50.00	245.30	2	
AW BROADBAND ALTERNATE#1	23.94	49.02	60.00	60.00	50.00	242.96	3	
INSIGHT BUILD 1	30.69	6.00	60.00	2.43	58.00	157.12	6	
INSIGHT BUILD 2	14.70	16.26	60.00	4.50	58.00	153.46	7	
CSC	30.00	60.00	60.00	36.03	49.00	235.03	4	

RESOUND NETWORKS	30.00	45.00	35.00	60.00	52.00	222.00	5	
Combined								

Amarillo City Council

Agenda Transmittal Memo



Item No. 3B

Meeting Date	June 28, 2022	Council Priority	Regular Agenda Item – Public Hearing
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Department	Planning and Development Services Brady Kendrick – Planner II
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Agenda Caption
<u>PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7990</u>

Public hearing and first reading to consider an ordinance vacating a 2,492 square foot portion of a public right-of-way (alley) located adjacent to Lots 4 through 6 and a portion of Lot 3, Block 16, Morningside Subdivision, an addition to the City of Amarillo, in Section 156, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: Amarillo Blvd. and Mirror St.
APPLICANT/S: Andrew Mitchell for Jamal Enterprises, LP

Agenda Item Summary

Proposal

The applicant is requesting abandonment of the above-mentioned portion of alley in order to create a unified development site for a proposed carwash. The applicant currently owns land on both sides of the alley segment and would need this alley segment vacated in order to create a unified lot. The applicant owns all land adjacent to the alley segment being proposed for abandonment.

Analysis

Whenever a vacation request is considered, the Planning and Zoning Commission must take into account what impacts, if any, abandonment of a public right-of-way will have on adjacent property owners, traffic patterns, and/or access to utilities.

Within the area requested for abandonment, there is a City water and sanitary sewer main along with franchised utility company infrastructure. The applicant is proposing to retain a Public Utility Easement (PUE) over the entire area proposed for abandonment so that access to utility infrastructure in this area is available. In addition, no structures are proposed to be constructed, nor allowed, in the retained PUE per a site plan provided by the applicant for review.

Additionally, the Public Works Department expressed that trash service would not be impacted by this request as it would not result in a dead-end alley situation. Through access will be retained to the west if approved. With a PUE being provided, no other comments or concerns have been expressed regarding the request.

As with any request to vacate public right-of-way, an applicant is required to either pay fair market value to acquire the alleyway, dedicate an area of equal or greater value, pay only the higher cost of the fair market value or the relocation cost, or complete a combination of these requirements. In this particular case, dedication of an area of equal value via retention of a Public Utility Easement over the entire area for abandonment is proposed. As a result, no fair market value payment will be required.

Requested Action/Recommendation

Notices were sent to app property owners within 200 feet regarding this proposed vacation. As of this writing, one comment has been received by the Planning Department expressing no opposition to the request.

Considering the just mentioned, the Planning and Zoning Commission recommends **APPROVAL** of the request as presented.

ORDINANCE NO. 7990

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF AMARILLO, TEXAS DETERMINING LACK OF PUBLIC NECESSITY FOR PUBLIC RIGHT-OF-WAY (ALLEY) IN THE VICINITY OF AMARILLO BOULEVARD AND MIRROR STREET, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN DESCRIBED RIGHT-OF-WAY, SAVE AND EXCEPT A PUBLIC UTILITY EASEMENT; AUTHORIZING THE CITY MANAGER TO CONVEY SUCH REAL PROPERTY TO ABUTTING LANDOWNERS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Andrew Mitchell for Jamal Enterprises, LP petitioned the City of Amarillo to abandon a 2,492 square foot portion of alley right-of-way located in the vicinity of Amarillo Boulevard and Mirror Street, Potter County, Texas; and

WHEREAS, after reviewing information presented, the Planning and Zoning Commission of the City of Amarillo has recommended to the City Council that there is no public necessity for the following-described alley right-of-way; and

WHEREAS, the City Council, having reviewed said recommendation and having considered all relevant information pertaining to the proposed vacation described below, is of the opinion that same is no longer needed for public purposes; and

WHEREAS, the City Council further determined that such vacation of alley right-of-way described herein must include a public utility easement over the entire area of abandonment; and

WHEREAS, the City Council further determined that this alley right-of-way vacation and abandonment is not detrimental or injurious to the public health, safety or general welfare, or otherwise offensive to the neighborhood and is in the best interest of the City of Amarillo's citizens.

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

SECTION 1: The herein-described alley right-of-way be vacated and abandoned for public purposes save and except for a public utility easement over the entire abandonment area:

Vacation of a 2,492 square foot portion of a public right-of-way (alley) located adjacent to Lots 4 through 6 and a portion of Lot 3, Block 16, Morningside Subdivision, an addition to the City of Amarillo, in Section 156, Block 2, A.B.&M. Survey, Potter County, Texas being further described below:

BEGINNING at the southeast corner of Lot 5, Block 16, Morningside Addition for the northeast corner of this tract.

THENCE S. 09° 27' 01" W. a distance of 20.03 feet to the southeast corner of this tract.

THENCE N. 88° 33' 38" W. a distance of 125.66 feet to the northwest corner of Lot 6, Block 16, Morningside Addition for the southwest corner of this tract.

THENCE N. 09° 32' 24" E. a distance of 20.04 feet to the northwest corner of this tract.

THENCE S. 88° 33' 38" E. a distance of 125.63 feet to the place of BEGINNING and containing 0.06 acres (2,492 square feet) of land.

SAVE AND EXCEPT: A Public Utility Easement is hereby retained over the entire area of abandonment.

SECTION 2: The City Manager is authorized to execute an instrument of conveyance to abutting landowner(s) as allowed by law.

SECTION 3: Repealer. 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: Severability. If any provision, section, subsection, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this Ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this Ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 5: Effective Date. This Ordinance shall be effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 28th day of June, 2022; and **PASSED** on Second and Final Reading this the 12th day of July, 2022.

ATTEST:

DRAFT

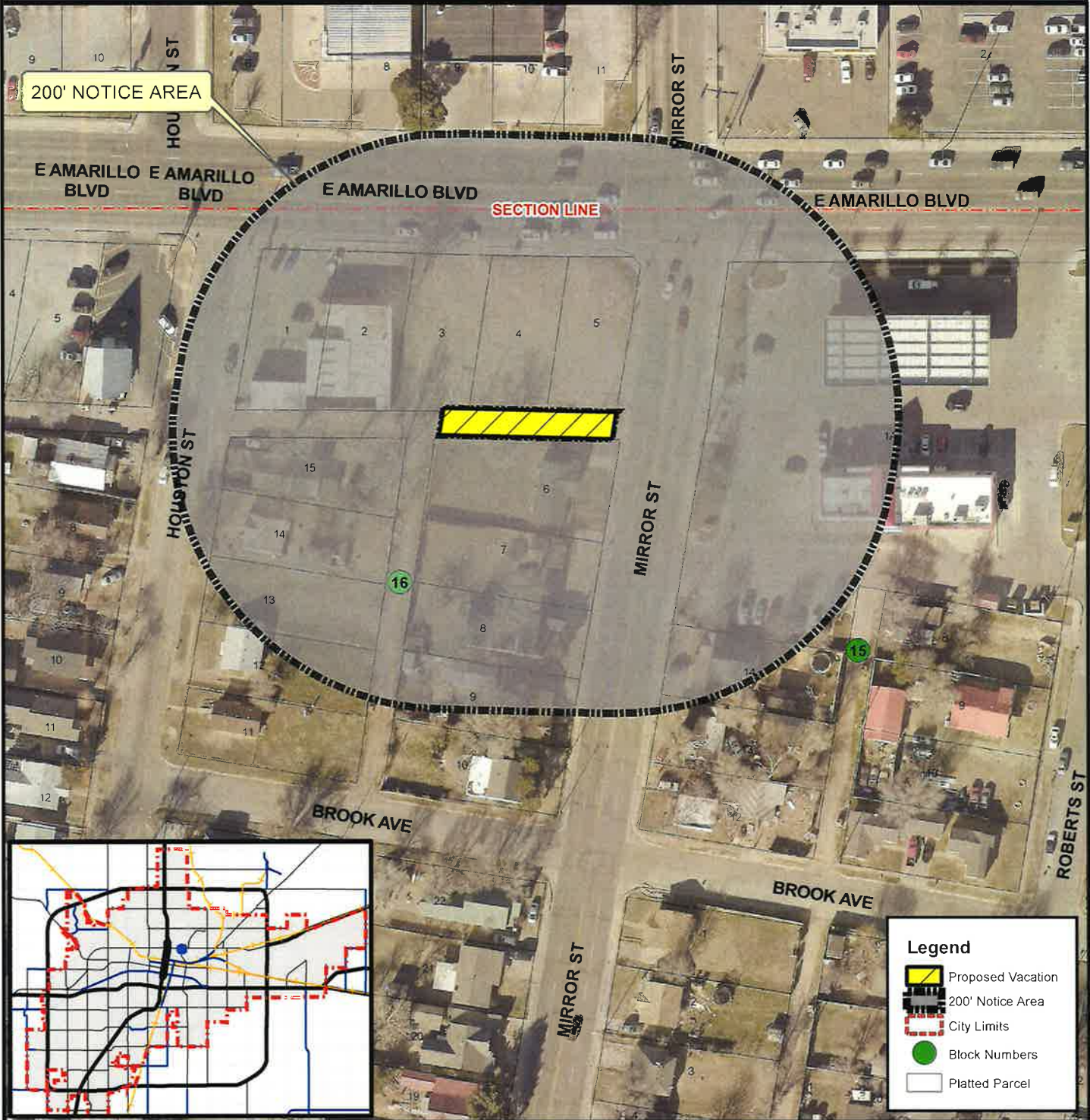
Ginger Nelson, Mayor

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

CASE V-22-01
MORNINGSIDE ADDITION UNIT NO. 1
ALLEY VACATION



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 100 feet
Date: 5/24/2022
Case No: V-22-01



V-22-01 Vacation of a 2,492 square foot portion of a public right-of-way (alley) located adjacent to Lots 4 through 6 and a portion of Lot 3, Block 16, Morningside Subdivision, an addition to the City of Amarillo, in Section 156, Block 2, A.B.&M. Survey, Potter County, Texas.

VICINITY: Amarillo Blvd. and Mirror St.
APPLICANT/S: Andrew Mitchell for Jamal Enterprises, LP

AP: O-11

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

Amarillo City Council

Agenda Transmittal Memo

Meeting Date	June 28, 2022	Council Priority	Regular Agenda Item – Public Hearing
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Department	Planning and Development Services Brady Kendrick – Planner II
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Agenda Caption

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7991

Public hearing and first reading to consider an ordinance rezoning Lot 26J, Block 25, Coulter Acres Unit No. 8, the remaining portions of Lots 26 and 27, Block 2, Coulter Acres Unit No. 1, a portion of Lot 27C and all of 27D, Block 2, Coulter Acres Unit No. 5, all in Section 38, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 1 (R-1) to Office District 2 (O-2).

VICINITY: SW 77th Ave. and Coulter St.

APPLICANT/S: Greg Farber on behalf of The Reserve Offices LLC, Hayes Holdings & Investment Group LLC, and Redeemer Presbyterian

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Agricultural District, Residential District to the north, Agricultural District to the south, General Retail to the east, and is adjacent to the current City Limits to the west.

Adjacent land uses consist of single-family detached homes land outside the City Limits to the north, vacant land and land outside the City Limits to the south, a private children's academy and vacant land to the east, and land outside of the City Limits to the west.

Proposal

The applicant is proposing a change in zoning from Residential District 1 to Office District 2 to develop the land with an office park.

Analysis

The applicant's tract is currently composed of undeveloped land and a church. The applicant and other property owners in the area, have in the past reached out to City Staff about possible Retail zoning for land along the west side of Coulter St. similar to that along the east side of Coulter St. Given the residential nature along the west of Coulter St. and with a majority of persons owning single tracts in this area, staff expressed concern that General Retail zoning and/or piecemeal single lot rezoning would be discouraged. That said, the Planning and Zoning Commission does believe that considering its location (discussed below) a lesser nonresidential zoning could be appropriate.

As illustrated by the graphic below, the land proposed to be rezoned is situated in a unique area. Its uniqueness is based on the fact that the west half is bordered by the ETJ, land adjacent to the east half is inside the City Limits and is adjacent to a major section line arterial. Considering this, development and zoning patterns found in the area (between Arden Rd. and 81st Ave) are not typical whereas within the ETJ, a mix of residential and commercial land uses are found, land along the west of Coulter Rd, inside the City, is primarily Estate Residential, and land along the east side of Coulter Rd, is Retail in nature.



Taking this into account and as alluded to above, the Planning and Zoning Commission is of the opinion that many possible development and zoning patterns are possible for land along the west side of Coulter St., yet with a majority of land along the west side of Coulter St. being residential in nature, consideration of existing residences should be taken into account.

Given its unique location and with Office zoning being requested, the Planning and Zoning Commission does believe that land uses allowed in Office zoning are compatible with immediately adjacent residences and that an opportunity for appropriate infill of long undeveloped land is present.

Requested Action/Recommendation

Notices were sent to property owners within 200 feet as required by State Law. As of this writing, one call has been received in opposition to the request. The caller’s primary concern was regarding potential impacts to the property value of their home if the request was approved.

Considering the above and although Office zoning does not comply with recommended development types in Estate Residential, the Planning and Zoning Commission believes that minimal negative impacts would result and that Office zoning, rather than General Retail zoning, immediately adjacent to residential could be a more desirable zoning pattern. Therefore, the Planning and Zoning Commission recommends **APPROVAL** of the request as presented.

ORDINANCE NO. 7991

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SOUTHWEST 77TH AVENUE AND COULTER STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

WHEREAS, after a public hearing before the Planning and Zoning Commission for proposed zoning changes on the property hereinafter described, the Commission filed its final recommendation and report on such proposed zoning changes with the City Council; and

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

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

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

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

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

Rezoning of Lot 26J, Block 25, Coulter Acres Unit No. 8, the remaining portions of Lots 26 and 27, Block 2, Coulter Acres Unit No. 1, a portion of Lot 27C and all of 27D, Block 2, Coulter Acres Unit No. 5, all in Section 38, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 1 (R-1) to Office District 2 (O-2) and being further described below:

Lot 26J, Block 25, Coulter Acres Unit No. 8, the remaining portions of Lots 26 and 27, Block 2, Coulter Acres Unit No. 1, and a portion of Lot 27C and all of 27D, Block 2, Coulter Acres Unit No. 5, said portion of Lot 27C and all of 27D being described more specifically as the following:

A 0.97+/- acre tract of land being all of Lot 27-D and a portion of Lot 27-C, Block 2, Coulter Acres Unit No. 5, an addition to the City of Amarillo according to the map or plat thereof, recorded in Volume 1976, Page 314 of the Deed Records of Randall County, Texas, being those same tracts of land being described in those certain instrument recorded under Clerk's File No.s 2019001108 and 2021006623, respectively, of the Official Public Records of Randall County, Texas, said 0.97+/- acre tract of land having been surveyed on the ground on June 3, 2022 by Furman Land Surveyors, Inc. and being described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap (2507) found as called for the Southeast corner of said Lot 27-D;

THENCE N. 89° 48' 05" W. 191.42 feet to a 1/2 inch iron rod found for the Southwest corner of said Lot 27-D, from whence a 1/2 inch iron rod with cap (FURMAN) found bears N. 89° 48' 05" W. 349.08 feet;

THENCE N. 00° 19' 53" W., at 113.79 feet pass a 1/2 inch iron rod with cap (1939) found for the Northwest corner of said Lot 27-D, same being the Southwest corner of said Lot 27-C, continuing for a total distance of 222.86 feet to a 1/2 inch iron rod with cap (1939) found in the West line of said Lot 27-C for the Northwest corner of this tract of land, from whence a fence post found for the Northwest corner of Lot 27-B, Block 2, said Coulter Acres Unit No. 5 bears N. 00° 19' 53" W. 230.56 feet;

THENCE S. 87° 56' 49" E. 98.48 feet to a point;

THENCE S. 89° 52' 47" E. 93.01 feet to a 1/2 inch iron rod (1939) found in the East line of said Lot 27-C for the Northeast corner of this tract of land, from whence a 1/2 inch iron rod with cap (2507) found as called for the Northeast corner of said Lot 27-B bears N. 00° 20' 02" W. 233.53 feet;

THENCE S. 00° 20' 02" E., at 106.01 feet pass a 1/2 inch iron rod found for the Southeast corner of said Lot 27-C, same being the Northeast corner of said Lot 27-D, continuing for a total distance of 219.80 feet to the PLACE OF BEGINNING and containing 0.97 acres of land, more or less.

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

SECTION 4. All ordinances and resolutions or parts thereof that conflict with this Ordinance are hereby repealed, to the extent of such conflict.

SECTION 5. This Ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the 28th day of June, 2022 and **PASSED** on Second and Final Reading on this the 12th day of July, 2022.

Ginger Nelson, Mayor

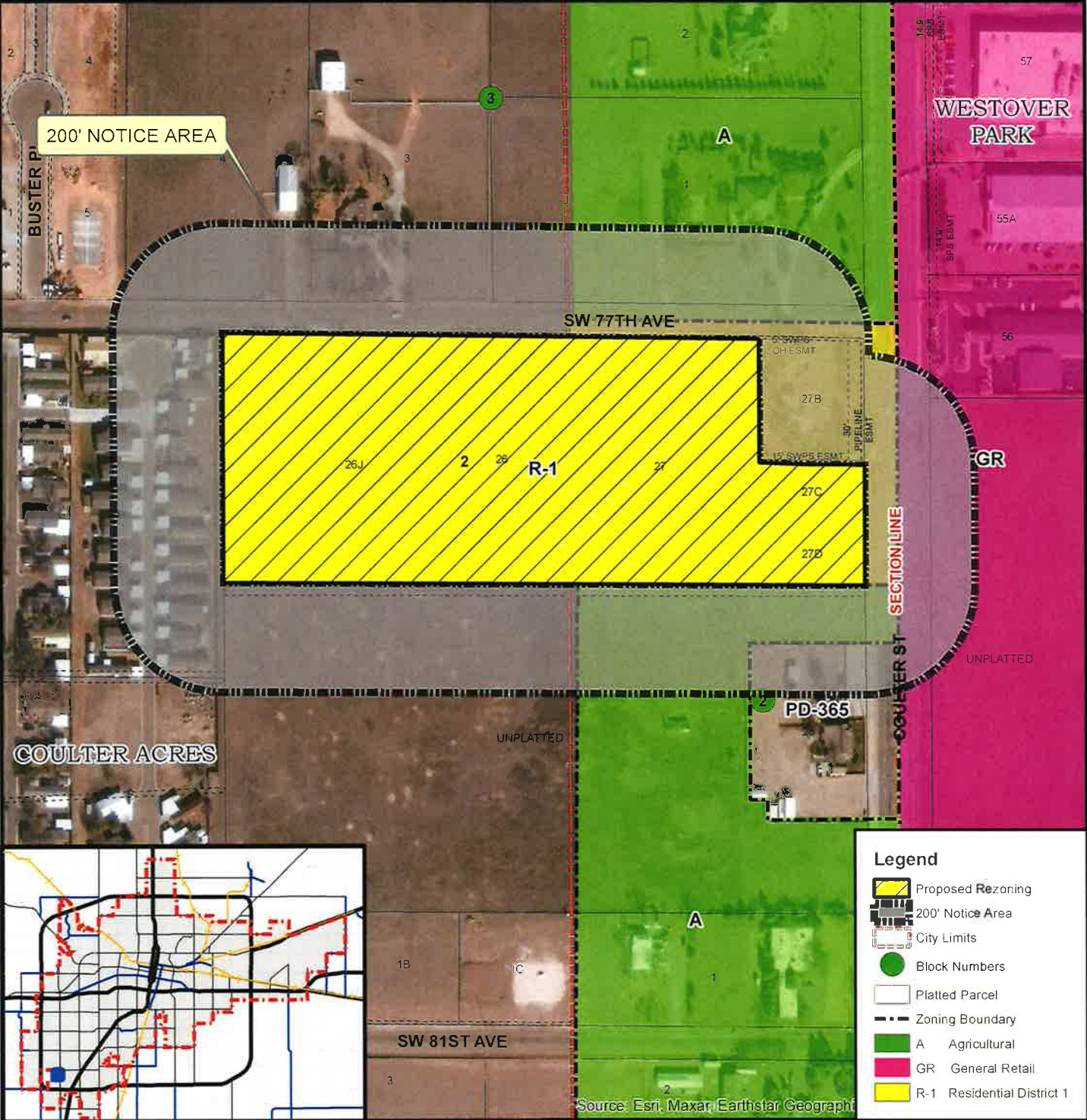
ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

REZONING FROM R-1 TO O-2



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 250 feet
Date: 5/25/2022
Case No: Z-22-20



Z-22-20 Rezoning of Lot 26J, Block 25, Coulter Acres Unit No. 8, the remaining portions of Lots 26 and 27, Block 2, Coulter Acres Unit No. 1, a portion of Lot 27C and all of 27D, Block 2, Coulter Acres Unit No. 5, all in Section 38, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Residential District 1 (R-1) to Office District 2 (O-2).

VICINITY: SW 77th Ave. and Coulter St.
APPLICANT/S: Greg Farber on behalf of The Reserve Offices LLC, Hayes Holdings & Investment Group LLC, and Redeemer Presbyterian

AP: I-17

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

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	June 28, 2022	Council Priority	Fiscal Responsibility
Department	Legal	Contact Person	Bryan McWilliams, City Attorney

Agenda Caption

CONSIDERATION OF ORDINANCE NO. 7992

First reading a new franchise ordinance for West Texas Gas Utility, LLC to use public rights-of-way to provide retail gas service in the city.

Agenda Item Summary

This agenda item is to approve a new franchise agreement.

A franchise ordinance provides the business terms by which a utility may use the public rights-of-way for placement of its infrastructure. This ordinance provides for a “rental” payment to the City of 5% of gross revenue, as defined in the ordinance, for use of the public lands. These are the same general terms as the City has with Atmos.

The City charter prescribes a different process for approval of a franchise ordinance, than for other ordinances. After this ordinance is approved upon First Reading, then the utility must, at its cost, publish the ordinance in the newspaper once a week for 3 weeks. Upon the third publication, a 30 calendar day waiting period starts, during which the public may send comments (letters, calls, email) or initiate a legal challenge to the franchise ordinance. (A legal challenge has never happened here and is exceedingly rare elsewhere.) After that period, then the ordinance returns to the Council for the Second/Final Reading.

Requested Action

Approval of the ordinance.

Funding Summary

Continues to provide revenue equal to 5% of company’s gross revenue, as defined in the ordinance.

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval as presented.

ORDINANCE OF THE CITY OF AMARILLO, TEXAS, GRANTING TO WEST TEXAS GAS UTILITY, LLC, (A TEXAS LIMITED LIABILITY COMPANY, WITH ITS PRINCIPAL OFFICE IN THE CITY OF MIDLAND, MIDLAND COUNTY, TEXAS) THE FRANCHISE AND RIGHTS TO CONDUCT IN SUCH CITY THE BUSINESS OF ACQUIRING, MAINTAINING, CONSTRUCTING, LAYING, REPAIRING, REMOVING, REPLACING, INSTALLING, OPERATING, AND DISPOSING OF A GAS SYSTEM FOR THE SALE, TRANSPORTATION, AND DISTRIBUTION OF NATURAL GAS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY AND TO THE RESIDENTS AND BUSINESSES LOCATED THEREIN FOR LIGHT, HEAT, POWER, AND ANY OTHER PURPOSES AND THE RIGHT TO USE THE PRESENT AND FUTURE STREETS, ROADS, HIGHWAYS, ALLEYS, PUBLIC WAYS, AND REAL PROPERTY IN SUCH CITY AND OWNED OR CONTROLLED BY SUCH CITY FOR SUCH PURPOSES; PRESCRIBING THE TERMS AND CONDITIONS TO WHICH SUCH FRANCHISE AND RIGHTS ARE SUBJECT; AND PRESCRIBING THE TERM OF SUCH FRANCHISE AND RIGHTS.

BE IT HEREBY ORDAINED by the CITY of AMARILLO, TEXAS (hereinafter referred to as the "City") that, subject to the terms and conditions hereinafter set forth, West Texas Gas Utility, LLC, a Texas limited liability company with its principal office in the City of Midland, Midland County, Texas (hereinafter referred to as "WTG"), be, and hereby is, granted the non-exclusive franchise and rights to conduct in the City the business of acquiring (by purchase, lease, or otherwise), maintaining, constructing, laying, repairing, removing, replacing, installing, operating, and disposing of (by sale, lease, or otherwise) a gas system, as hereinafter defined, for the sale, transportation, and distribution of natural gas within the municipal boundaries of the City and to the residents and businesses located therein for light, heat, power, and any other purpose during the term set forth below. Such franchise and rights shall include the right to use the present and future streets, roads, highways, alleys, public ways, and other real property owned by or under the control of the City for purposes of maintaining, constructing, laying, repairing, removing, replacing, installing, and operating any and all components of the gas system, together with access, at all times and from time to time, to such streets, roads, highways, alleys, public ways, and other real property during the term hereof.

ARTICLE I

DEFINITIONS

For purposes of this Ordinance, the following terms shall have the meanings set forth below:

Section 1.1. Gas System. The term "gas system" shall mean any and all pipelines, as hereinafter defined, meters, valves, compressors, anti-corrosion items, facilities, structures, machinery, equipment, and appurtenances of any kind that WTG, in its sole discretion, may deem necessary or advisable for the exercise of the franchise and rights granted to WTG herein.

Section 1.2. Pipelines. The term "pipelines" shall mean any and all above-ground and below-ground pipes, including, but not limited to, mains, distribution lines, secondary lines, laterals, and other pipes, that have been, are being, or are intended to be used at any time in, or in connection with, the sale, transportation, or distribution of natural gas within the City.

Section 1.3 Gross Revenues.

(1) The term shall include:

(a) revenues received by WTG from the sale of gas to all classes of customers (excluding gas sold to another gas utility in the City for resale to its customers within City) within the City;

(b) revenues received from the following 'miscellaneous charges':

- i. charges to connect, disconnect, or reconnect gas within the City;
- ii. charges to handle returned checks from consumers within the City;
- iii. Non-refundable contributions in aid of construction that relate to WTG's construction or facilities within the City ("CIAC").

(c) state gross receipts fees attributable to WTG's sale of gas within the City;

(d) all revenues received by WTG from the transportation of gas through the System of WTG within the City to customers located within the City (excluding any gas transported to another gas utility in City for resale to its customers within City); and

(e) fees collected pursuant to this franchise agreement.

(2) "Gross Revenues" shall not include:

(a) the revenue of any affiliate or subsidiary of WTG;

(b) sales taxes;

(c) interest or investment income earned by WTG;

(d) monies received from the lease or sale of real or personal property, provided, however, that this exclusion does not apply to the lease of facilities within the City's Public Right-of-Way; and

(e) revenues billed but not ultimately collected or received by WTG.

Section 1.4. Other public property. The term "other public property" has the ordinary meaning of those words. However, to the extent that this Franchise Agreement grants a right or privilege to WTG to enter or perform any activity at, on, or under "other public property" upon which is sited the Amarillo Civic Center Complex (i.e., the civic center arena, auditorium, exhibit halls, common areas, Globe-News Performing Arts Center, Hodgetown Multi-Purpose Event Venue, and the parking lots or garages serving such Complex), the Rick Husband International Airport, any water or waste treatment plant, a lift station, or any City park, shall be allowed only by WTG obtaining express prior consent of the City, which will not be unreasonably withheld by City.

ARTICLE II

TERM

Section 2.1. Term. Unless earlier terminated in accordance with the terms and provisions hereof, the term of the franchise and rights hereby granted to WTG shall be for a period of Ten (10) years, commencing on the effective date hereof as defined in Section 7.6 below.

ARTICLE III

ACKNOWLEDGMENT AND GRANT OF SPECIFIC RIGHTS OF WTG

In addition to the franchise and rights granted herein to WTG, the City acknowledges that WTG has, and hereby grants to WTG, the following rights and powers:

Section 3.1. Right to Contract. WTG may enter into separate gas service contracts with industrial or other consumers in the City whose average consumption of gas generally is substantially in excess of the average consumption by residential or commercial consumers or whose service requirements generally are substantially different from the average service

requirements of residential or commercial consumers. Such contracts may provide for rates different from the rates applicable to such residential and commercial consumers.

Section 3.2. Discontinuance of Service. Subject to the provisions of Amarillo Code of Ordinances, section 18-1-12 and 18-1-13, WTG may discontinue service to any residential or commercial consumer for any lawful reason, including, but not limited to, such consumer's failure to pay, when due, any indebtedness owed by such consumer to WTG.

Section 3.3. Reconnection Charges. In addition to any and all other proper charges, WTG may charge and collect from any residential or commercial consumer whose service has been discontinued by WTG a reasonable reconnection or similar charge for recommencing service to such consumer.

Section 3.4. Adoption of Rules. From time to time during the term hereof, WTG may, subject to any and all valid and applicable statutes, ordinances, rules, and regulations of any federal, state or municipal governmental authority or agency, including, without limitation, the City in its regulatory authority under the Gas Utility Regulatory Act or the City's home rule authority granted by the Texas Constitution, make and enforce reasonable rules pertaining to WTG's business and operations, including, but not limited to, requiring any residential or commercial consumer to execute and deliver a written contract or amendment to an existing written contract prior, and as a condition, to the initial commencement, recommencement, or continuation of service to such consumer.¹

Section 3.5. Removal of Gas System. WTG may remove at its expense all or any portion of the gas system upon the termination by the City, pursuant to Article VI of this Ordinance, of the franchise and rights granted hereby.

Section 3.6. Consumer Preferences. WTG may give preference to residential consumers over other consumers during periods in which the total volume of gas available for distribution to and within the City is insufficient, for any reason whatsoever, to adequately supply all residential and commercial consumers.

ARTICLE IV

OBLIGATIONS OF WTG

Section 4.1. Franchise Fee.

- (a) As consideration for the grant of the franchise and rights herein and for the use by WTG of the streets, roads, highways, alleys, public ways, and other real property owned or controlled by the City, except as provided in 4.1(b) below, WTG shall pay to the City, within thirty (30) days after the end of each calendar quarter, a franchise fee equal to five percent (5%) of WTG's Gross Revenues received during the preceding calendar quarter.
- (b) The franchise fee amounts that are due based on CIAC shall be paid at least once annually on or before April 30 each year based on the total CIAC recorded during the preceding calendar year. The initial CIAC franchise fee amount will be paid on or before April 30, 2023 and will be based on the calendar year January 1 through December 31, 2022. The final CIAC franchise fee amount will be paid on or before April 30, 2032 and will be based on the calendar year January 1 through December 31, 2031.

(c) At any time during the term of this franchise, the City may increase the franchise fee payable hereunder, subject to and in accordance with all of the following terms and conditions:

(1) The City may increase the franchise fee only if the franchise fee, as so increased, constitutes a charge for WTG's use of the City's streets, roads, highways, alleys, public ways, and other real property that is reasonable and lawful. Such increase must be adopted by the governing body of the City at a public hearing that is held no earlier than thirty (30) days following the delivery to WTG by the City, in person or by certified or registered mail, of a written notice stating the reason for, and the date, time, and place of, such hearing.

(2) The franchise fee may not be increased pursuant to this Subsection 4.1(c) more than one time in any five-year period during the term of this franchise.

(3) The franchise fee may not be increased at any one time by an amount exceeding one-half of one percent (1/2 of 1%) of WTG's gross receipts derived from the sale, transportation, and distribution by WTG of natural gas within the municipal boundaries of the City; and the total franchise fee payable hereunder may not be increased during the term hereof to an amount exceeding the lesser of (i) five percent (5%) of such gross receipts or (ii) the percentage of gross receipts payable by any electric utility doing business within the City pursuant to a franchise granted by the City.

(d) Nothing in Subsection 4.1(c) shall preclude, or be deemed to preclude, WTG and the City from agreeing to an increase in the franchise fee in excess of the limitations imposed in such subsection.

(e) The franchise fee is deemed by City to be adequate compensation for WTG's use of the public rights of way and other public property. No other fee or charge is owed for WTG using the public rights-of-way or other public property. However, WTG shall pay any and all charges of the City for water, sewage, and garbage services provided by the City to WTG, the City's portion (i.e. not the portion payable to the State of Texas or any other governmental authority or agency) of any and all sales taxes collected by WTG for sales within the City, and any and all ad valorem taxes assessed by the City against 'WTG's property. Franchise fees shall be in lieu of any and all other costs, levies, assessments, fees, or other amounts, of any kind whatsoever, that the City, currently or in the future, may charge WTG or assess against WTG's property for use of the public rights of way or other public property.

Section 4.2. No Obstruction of Public Property. WTG shall not, unnecessarily or for any unreasonable period of time, obstruct or interfere with the public use of any of the streets, roads, highways, alleys, public ways, or other real property owned or controlled by the City.

Section 4.3. Repair of Damages. WTG shall repair any and all damages caused solely by WTG to any streets, roads, highways, alleys, public ways, or other real property owned or controlled by the City and shall restore, as nearly as practicable, such property to substantially its

condition immediately prior to the incident causing such damage. The City may, from time to time, adopt reasonable ordinances regulating such work.

Section 4.4. Conduct of Work and Activities. WTG shall use reasonable care in conducting its work and activities in order to prevent injury to any person and unnecessary damage to any real or personal property.

Section 4.5. Use of Alleys. WTG shall attempt to utilize the alleys of the City insofar as is reasonably practicable in conducting its work and activities hereunder. Notwithstanding the foregoing, however, WTG may, when reasonably necessary, utilize the streets and any other public ways owned or controlled by the City to perform such work and activities.

Section 4.5A Right of Way Management. WTG acknowledges that the provisions of sections 4.2 to 4.5 inclusive, are subject to the City's applicable Right-of-Way management ordinance presently codified in Amarillo Municipal Code of Ordinances, Chapter 4-6, Article V.

Section 4.6. Service and Supply. WTG shall use reasonable care to furnish good and reliable service and an adequate supply of natural gas.

Section 4.7. Installation of Underground Pipelines. WTG shall, when reasonably practicable, install all pipelines under-ground at such depth and in such manner so as not to interfere with the existing pavement, curbs, gutters, or underground wires, cables, or water or sewer pipes owned or controlled by the City or the existing infrastructure of another public utility company.

Section 4.8. No Discrimination Between Consumers. Subject to WTG's rights set forth in Article III of this Ordinance, WTG shall not discriminate against any consumer with respect to charges for natural gas or services rendered under substantially the same circumstances to other consumers of the same classification.

Section 4.9. Changes in Gas System.

(A) Whenever by reason of widening or straightening or reconstruction of streets, drainage, water, sewer, or communications projects, or any other public works projects in which beautification is not a primary purpose of the project (e.g., installing or improving storm drains, water lines, sewer lines, etc.), it shall reasonably be deemed necessary by City to remove, alter, change, adapt, or conform the underground or aboveground System Facilities of WTG to another part of the Public Right-of-Way, such alterations shall be made by WTG at WTG's expense (except as otherwise provided in this Section 4.9, by federal or state law or such change is to accommodate a private developer). Such relocation shall be completed not later than the deadline set by the Public Works Director or his/her designee working in conjunction with WTG, or if no time frame can be agreed upon, not later than ninety (90) days after the day the notice was sent to WTG to make the alterations.

(B) When WTG is required by City to remove or relocate its System Facilities to accommodate construction of streets and alleys by City, and WTG is eligible under federal, state, county, local, or other programs for reimbursement of costs and expenses incurred by WTG as a result of such removal or relocation, and such reimbursement is required to be handled through City, WTG's costs and expenses shall be included in any application by City for reimbursement, if WTG submits its cost and expense documentation to City prior to the filing of the application. City shall provide reasonable notice to WTG of the deadline for WTG to submit documentation of the costs and expenses of such relocation to City. Upon receipt of reimbursement from a federal or state agency, the City shall remit to WTG, within thirty (30) days of receipt, its portion related

to the relocation or removal of its facilities. Notwithstanding anything contained in this Ordinance, if System Facilities are required to be removed or relocated for any reason other than the construction, relocation or widening of streets, alleys, water, sewer, or drainage lines by City, WTG shall be entitled to reimbursement from City or others of the cost and expense of such removal or relocation. When WTG is required to remove or relocate its mains, laterals or other facilities to accommodate construction of a highway, road, street, public way, or other public work by City without reimbursement from City, WTG shall have the right to seek recovery of its reasonable and necessary relocation costs as provided for in applicable state and/or federal law. Nothing herein shall be construed to prohibit, alter, or modify in any way the right of WTG to seek or recover a surcharge from customers for WTG's reasonable and necessary costs of relocation pursuant to applicable state and/or federal law. City shall not oppose recovery of WTG's reasonable and necessary relocation costs from customers when WTG is required by City to perform relocation. City shall not require that WTG document request for reimbursement as a pre-condition to recovery of such relocation costs.

(C) If City abandons, pursuant to Council action, any Public Right-of-Way in which Company has facilities, such abandonment shall be conditioned on Company's right to maintain its use of the former Public Right-of-Way and on the obligation of the party to whom the Public Right-of-Way is abandoned to reimburse Company for all removal or relocation expenses if Company agrees to the removal or relocation of its facilities following abandonment of the Public Right-of-Way by action of City Council. If the party to whom the Public Right-of-Way is abandoned requests the Company to remove or relocate its facilities and Company agrees to such removal or relocation, such removal or relocation shall be done within a reasonable time at the expense of the party requesting the removal or relocation. If relocation cannot practically be made to another Public Right-of-Way, the expense of any right-of-way acquisition shall be considered a relocation expense to be reimbursed by the party requesting the relocation.

Section 4.10. Service to New Areas. If during the term of this franchise the boundaries of the City are expanded, the City will promptly notify WTG in writing of any geographic areas annexed by the City during the term hereof ("Annexation Notice"). Any such Annexation Notice shall be sent to WTG by certified mail, return receipt requested, and shall contain the effective date of the annexation, maps showing the annexed area and such other information as WTG may reasonably require in ascertaining whether there exist any customers of WTG receiving natural gas service in said annexed area. To the extent there are such WTG customers therein, then the gross revenues of WTG derived from the sale and distribution of natural gas to such customers shall become subject to the franchise fee provisions hereof effective on the first day of WTG's billing cycle immediately following WTG's receipt of the Annexation Notice. The failure by the City to advise WTG in writing through proper Annexation Notice of any geographic areas which are annexed by the City shall relieve WTG from any obligation to remit any franchise fees to City based upon gross revenues derived by WTG from the sale and distribution of natural gas to customers within the annexed area until City delivers an Annexation Notice to WTG in accordance with the terms hereof.

Section 4.11. Schedule of Rates. WTG shall, at all times, keep on file with the City a schedule setting forth current residential and commercial rates for natural gas and services rendered to customers within the City. Nothing contained in this Ordinance, however, shall adversely affect WTG's right to apply for an increase in all or any of its rates at any time and from

time to time during the term hereof and to a lawful and equitable decision with respect to any such application, subject to the applicable requirements of Amarillo Municipal Code of Ordinances, Chapter 18-1, Article III and any applicable statutes.

Section 4.12. Rebates. WTG shall not grant, directly or indirectly, any rebate, in the form of money or any other thing of value, to any consumer in order to circumvent the rate schedule filed with the City pursuant to Section 4.11 of this Article IV.

Section 4.13. Maps of Gas System. WTG shall have available a map or maps showing the current location of all pipelines and other components of WTG's natural gas distribution facilities located in the City.

Section 4.14. Bond for Removal of Gas System. WTG shall, upon electing to remove all or any portion of the gas system in accordance with Section 3.5 of Article III of this Ordinance, file with the Secretary of the City a bond in a reasonable amount and with a proper and adequate surety, securing WTG's obligation to promptly repair, at WTG's sole expense, any damage to any real property owned or controlled by the City caused by WTG's removal of all or any portion of the gas system and to restore such property to substantially the same condition it was in immediately prior to the incident causing such damage.

Section 4.15 Indemnification. In the event of injury or death to any person or damage to any property by reason of acts or omissions of WTG, its employees, officers, agents, contractors, subcontractors, successors or assigns or agents, which arises out of or relates to construction, operation, maintenance, or replacement of WTG's pipeline system within public rights of way, WTG shall indemnify and keep harmless City from any and all claims, demands, suits, liability, damages of every type, attorney fees, costs, and interest, except to the extent such injury, death, or damage is attributable to the fault of the City, including, without limitation, the City's negligent or intentional acts or omissions. WTG's insurance of its obligations and risks undertaken pursuant to this franchise may be in the form of self-insurance to the extent permitted by applicable law, under a WTG plan of self-insurance maintained in accordance with sound accounting and risk-management practices or an indemnity insurance policy.

ARTICLE V

RIGHTS OF THE CITY

Section 5.1. Use of City Property. The right of WTG hereunder to use any streets, roads, highways, alleys, public ways, and other real property owned or controlled by the City shall in no way affect the right of the City or its agents to maintain, construct, lay, repair, remove, replace, install, or operate any pavement, curbs, gutters, or underground wires, cables, or water or sewer pipes owned by the City and located on or near such streets, roads, highways, alleys, public ways, and other real property, or for City to allow others to use the City's streets, roads, highways, alleys, public ways and other real property owned or controlled by the City.

Section 5.2. Inspection of Books and Records. (A) The City may, at its sole expense and, upon reasonable prior notice, at any reasonable time during normal business hours, inspect, review, and copy any of WTG's books and records, wherever located, pertaining to and directly affecting the rights of the City arising under or by virtue of this Ordinance.

(B) City may, if it sees fit, upon reasonable notice to WTG, have the books and records of WTG audited or reviewed by the City or a representative of City to ascertain the correctness of the reports agreed to be filed herein. WTG shall make available to the auditor such personnel

and records as the City's representative may in its reasonable discretion request in order to complete such audit or review, and shall make no charge to the City therefor. WTG shall assist the City or its representative in its review or audit by providing all requested information no later than fifteen (15) days after receipt of a request. The cost of the audit or review shall be borne by the City unless the audit discloses that WTG has underpaid the franchise fee by 10% or more, in which case the reasonable costs of the review or audit shall be reimbursed to the City by WTG. If such an audit or review reveals that WTG has underpaid the City, then upon receipt of written notification from City regarding the existence of such underpayment, WTG shall undertake a review of the City's claim and if said underpayment is confirmed, remit the amount of underpayment to City, including any interest. Should WTG determine through examination of its books and records that City has been overpaid, upon receipt of written notification from WTG regarding the existence of such overpayment, City shall review WTG's claim and if said overpayment is confirmed, either remit the amount of overpayment to WTG or apply the overpayment as a credit against the next scheduled payment of fees by WTG.

(C) If, after receiving reasonable notice from the City of the City's intent to perform an audit or review as provided herein, WTG fails or refuses to provide data, documents, reports, or information required to be furnished hereunder to the City, or fails or refuses to reasonably cooperate with the City during an audit or review conducted under the terms hereunder, WTG shall be liable for payment of City's reasonable and necessary expenses (including reasonable attorney's fees) incurred in obtaining such data, documents, reports or information.

(D) WTG must retain all records pertaining to the calculation and payment of franchise fees for a period of time not less than the current fiscal year, plus the preceding two (2) fiscal years of WTG. If WTG should possess relevant records for a longer period, then City will be allowed access to those records to the same extent and manner as records maintained during the period specified in the preceding sentence.

ARTICLE VI

REMEDIES UPON DEFAULT BY WTG

Section 6.1. Termination of Franchise and Rights. In the event of a substantial breach by WTG of any material provision of this Ordinance, the City may terminate the franchise and rights granted to WTG hereunder, provided, however, that such termination shall not be effective unless and until the procedures described below have been followed:

(a) The City must deliver to WTG, by certified or registered mail, a written notice signed by the Mayor, attested by the Secretary, and sealed with the official seal of the City. Such notice must (i) fairly and fully set forth in detail each of the alleged acts or omissions of WTG that the City contends constitutes a substantial breach of any material provision hereof, (ii) designate

which of the terms and conditions hereof the City contends WTG breached, and (iii) specify the date, time, and place at which a public hearing will be held by the governing body of the City for the purpose of determining whether the allegations contained in the notice did in fact occur, provided, however, that the date of such hearing may not be less than thirty (30) days after the date of such notice.

(b) Within ten (10) days following the adjournment of the public hearing described in Subsection 6.1(a) above, the City must deliver to WTG, by certified or registered mail, a written notice signed by the Mayor, attested by the Secretary, and sealed with the official seal of the City, setting forth (i) the acts and omissions of WTG described in the first notice that the governing body of the City determines to have in fact occurred and (ii) the specific terms and conditions of this Ordinance listed in the first notice that the governing body of the City determines to have in fact been breached by such acts or omissions of WTG.

(c) The City must permit WTG the opportunity to substantially correct all of the breaches hereof set forth in the written notice described in Subsection 6.1(b) above with such corrections to be completed to the satisfaction of the City, within sixty (60) days after WTG's receipt of such notice.

(d) If the dispute resolution process described in sections (a) through (c) does not resolve the default to the City's reasonable satisfaction, then the City may seek any remedy allowed by law or equity through a civil suit or administrative proceeding.

ARTICLE VII

GENERAL PROVISIONS

Section 7.1. Force Majeure. Notwithstanding anything expressly or impliedly to the contrary contained herein, in the event WTG is prevented, wholly or partially, from complying with any obligation or undertaking contained herein by reason of any event of force majeure, then, while so prevented, compliance with such obligations or undertakings shall be suspended, and the time during which WTG is so prevented shall not be counted against WTG for any reason. The term "force majeure", as used herein, shall mean any cause not reasonably within WTG's control and includes, but is not limited to, acts of God, strikes, lock-outs, wars, terrorism, riots, orders or decrees of any lawfully constituted federal, state, or local body, contagions or contaminations hazardous to human life or health, fires, storms, floods, wash-outs, explosions, breakages or accidents to machinery or lines of pipe, inability to obtain or the delay in obtaining rights-of-way, materials, supplies, or labor permits, temporary failures of gas supply, or necessary repair, maintenance, or replacement of facilities used in the performance of the obligations contained in this Ordinance.

Section 7.2. Other Ordinances. Except to the extent otherwise expressly provided herein, the franchise and rights granted hereby and the operations and activities performed by WTG pursuant hereto shall be subject to all valid ordinances and regulations of the City and any valid amendments thereto insofar as, and only insofar as, such ordinances and regulations (i) do not shorten the term hereof or terminate, abrogate, or materially and adversely affect the franchise and rights granted to WTG hereby or (ii) do not conflict with or are not inconsistent with the terms and provisions contained in this Ordinance, such conflicting or inconsistent ordinances hereby being repealed to the extent of such conflict or inconsistency.

Section 7.3. Amendments. This Ordinance and the franchise and rights granted herein may be amended only by written agreement of the City and WTG to such amendment.

Section 7.4. Severability. In the event any part of this Ordinance is determined to be invalid or illegal for any reason whatsoever, such invalidity or illegality shall not affect the validity or legality of this Ordinance as a whole or of any part hereof.

Section 7.5. Binding Effect. This Ordinance shall extend to, be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns.

Section 7.6. Effective Date. This Ordinance shall become effective on the date on which this Ordinance is finally adopted by the City in accordance with law, and WTG shall file with the Secretary of the City a letter stating that WTG accepts this Ordinance as adopted and agrees to comply with and be bound by all of the terms and conditions hereof. A true and correct copy of this Ordinance as finally adopted shall be attached to such letter and by reference made a part thereof, and the letter shall be addressed to the Mayor and the governing body of the City, dated, and executed by an authorized officer of WTG. Upon this Ordinance becoming effective, this Ordinance shall supersede any and all prior ordinances of the City regulating WTG.

Section 7.7. Section and Other Headings. The section and other headings contained in this Ordinance are for reference purposes only and shall not affect in any way the meaning or interpretation of this Ordinance.

[THIS SPACE LEFT BLANK INTENTIONALLY. NEXT FOLLOWS, SIGNATURES]

Read and passed by the City Council of the City of Amarillo, Texas with a quorum of such Councilmen duly and lawfully assembled and voting, on the first (1st) reading, on the _____ day of _____, 2022.

ATTEST:

CITY OF AMARILLO, TEXAS

Stephanie Coggins, City Secretary

By: _____

Ginger Nelson, Mayor

Read and passed by the City Council of the City of Amarillo, Texas with a quorum of such Councilmen duly and lawfully assembled and voting, on the second (2nd) and final reading, on the _____ day of _____, 2022.

ATTEST:

CITY OF AMARILLO, TEXAS

Stephanie Coggins, City Secretary

By: _____

Ginger Nelson, Mayor

City's Mailing Address and Phone Number:

City of Amarillo

601 S. Buchanan

PO Box 1971

Amarillo, TX 79105-1971

Amarillo City Council

Agenda Transmittal Memo



Item No. 3E

Meeting Date	June 28, 2022	Council Priority	Regular Agenda Item
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Department	Planning and Development Services Brady Kendrick – Planner II
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Agenda Caption

CONSIDERATION OF RESOLUTION NO. 06-28-22-1

Consideration of a Resolution of the City Council for the City of Amarillo setting a date, time, and place for a Public Hearing to consider the proposed annexation of certain property by the City of Amarillo, Texas and authorizing the City Manager to execute an Agreed Service Plan.

VICINITY: Soncy Rd. and SW 34th Ave.

APPLICANT/S: Daryl Furman for the Emeline Bush O'Brien/Sobieski Trust

Agenda Item Summary

As mentioned above, this resolution is to set a future date, time, and place to consider the annexation of 244.97 acres of land in Sections 61, 62, 75, and 76, Block 9, B.S.&F. Survey, Randall County, Texas and to allow the City Manager to execute an Agreed Service Plan related to this landowner-initiated annexation request. The area proposed for annexation is undeveloped and adjacent rights-of-ways (SW 34th Avenue and Helium Road/Loop 335) are being proposed to be incorporated as well.

If annexed, the property is intended to develop with a residential subdivision that will include 569 residential lots, a 15.28-acre tract for multi-family, greenspace/common area (maintained by a Public Improvement District (PID), and 76.4 acres of land along the adjacent rights-of-ways for various non-residential land uses such as Retail, Office, Multi-family, and/or mixed uses.

The Agreed Service Plan is a negotiated agreement between the City and a landowner/s requesting annexation that details responsibilities for services to be provided by each party should annexation actually occur. *Formal consideration of whether to annex or not does not occur at this point in the process. Formalization of an Agreed Service Plan is merely to ensure a written understanding of responsibilities is in place prior to official consideration of the Annexation Ordinance, set to occur at a later date summarized below.*

Staff has met both with City Departments and with the property owners on several occasions to arrive at an acceptable agreement for services which is attached for review. The Agreed Service Plan is not considered recognized until the City Manager executes. Should Council authorize the City Manager to do so, a Public Hearing will be scheduled at a later date to consider the Annexation Ordinance and allow all interested parties to be heard. The applicant has executed the Agreed Service Plan.

As just mentioned, consideration of the annexation ordinance is the event where official acceptance or denial of the annexation request occurs and if annexation is approved, the Agreed Service Plan becomes binding. Although State Law allows a City to adopt the ordinance at the conclusion of the 1st Public Hearing, the annexation ordinance will not be effective until a second reading due to the City Charter requiring all ordinances have two readings before Council.

Below is a timeline of the anticipated events mentioned above:

June 28, 2022: Council considers Agreed Service Plan and authorizing the City Manager to execute the Agreed Service Plan. (1st Public Hearing will also be called.)

July 12, 2022: 1st Public Hearing and reading of Annexation Ordinance.

Jul 26, 2022: 2nd Reading of the Annexation Ordinance.

Annexation is one of the primary means by which a City grows and also allows a municipality to provide services to urbanizing areas and exercise regulatory authority (enacting land use control) necessary to protect public health and safety and ensure orderly development occurs at the fringes of a City. Annexation also ensures future residents who would be benefiting from access to City facilities and services share in the tax burden associated with constructing and maintaining said facilities and services.

When formal consideration of the annexation occurs, should the process move forward by allowing the City Manager to execute the Agreed Service Plan, each annexation request is evaluated on a case-by-case basis and characteristics such as fiscal impact, development plans, need for land use control, anticipated revenues, among others are considered. Attached are associated documents and analysis that were prepared for this annexation.

RESOLUTION NO. 06-28-22-1

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF AMARILLO SETTING A DATE, TIME AND PLACE FOR PUBLIC HEARING ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF AMARILLO, TEXAS; AUTHORIZING AND DIRECTING THE CITY SECRETARY TO PUBLISH NOTICES OF SUCH PUBLIC HEARING; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREED SERVICE PLAN

WHEREAS, the City of Amarillo, Texas is a home-rule municipality authorized by State law and the City Charter to extend its boundaries and to annex areas adjacent and contiguous to its corporate limits;

WHEREAS, Emeline Bush O'Brien/Sobieski Trust (the "Sobieski Trust"), petitioned the City of Amarillo, Texas to annex an approximately 244.97 acre tract of unplatted land located in Sections 61, 62, 75, and 76, Block 9, B.S.&F. Survey, Randall County, Texas, which is adjacent and contiguous to its corporate city limits;

WHEREAS, before the City can consider annexation proceedings, the City Council must conduct one public hearing for those interested in such annexation for an opportunity to be heard in compliance with Texas Local Government Code, Section 43.0673;

WHEREAS, the City Council must authorize and direct that such public hearing be published as directed in Texas Local Government Code, Section 43.0673; and

WHEREAS, the City Council must further negotiate and enter into a written agreement with the landowners in the proposed annexation area for the provision of municipal services within such area in accordance with the Texas Local Government Code, Section 43.0672.

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

Section 1. The City Council will hold one public hearing in accordance with the Texas Local Government Code, Section 43.0673, as follows:

July 12, 2022 at 1:00 p.m. in the Council Chambers located on the Third Floor of City Hall, 601 S. Buchanan St., Amarillo, Texas 79101.

All interested persons will have the right to appear and be heard on the proposed annexation for the property described as an approximately 244.97 acre tract of unplatted land located in Sections 61, 62, 75, and 76, Block 9, B.S.&F. Survey, Randall County, Texas, as shown and described in Exhibit A attached and incorporated herein.

Section 2. The City Secretary of the City of Amarillo is hereby authorized and directed to publish notice of the public hearing once in a newspaper having general circulation in the City and in the above-described territory prior to the date of such public hearing in accordance with the Charter of the City of Amarillo and the laws of the State of Texas.

Section 3. The City Manager is authorized to execute the Agreed Service Plan, attached and incorporated herein, in accordance with the laws of the State of Texas.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on this the 28th day of June 2022.

Ginger Nelson, Mayor

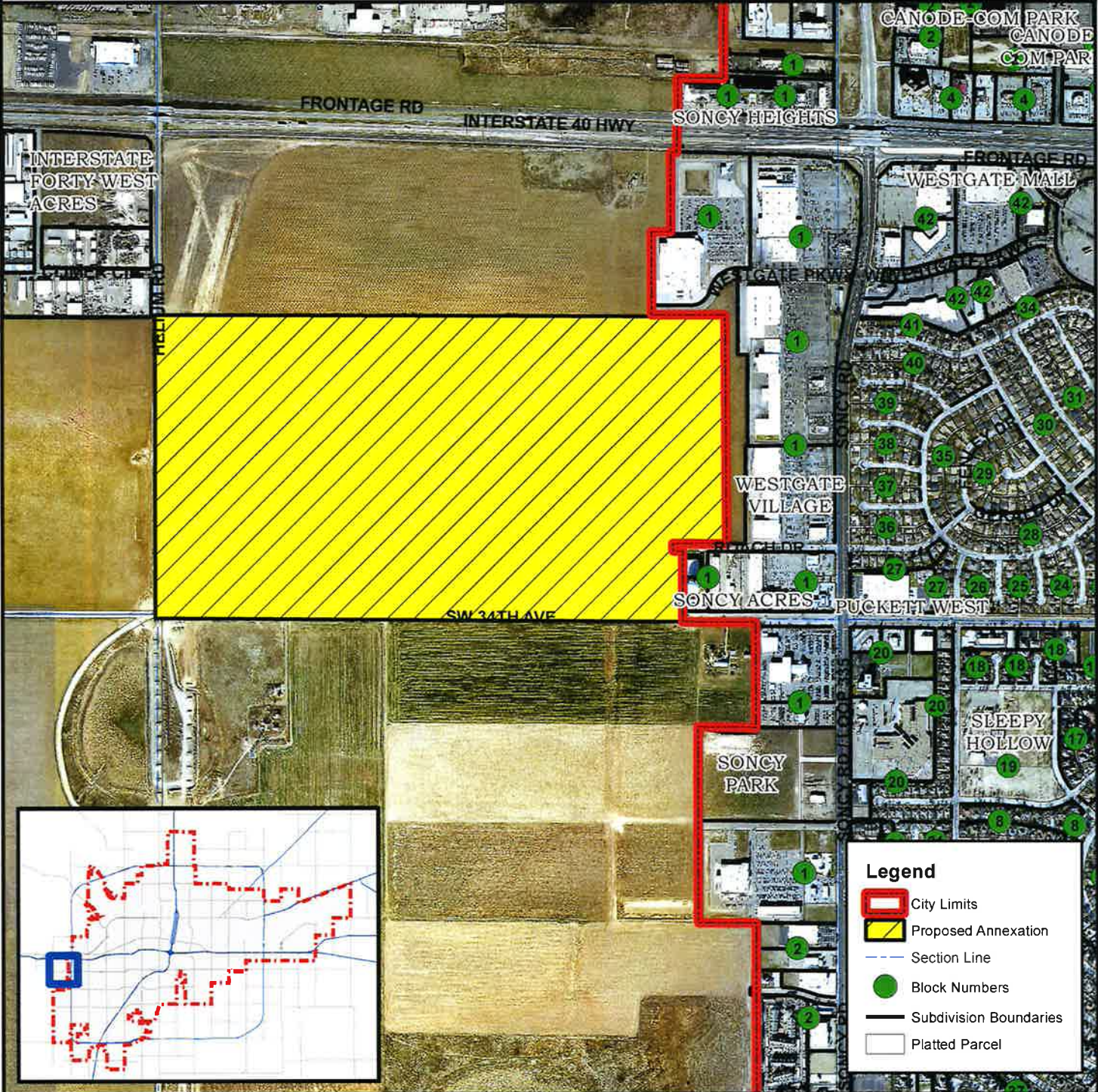
ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

EXHIBIT A: PROPOSED ANNEXATION OF 244.97 ACRES



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 1,081 feet
Date: 3/3/2022
Case No: A-21-01



Annexation of 244.97 acres of unplatted land, in Sections 61, 62, 75, and 76, Block 9, B.S.&F. Survey, Randall County, Texas.

VICINITY: SW 34th Avenue and Soncy Road

APPLICANT/S: Daryl Furman for the Emeline Bush O'Brien/Sobieski Trust

AP: H-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.

**The City of Amarillo Agreed Service Plan
Homestead Subdivision – SW 34th and Loop 335**

AREA TO BE ANNEXED: 244.97+/- Acres

Property Description: See Attached

Introduction:

This Agreed Service plan has been prepared in accordance with V.T.C.A. Local Government Code Section 43.0672, as indicated by the signatures below, is agreed to by the annexation petitioners. Municipal facilities and services to the annexed area described above will be provided or made available on behalf of the City of Amarillo at the following levels and in accordance with the following schedule:

FIRE

Existing Services:

None

Services to be Provided:

Fire suppression, prevention, and first response Emergency Medical Services (EMS) will be available to the area upon annexation. Primary fire response will be provided by Fire Station No. 2, located at 9000 SW 34th Ave. Fire prevention and fire inspection activities will be provided by the Fire Marshal's office as needed.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

POLICE

Existing Services:

None

Services to be Provided:

Upon annexation, the City of Amarillo Police Department will extend routine patrols and response to calls for service to the area. Police Department activities to serve the area upon annexation can be afforded to the annexed area within current budget appropriation.

As the City experiences development in this area, the Police Department will provide approximately two additional officers per every 1,000 residents to respond to additional calls for service. Additionally, one new patrol unit will be provided for every 3 new officers. Upon full development of this area, it is anticipated that four additional officers and two additional patrol units will be provided to service this area.

As the City experience growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of the additional officers and patrol units.

BUILDING SAFETY

Existing Services:

None

Services to be Provided:

The Department of Building Safety will provide plan review and inspection services upon annexation and/or as development warrants. This includes issuing building, electrical, mechanical, and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulate building construction within the City of Amarillo.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

PLANNING AND ZONING

Existing Services:

None

Services to be Provided:

The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Amarillo's Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Amarillo's Subdivision Ordinance.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

PARKS & RECREATION

Existing Services:

None

Services to be Provided:

There are no parks or recreational facilities being proposed within the annexed area. As such, no services will be provided from the Parks and Recreation Department upon annexation. However, the developer should be aware that should the proposed Subdivision Regulations pertaining to parkland dedication be approved prior to the approval of a preliminary plan associated with the area to be annexed, dedication of neighborhood/community parks sufficient to meet the proportionate demand created by anticipated subdivision and development will be required. The preferred method of complying with Parkland dedication is through dedicating improved parks within a proposed subdivision. In some circumstances, the City may require alternative means as recommended by the Parks and Recreation Master Plan (Fee-in-lieu of, dedication of land, etc.).

Should parkland be dedicated, the City will be responsible for maintenance following the completion of park improvements.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

LIBRARY

Existing Services:

None

Services to be Provided:

Upon the effective date of annexation, free library use privileges will be available to anyone residing in this area. Department activities can be afforded to the annexed area within current budget appropriation.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

ENV. HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

Existing Services:

Sanitary nuisances (limited), OSSF

Services to be Provided:

The Amarillo Area Public Health District will continue to provide all programs currently offered to the District (Sanitary nuisances, OSSF, Food Hygiene, Rec. Water, Group Care). The department will implement the control of vectors (mosquito control) upon annexation.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

ANIMAL MANAGEMENT AND WELFARE SERVICES

Existing Services:

None

Services to be Provided:

Animal Management and Welfare services will be provided to the area upon annexation.

Upon development of this area with the anticipated use, 1 additional Animal Management Officer and 1 additional Animal Management unit will be provided.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

PUBLIC RIGHT-OF-WAY

Existing Services:

None

Services to be Provided and Public Right-of-Way Requirements:

Developers will provide streets and alleys within the area to be annexed at their own expense upon development. Construction of all streets and alleys shall comply fully with City of Amarillo Street Standard Specifications. Maintenance to any future street and alley facilities or any existing streets or alleys annexed, excluding TXDOT maintained right-of-way, will be provided by the City upon acceptance of that street or alley by the City at the completion of the required warranty period and upon annexation of any existing street or alleys, excluding TXDOT maintained right-of-way.

There is one adjacent Section Line Arterial right-of-way proposed for annexation that will require the dedication of additional right-of-way which is detailed below:

SW 34th Avenue: Currently has a total right-of-way width of 60ft. (30ft. south of section line and 30ft. north of section line). An additional 30ft of right-of-way north of the northern most 30ft of right-of-way, will be required to be dedicated by the Developer upon development of land adjacent SW 34th Avenue.

The developer typically would be responsible for their portion of the widening of 34th Avenue per the Development policy manual and responsible for widening the road to a 37-foot road with curb and gutter minus the width of the existing pavement adjacent to residential areas and to a 45-foot road with curb and gutter minus the width of the existing pavement adjacent to commercial areas.

The improvement of SW 34th Avenue was included in the previously approved Proposition 1 Bond that was passed in 2016. Funding for the improvements of SW 34th Avenue to get it from the above referenced 37' or 45' road to a 65' arterial in this area will come from those funds and be the responsibility of the City.

Helium Road/Loop 335: Helium Road (Loop 335) is a TxDOT right-of-way and will be improved and maintained by TxDOT.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

STORM WATER MANAGEMENT

Existing Services:

None

Services to be Provided:

The Developer will provide storm water facilities at their own expense within the subdivision and will be jointly inspected by the Capital Projects and Public Works Department at time of completion. Due to constrictions of downstream systems, private detention ponds may be necessary to attenuate flow from the subdivision to the offsite storm sewer facilities within adjacent State of Texas or City of Amarillo Right of way. Construction of all storm water drainage facilities shall comply fully with City of Amarillo Specifications. The City will then maintain the drainage facilities upon approval.

The city will be responsible for installing storm water facilities in SW 34th Avenue at the time of its upgrade to a 67' arterial. The storm water would flow through an existing line that is near capacity and therefore will only be designed to handle existing predeveloped flow from the subdivision. Onsite solutions such as private detention facilities may be required by the developer.

Maintenance of any public drainage facilities will be provided by the City upon acceptance and completion of the required warranty period.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

STREET LIGHTING

Existing Services:

None

Services to be Provided:

All street lighting will be provided by the developer as development occurs. The City of Amarillo Traffic Engineering Department will coordinate any request for improved street lighting with the local electric provider in accordance with City of Amarillo Lighting Standards.

Maintenance of the above street lighting will be the responsibility of the City once annexed and installed and accepted according to City Standards.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

TRAFFIC ENGINEERING

Existing Services:

None

Services to be Provided:

Upon annexation and as development occurs, the City of Amarillo Traffic Engineering Department will provide traffic control devices deemed necessary by that Department.

Traffic signing will be placed as development occurs and at appropriate locations. Signing will include Stops, Yields, Do Not Enter, 1-Way, and Speed Limit as required. Based upon the proposed street layout, it is anticipated that a minimum of 95 individual sign pole installations will be required.

Maintenance of the above signage will be the responsibility of the City once installed according to City Standards.

Future traffic patterns may warrant a traffic signal/s at appropriate locations. Should this be warranted, installation and maintenance of the traffic signal/s will be the responsibility of TXDOT and/or the City of Amarillo.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

WATER SERVICE

Existing Services:

None

Services to be Provided:

The land proposed for annexation is adjacent to three water mains in the following locations: a 30" water main along the south side in SW 34th Avenue, a 16" water main in Westgate Parkway, and an 8" water main Roach Dr.

As development occurs, the Developer is responsible for extension of water mains within the subdivision as well as the construction of a 12" water main along proposed Loop 335 on the west. The developer will also be responsible for a 12" water main running north and south from SW 34th Avenue to the north property line at approximately the midpoint of the section. Any upsizing based on development needs within the proposed annexation area is the responsibility of the Developer.

The City will be responsible for the upsizing of required water mains beyond what is required to serve the proposed development needs.

Maintenance of any public water mains will be provided by the City upon acceptance and completion of the required warranty period.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

SANITARY SEWER SERVICE

Existing Services:

None

Services to be Provided:

The land proposed for annexation is adjacent a 15" Sanitary Sewer main running north and south, east of the midpoint of the section. As development occurs, the Developer will be responsible for the extension of sanitary sewer mains within the subdivision. Any upsizing based on development needs within the proposed annexation area is the responsibility of the Developer.

The City will be responsible for the upsizing of required sewer mains beyond what is required to serve the proposed annexation as development occurs.

Maintenance of any public sewer mains will be provided by the City upon acceptance and completion of the required warranty period.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

SOLID WASTE SERVICES

Existing Services:

None

Services to be Provided:

After annexation and upon development, solid waste collection shall be provided to the area of annexation in accordance with the present City Ordinance as development occurs. Service shall begin with occupancy of structures. Based on this being proposed as a no alley subdivision, residential solid waste service will be provided by polycarts.

The Solid Waste Department will provide one polycart for each home.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

TRANSIT

Existing Services:

None

Services to be Provided:

There are no plans for fixed route service within the area proposed for annexation, yet ACT-Connect will be provided upon annexation.

It is anticipated that the purchase of an additional ACT-Connect vehicle will be required to continue ACT-Connect service to the area by year three of the build-out.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

AMARILLO AREA OFFICE OF EMERGENCY MANAGEMENT

Existing Services:

None

Services to be provided:

The area proposed for annexation will require the need of an additional Outdoor Warning Siren. The City will be responsible for the installation and maintenance of the siren.

As the City experiences growth, additional resources may need to be addressed in order to maintain levels of services.

The City will be responsible for the cost of additional resources if needed.

MISCELLANEOUS

All other applicable municipal services will be provided to the area in accordance with the City of Amarillo's established policies governing extension of municipal services to newly annexed areas.

James Louis Sobieski, Co-Trustee
Emeline Bush O'Brien/Sobieski Trust

Date: _____

Emeline Sobieski, Co-Trustee
Emeline Bush O'Brien/Sobieski Trust

Date: _____

Jared Miller, City Manager
City of Amarillo, Texas

Date: _____