

AGENDAS

FOR THE AMARILLO CITY COUNCIL WORK SESSION TO BE HELD ON TUESDAY, JUNE 12, 2018 AT 3:30 P.M. AND THE REGULAR MEETING OF THE AMARILLO CITY COUNCIL AT 5:00 P.M., CITY HALL, 509 SOUTHEAST 7th AVENUE, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

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

WORK SESSION

- A. City Council will discuss or receive reports on the following current matters or projects.
- (1) Review agenda items for regular meeting and attachments;
 - (2) Buy Local/Local Vendor Preference Purchasing Policy Discussion;
 - (3) Update on Big City Mayors Conference;
 - (4) Water System Update Including the Conservation Plan and Regional Water Plan;
 - (5) Update on Proposition 2;
 - (6) Discussion of Proposed Breeders Ordinance and Implementation of Selected Target Zero Recommendations; and
 - (7) Consider future Agenda items and request reports from City Manager.
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REGULAR MEETING ITEMS

INVOCATION: Geneva Kirkpatrick

PROCLAMATION: "Panhandle Amateur Radio Club"

PUBLIC COMMENT: Citizens who desire to address the City Council with regard to matters on the agenda or having to do with the City's policies, programs, or services will be received at this time. The total time allotted for comments is 30-minutes with each speaker limited to three (3) minutes. City Council may not discuss items not on this agenda, but may respond with factual, established policy information, or refer to staff. The City Council may choose to place the item on a future agenda.
(Texas Attorney General Opinion. JC-0169.)

1. **CONSENT AGENDA:**

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

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

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting held on June 5, 2018.

REGULAR AGENDA

2. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7732 – AMENDING THE AMARILLO MUNICIPAL CODE RELATING TO SOLID WASTE COLLECTION AND DISPOSAL SERVICES INCLUDING; AUTOMATED CURB CART SERVICE, COMPOST FACILITY, BIG AND BULKY COLLECTION SERVICES, AND PERMIT FEES:**

(Contact: Raymond Lee, Public Works Director)

This item is to amend the City of Amarillo Municipal Code of Ordinances to provide for collection of solid waste utilizing rollout carts for the automated curbside collection program. It will enable the Solid Waste Division to provide curbside collection of trash in areas considered unsafe due to dead-end alleys, dumpsters in the street or on the walkway, dumpsters in front yards, and areas with hand collection. Additional changes to the Code are recommended to provide for the operation of the compost facility, improve the big and bulky collection program, implement permit fees, and to make minor grammatical and punctuation corrections.

3. **RESOLUTION – AUTHORIZING THE ANNUAL SELECTION OF THE MAYOR PRO TEMPORE:**

(Contact: Leslie Schmidt, Senior Assistant City Attorney)

This resolution authorizes the City Council to annually select the Mayor Pro Tempore. The Mayor Pro Tempore assumes the roles of the Mayor when the Mayor is unavailable.

4. **RESOLUTION – ACCEPTING COMPLETION OF ARDEN ROAD 36-INCH TRANSMISSION PIPELINE AND PUMP STATION IMPROVEMENTS:**

(Contact: Floyd Hartman, Assistant City Manager)

Texas Water Development Board (TWDB) Funding

As part of the TWDB loan requirements the Resolution for CID 01 – City Project JOB# 521725, Bid # 5222 Arden Road 36-Inch Transmission Pipeline and Pump Station Improvements is to be approved and accepted by the City Council. This project was awarded to S.J. Louis Construction of Texas, Ltd on January 26, 2016. The final contract amount after a total of four change orders is \$14,582,830.55.

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (Southeast 7th Avenue) of the building. An access ramp leading to the main entry is located at the southwest corner of the building. Parking spaces for individuals with disabilities are available in the south parking lot. City Hall is equipped with restroom facilities, communications equipment and elevators that are accessible. Individuals with disabilities who require special accommodations or a sign language interpreter must contact the City Secretary's Office 48 hours prior to meeting time by telephoning 378-3013 or the City TDD number at 378-4229.

Posted this 8th day of June 2018.

Amarillo City Council meetings stream live on Cable Channel 10 and are available online at:

<http://amarillo.gov/city-hall/city-government/view-city-council-meetings>

Archived meetings are also available.

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 5th day of June 2018, the Amarillo City Council met at 3:30 p.m. for a work session, and the regular session was held at 5:00 p.m. in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

ELAINE HAYS	COUNCILMEMBER NO. 1
FREDA POWELL	COUNCILMEMBER NO. 2
EDDY SAUER	COUNCILMEMBER NO. 3
HOWARD SMITH	COUNCILMEMBER NO. 4

Absent was Mayor Ginger Nelson none. Also in attendance were the following administrative officials:

JARED MILLER	CITY MANAGER
MICHELLE BONNER	DEPUTY CITY MANAGER
BRYAN MCWILLIAMS	INTERIM CITY ATTORNEY
STEPHANIE COGGINS	ASSISTANT TO THE CITY MANAGER
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Brent Clark, Retired Amarillo Fire Department Chaplain. Mayor Pro Tem Sauer led the audience in the Pledge of Allegiance.

Mayor Pro Tem Sauer established a quorum, called the meeting to order, welcomed those in attendance and the following items of business were conducted:

PUBLIC COMMENT:

Mike Fisher, 4410 Van Kriston Drive, stated he turned his life around by doing the right thing. He stated it was human nature to cover up lies. Also, he commented on the proposed names for the baseball team. Claudette Smith, 4410 Van Kriston Drive, stated she has been coming to Council meetings for more than five months, and no city employee has been in contact with her. She further stated she was disappointed by the Council and staff, and if issues do not get resolved things would get worse. Councilmember Hays inquired if there was anything Legal could comment on. Mr. McWilliams replied he could not. Cecily Chase Steinmertz, 5040 South Coulter Street, spoke on AM&W, owner irresponsibility, and the hard decisions staff has to make every day. She further stated euthanasia is never going away and AM&W continually has to make hard decisions. She encouraged Council to empower the departments to go in the right direction. Beth Duke, 3141 West 28th Avenue, representing Center City, stated the 24th season of High Noon on the Square kicks off tomorrow. The Amarillo Community Market begins on Saturday, and CVC recently hosted 30 travel riders. She stated there are now 38 downtown restaurants. She presented Council with a new downtown dining guide. James Schenck, 6216 Gainsborough Road, recommended zero-based budgeting. He stated during previous public forums they were allowed to go back and forth with Council. Mr. Schenck stated the City is being blamed for the team names. He further stated the new TCEQ Dental Office Pretreatment Standards was another example of infringement by the government. Cindie Palmer, 5240 Capulin Lane, expressed concerns over the current AM&W policies and procedures. She stated the urgency and heartbreaking matter would not be tolerated by the citizens of Amarillo. Noah Dawson, 1133 Sugarloaf Drive, stated leadership by example matters. He asked to see strong representation for all of Amarillo. He asked City Council to improve on the way they lead and resign. Ruth Inez McGill, 4010 Angelus Drive, spoke on the recent euthanasia of a dog at AM&W. She requested the firing of AM&W employees. Misty Harvey, 5802 Shady Lane, spoke on the Animal Control director position. She stated this person must have the public's trust. Councilmember Hays inquired about the current AM&W policy when a call is placed to 911 by a pet owner. Mr. Miller replied that when animals are surrendered by their owners and reported to be violent there is a procedure that is followed. Dacia Anderson, 5227 Astoria Street, read a statement about being a shelter advocate and shelter volunteer. She stated she has the utmost respect for the

workers and she does not condone threats to anyone. She agrees with the need for low costs spay and neuter and backyard breeders must stop. She further stated that she does not regret posting on social media, and the need for truth and compassion, trust in the shelter, and the community must work together.

Mr. Miller presented an outline of the circumstances. He stated it has been a difficult situation and important facts were omitted. He stated there have been attacks on humans and other animals. The City staff has also received threats on their families and children. These events involved two calls placed within 24-hours. Two dogs were surrendered with both of them being euthanatized. The first call was received on the morning of May 9. The owner/victim was attacked while breaking up an animal fight. He was hospitalized and surgery was performed. The male dog was picked up at this time and surrendered as an aggressive dog. Later another call was received that there was another victim, and another dog attack. The female dog was picked up at this time and surrendered to AM&W as an aggressive dog. The policy and practices were followed for immediate euthanasia. These are complex decisions made by AM&W professionals every day. Mr. Miller encouraged everyone to check out the recent Target Zero report, under the guidance of Mr. Havens, and the committed partners of the Humane Society, they have achieved a significant reduction in euthanasia rates. He stated they have three goals: 1) pass a proposed breeding ordinance to reduce overpopulation in Amarillo, and stop backyard breeders. They would continue the three-day hold period.; 2) develop affordable spay and neutering for low income pet owners, and look for success of the AM&W 90 for 90 effort; and 3) promoting responsible pet owners and education on the overpopulation problem. Mayor Pro Tem Sauer stated this concludes the allowed public comment period. Mr. Miller stated the sign-up period begins at 8:00 a.m. the Monday before the Council meeting, and there is 30 minutes allotted for public comment (with no more than 10 speakers). Mayor Pro Tem Sauer allowed Ms. Humphrey to speak. Jill Humphrey, 7714 Pineridge Drive, spoke on G-7. She stated the need to do better than what happened to this animal. She stated AM&W blames the community and that the culture has been developed to accept this practice. Did not appear: Mary Nell Hunt, 3801 Navasota Drive. Registered to speak but did not due to public comment time limit: Amy Powell, 5002 Crockett Street, Lynell Drown, 4310 Arp Place, Kay Whitmire, 5100 Picassico Drive, Lynda Dee Morris, 14175 Appomattox Road, Sara Cervantes, 5207 Echo Drive, LeAnn Babcock, P. O. Box 325, and Suzanne Hunter, 5703 Leigh Avenue. Left comments: Tory Unter, 138 Stillwater Lane, Laura Clark, 3204 Villa Place, Karen Freyer, 608 South Tennessee Street, Angie Shafer, 3501 South Osage, Charra Grist, 236 North Birney Street, Sheri Williams, 3429 Irving Lane, Cynthia St. Clair, 3509 Edgewood Drive and Debora Carrizo, 7720 Tarrytown. There were no further comments.

ITEM 1: Mayor Pro Tem Sauer presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Powell to approval the consent agenda, seconded by Councilmember Hays.

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

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting and special meeting held on May 29, 2018.

B. **ORDINANCE NO. 7733:**

Amending Ordinance No. 4969 to Correct a Clerical Error Relating to the Legal Description of an Alley being Vacated in the Vicinity of I-40 and Eastern Street.

(Contact: Bryan McWilliams, Interim City Attorney)

This item is the second and final reading of an ordinance correcting the legal description set forth in Ordinance 4969 is erroneous and was the result of a clerical error. This Ordinance corrects said error to effectuate the intent of the Amarillo City Council.

C. **CONSIDER AWARD – REHABILITATION OF SOUTHEAST 34TH AVENUE FROM GRAND STREET TO EASTERN STREET FY 2016/2017-2020/2021 COMMUNITY INVESTMENT PROGRAM, PROPOSITION NO. 1:**

(Contact: Jackson Zaharia, Assistant City Engineer)
Holmes Construction Company -- \$2,549,949.89

This item is to consider award of the construction contract for rehabilitation of Southeast 34th Avenue from Grand Street to Eastern Street. The project, when constructed, will extend Southeast 34th Avenue Arterial to Eastern Street including rehabilitation of existing pavement and new construction to widen the street section. Drainage improvements are included with the project.

REGULAR AGENDA

ITEM 2: Mayor Pro Tem Sauer presented an item considering the award of a professional services agreement for solid waste collection and disposal services of bulky items and brush in the city. This item was presented by Raymond Lee, Public Works Director. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that this item be approved.

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

ITEM 3: Mr. McWilliams advised at 5:58 p.m. that the City Council would convene in Executive Session per Texas Government Code Section 551.087 – Deliberation regarding economic development negotiations; discussion regarding commercial or financial information received from a business prospect. (a) City Economic Development Project #18-01 in the vicinity of I-40 West and South Coulter Street.

Mr. McWilliams announced that the Executive Session was adjourned at 6:32 p.m. and recessed the Regular Meeting.

ATTEST:

Frances Hibbs, City Secretary

Eddy Sauer, Mayor Pro Tem

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	June 12, 2018	Council Priority	Community Appearance, Safety, & Best Practices
Department	Public Works, Solid Waste Division		
Contact	Raymond Lee, Director of Public Works		

Agenda Caption

Consider: This is the first reading of an Ordinance Amending the Code of Ordinances relating to Solid Waste Collection and Disposal Services including; Automated Curb Cart Service, Compost Facility, Big & Bulky Collection Services, and Permit Fees.

Agenda Item Summary

This item is to amend the City of Amarillo Code of Ordinances to provide for collection of solid waste utilizing rollout carts for the automated curbside collection program. It will enable the Solid Waste Division to provide curbside collection of trash in areas considered unsafe due to dead-end alleys, dumpsters in the street or on the walkway, dumpsters in front yards, and areas with hand collection. Additional changes to the Code are recommended to provide for the operation of the compost facility, improve the big and bulky collection program, implement permit fees, and to make minor grammatical and punctuation corrections.

Requested Action

Approval

Funding Summary

N/A

Community Engagement Summary

5 Community Engagement meetings were held to present the curbside automated collection to the public. The majority of citizens attending the meetings accepted the need to replace current unsafe collection practices with a more modern, safer approach. Three meetings were held for commercial solid waste collection companies to discuss flow control and permit fees. There were no comments on permit fees and one company spoke against flow control.

Staff Recommendation

Recommend to the Council to adopt the changes to the Ordinance.

ORDINANCE NO. 7732

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING TITLE VIII, CHAPTER 8-3 OF THE MUNICIPAL CODE OF THE CITY OF AMARILLO TO ALLOW FOR AUTOMATED CURBSIDE TRASH COLLECTION AND HAND COLLECTION; PROVIDING FOR A PERMIT WITH CORRESPONDING FEES AND REQUIREMENTS; PROVIDING FOR RENEWALS; PROVIDING FOR COMPOSTING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, Title VIII, Chapter 8-3 of the Municipal Code of the City of Amarillo provides for methods of trash collection; and

WHEREAS, the City Council of the City of Amarillo wishes to allow for automated curbside trash collection and hand collection; and

WHEREAS, the City Council wishes to allow for composting; and

WHEREAS, the City Council finds that the amendments herein promote and protect the health, safety, and welfare of citizens of the City of Amarillo;

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

SECTION 1: In Title VIII, Chapter 8-3 is hereby amended as follows:

CHAPTER 8-3. - GARBAGE, TRASH AND WEEDS

Art. I.	In General, §§ 8-3-1 —8-3-25
Art. II.	Receptacles Residential Collection, §§ 8-3-26 —8-3-45
Art. III.	Private Collectors and Transporters Commercial Collection Services, §§ 8-3-46 —8-3-75
	Div. 1. Generally, §§ 8-3-46 —8-3-58
	Div. 2. Collector's Permit Permit Application; Requirements; Fees, §§ 8-3-59 —8-3-75
Art. IV.	Municipal Collection and Disposal Service, §§ 8-3-76 —8-3-115
	Div. 1. Generally, §§ 8-3-756—8-3-90

	Div. 2. Rates and Charges, §§ <u>8-3-91</u> —8-3-115
Art. V.	Storage, Transportation and Disposal of Tires, §§ <u>8-3-116</u> —8-3-140
<u>Art. VI.</u>	<u>Organics, Compost and Mulch</u> §§ <u>8-3-141</u> —8-3-150

SECTION 2: Article I, Section 8-3-1, is hereby amended as follows:

City Landfill: The City of Amarillo Landfill located at 16250 Bezner Road, Amarillo, TX

Refuse Storage Cart: a leak-proof 96-gallon plastic container with attached lid and wheels that will allow the automated or semi-automated collection of Solid Waste and which shall be provided by and owned by the City.

Superintendent: The person responsible for the direction of the ~~Sanitation Department~~ Solid Waste Division or his authorized agent.

SECTION 3: Title VIII, Chapter 8-3, Article I, Section 8-3-2, is hereby revised as follows:

Sec. 8-3-2. - ~~Sanitation department~~ Solid Waste Division created; supervision.

A ~~Sanitation Department~~ Solid Waste Division for the City is hereby created which shall be under the direction of the Superintendent of the ~~Sanitation Department~~ Solid Waste Division, who, in turn shall be under the general supervision of the Director of Public Works.

SECTION 4: Title VIII, Chapter 8-3, Article I, Section 8-3-3(a) is hereby amended as follows:

Sec. 8-3-3. - Nonauthorized deposits of garbage, trash; proper use of disposal areas, containers.

(a) The following shall be unlawful and offenses:

- (1) To deposit or dispose of any Garbage or Trash at any place within the City or within five thousand (5,000) feet of the City limits, except at an officially designated disposal site; or
- (2) To deposit any Garbage or Trash within the boundaries of a City disposal site except as directed by the Superintendent; or
- (3) For any person who does not pay a City refuse collection charge to deposit Garbage or Trash in any City-owned refuse container; or

~~(4) For the occupant of a Residence for which refuse collection service is not provided by a mechanically dumped container system to deposit Garbage or Trash in any City-owned refuse container. To deposit or dispose of any Garbage or Trash in any City-owned container unless such person resides in the same city block in which the container is located.~~

(b) [NO TEXT CHANGE]

SECTION 5: Title VIII, Chapter 8-3, Article I, Section 8-3-7 is hereby amended as follows:

Sec. 8-3-7. - Blocking access to containers; signs.

- (a) The ~~Solid Waste~~ Superintendent is authorized to post warning signs on trash containers where parked vehicles block access to trash containers by trash collection trucks, advising that such vehicles will be towed. Such signs shall state "Do Not Block Dumpster. Tow Away Zone. City Ordinance, Chapter 16-3." Each sign shall be not less than four (4) inches by six (6) inches and of white lettering on red background, placed on three (3) sides of the container.

SECTION 6: Title VIII, Chapter 8-3, Article II is hereby amended as follows:

ARTICLE II. – ~~RECEPTACLES~~ RESIDENTIAL COLLECTION

SECTION 7: Title VIII, Chapter 8-3, Article I, Section 8-3-26 is hereby amended as follows:

Sec. 8-3-26. – Hand Collection Required.

Each person using or occupying any Building, house or Structure within the corporate limits of the City for a Residence for which service is not provided by a container system which can be mechanically emptied, shall place all Garbage and Trash accumulated by such Residence in plastic bags for collection as provided in this article.

SECTION 8: Title VIII, Chapter 8-3, Article II, Section 8-3-29 is hereby amended as follows:

Sec. 8-3-29. - Bags furnished by City.

Where plastic bags are required to be used by customers provided with hand collection trash service, the City will furnish three (3) bags per Residence per week. The Superintendent will maintain a supply of bags from which additional bags may be purchased, and the Superintendent will devise a procedure for distribution of the required plastic bags.

SECTION 9: Title VIII, Chapter 8-3, Article II, Section 8-3-30(b) is hereby amended as follows:

Sec. 8-3-30. - Placement for collection.

- (a) [NO TEXT CHANGE]

~~(b) *Time restriction.* Bagged Garbage and Trash shall be placed at the collection point no more than twelve (12) hours prior to collection nor later than 7:30 a.m. on the designated collection day shall be placed at the curb no earlier than 5:00 p.m. on the day before the scheduled collection day and no later than 7:00 am on the scheduled day of collection.~~

SECTION 10: Title VIII, Chapter 8-3, Article II, Section 8-3-31 is hereby amended as follows:

Sec. 8-3-31. - Collection specifications for residents.

Collections shall include only Garbage and Trash placed in receptacles with the following provisions and exceptions:

- (1) *Maximum weight.* Plastic bags as described in section 8-3-27 shall not be filled to a weight of more than forty (40) pounds.
- (2) *Collection frequency.* Residential collection frequency for Garbage and Trash placed in plastic bags as required in this article shall be a maximum and normal of twice a week and a minimum of once a week.
- (3) *Heavy accumulations.* Heavy accumulations, such as bricks, broken concrete, lumber, shingles, ashes, clinkers, slag, cinders, dirt, plaster, sand or gravel, automobile frames, furniture, appliances, dead trees and other bulky, heavy material shall not be deposited in or near receptacles or containers for collection, but shall be immediately disposed of at the City of Amarillo's landfill located at 16250 Bezner Drive, at the expense of the person in possession of such material.
- (4) *Trimmings.* Tree, hedge, shrub and yard trimmings ~~shall be collected as follows; which cannot be placed in receptacles, shall be placed at the front curb and the Solid Waste Division shall be called to schedule a pick up.~~
 - ~~a. In areas of the City for which service is not provided by a container system which can be mechanically emptied, trimmings shall be collected at least once every thirty (30) calendar days.~~
 - ~~b. In areas of the City for which service is provided by a container system which can be mechanically emptied, trimmings which cannot be placed in receptacles shall be collected once every sixty (60) to ninety (90) calendar days.~~
- (5) *Grass, weeds, leaves.* Trash such as grass, weeds, leaves and similar items must be placed in a plastic bag prior to being placed in a container for collection.
- (6) *Liquids.* Garbage or Trash that is mixed with water or other liquids shall be drained before being placed in a Garbage or Trash receptacle.
- (7) *Dead Animals.* Dead Animals shall not be placed in a Garbage or Trash receptacle unless encased in plastic bags. The presence of a dead Animal carcass on any Premises, or in the Street or Alley adjacent thereto, must be promptly reported to the Animal Control Department by the person in control of the Premises.
- (8) *Manure.* Manure from cow lots, horse lots, stables, poultry yards, pigeon lofts and other similar areas shall be privately collected regularly so as to prevent accumulations. It shall be the sole responsibility of the person in control of the premises to remove and dispose of such manure periodically.

- (9) *Waste oils, grease.* Waste oils, grease or other similar petroleum products from garages, service stations, etc., shall be privately disposed of at the expense of the establishment which accumulates such material.

SECTION 11: Title VIII, Chapter 8-3, Article II is hereby revised to add Section 8-3-33 as follows:

Sec. 8-3-33. – Refuse Storage Carts; Dumpsters Required.

- (a) Any person receiving automated curbside collection shall be provided and shall use a Refuse Storage Cart.
- (b) One Refuse Storage Cart will be provided at no charge per residence unless it is determined by the Superintendent that the Refuse Storage Cart was lost, stolen, or destroyed due to abuse or neglect. The Superintendent shall determine those residences that continually exceed the single container volume and make arrangements for a second container no additional cost.
- (c) Refuse Storage Carts shall not be allowed to remain on the curb, except during collection as set forth below.
- (d) Refuse Storage Carts shall be placed adjacent to the street on the side so designated by the Solid Waste Division to facilitate cost effective and efficient service. Refuse Storage Carts shall be placed at the curb no earlier than 5:00 p.m. on the day before the scheduled collection day and no later than 7:00 am on the scheduled day of collection. Every resident shall ensure the Refuse Storage Cart is at least five feet from any horizontal obstruction as well as 12 feet from any vertical obstruction. Refuse Storage Carts shall be removed from the curb no later than 11:59 p.m. on the day of collection.
- (e) Each person is responsible for keeping the Refuse Storage Cart in a clean and sanitary condition. Refuse Storage Carts lids shall remain tightly closed at all times so that flies and other insects may not have access to the Trash and Garbage contained therein.
- (f) The Solid Waste Division will make all necessary repairs to the Refuse Storage Carts and Dumpsters that may be required from time to time due to normal use.
- (g) Each person receiving alley collection service shall place the household Garbage and Trash within the three cubic yard container provided by the City. Each person using the service shall bag his Garbage and Trash before placing it in the container to prevent blowing litter and shall keep the container lid closed so that flies and insects may not have access to the solid waste contained therein. If at any time the container service level is determined to be inadequate to meet required service demands, the Superintendent shall have the authority to increase the number of containers and/or frequency of collections. Containers must be properly loaded with doors closed for pickup to occur. Boxes (cardboard/wood) shall be broken down prior to being placed in the container.

Secs. 8-3-334—8-3-45. - Reserved.

SECTION 12: Title VIII, Chapter 8-3, Article III is hereby amended as follows:

ARTICLE III. - ~~PRIVATE COLLECTORS AND TRANSPORTERS~~ COMMERCIAL COLLECTION SERVICE

SECTION 13: Title VIII, Chapter 8-3, Article III, Sections 8-3-46 through 8-3-58, are grouped as follows:

DIVISION 1. – GENERALLY.

SECTION 14: Title VIII, Chapter 8-3, Article III, Sections 8-3-59 through 8-3-75, are grouped as follows:

DIVISION 2. – COLLECTOR’S PERMIT.

SECTION 15: Title VIII, Chapter 8-3, Article III, Section 8-3-46(d) is hereby amended as follows:

Sec. 8-3-46. - Authorization; vehicle and hauling requirements.

- (a) *Authorization.* No person shall be prohibited by this chapter from removing the accumulation of Garbage and Trash from the Premises under his control and transporting it to the City ~~refuse disposal area~~ Landfill without a permit; provided, however, any person hauling or transporting any kind of Trash or Garbage shall provide for such use a motor-driven vehicle or trailer equipped as specified in subsection b.
- (b) – (c) [NO TEXT CHANGE]
- (d) If the Trash or other refuse is a solid, then it shall be securely tied to the bed of the vehicle or trailer or covered, with a screen wire and the covering or ~~shall be~~ securely tied to the bed of the vehicle or trailer.
- (e) [NO TEXT CHANGE]

SECTION 16: Title VIII, Chapter 8-3, Article III, Section 8-3-47 is added to read as follows:

Sec. 8-3-47 City Manager Authorization Required.

- (a) The City Manager or his designee is authorized to grant a non-exclusive Permit to operate Commercial Collection Services in the City pursuant to the terms of this Article. A permit holder may solicit Commercial customers anywhere within the City limits and may service Commercial Customers anywhere within the City. A licensee may, at their option, limit their operations to any parts of the City, in order to provide more efficient operation.
- (b) Non-Exclusive Commercial Collection Permit may be granted by the City Manager pursuant to the terms of this Article provided that a Permit Agreement is executed therewith.

Secs. 8-3-478—8-3-58. - Reserved.

SECTION 17: Title VIII, Chapter 8-3, Article III, Section 8-3-59 is hereby amended as follows:

Sec. 8-3-59. - Required; investigation of applicant; determination of necessity.

- (a) No person except a duly authorized agent and employee of the City shall empty Garbage or Trash receptacles, or convey or transport Garbage or Trash on any Street, Alley or other Public Right-of-way of the City without a written permit granted and issued by the ~~Superintendent-City~~ Manager or his designee.
- (b) [NO TEXT CHANGE]

SECTION 18: Title VIII, Chapter 8-3, Article III, Section 8-3-60 is hereby amended as follows:

Sec. 8-3-60. - Application; Term; required information.

~~The application for a Garbage and Trash collector's permit shall set forth the following information:~~

- ~~(1) *Name*. The name and address of the applicant.~~
 - ~~(2) *Trade name*. The trade name under which the applicant does or proposes to do business.~~
 - ~~(3) *Vehicles*. The number of motor vehicles the applicant desires to operate; the class, size, design and license number of each vehicle.~~
 - ~~(4) *Convictions*. Whether or not the applicant has been convicted of a violation of any federal, State or municipal law.~~
 - ~~(5) *Negligent collision; claim or judgment*. Whether or not the applicant or any person with whom he has been associated or employed has a claim or judgment against him for damages resulting from the negligent operation of a motor vehicle.~~
 - ~~(6) *Financial status and responsibility*. The financial status and responsibilities of the applicant; his ability to respond in the event of damages to persons or property by reason of the negligent operation of a motor vehicle on a Street or public Thoroughfare of the City.~~
 - ~~(7) *Nature and experience of service*. The nature and character of the service the applicant proposes to render and the experience he has had in rendering such service.~~
 - ~~(8) *Patrons*. The patrons for whom he proposes to render the service.~~
 - ~~(9) *Disposal site*. The location, type and permit number of the disposal site the applicant proposes to use.~~
 - ~~(10) *Other information*. Any other information relevant to the application as may be required by the Superintendent.~~
- (a) To obtain a permit, a person must submit an application on a form provided for that purpose to the Superintendent along with a non-refundable application fee established by the City Council from time to time.
 - (b) A permit is issued annually and expires at 11:59 pm on December 31 of the year in which it is issued.
 - (c) A permit holder must submit an annual renewal application sixty (60) days prior to the expiration of the current Permit Agreement.

SECTION 19: Title VIII, Chapter 8-3, Article III, Section 8-3-61 is hereby amended as follows:

Sec. 8-3-61. - Bond; term; fee Permit pre-requisites.

- ~~(a) *Bond*. No permit shall be issued under this division until the applicant has made and placed in the hands of the Director of Public Works a good and sufficient indemnity bond in the amount of one thousand dollars (\$1,000.00) indemnifying the City against any claims that may arise against it caused by the applicant's operation under the permit.~~
- ~~(b) *Term*. Permits shall be issued to qualified applicants for a period of up to one (1) year and shall expire on December 31st of each year.~~
- ~~(c) *Fee*. Applicants or holders of a permit shall pay to the City an annual fee of one hundred dollars (\$100.00).~~

- (a) A Permit may not be accepted or renewed under this Article unless the applicant includes the following with the application:
- (b) Fee. A non-refundable application as set forth in Section 8-3-60.
- (c) Insurance Certificates as set forth in Section 8-3-63.
- (d) Vehicle and Equipment requirements as set forth in Section 8-3-64.
- (e) Vehicle and Container Decal Fees as set forth in Section 8-3-70.
- (f) For Renewal Applications, an Annual Financial Report as set forth in Sec. 8-3-66.

SECTION 20: Title VIII, Chapter 8-3, Article III, Section 8-3-62 is hereby amended as follows:

Sec. 8-3-62. – Term; Transferability; revocation; posting.

- (a) Permits issued under this division shall be nontransferable and may be revoked and rescinded by the Superintendent at any time that, in his judgment, such action is deemed to be in the best interest of the public.
- (b) In all cases where a permit has been issued, such permit shall be attached to the vehicles used for such purpose, shall be in possession of the person rendering such service, and shall be subject to inspection at all times.

SECTION 21: Title VIII, Chapter 8-3, Article III, Section 8-3-63 is hereby added as follows:

Sec. 8-3-63. Insurance.

- (a) An applicant for a Permit under this article must file with the Superintendent a certificate of general and commercial auto liability insurance, executed by a company authorized to do business in the state and performable in Randall and Potter Counties
- (b) The insurance shall insure the general public against loss or damage that may result to any person or property from the operation of the Commercial Collection Service or from a vehicle or equipment operated by such service.
- (c) The insurance must have minimum limits of \$250,000 per individual and \$500,000 per occurrence for bodily injury and \$100,000 for property damage or \$1,000,000 on a combined single limit basis.
- (d) The applicant must also include a statement from the applicant's insurance company that the insurer will furnish to the City written notice of its intention to cancel a policy at least 30 days before the liability of the insurer expires.

SECTION 22: Title VIII, Chapter 8-3, Article III, Section 8-3-64 is hereby added as follows:

Sec 8-3-64. Vehicles And Equipment.

- (a) A permit holder shall keep a vehicle or equipment used in a Commercial Collection service in clean, sanitary, and safe condition. The Superintendent may inspect any fleet vehicle or equipment utilized for Commercial Collection at any time.

- (b) A permit holder may not place a mechanically-handled solid waste container on public property or a public right-of-way, except with the Superintendent's approval or the execution of an agreement with the City.
- (c) Any vehicle used for transporting dry solid waste material within the City must:
 - 1) be fitted with a substantial, tight-fitting enclosure that is free of any cracks or breaks and that has side boards and head boards of not less than 24 inches in height and a tail board of not less than 18 inches in height, to prevent waste material from being scattered or thrown onto the streets;
 - 2) be equipped with a closely fitting cover that must be used to prevent the escape of loose material or effluvia; and
 - 3) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.
- (d) Any vehicle used for transporting wet solid waste material within the City must:
 - 1) have a tight-fitting cover to prevent spillage;
 - 2) when carrying cans to transport wet solid waste material, use only cans equipped with tight-fitting lids and holding chains so that the cans will not turn over and spill;
 - 3) not have any drain holes in the sides of the vehicle and may have drain holes in the deck of the vehicle or on containers only if they are capped to prevent spillage or leakage; and
 - 4) be equipped with any other equipment required to comply with all applicable federal and state motor vehicle safety standards.
- (e) Before any vehicle not listed in the application for a Commercial Collection Service may be placed in service, the permit holder must provide written notice to the Superintendent of the proposed use of a new or additional vehicle.
- (f) A permit holder under this article shall provide annual documentation of State of Texas vehicle inspection to Superintendent at the time an Application is submitted to the Superintendent under Section 8-3-60 (Application).
- (g) A permit holder that places a vehicle in service during the calendar year shall submit all required documentation within thirty days of placing the vehicle into service.

SECTION 23: Title VIII, Chapter 8-3, Article III, Section 8-3-65 is hereby added as follows:

Sec 8-3-65. Display of Business Information.

- (a) A permit holder shall prominently display the name and telephone number of the Commercial Collection Service on both sides of each vehicle used in the operation of the service.
- (b) The permit holder shall prominently display the name and telephone number of the Commercial Collection Service on at least one side of each container used for collection, storage, or disposal of Garbage and Trash in the City.

SECTION 24: Title VIII, Chapter 8-3, Article III, Section 8-3-66 is hereby added as follows:

Sec. 8-3-66. Reporting Requirements.

- (a) A permit holder shall maintain a list of the containers used for the collection, storage, or disposal of Garbage and Trash that are owned or serviced by the permit holder, with the customer name, customer address, number and the location of each container.
- (b) A permit holder shall file a quarterly report of the number of containers it services in the City.
- (c) A permit holder who provides Commercial Collection Service shall file quarterly Tonnage Reports. The report shall be on a form provided by the Superintendent. The report shall be filed with the Superintendent quarterly no later than thirty (30) days after the end of each calendar quarter. The report shall contain the following information:
 - 1) the amount in tons of solid waste, recyclables, and organic materials (but excluding construction and demolition materials) hauled to:
 - i. the City Landfill or other landfill;
 - ii. recycling facilities; and
 - iii. organic materials processing facilities;
 - 2) the amount in tons of construction and demolition materials hauled directly to:
 - i. the City Landfill or other landfill;
 - ii. recycling facilities; and
 - iii. organic materials processing facilities; and
 - 3) other information required by Superintendent

SECTION 25: Title VIII, Chapter 8-3, Article III, Section 8-3-67 is hereby added as follows:

Sec. 8-3-67. Drivers.

A driver must have a valid motor vehicle operator's license as required by the state.

SECTION 26: Title VIII, Chapter 8-3, Article III, Section 8-3-68 is hereby added as follows:

Sec. 8-3-68. Notification of Change of Address or Ownership.

A permit holder shall provide written notice to the Superintendent within sixty (60) days of a change in:

- (a) the address or telephone number of the Commercial Collection Service;
or
- (b) the form of the business or the executive officers of the Commercial Collection Service; or

- (c) the name and address of the person designated to receive notices described in this article.

SECTION 27: Title VIII, Chapter 8-3, Article III, Section 8-3-69 is hereby added as follows:

Sec. 8-3-69. Hazardous Waste Material.

A person providing Commercial Collection Service within the City shall comply with all City ordinances and state and federal laws regulating the handling, disposal, and transportation of hazardous waste materials.

SECTION 28: Title VIII, Chapter 8-3, Article III, Section 8-3-70 is hereby added as follows:

Sec. 8-3-70. Decal; Decal Fees.

- (a) The Superintendent shall issue a decal to a permit holder for each Commercial Collection vehicle and each additional vehicle approved by the Superintendent under Section 8-3-64 (*Vehicles and Equipment*).
- (b) Decal Fees shall be charged based on the number of decals issued per year to the Commercial Collection Service. The charge per Vehicle decal is fifty dollars (\$50.00). Replacement decals for lost, damaged or stolen decals is twenty-five dollars (\$25) per decal. There is no cost for temporary decals.
- (c) A permit holder shall display the vehicle decal, including temporary decals, on both the driver and passenger side doors of the vehicle in a location that can be seen by the public at all times.
- (d) The Superintendent shall issue a decal to a permit holder for each Commercial Collection container utilized to provide commercial services to customers. Container decal fees shall be charged based on the number of decals issued per year to the Commercial Collection Service. The charge per Container decal is twenty-five dollars (\$25). Replacement decals for lost, damaged or stolen decals is fifteen dollars (\$15) per Decal. No temporary Container decals will be issued.

SECTION 29: Title VIII, Chapter 8-3, Article III, Section 8-3-71 is hereby added as follows:

Sec. 8-3-71. Temporary Decal For New And Replacement Vehicles.

- (a) A permit holder must obtain a temporary decal for a vehicle that is temporarily substituted for a vehicle subject to the license.
- (b) A temporary decal is valid for not more than thirty (30) days after the date the permit holder submits to the Superintendent a signed statement that the vehicle subject to the license is out of service for maintenance or repair.
- (c) The requirements of Sections 8-3-61 (*Permit prerequisites*), 8-3-66 (*Reporting Requirements*), and 8-3-67 (*Drivers*) apply to an applicant for a temporary decal.
- (d) A Permit holder must obtain a permanent decal for a new vehicle placed in service more than thirty (30) days before the end of the calendar year.
- (e) A factory demonstration vehicle is exempt from licensing and fee requirements if the vehicle is utilized less than ten (10) days, and the person provides two business days written notice to the Superintendent.

- (f) The Superintendent may exempt a permit holder's vehicles from decal requirements in this Article if the permit holder places the vehicle into temporary service due to an emergency as determined by the Superintendent.
- (g) The Superintendent shall issue a temporary decal to a permit holder who complies with this section.

SECTION 30: Title VIII, Chapter 8-3, Article III, Section 8-3-72 is hereby added as follows:

Sec. 8-3-72. Permit Fees.

- (a) The annual fee shall be five (5) percent of gross revenues for service provided by the permit holder in the City for all services provided to commercial customers including dumpsters, roll-off containers, compactor containers, collection in refuse vehicles or collecting and hauling refuse in open top trucks, owned or not owned by the permit holder, that is serviced by the permit holder in the City.
- (b) The calculation of gross revenues generated from operation within the City shall include all revenue, as determined in accordance with generally accepted accounting principles, which is derived, directly or indirectly, by the permit holder from or in connection with its operation within the City. Gross revenues shall include, but are not limited to revenues received from the collection and disposal of all Garbage and Trash, whether by a company bearing permit holder's name or a company owned or controlled by permit holder but operating under a different name. That portion of the annual fee attributable to subsection (a) above must be paid in a manner and on a schedule approved by the Superintendent.
- (c) The annual fee shall be paid quarterly, no later than thirty (30) days after the end of each calendar quarter. The payment shall be made to the City of Amarillo, Accounting Services Department. No refund of a fee will be made. Fee payments received after the due date shall be subject to interest at the rate of twelve (12) percent per annum until the fees are paid in full.
- (d) In addition, delinquent fees shall be subject to a late payment penalty of five (5) percent for each month or portion thereof that the fees are outstanding. In no event, however, shall the penalties exceed twenty-five (25) percent of the total delinquent fees nor shall interest charged exceed the maximum rate allowed by law.
- (c) The Permit shall be subject to annual rate adjustments set forth in this Article and shall be made at the beginning of each renewal term. The rate of increase shall be determined by the preceding twelve (12) month period in the Consumer Price Index (CPI) for the South Region as published by the U.S. Department of Labor, Bureau of Labor Statistics. The percent of change in the index shall be calculated based on the most current available information at the time of the adjustment.
- (d) Cost adjustments shall not exceed three (3) percent in any renewal year and twelve (12) percent in any four consecutive years.
- (e) Calculation of the annual CPI adjustment shall be determined by utilizing twelve (12) months prior CPI utilizing the previous year's September determination and effective January 1. In the renewal term.
- (f) Disposal Fees. Rates for disposal at the City Landfill shall be those as set forth in Section 8-3-94, provided however, that the Director of Public Works is authorized to reduce the permit fee by one-half (0.5%) to one (1%) percent for any permit holder's exclusive disposal use at City Landfill for Commercial Collection Services.

Secs. 8-3-~~6373~~—8-3-75. - Reserved.

SECTION 31: Title VIII, Chapter 8-3, Article IV, Section 8-3-77 is hereby amended as follows:

Sec. 8-3-77. - Damage to property surface.

If a container is located on private property, any damage caused by the container pickup equipment to the surfaces of the private property adjacent to the container will not be the responsibility of the ~~Sanitation Department~~ Solid Waste Division.

SECTION 32: Title VIII, Chapter 8-3, Article IV, Section 8-3-78 is hereby amended as follows:

Sec. 8-3-78. - Number of containers furnished.

- (a) For Residential collection, the Superintendent shall determine the required number and location of alley dumpsters ~~containers~~ in the Residential areas. For those customers served by the automated curbside collection trucks, up to two containers will be furnished for the base price. Additional carts may be furnished at the rates as set forth in Sec. 8-3-92(12).

- (b) [NO TEXT CHANGE]

SECTION 33: Title VIII, Chapter 8-3, Article IV, Section 8-3-79 is hereby amended as follows:

Sec. 8-3-79. - Removal of tree, shrub trimmings.

Any person engaged in the business of cutting or trimming ~~t~~Frees or shrubs shall be responsible for the disposal of ~~t~~Frees, ~~t~~Free and shrub cuttings and trimmings at the expense of such person. It shall be unlawful for such person to deposit any ~~t~~Frees, ~~t~~Free or ~~s~~Shrub cuttings or trimmings at any location for pickup by the City. Failure to properly dispose of such cuttings or trimmings shall constitute littering and is punishable in accordance with section 1-1-5 of this Code.

SECTION 34: Title VIII, Chapter 8-3, Article IV, Section 8-3-81 is hereby amended as follows:

Sec. 8-3-81. - Disposal of special wastes from health care related facilities.

It shall be unlawful for any person to set out for collection, place within any City owned refuse container, transport to the City ~~sanitary~~ landfill for disposal, dispose of in the City ~~sanitary~~ landfill, or otherwise dispose of any special waste from a health care related facility as that term is defined by the Texas Commission on Environmental Quality, unless such waste has first been treated in accordance with applicable State and Federal regulations.

SECTION 35: Title VIII, Chapter 8-3, Article IV, Section 8-3-84 is hereby amended as follows:

Sec. 8-3-84. - Waste oil.

- (a) It shall be unlawful for any person to set out for collection, place within any city owned refuse container, transport to the City ~~sanitary~~ landfill for disposal, dispose of in the City ~~sanitary~~ landfill or otherwise dispose of any bulk or liquid waste oil or any used internal combustion engine oil or any used internal combustion oil filters except by delivery to a collection or recycling facility authorized to accept waste oil or used internal combustion engine filters.
- (b) [NO TEXT CHANGE]

SECTION 36: Title VIII, Chapter 8-3, Article IV, Section 8-3-91 is hereby amended as follows:

Sec. 8-3-91. - Authorized; variations.

- (a) The Superintendent of the ~~Sanitation~~ Solid Waste Division ~~Department~~ shall establish charges as provided in this division for the collection of Trash and Garbage by the ~~Sanitation Department~~ Solid Waste Division from any location.
- (b) [NO TEXT CHANGE]

SECTION 37: Title VIII, Chapter 8-3, Article IV, Section 8-3-92 is hereby amended as follows:

Sec. 8-3-92. - Residential collection and disposal.

- (a) Residential collection and disposal charges shall be set out as follows:

TABLE NUMBER ONE

Monthly Type Description Charge	
<u>Type/Description</u>	<u>Monthly Charge</u>
(1) One-Family Residence	\$15.40
(2) Two-Family Residence with 1 water meter	30.80
(3) Three-Family Residence with 1 water meter	46.20
(4) Four-Family Residence with 1 water meter	61.60
(5) Two-Family Residence, each unit on separate water meter, each unit	15.40
(6) One-Family Residence and single apartment on 1 water meter	30.80
(7) One-Family Residence and single apartment on 1 water meter, each unit	15.40
(8) <u>One-family unit or single-family unit, without alley entrance, where it is necessary to carry out municipal solid waste for more than ten feet but less than 50 feet from the curb, each unit</u>	<u>\$37.00</u>

- (9) One-family unit or single-family unit, without alley entrance, where it is necessary to carry out municipal solid waste for more than 50 feet but less than 100 feet from the curb, each unit \$46.00
- (10) One-family unit or single-family unit, without alley entrance, where it is necessary to carry out the municipal solid waste more than 100 feet from the curb but less than 150 feet , each unit \$54.00
- (11) Where adjustments to the carry out rate may be necessary, the Solid Waste Superintendent will make case by case determinations of the need and the appropriate rates.
- (12) One additional curbside container may be provided at no charge to customers requiring more capacity than that provided by one container. Each additional container, beyond the first two, shall be charged for at a rate that is one half of the standard rate as listed in Sec. 8-3-92(a)(1).
- (b) Within the City, the Residential collection and disposal charge shall be paid to the City of Amarillo and shall be mandatory of all owners or occupants with four or less Family Residences.

SECTION 38: Title VIII, Chapter 8-3, Article IV, Section 8-3-93 is hereby amended to add subsections (e) and (f) as follows:

Sec. 8-3-93. - Commercial collection and disposal.

* * *

- (e) Commercial Payload Service (two man crew with grapple loading truck):
Initial trip charge \$29.40 (each trip constitutes a separate charge)
Plus loading fee \$1.95 per minute while loading (\$117.00 per hour)
- (f) Organic waste collection charges for source separated organic material will be calculated by the superintendent on a case by case basis taking into account the personnel and equipment costs.
- (g) Additional pickups will be made at \$50.00 per container. Nothing outside the container will be removed for the container fee.

SECTION 39: Title VIII, Chapter 8-3, Article IV, Section 8-3-94 is hereby amended as follows:

Sec. 8-3-94. - Landfill use fees.

- (a) *Table of charges.* Except as hereinafter provided in subsections (b), (c) and (d) below, the fees charged for the use of the City ~~sanitary~~ landfill facility shall be computed at the rate of thirty dollars (\$30.00) per ton of waste with a minimum charge of five dollars (\$5.00) per load. If the net weight in tons of any load cannot be determined, the fees charged shall be as set out in Table Number Three. The fees charged for source separated organic waste materials delivered to the compost facility will be 75% of the fees charged for the use of the city landfill. Organic waste that requires minimum processing, as determined by the Superintendent, may be charged a rate as low as 50% of the fees charged for the use of the city sanitary landfill facility.
- (b) – (c) [NO TEXT CHANGE]

(d) *Waiving of fees.* The Director of Public Works shall be authorized to issue permits waiving the fees set forth in subsections (a) and (b) above under the following conditions:

(1) For the disposal of excess trash during a one-time cleanup operation for which the Trash was originally generated from a location meeting one of the following conditions:

- a. A residential location on which a sanitation charge if currently being paid.
- b. A residential location on which a sanitation charge was paid during the time the excess trash was accumulated.
- c. Any location where Trash has been deposited upon the property without the owner's consent.

(2) –(3) [NO TEXT CHANGE]

SECTION 40: Title VIII, Chapter 8-3, Article IV, Section 8-3-95 (e) is hereby amended as follows:

(e) *Extra service.* The charge for any extra collection service rendered by the ~~Sanitation~~ Solid Waste Department will be billed separately from the regular monthly bill. The charge for extra service will be determined by the Superintendent and based on labor and equipment costs of the service rendered.

SECTION 41: Title VIII, Chapter 8-3 is hereby amended to add Article VI and Sections 8-3-141 through 8-3-150 as follows:

ARTICLE VI. - ORGANICS, COMPOST AND MULCH

Sec. 8-3-141. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Vendor means any organization that has registered with the Solid Waste Division to market compost.

Amarillo Organics means those materials, compost, or mulch produced at the Amarillo Organics recycling facility. This is the trade name used for marketing purposes.

Amarillo Organics Recycling Facility means the portion of the City of Amarillo Landfill permitted and used for composting operations.

Sec. 8-3-142. - Criteria.

(a) Any person who violates any section of this article will have his registration revoked and may be prohibited from future purchases of Amarillo Organics.

(b) Amarillo Organics meets or exceeds all Environmental Protection Agency (EPA) and Texas Commission on Environmental Quality (TCEQ) criteria for use by the general public. It is the responsibility of the vendor to provide the customer with information on how to properly use Amarillo Organics.

Sec. 8-3-143. - Registration.

Required. No person, except duly authorized city agents and employees, shall distribute or market materials generated by the Amarillo Organics recycling facility without a registration on file with the Solid Waste Division. The purpose of registration is to ensure that all vendors marketing this product comply with all applicable federal, state and local rules and regulations. Failure to comply with these rules and regulations is grounds for revoking the vendor's registration.

Sec. 8-3-144. – Purchase and Resale of Amarillo Organics.

- (a) Amarillo Organics may be purchased during normal operating hours at the landfill office. The purchase price shall be \$15.00 per cubic yard. A limited quantity of material may be available and will be available on a first come, first served basis. Although the city will make every effort to maintain adequate inventory, the availability of compost or related products is not guaranteed or assured.
- (b) Registered vendors may resell Amarillo Organics at their discretion. Resale must be made under the Amarillo Organics trade name and logo, both of which must be displayed on all packaged or bagged compost. Premixing these materials with other soils and selling under another trade name is prohibited. The vendor will provide the city with a list of users when required by TCEQ regulations, and will provide these users any notices required by the Texas Commission on Environmental Quality (TCEQ).

Secs. 8-3-145—8-3-150. – Reserved.

SECTION 42. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 43. Repealer. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 44. Penalty. It is an offense to violate any part of this ordinance, punishable upon conviction in accordance with Section 1-1-5 of the Amarillo Municipal Code of Ordinances.

SECTION 45. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 12th day of June, 2018; and **PASSED** on Second and Final Reading the 19th day of June, 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, Interim City Attorney

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	June 12, 2018	Council Pillar	
Department	City Attorney		
Contact	Leslie Schmidt, Assistant City Attorney		

Agenda Caption

RESOLUTION –AUTHORIZING THE ANNUAL SELECTION OF THE MAYOR PRO TEMPORE
(Contact: Leslie Schmidt, Senior Assistant City Attorney)

This resolution authorizes the City Council to annually select the Mayor Pro Tempore. The Mayor Pro Tempore assumes the roles of the Mayor when the Mayor is unavailable.

Agenda Item Summary

The office of Mayor Pro Tempore serves an important leadership role for the City; and assumes the roles of the Mayor when the Mayor is unavailable. The Mayor Pro Tempore is often called upon to represent the City at local events, ceremonies and celebrations and may be called upon to represent the City at State and regional conferences, among other duties. The resolution provides for an annual selection process by the members of the City Council.

Requested Action

Council consideration and approval of the resolution.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommendation is to approve the resolution providing for the annual selection of the Mayor Pro Tempore.

RESOLUTION NO. 06-12-18-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO PROVIDING FOR THE ANNUAL SELECTION OF THE MAYOR PRO TEMPORE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the office of Mayor Pro Tempore serves an important leadership role for the City; and

WHEREAS, the Mayor Pro Tempore assumes the roles of the Mayor when the Mayor is unavailable due to illness, extended travel, resignation, or death. The Mayor Pro Tempore is often called upon to represent the City at local events, ceremonies and celebrations and may be called upon to represent the City at State and regional conferences, among other duties; and

WHEREAS, the City Council hereby finds and determines that it is in the best interest of the City for the Mayor Pro Tempore to be selected by the members of the City Council to serve a one-year term;

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

SECTION 1. The Mayor Pro Tem shall be selected from among the four (4) Council Members; shall be selected each year; and if said year be an election year at the first regular meeting following the regular City election or any run-off elections required, whichever shall last occur; and shall in the absence or disability of the Mayor perform all the Mayor's duties.

SECTION 2. That should any part of this resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this resolution.

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

INTRODUCED AND PASSED this 12th day of June 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, Interim City Attorney

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	June 12, 2018	Council Priority	Infrastructure Initiative
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Department	CP&DE	Contact Person	Floyd Hartman
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Agenda Caption

CONSIDERATION: Resolution for Bid # 5222 Job# 521725 Arden Rd. 36 Inch Transmission Pipeline and Pump Station Improvements:

Texas Water Development Board (TWBD) Funding.

Agenda Item Summary

As part of the TWDB loan requirements the Resolution for CID 01 – City Project JOB# 521725, Bid # 5222 Arden Rd. 36 Inch Transmission Pipeline and Pump Station Improvements is to be approved and accepted by the City Council. This project was awarded to S.J. Louis Construction of Texas, Ltd on January 26, 2016. The final contract amount after a total of four change orders is \$14,582,830.55.

Requested Action

Consideration and approval of Resolution

Funding Summary

Funding was provided through Texas Water Development Board.

Community Engagement Summary

N/A

Staff Recommendation

City Staff is recommending approval of Resolution

5/2/18 BSM_____

RESOLUTION NO. 06-12-18-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO APPROVING AND ACCEPTING CID01 ARDEN ROAD 36 INCH TRANSMISSION PIPELINE AND PUMP STATION IMPROVEMENTS (CITY PROJECT NO. 521725, BID NO. 5222); PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Amarillo, Texas has completed the construction of the Arden Road 36 inch Transmission Pipeline and Pump Station Improvements (Bid No. 5222), for which funding has been provided by the TEXAS WATER DEVELOPMENT BOARD; and

WHEREAS, HDR Inc., the consulting engineer for the design and construction contract administration of the Arden Road 36 inch Transmission Pipeline and Pump Station Improvements (Bid No. 5222) has certified that the project is complete and is in accordance with the approved plans and specifications.

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

SECTION 1. That the City of Amarillo, Texas, subject to the approval of the TEXAS WATER DEVELOPMENT BOARD, hereby approves and accepts the Arden Road 36 inch Transmission Pipeline and Pump Station Improvements (Bid No. 5222), and finds that the construction meets all the requirements of the contract documents..

SECTION 2. A true and correct copy of this Resolution shall be immediately forwarded to the appropriate officials of the Texas Water Development Board.

SECTION 3. That this Resolution shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this 8th day of May, 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, Interim City Attorney