

AGENDA

FOR A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE HELD ON TUESDAY, MAY 28, 2019 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: Rev. Joe Cofer, New Birth Bible Fellowship

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. Presentation - Artwork winners announced for the City's 2019 Every Drop Counts Calendar; and
- C. Consider future Agenda items and request 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:**

Approval of the City Council minutes for the meeting held on May 21, 2019.

B. **CONSIDER -- ORDINANCE NO. 7786:**

(Contact: Andrew Freeman, Director of Planning and Development Services)

This is the second and final reading of an ordinance amending Chapter 16-5, adding Article IV, to provide authorization for special traffic control measures near downtown city venues.

C. **CONSIDER APPROVAL -- AWARD OF LIBRARY RADIO FREQUENCY IDENTIFICATION (RFID) CONVERSION PROJECT TO BIBLIOTECHA/3M FOR THE NORTH AND SOUTHWEST BRANCH:**

(Contact: Amanda Barrera, Director Library Services)

Total Award to Bibliotecha/3M in the amount of \$91,679.22

North Branch - \$32,547.86; Southwest Branch - \$59,131.36

This item awards the purchase of security and inventory management systems to Bibliotecha/3M for the North and Southwest branch libraries.

D. **CONSIDER AWARD – JANITORIAL SUPPLIES:**

(Contact: Trent Davis Purchasing Agent)

Pyramid School Products	\$22,042.88
Empire Paper Company	\$15,601.44
Wagner Supply Company	\$11,866.20
MSC Industrial Supply	\$ 7,636.32
Morning Star Industries	\$ 96.00
Unipak Corporation	\$ 8,616.00
All American Poly	\$ 7,120.80
Calico Packaging	\$ 9,384.00
Tascosa Office Machines	\$ 404.64
	<u>\$82,767.88</u>

These items are to consider award of the Janitorial Supplies Annual Supply Agreement.

E. **CONSIDER PURCHASE -- NEW SIEMENS TRAFFIC CONTROLLERS:**

(Contact: Michael Padilla, Transportation Superintendent)

Traffic Signal Controllers (80) - \$167,472.00

This is a purchase for traffic signal equipment to replace outdated electronic equipment last purchased in 2003; which are no longer compatible with new Siemens Tactics Software.

F. **CONSIDER AWARD -- CONTRACT FOR THE LEASE OF A CHIPSPREADER AND TWO 25-TON PNEUMATIC ROLLERS:**

(Contact: Chris Mitchell, Street Superintendent)

Bee Equipment Sales, Ltd. (Chipspreader) \$32,625.00

Associated Supply Company, Inc. (Two 25-ton Rollers) \$21,811.48

Total Awarded Amount: \$54,436.48

This item is for three (3) months during summer for sealcoating of paved streets.

3. **NON-CONSENT ITEMS:**

A. **PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7787:**

(Contact: Cris Valverde - Assistant Director of Planning and Development Services)

This item conducts a public hearing to consider rezoning of a 4.77 acre tract of unplatted tract of land in Section 231, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 1 to Moderate Density District. Vicinity: Western Street and Knoll Drive.

B. **CONSIDERATION OF ORDINANCE NO. 7788:**

(Contact: Izzy Rivera, Chief Building Official)

This is the first and final reading of an ordinance amending the Amarillo Municipal Code, Chapter 4-1, Article I, Division 2, Sections 4-1-20 and 4-1-21 to revise calculation of residential building and inspection permit fees; declaring this an emergency measure to be effective upon one reading upon unanimous vote.

C. **CONSIDER -- RESOLUTION DESIGNATING NORTHWEST TEXAS HEALTHCARE SYSTEM, INC. AS A QUALIFIED BUSINESS UNDER THE TEXAS ENTERPRISE ZONE PROGRAM:**

(Contact: Andrew Freeman, Director of Planning and Development Services)

This item is a resolution authorizing the City to nominate Northwest Texas Healthcare System, Inc. to the Office of the Governor Economic Development and Tourism through the Texas Economic Development Bank for designation as a qualified business and enterprise project under the Texas Enterprise Zone Program.

- D. **CONSIDER APPROVAL – AGREEMENT FOR PROFESSIONAL SERVICES CONTRACT:**
(Contact: Matt Thomas, City Engineer)
Geospatial Data Inc. - \$529,750.00
This item is the design and construction phase services for Arden Road Arterial Section, Storm Sewer, and Water Main from Soncy to Helium.
- E. **CONSIDER APPROVAL – AGREEMENT FOR PROFESSIONAL SERVICES CONTRACT:**
(Contact: Matt Thomas, City Engineer)
Parkhill, Smith & Cooper, Inc. -- \$189,349.00
This item is to consider approval of a professional services agreement for the construction phase management services of the Streets Northwest Quadrant Seal Coat project
- F. **EXECUTIVE SESSION:**
City Council may convene in Executive Session to receive reports on or discuss any of the following pending projects or matters:
1) Section 551.072 -- Deliberate the purchase or sale of real property in accordance with the Texas Open Meetings Act:
 (a) Discuss property located in the vicinity of West Amarillo Boulevard and North Madison Street; and
 (b) Discuss property located in the vicinity of East 34th Avenue and South Osage Street.
2) Section 551.087 – Deliberation regarding economic development negotiations in accordance with the Texas Open Meetings Act:
 (a) Discuss property located in the vicinity of West Amarillo Boulevard and North Madison Street.

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (601 South Buchanan Street) of the building. An access ramp leading to the main entry is located at the southwest corner of the building. Parking spaces for individuals with disabilities are available in the south parking lot. City Hall is equipped with restroom facilities, communications equipment and elevators that are accessible. Individuals with disabilities who require special accommodations or a sign language interpreter must contact the City Secretary's Office 48 hours prior to meeting time by telephoning 378-3013 or the City TDD number at 378-4229.

Posted this 24th day of May 2019.

Regular meetings of the Amarillo City Council 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.

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	May 28, 2019	Council Priority	Excel in Communication
Department	Water Utilities		
Contact	Jonathan Gresham – Director of Utilities		

Agenda Caption

Work Session Item: Every Drop Counts poster contest winners

Agenda Item Summary

This is a presentation of the 2019 Every Drop Counts poster contest winners. The Every Drop Counts contest was created to bring awareness to the need for water conservation in the City. It was open to students in the community; age groups ranged from kindergarten through 12th grade. There were five prize categories: K-2nd grade, 3rd-5th grade, middle school, high school, and the overall grand prize winner. A total of 13 winners were chosen and will be featured in the 2020 Every Drop Counts calendar.

Requested Action

Work session presentation.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 21st day of May 2019, the Amarillo City Council met at 12:00 p.m. for a work session which was held in the Council Chamber located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

- | | |
|---------------|---------------------|
| GINGER NELSON | MAYOR |
| ELAINE HAYS | COUNCILMEMBER NO. 1 |
| FREDA POWELL | COUNCILMEMBER NO. 2 |
| 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 |
| MICHELLE BONNER | DEPUTY CITY MANAGER |
| BRYAN MCWILLIAMS | CITY ATTORNEY |
| STEPHANIE COGGINS | ASSISTANT TO THE CITY MANAGER |
| FRANCES HIBBS | CITY SECRETARY |

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

PUBLIC COMMENT

Ryan Brightbill, 1924 Cedar Street, thanked Councilmembers for responses to an illegal dumping issue that occurred. He stated he discovered that rodents had chewed through transmission wires on his vehicle and the rodent infestation was from a couch adjacent to a dumpster. He stated he has noticed a lack of cleanliness in the city. He further stated constituents disagree with the bulky item pick-up. Rev. Rupert Brashears, 2422 Poplar Street, congratulated Council on their reappointments. He stated he recently attended the Citizens Police Academy and learned a lot about the Amarillo Police Department. However, he stated some police officers do more than help the community. Laura Hume, spoke about the upcoming selection of the AM&W Director and the need for transparency. She stated they needed an advocate for 90% live release rate, and they wished to analyze the data. She inquired who was on the AM&W board and when they met. Steven Ray Rosas, 6307 South Fannin Street, congratulated everyone on their election wins. He spoke on a recent public records request. He stated in the name of openness these records should be open to the public and inquired if these records could be more accessible to the public. He also spoke on the need to broadcast meetings. There were no further comments.

ATTEST:

_____ Frances Hibbs, City Secretary	_____ Ginger Nelson, Mayor
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STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 21st day of May 2019, the Amarillo City Council met at 1:00 p.m. for a regular meeting held in the Council Chamber located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

GINGER NELSON
ELAINE HAYS
FREDA POWELL
EDDY SAUER
HOWARD SMITH

MAYOR
COUNCILMEMBER NO. 1
COUNCILMEMBER NO. 2
COUNCILMEMBER NO. 3
COUNCILMEMBER NO. 4

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

JARED MILLER
MICHELLE BONNER
BRYAN MCWILLIAMS
STEPHANIE COGGINS
FRANCES HIBBS

CITY MANAGER
DEPUTY CITY MANAGER
CITY ATTORNEY
ASSISTANT TO THE CITY MANAGER
CITY SECRETARY

The invocation was given by Kati Collins, St. Luke Presbyterian Church. Mayor Nelson led the Pledge of Allegiance.

A proclamation was presented for "National EMS Week."

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

ITEM 1:

- A. Review agenda times for regular meeting and attachments;
- B. Presentation on No Limits No Excuses;
- C. Mayor's Summit on Homelessness; and
- D. Consider future Agenda items and request reports from City Manager.

CONSENT ACTION ITEMS

ITEM 2: Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Powell to approve the consent agenda except for Item 2C, which will be considered separately. This item was seconded by Councilmember Sauer.

- A. **MINUTES:**
Approval of the City Council minutes for the meeting held on May 14, 2019.
- B. **ORDINANCE NO. 7785:**
(Contact: Andrew Freeman, Director of Planning and Development Services)
This is the second and final reading of an ordinance amending Chapter 14-2, Article III, to clarify the scope of coverage of the hotel occupancy tax, including bed and breakfasts and other short-term residential rentals and the duty to take all necessary steps to pay such tax.
- D. **APPROVAL -- INTERLOCAL AGREEMENT WITH RANDALL COUNTY JAIL:**
(Contact: Chief Ed Drain, Amarillo Police Department)
This is an interlocal agreement with Randall County to provide jail services for the City of Amarillo. The agreement has been updated to reflect a new rate of \$75 per day with a minimum of 67 City prisoners per day.

E. **CONSIDER AWARD – BRASS WATER FITTING SUPPLY AGREEMENT:**

(Contact: Trent Davis, Purchasing Agent)

Triple T Pipe & Supply LLC \$52,540.00

Morrison Supply Company \$12,258.00

Total Awarded: \$64,798.00

This item is to consider award of the brass water fittings.

F. **APPROVAL -- WORKERS' COMPENSATION EXCESS INSURANCE POLICY:**

Awarded to: Upshaw Insurance -- \$142,559.00

(Contact: Wesley Hall, Risk Management Director)

The City of Amarillo is self-insured for Workers' Compensation claims. This insurance policy indemnifies the City when a workers' compensation claim exceeds a total of \$1.5 million. This policy has statutory limits which will pay all expenses authorized by the Division of Workers' Compensation associated with a high cost claim, with no limit. This Risk Management Board has reviewed this policy and unanimously recommends approval.

G. **AWARD – SOFTWARE MAINTENANCE:**

(Contact: Rich Gagnon, IT Director)

Open Text Inc. -- \$93,205.51

This purchase renews annual vendor-provided support and maintenance for Open Text eDOCS software which is utilized by all City departments for document management and retention.

H. **CONSIDER – APPROVAL OF CHANGE ORDER NO. 1 FY 2017-2021 COMMUNITY INVESTMENT PROGRAM: FY 2017-2018 SEWER MAIN REHABILITATION BY PIPE BURSTING-- VARIOUS LOCATIONS:**

(Contact: Matthew Thomas, City Engineer)

PM Construction & Rehab, LLC dba IPR South Central LLC

Original Contract Amount \$ 1,886,030.00

Change Order No. 1 \$ 174,400.00

Revised Contract Amount: \$ 2,060,430.00

This item is to consider approval of Change Order No. 1, which adds sanitary sewer manholes, access chambers, and pipe rehabilitation.

I. **CONSIDER – AMENDMENT NO. 1 TO AGREEMENT FOR ENGINEERING SERVICES FOR REHABILITATION IMPROVEMENTS AT THE RIVER ROAD WASTEWATER RECLAMATION FACILITY PROJECTS:**

(Contact: Matthew Thomas, City Engineer)

Consultant CH2M Hill \$ 66,500 530014.17400.2070

Consultant CH2M Hill \$ 41,750 530015.17400.2070

Total: \$108,250

The agreement with CH2M Hill Engineers, Inc. for Engineering Services was executed by the City Manager on November 2, 2017, and was for the design of the rehabilitation improvements at the River Road Wastewater Reclamation Facility. The original agreement amount was \$231,500.00. Amendment No. One (1) to the Professional Services Agreement with CH2M Hill Engineers, Inc. is for additional services for the River Road Wastewater Reclamation Facility, on the Digester Mixing System and Secondary Aeration Basin Diffuser Replacement projects per the City of Amarillo requirements. The amendment adds \$108,250.00 to the agreement, which results in a total agreement amount of \$339,750.00.

J. **CONSIDER – APPROVAL OF CHANGE ORDER NO. 4 CARSON COUNTY WELLS 664 and 665:**

(Contact: Matthew Thomas, City Engineer)

Current Change Order: -\$248.00

These final quantity adjustments include reducing the quantity of metal beam guard fence by four (4) feet to match the installation of the culvert. Work to includes final quantity adjustments to match the final installed quantities.

Original Contract:	\$1,908,878.00
Previous Change Orders:	\$254,472.56
Current Change Order:	\$ -248.00
Revised Contract Total:	\$2,163,102.56

K. **CONSIDER – APPROVAL OF CHANGE ORDER NO. 6 2-INCH WATER MAIN REPLACEMENT AT VARIOUS LOCATIONS:**

(Contact: Kyle Schniederjan, CP&DE Director)

Amarillo Utility Contractors – Change Order No. 6 -- \$704.21

This item approves change order no. 6 for labor for a water service tie-in at 320 South Polk Street which was performed outside of contract working hours, at the request of the City's Project Manager

Original Contract:	\$1,621,258.00
Current Change Order:	\$704.21
Previous Change Orders:	\$339,080.45
Revised Contract Total:	\$1,961,042.66

L. **CONSIDER – PURCHASE OF SPECIALIZED PRODUCTS IN SEALING PAVED ALLEYS:**

(Contact: Chris Mitchell, Street Superintendent)

Award to Professional Coating Technologies, Inc. -- \$194,000.00

This item awards a contract for the purchase of COS-50 used by the Street Division to seal and maintain the City's paved alleys.

M. **CONSIDER -- APPROVAL OF AVIATION CLEAR ZONE EASEMENT:**

(Contact: Cris Valverde, Assistant Director Planning and Development Services)

This item considers an Aviation Clear Zone Easement, being 4,750 feet above mean sea level above the plat of Tradewind Square Unit No. 4, an addition to the City of Amarillo, being an unplatted tract of land in Section 173, Block 2, AB&M Survey, Randall County, Texas. (Vicinity: Tradewind Street and Southeast 5th Avenue.)

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

NON-CONSENT ITEMS

Items were taken out of order.

ITEM 3F: Mayor Nelson stated the next item was a presentation of the Parks Asset Management Plan with Kayuga Consulting and representatives from the Parks & Recreation Advisory Board. This item was presented by Michael Kashuba, Parks and Recreation Director, Terry Easterling, Parks & Recreation Advisory Board Chair, Kevin Wilde, Parks Superintendent and Colin Chung, Kayuga Consulting.

ITEM 3C: Mayor Nelson presented a resolution considering all matters incident and related to approving the resolution of the Board of Directors of the Amarillo Economic Development Corporation authorizing the issuance of the "Amarillo Economic Development Corporation Taxable Sales Tax Revenue Refunding Bonds, Series 2019," including the adoption of a resolution pertaining thereto. This item was presented by Kevin Carter, CEO, Amarillo Economic Development Corporation, Steven Adams, Specialized Public Finance, Inc. and Robert Dransfield, Norton Rose Fulbright. Motion was made by Councilmember Powell, seconded by Councilmember Smith and that the following captioned resolution be passed:

RESOLUTION NO. 05-21-19-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS, RELATING TO THE "AMARILLO ECONOMIC DEVELOPMENT CORPORATION TAXABLE SALES TAX REVENUE REFUNDING BONDS, SERIES 2019"; APPROVING THE RESOLUTION OF THE BOARD OF DIRECTORS OF THE AMARILLO ECONOMIC DEVELOPMENT CORPORATION AUTHORIZING THE ISSUANCE OF SUCH BONDS AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE OF SUCH BONDS; AND PROVIDING AN

EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 2C: Mayor Nelson removed this item from the consent for separate consideration. This item considers the purchase and leaseback – real estate located at 808 South Johnson Street. This item authorizes the City Manager to execute a contract, leaseback, and other necessary documents for the purchase of a warehouse and land located at 808 South Johnson Street in downtown Amarillo. The purchase is for \$360,000 plus closing costs and inspection related expenses, with a leaseback amount of \$7,800 per year with an option to renew. This item was presented by Andrew Freeman, Director of Planning and Development Services. Motion was made by Councilmember Powell, seconded by Councilmember Sauer and that this item be approved.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 3A: Mayor Nelson presented an ordinance considering the first reading amending Chapter 16-5, adding Article IV, to provide authorization for special traffic control measures near downtown city venues. This item was presented by Jared Miller, City Manager and Andrew Freeman, Director of Planning and Development Services. Motion was made that the following captioned ordinance be passed on first reading by Councilmember Powell, seconded by Councilmember Smith:

ORDINANCE NO. 7786

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-5, ADDING ARTICLE IV, TO PROVIDE AUTHORIZATION FOR SPECIAL TRAFFIC CONTROL MEASURES NEAR DOWNTOWN CITY VENUES; PROVIDING FOR REPEALER, SEVERABILITY, ENFORCEMENT BY TOWING; AND AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 3B: Mayor Nelson presented a resolution support of the closure of Texas Department of Transportation (TxDot) U.S. Highway 87 on South Fillmore Street from 5th Avenue to 8th Avenue, and U.S. Highway 287 on South Taylor from 5th Avenue to 8th Avenue from June 29, 2019 at 6:00 a.m. to June 30, 2019 at 7:00 a.m. for "The Amarillo Chamber's Summer Fireworks Extravaganza" to be held in Downtown Amarillo, and authorizes the City Manager to execute all necessary documents with TxDot. This item was presented by Kevin Starbuck, Assistant City Manager. Motion was made by Councilmember Sauer, seconded by Councilmember Smith and that the following captioned resolution be passed:

RESOLUTION NO. 05-21-19-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS, APPROVING A PARTIAL TEMPORARY CLOSURE OF A STATE HIGHWAY ON JUNE 29, 2019 THROUGH JUNE 30, 2019; PROVIDING A SAVINGS CLAUSE; AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 3D: Mayor Nelson presented an item approving an emergency contract for the analysis of filters #2, #3, and #7 at the Osage Water Treatment Plant (OWTP). The rapid sand filters are essential to maintain adequate potable water production at the OWTP. This item was presented by Jonathan Gresham, Director of Utilities. Motion was made by Councilmember Powell, seconded by Councilmember Hays and that this item be approved.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 3E: Mayor Nelson presented an item approving Change Order No. 1 for the emergency contract to repair two, filters #2 and #3 of the eight rapid sand filters at the Osage Water Treatment Plant (OWTP). The rapid sand filters are essential to maintain adequate potable water production at the OWTP. We have experienced unexpected failures on filters #2, #3. This item was presented by Jonathan Gresham, Director of Utilities. Motion was made by Councilmember Powell, seconded by Councilmember Hays and that this item be approved.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, Sauer and Smith; voting NO were none; the motion carried by a 5:0 vote of the Council.

Mr. Miller recognized Damen Ratliff's promotion to Assistant Utilities Director from Drainage Utilities Superintendent.

ITEM 3G: Mr. McWilliams advised at 3:48 p.m. that the City Council would convene in Executive Session per Texas Government Code: (1) Section 551.072 – Deliberate the purchase or sale of real property in accordance with the Texas Open Meetings Act: (a) Purchase of real property located in the Southwest extraterritorial jurisdiction of the City of Amarillo. (b) Multiple properties located in the Central Business District. (2) Section 551.087 – Deliberation regarding economic development negotiations in accordance with the Texas Open Meetings Act: (a) Discussion regarding commercial or financial information received from a business prospect and/or to deliberate the offer of a financial or other incentive to a business prospect: Project # 18-12-01 (Manufacturing).

Mr. McWilliams announced that the Executive Session was adjourned at 4:47 p.m. and recessed the Regular Meeting.

ATTEST:

Frances Hibbs, City Secretary

Ginger Nelson, Mayor

Amarillo City Council

Agenda Transmittal Memo



2B

Meeting Date	May 28, 2019	Council Priority	Public Safety
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Department	Planning and Development Services	Contact Person	Andrew Freeman, Director of Planning and Development Services
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Agenda Caption

ORDINANCE NO. 7786:

This is the second and final reading of an ordinance amending Chapter 16-5, adding Article IV, to provide authorization for special traffic control measures near downtown city venues.

Agenda Item Summary

This ordinance would authorize staff to temporarily restrict parking, close a street, or implement other temporary traffic control measures within a two-block radius of the Multi-Purpose Event Venue, Civic Center, Globe News Center, and Santa Fe Depot.

Staff is recommending these changes based on the impacts related to downtown traffic and overall logistical needs since the opening of Hodgetown and other major events taking place at the Civic Center and Globe News Center. This would allow staff to accommodate temporary parking of standby emergency vehicles, media satellite trucks, team buses, equipment trailers, etc. Included is specific language regarding when these measures may be implemented and kept in place, such as 24 hours prior to the start of an event and being able to stay in place consecutively for multi-day events, as well as enforcement measures for those parking in the areas described above.

In particular, this ordinance would also allow for signage and designation of temporary passenger drop-off areas for safer access to the various event venues, by not allowing parking in certain zones. This would limit the number of double parking incidents taking place with passengers dropped off at the entrance to a venue.

Requested Action

Approve as presented

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval as presented

ORDINANCE NO. 7786

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-5, ADDING ARTICLE IV, TO PROVIDE AUTHORIZATION FOR SPECIAL TRAFFIC CONTROL MEASURES NEAR DOWNTOWN CITY VENUES; PROVIDING FOR REPEALER, SEVERABILITY, ENFORCEMENT BY TOWING; AND AN EFFECTIVE DATE.

WHEREAS, the City Council finds that that there is a need to authorize special traffic control measures at or near certain downtown public venues to accommodate large vehicles essential for special events and games, and other temporary traffic control measures, for the public health, safety, and welfare;

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

SECTION 1. The Amarillo Municipal Code, Chapter 16-5 be and hereby is amended to add Article IV, to read as follows:

ARTICLE IV. SPECIAL TRAFFIC CONTROL MEASURES

Sec. 16-5-51. Vehicle Parking Near a Venue.

(a) Authority; Locations. The Downtown Transportation Coordinator (see, Art. I of this Chapter) is authorized to temporarily restrict parking, close a street, or other temporary traffic control measure upon part or all of a street which is adjacent to or within a two block radius of the Civic Center, Santa Fe Depot, Globe News Center, or Multipurpose Event Venue, for the purpose of accommodating (i) temporary passenger drop-off areas; (ii) the movement and temporary parking of standby emergency vehicles, media satellite trucks, team buses, equipment trucks or trailers and similar, needed for the production or protection of an event at a venue named above; or (iii) or as otherwise determined by the City to be necessary to promote public safety or convenience. Such parking restriction, street closure, or other traffic control measure may be imposed by the City for and during:

1. up to 24 hours prior to the start of an event or as otherwise necessary for unloading and set up, and for a reasonable time after an event for loading and departure;
2. around the clock and for consecutive days without interruption for a multi-day event;
3. around the clock and for consecutive days without interruption when a series of related or unrelated events are scheduled to start or end within 72 hours of each other at a venue named in (a); and,
4. other times and days as determined by the City Manager or designee as being in the best interests of public convenience or safety at a venue or area described in (a).

(b) *Public notice; Coordination.* The Downtown Transportation Coordinator or designee shall cause the timely deployment of City-issued temporary signs, barricades, barriers, bags, or other physical means of notice or directions to drivers that a temporary restriction, closure, or other traffic control measure will be or is in effect. This shall be done in coordination with Police, Fire, Public Works, Facilities Management, or other City departments as appropriate. The physical access control for vehicle ingress/egress to and vehicle placement within a restricted, closed, or controlled area may be performed by personnel of the Downtown Transportation Coordinator, Police Department, Traffic Engineering Office, or other as directed by the City Manager's Office.

(c) *Enforcement.* The Amarillo Police Department is authorized to both issue a parking citation to an unauthorized or obstructing vehicle and to cause such vehicle to be towed from an area described in (a) that is under a posted restriction, closure, or control described in (b).

(d) *Limitation.* This section does not authorize any City official or other person to take any action that is contrary to or that would impair the authority and control of the State of Texas over roadways that are part of the State highway system, without the prior consent of the State given in accordance with State procedures.

Sec. 16-5-52 to 16-5-99. Reserved.

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

SECTION 3. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. 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 21st day of May, 2019; and, PASSED on Second and Final Reading the 28th day of May, 2019.

Ginger Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Frances Hibbs, City Secretary

Bryan S. McWilliams, City Attorney

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	May 28, 2019	Council Priority	
Department	Library		
Contact	Amanda Barrera, Director Library Services		

Agenda Caption

APPROVAL OF THE AWARD OF LIBRARY RFID CONVERSION PROJECT TO BIBLIOTECHA/3M FOR THE NORTH AND SOUTHWEST BRANCH LIBRARIES

Agenda Item Summary

Total Award to Biblioteca/3M in the amount of \$91,679.22
North Branch - \$32, 547.86; Southwest Branch - \$59,131.36

This item awards the purchase of security and inventory management systems to Biblioteca/3M for the North and Southwest branch libraries. The systems provide enhanced customer service features and additional security for inventory protection. The systems replace outdated systems that are no longer supported by the manufacturer and will be compatible with systems previously installed at the Downtown, East Branch, and Northwest Branch libraries, as well as completing the RFID conversion at all locations in the Amarillo Public Library system.

Requested Action

Request City Council approval of the award of the library RFID conversion project to Biblioteca/3M in the amount of \$91,679.22, authorizing the City Manager to execute the contract.

Funding Summary

Funding for this purchase is available from cost savings realized from the Downtown Library and East and Northwest Branch RFID conversion projects, approved in FY 2015-16 and FY 2016-17 respectively:
410934.17400.1040 (Downtown Library - \$59,280.14remaining)
411028.17400.1040 (East and Northwest Branches - \$41,189.64 remaining)
Total funds available: \$100,469.78

Community Engagement Summary

The sequence by which RFID conversion should take place at the branches was recommended to the Library Advisory Board by the Library Director and was approved by a majority vote at the Board's February 22, 2016 meeting.

Staff Recommendation

Staff recommends the approval of the award of the library RFID conversion project to Biblioteca/3M in the amount of \$91,679.22, authorizing the City Manager to execute the contract.

Bid No. 6473 RFID CONVERSION FOR SOUTHWEST AND NORTH BRANCH LIBRARIES
Opened 4:00 p.m. May 13, 2019

To be awarded as one lot		BIBLIOTHECA
Line 1 RFID Gate Premium 2 Aisle, per specifications		
1 ea		
Unit Price	\$20,099.000	
Extended Price		20,099.00
Line 2 Credit for Previous Pre-Site Inspection, per specifications		
1 ea		
Unit Price	(\$899.000)	
Extended Price		(899.00)
Line 3 RFID Gate 9100 1 Aisle, per specifications		
2 ea		
Unit Price	\$6,946.400	
Extended Price		13,892.80
Line 4 Selfcheck 420 Desktop Black, per specifications		
1 ea		
Unit Price	\$6,964.000	
Extended Price		6,964.00
Line 5 RFID Workstation USB, per specifications		
1 ea		

Unit Price		\$807.000	
Extended Price			807.00
Line 6 RFID Workstation Unshielded, per specifications			
8 ea			
Unit Price		\$599.000	
Extended Price			4,792.00
Line 7 Staffconnect Gate Individual License 1-year, per specifications			
1 ea			
Unit Price		\$135.000	
Extended Price			135.00
Line 8 Libraryconnect Device Subscription, per specifications			
4 ea			
Unit Price		\$99.000	
Extended Price			396.00
Line 9 RFID Tag Square 2,000 = Roll, per specifications			
40 ea			
Unit Price		\$258.000	
Extended Price			10,320.00
Line 10 Shipping & Handling, per specifications			
1 ea			
Unit Price		\$2,624.560	
Extended Price			2,624.56

Line 11 RFID Gate 9100 2 Aisle, per specifications	1 ea		
	Unit Price	\$8,145.350	
	Extended Price		8,145.35
Line 12 RFID Gate 9100 1 Aisle, per specifications	1 ea		
	Unit Price	\$6,946.400	
	Extended Price		6,946.40
Line 13 Selfcheck 420 Desktop White, per specifications	1 ea		
	Unit Price	\$6,964.000	
	Extended Price		6,964.00
Line 14 Staff Connect Gate License 1 year, per specifications	1 ea		
	Unit Price	\$135.000	
	Extended Price		135.00
Line 15 Libraryconnect Device Subscription 1 year, per specifications	3 ea		
	Unit Price	\$99.000	
	Extended Price		297.00
Line 16 RFID Workstation Unshielded, per specifications			

3 ea			
Unit Price	\$599.000		
Extended Price		1,797.00	

Line 17 RFID Tag Square 2,000 = Roll, per specifications

26 ea			
Unit Price	\$258.000		
Extended Price		6,708.00	

Line 18 Shipping & Handling, per specifications

1 ea			
Unit Price	\$1,555.110		
Extended Price		1,555.11	

Bid Total		91,679.22	
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Award by Vendor

91,679.22

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	5/28/2019	Council Priority	Fiscal Responsibility
Department	Central Stores		
Contact	Trent Davis Purchasing Agent		

Agenda Caption

CONSIDER AWARD – Bid #6409 Janitorial

Pyramid School Products	\$22,042.88
Empire Paper Company	\$15,601.44
Wagner Supply Company	\$11,866.20
MSC Industrial Supply	\$ 7,636.32
Morning Star Industries	\$ 96.00
Unipak Corporation	\$ 8,616.00
All American Poly	\$ 7,120.80
Calico Packaging	\$ 9,384.00
Tascosa Office Machines	\$ 404.64
	\$ 82,767.88

Agenda Item Summary

Bid #6409

These items are to consider award of the Janitorial Supplies Annual Supply Agreement

Requested Action

Consider approval of the award for Bid #6409 Annual Janitorial 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

[illegible]

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	May 28, 2019	Council Priority	Provide better Customer Service
Department	Traffic Field Operations / 1732		

Agenda Caption

Consider – Purchase of New Siemens Traffic Controllers. This is a purchase for Traffic Signal Equipment to replace out dated electronic equipment last purchased in 2003; which are no longer compatible with new Siemens Tactics Software. The New Siemens Tactics Software was purchased as a part of a project to replace software, controllers and communications in the Central Business District (CBD), these controllers will allow the software to communicate with arterial streets Traffic Signals throughout the City.

Traffic Signal Controllers (80) - \$167,472

Agenda Item Summary

Signal items used to update technology, and give the ability to be flexible with Traffic control in the CBD for special events and also on all arterial streets. By using Siemens Tactics software with the new controllers on arterials we can control and monitor all intersections from the Central Server, and still communicate throughout the CBD with these updated controllers.

Requested Action

Award these items to Iteris Inc. These were last purchased by TXDOT in 2003 and have reached their life span.

Funding Summary

Funding for the amount of \$167,472.00 for the purchase of Traffic Signal Controllers will be out of job, 462025.17400.2040 Traffic Signal Improvements which is funded through bond money, no state or federal funds will be used for these materials.

Community Engagement Summary

No community engagement was needed this is a product that is to be used by the Transportation Department benefitting the community by providing improved Traffic movements.

Staff Recommendation

Traffic Field Operations recommends acceptance of this purchase as offered.

Bid No. 6478 TRAFFIC SIGNAL CONTROLLERS
Opened 4:00 p.m. May 15, 2019

To be awarded as one lot

ITERIS INC

Line 1 Traffic Signal Controllers, per
specifications

80 ea

Unit Price

\$2,093.400

Extended Price

167,472.00

Bid Total

167,472.00

Award by Vendor

167,472.00

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	May 28, 2019	Council Priority	Transportation
Department	Street		
Contact	Chris Mitchell, Street Superintendent		

Agenda Caption

Consider award of contract for the lease of a chipseader and two 25-ton pneumatic rollers for three months during summer for sealcoating of paved streets to the following vendors:

Bee Equipment Sales, Ltd. (Chipseader) - \$32,625.00.

Associated Supply Company, Inc. (Two 25-ton Rollers) - \$21,811.48.

Total Awarded Amount: \$54,436.48

Agenda Item Summary

Two key pieces of equipment utilized in the sealcoat process are the chipseader and pneumatic roller. For the past nine years, the Street Division has leased a chipseader and two 25-ton rollers for the summer sealcoat program. The leased chipseader serves as a backup to the City owned chipseader to prevent the City from losing valuable hours, or even days, of operation due to equipment malfunctions. The two leased rollers, which are significantly larger than the City owned rollers, provide quicker compaction and better adhesion of the rock to the street surface.

Requested Action

Award lease to low bidder meeting specifications, Bee Equipment Sales, Ltd., for the lease of a chipseader at the price of \$10,290.00 per month plus \$1,755.00 for delivery. Total cost to lease chipseader for three months is \$32,625.00. Award lease to low bidder meeting specifications, Associated Supply Company, Inc., for the lease of two 25-ton pneumatic rollers at the price of \$3,618.58 per month per roller, plus \$50.00 for delivery per roller. Total cost to lease two rollers for three months is \$21,811.48.

Funding Summary

Funding in the amount of \$51,000 (\$24,000 for a chipseader and \$27,000 for two rollers) for the lease of a chipseader and two 25-ton rollers is available in account 1420.69220 Rental of Other Equipment in the approved 2018/2019 Street Division budget. Total cost to lease chipseader and two rollers for three months is \$54,436.48. Any additional funds needed to lease the equipment are available in Street Division account 1420.51200 Operating.

Community Engagement Summary

N/A

Staff Recommendation

Street Division recommends award of the lease agreements for the chipseader and two 25-ton rollers.

Bid No. 6465 LEASE OF TWO ROLLERS & CHIPSREADERS FOR 2019 SEAL COATING
 Opened 4:00 p.m. May 06, 2019

To be awarded as one lot		ASCO	BEE EQUIPMENT SALES
Line 1 ASCO (2) Rollers, per specifications			
6 ea			
Unit Price	\$3,618.580		
Extended Price	21,711.48		-
Line 2 Shipping, Handling & Misc Fees, per specifications			
2 ea			
Unit Price	\$50.000		
Extended Price	100.00		-
Line 3 Bee Equipment Sales, Asphalt Equipment Lease, per specifications			
3 ea			
Unit Price	\$10,290.000		
Extended Price	-		30,870.00
Line 4 Shipping, Handling & Misc Fees, per specifications			
1 ea			
Unit Price	\$1,755.000		
Extended Price	-		1,755.00
Bid Total		21,811.48	32,625.00
Award by Vendor		21,811.48	32,625.00

Amarillo City Council Agenda Transmittal Memo



Meeting Date	May 28, 2019	Council Priority	Customer Service
Department	Planning and Development Services Cris Valverde - Assistant Director of Planning and Development Services		

Agenda Caption

Public hearing to consider rezoning of a 4.77 acre tract of unplatted tract of land in Section 231, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 1 to Moderate Density District.
Vicinity: Western St. and Knoll Dr.
Applicant: Barry Christy

Agenda Item Summary

Adjacent land use and zoning

Adjacent land uses consist of a church to the north, single-family detached homes and vacant land to the west, single-family detached homes to the south, and a single-family detached home and a distribution business to the east.

Adjacent zoning consists of Residential District 1 (R-1) to the north, east, and west and Residential District 2 (R-2) to the south.

Proposal

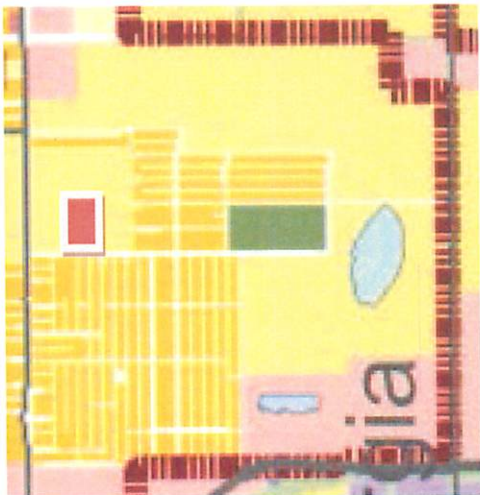
The applicant is requesting rezoning from R-1 to Moderate Density (MD) in order to develop townhomes on this site. As it stands now, townhomes are not allowed in Residential Districts 1 through 3; hence the request for rezoning.

Analysis

Whenever a request for rezoning occurs, understanding what impacts a proposed rezoning, if any, will have on existing area development and/or zoning patterns is considered.

With the applicant's tract located at the western periphery of the City View Estates Subdivision, analysis of the entire subdivision (roughly a square mile section of land) in order to obtain a more complete view of the area development and zoning patterns is done.

The Future Land Use Map recommends what types of land uses a particular area should develop with. General Residential (dark yellow) and Suburban Residential (light yellow) are the predominate types of development recommended and are illustrated below.



Recommended development types within General Residential are primarily focused on detached residential dwellings with allowances for attached dwelling units such as duplexes and townhomes. Suburban Residential also focuses on detached residential dwellings yet also include allowances for attached dwelling units. The main differences between the two is that General Residential has less openness and separation between dwellings when compared to Suburban Residential.

With regards to existing zoning patterns and as illustrated by the graphic below, the majority of the section is zoned Residential District 2 (brown) with a small portion of zoned Residential District 1 (yellow). These two predominate zoning districts allow for single-family detached residential development only.



In regards to existing development patterns and as expected by the predominate zoning of the area, single-family detached homes are the predominate land use within the area.

Looking at the location of the applicant's tract and the rezoning request, townhome development is being proposed in an area recommended for Suburban Residential characteristics. Although townhomes are recommended within Suburban Residential, open space is not typically found with this type of development whereas lots standards (setbacks, lot coverage, and lot size) create a more dense development.

That said and with exception of the immediately adjacent land, when comparing the existing land use and zoning patterns of the area as a whole with the Future Land Use Map, all of the areas identified as Suburban Residential (light yellow in the Future Land Use Map) are currently developed with residential development or zoned for residential development that share characteristics found in General Residential.

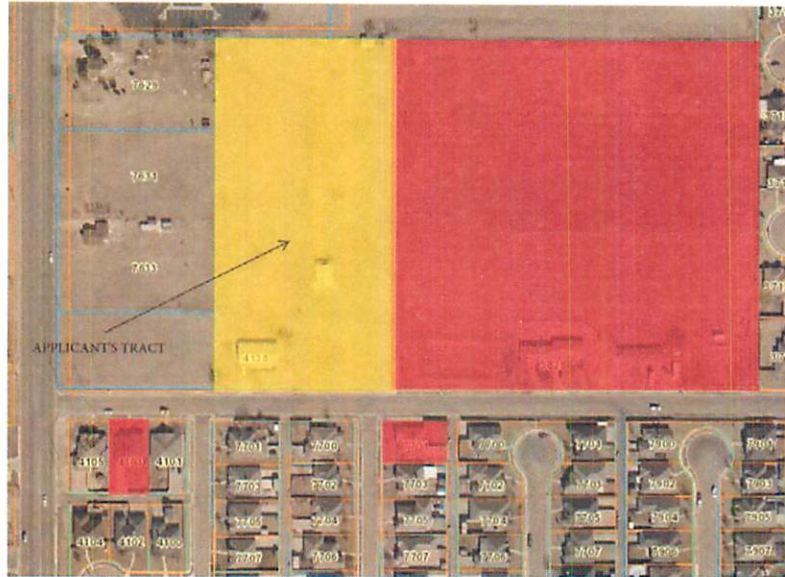
Considering this and if approved, townhome development would share similar development characteristics to the majority of the City View Estates development patterns found in the area. As such, the Planning and Zoning Commission does not foresee any detrimental impacts on existing zoning or development patterns in the area.

Additionally, attached dwelling development and/or zoning are not found within the City View Estates Subdivision as a whole. This is unique in that developers typically provide various residential products (detached, attached, and apartments) within a subdivision. These additional residential products are recommended and typically found at the periphery of a subdivision in many other subdivisions in Amarillo. In the Planning Commission's opinion, incorporating the proposed zoning and land uses allowed, could strengthen the City View Estates neighborhood by adding a varied choice of residential products.

Requested Action/Recommendation
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Notices have been sent to property owners within 200 feet regarding this proposed rezoning. At the time of the Planning and Zoning Commission meeting, the developer spoke on behalf of the request.

Also during the meeting, three area property owners (highlighted in red in the graphic below), expressed either opposition or concern with the request. One property owner stated that if this tract is developed, the existing view from his front yard would be removed, another stated that property values could be diminished if approved, and the third stated increased traffic and the possibility of apartments being developed could change the characteristics of the area.



An update will be provided at the Council meeting should there be additional comments received.

Considering all the above and the comments made during the meeting, the Planning and Zoning Commission was of the opinion that the applicant's request is appropriate. Therefore, the Planning Commission unanimously recommended approval as presented.

ORDINANCE NO. 7787

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

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

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

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

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

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

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

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

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

Rezoning of a 4.77 acre tract of unplatted land in Section 231, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 1 to Moderate Density District and being further described below:

A 4.77 acre tract of land being a portion of a tract of land described in that certain Warranty Deed recorded in Volume 482, Page 302 of the Deed Records of Randall County, Texas, situated in Section 231, Block 2, A.B. & M. Survey, Amarillo, Randall County, Texas, surveyed on the ground by Robert Keys and Associates on this 20th day of September, 2017, and said tract of land being further described by metes and bounds as follows:

Commencing at a 3/8 inch iron rod, found at the most northerly northeast corner of Lot 14, Block 22, City View Estates Unit No. 6, an addition to the City of Amarillo, according to the recorded map or plat thereof, of record under Clerk's File No. 2008008023 of the Official Public Records of Randall County, Texas;

Thence N. 00° 11' 46" W., (Directional Control GPS Observation WGS-84), at 310.00 feet pass an "X" cut in concrete, found at the most northerly northeast corner of Lot 28, Block 22, of said City View Estates Unit No. 6, a total distance of 344.99 feet;

Thence S. 89° 57' 24" W., 675.88 feet to a 3/8 inch iron rod with a cap stamped "KEYS R.P.L.S. 2507", set at the northeast and **BEGINNING CORNER** of this tract of land;

Thence S. 00° 34' 10" E., 629.50 feet along the west line of a tract of land described in that certain Warranty Deed recorded in Volume 467, Page 95 of the Deed Records of Randall County, Texas to a 3/8 inch iron rod with a cap stamped "KEYS R.P.L.S. 2507", set at the southeast corner of this tract of land;

Thence S. 89° 57' 24" W., 330.00 feet along the north right-of-way line of Knoll Drive as dedicated by City View Estates Unit No. 2, an addition to the City of Amarillo, according to the recorded map or plat thereof, of record under Clerk's File No. 03 27227 of the Official Public Records of Randall County, Texas to a 1/2 inch iron rod, found at southwest corner of this tract of land, from whence a 1/2 iron rod with a cap stamped "FURMAN R.P.L.S. 1959", found at the northwest corner of Lot 28, Block 6, of said City View Estates Unit No. 2, bears S. 00° 34' 10" E., 59.77 feet and N. 89° 54' 31" E., 132.97 and from whence a 1/2 iron rod, found at the southwest corner of a 1.26 acre tract of land described in that certain Warranty Deed recorded in Volume 898, Page 35 of the Deed Records of Randall County, Texas bears S. 89° 57' 24" W., 290.21 feet;

Thence N. 00° 34' 10" W., 629.50 feet along the east line of said 1.26 acre tract of land and the east line of a tract of land described in that certain Warranty Deed recorded under Clerk's File No. 2015002491 of the Official Public Records of Randall County, Texas and the east line of a tract of land described in that certain Warranty Deed recorded under Clerk's File No. 2007002333 of the Official Public Records of Randall County, Texas to a 3/8 inch iron rod with a cap stamped "KEYS R.P.L.S. 2507", set at the northwest corner of this tract of land, from whence a 3/8 inch iron rod, found at the northwest corner of said tract of land described in that certain Warranty Deed recorded under Clerk's File No. 2007002333 of the Official Public Records of Randall County, Texas bears S. 89° 57' 24" W., 290.21 feet;

Thence N. 89° 57' 24" E., 330.00 feet along the south line of Lot 1, Block 2, South Side Acres Unit No. 4, an addition to the City of Amarillo, according to the recorded map or plat thereof, of record in Volume 898, Page 351 of the Deed Records of Randall County, Texas and the south line of a tract of land described in that certain Warranty Deed recorded in Volume 635, Page 315 of the Deed Records of Randall County, Texas to the **POINT OF BEGINNING**.

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 May, 2019 and **PASSED** on Second and Final Reading on this the 4th day of June, 2019.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams,
City Attorney

AP: L17

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



38

Meeting Date	May 28, 2019	Council Pillar	Redevelopment
Department	Building Safety		
Contact	Izzy Rivera, Chief Building Official		

Agenda Caption

CONSIDERATION OF ORDINANCE No.

(Contact: Izzy Rivera, Chief Building Official)

This is the first and final reading of an ordinance amending the Amarillo Municipal Code, Chapter 4-1, Article I, Division 2, Sections 4-1-20 and 4-1-21 to revise calculation of residential building and inspection permit fees; declaring this an emergency measure to be effective upon one reading upon unanimous vote.

Agenda Item Summary

House Bill No. 852 was signed by the Governor on May 21, and it is effective immediately. Specifically, this bill provides that: (1) in determining the amount of a building permit or inspection fee required in connection with the construction or improvement of a residential dwelling, a city may not consider: (a) the value of the dwelling; or (b) the cost of construction or improving the dwelling; and (2) a city may not require the disclosure of information related to the value of or cost of construction or improving a residential dwelling as a condition of obtaining a building permit except as required by the Federal Emergency Management Agency of participation in the National Flood Insurance Program.

The City of Amarillo has a residential plan review/building permit fee that is based on the value of the project. This Ordinance will change the fee calculation to be based on the square footage for a residential dwelling. The City's review of the cost associated with the plan review and building permit process has determined a \$0.45 per square foot of all floor areas under roof.

Staff recommends that City Council treat this ordinance as an emergency measure under Article V Section 15 and 16 of the City Charter which provides for adoption by unanimous vote of the Council with one reading.

Requested Action

Approval of the ordinance amending the Amarillo Municipal Code, Chapter 4-1, Article I, Division 2, Sections 4-1-20 and 4-1-21 to revise calculation of residential building and inspection permit fees; declaring this an emergency measure to be effective upon one reading upon unanimous vote.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

City staff is recommending approval of the Ordinance.

ORDINANCE NO. 7788

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 4-1, ARTICLE I, DIVISION 2, SECTIONS 4-1-20 AND 4-1-21 TO REVISE CALCULATION OF RESIDENTIAL BUILDING AND INSPECTION PERMIT FEES;DECLARING THIS AN EMERGENCY MEASURE TO BE EFFECTIVE UPON ONE READING BY UNANIMOUS VOTE; PROVIDING FOR SEVERABILITY, REPEALER; AND EFFECTIVE DATE.

WHEREAS, on May 21, 2019, Governor Abbott signed H.B. 852 into law, adding Section 214.907 to the Local Government Code, and it is effective *immediately*; and

WHEREAS, H.B. 852 immediately prohibits a city from collecting any residential building or inspection fee for a residence that is based upon value of the dwelling or improvement to the dwelling; and,

WHEREAS, there is an immediate need to amend pertinent provisions of the Amarillo Code of Ordinances to immediately revise the manner of calculating inspection and building fees for residential permits, to assure the City's costs of services for residential building and inspections are adequately recouped from users of those services, and to avoid an undue impact on the General Fund of the City; and,

WHEREAS, the intent of this ordinance is to revise each provision in the Amarillo Code of Ordinances to provide that henceforth building and inspection permit fees for a residential dwelling shall be either a flat fee or based upon the square footage of the dwelling;

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

SECTION 1. Emergency Measure. The immediate effectiveness of H.B. 852 occurs in the middle of the City's fiscal year, constitutes an unfunded mandate from the State, and has a direct adverse impact on the City of Amarillo's approved FY18-19 budget providing for expected revenues and operating expenses of the Building Safety Department. This impairs the financial stability and the ability to continue the services of residential dwelling building permits and inspection activities of that department for the remainder of this Fiscal Year, unless immediate action is taken by the City Council. Moreover, declining to accept residential permit applications or requests for will be harmful to and damaging to the homebuilding and remodeling industries in Amarillo, stalling many projects while a new fee schedule is studied. The resulting disruption of residential dwelling building permits and inspections is found to be adverse to the public health, safety, and the property of citizens and negatively impacts the usual daily operation of the Building Safety Department. **For each and all of the forgoing reasons, there is an immediate need to enact a revised fee schedule for residential building permits and inspection fees, in order to meet the precipitous effect of the Legislature and Governor in H.B. 852. Therefore, this ordinance is hereby declared to be an emergency measure pursuant to the**

Amarillo Home Rule Charter, Art V., Sec. 15 and Sec. 16, and may be enacted and effective upon one reading, if it receives the unanimous [affirmative] vote of the Council.

SECTION 2. The Amarillo Municipal Code, Chapter 4-1, Article I, Division 2, Section 4-1-20 be and hereby is amended to read as follows:

Sec. 4-1-20. - Plan review fee; building permit application.

(a) Fees established. A non-refundable plan review fee shall be paid upon submittal of plans to be reviewed. The fee shall be a fraction of the total value of the project as calculated below, but in no case less than sixty dollars (\$60.00). The valuation shall be either the valuation of a non-residential structure or the square footage for a residential dwelling, as stated by the applicant; or, when in the opinion of the Building Official the stated valuation or footage appears to be materially understated, the valuation or footage may be calculated based on the most recent building valuation data available published by the International Code Council as modified by the City.

(1) All non-residential projects: \$ Value × 0.0010 = Plan review fee: rounded to whole dollars, minimum \$60.00.

(2) One- and two-family residential ~~structures~~ dwelling and other Residential projects shown in the table below, \$60.00 minimum, or the greater amount calculated as shown in the following table for Residential dwelling projects:

Fee Type	Fee	Notes
New Single Family Dwelling, Townhome, Two-Family Dwelling (Duplex)	Plan review and permit \$0.45	Per square foot of all floor area under roof.
Residential Alterations, Garages (residential detached), Carport, Fire Repair (residential), Storage Buildings over 200 square feet	Plan review and permit \$0.26 Minimum Fee - \$110.00	Per square foot of all floor area under roof
Swimming Pool	Plan Review and permit Residential - \$250.00 Commercial - \$350.00	

Exceptions:

(1) [NO TEXT CHANGE]

(2) [NO TEXT CHANGE]

(b) [NO TEXT CHANGE]

(c) [NO TEXT CHANGE]:

(1) [NO TEXT CHANGE]

(2) [NO TEXT CHANGE]

(3) [NO TEXT CHANGE]

SECTION 3. The Amarillo Municipal Code, Chapter 4-1, Article I, Division 2, Section 4-1-21 be and hereby is amended to read as follows:

Sec. 4-1-21. - Building permit and inspection fee schedule.

(a) Building permit fee. (i) Nonresidential: The fee for a building permit shall be calculated and payable as a fraction of the value of the project as calculated below, or the minimum fee shown, whichever is greater. The valuation shall be either the valuation stated by the applicant, or, when in the opinion of the Building Official the stated valuation appears to be significantly understated, the valuation may be calculated based on the most recent building valuation data published by the International Code Council as modified by the City. The building permit fee for a project includes the fees for the electrical, HVAC, and plumbing permits associated with that project. (ii) Residential dwelling: The terms and conditions of a permit shall be the same as stated just above for a Nonresidential building permit, except that the permit fee for a residential dwelling shall be determined by the following Residential Dwelling fee table:

Fee Type	Fee	Notes
New Single Family Dwelling, Townhome, Two-Family Dwelling (Duplex)	Plan review and permit \$0.45	Per square foot of all floor area under roof.
Residential Alterations, Garages (residential detached), Carport, Fire Repair (residential), Storage Buildings over 200 square feet	Plan review and permit \$0.26 Minimum Fee - \$110.00	Per square foot of all floor area under roof
Swimming Pool	Plan Review and permit Residential - \$250.00 Commercial - \$350.00	

(b) Building Permit Fee Schedule.

(1) All Nonresidential dwelling Projects: \$ Value x 0.0030 = Permit Fee:

Rounded to whole dollars.

(2) Minimum Permit Fees (Nonresidential and Residential dwellings):

a. [NO TEXT CHANGE]

b. [NO TEXT CHANGE]

(3) Other Permits and Inspection Fees (Nonresidential and Residential dwellings):

a. – p. [NO TEXT CHANGE]

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

SECTION 5. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby amended or repealed as may be minimally necessary to resolve and to the extent of conflict, with this ordinance.

SECTION 6. Effective Date. This ordinance shall be effective immediately as an emergency measure, per Section 1 hereof, if it receives a unanimous affirmative vote of the City Council upon First Reading. Otherwise, it shall become effective upon adoption at a Second Reading by the City Council.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading only by a unanimous vote of the City Council as an emergency measure in accordance with Amarillo City Charter, Art. V, Secs. 15 & 16, on this the 28th day of May, 2019.

Ginger Nelson, Mayor

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this
the _____ day of _____, 20____; and PASSED on Second and Final Reading
the _____ day of _____, 20_____.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan S. McWilliams, City Attorney

DRAFT

Amarillo City Council

Agenda Transmittal Memo



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Meeting Date	May 28, 2019	Council Priority	Economic Development and Redevelopment
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Department	Planning and Development Services	Contact Person	Andrew Freeman, Director of Planning and Development Services
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Agenda Caption

RESOLUTION NO. ????:

A resolution of the City of Amarillo; authorizing the City to nominate Northwest Texas Healthcare System, Inc. to the Office of the Governor Economic Development and Tourism through the Texas Economic Development Bank for designation as a qualified business and enterprise project under the Texas Enterprise Zone Program.

Agenda Item Summary

The Texas Enterprise Zone (EZ) program is an economic development tool for local communities to collaborate with the State of Texas to encourage job creation/retention and capital investment in economically distressed areas of the State. To participate in the program, a municipality must approve an ordinance authorizing participation in the Texas Enterprise Zone Program, establishing local incentives offered to businesses seeking enterprise project designation, and nominate a qualified business for enterprise project status. Subsequent project nominations may be considered by resolution, if the local incentives offered are the same as outlined in the original ordinance.

Northwest Texas Healthcare System, Inc. ("NWTHS") is requesting nomination from the City for an Enterprise Zone Project. Over the next 5 years, NWTHS plans to invest approximately \$50 million. Of this investment, approximately 25% consists of equipment purchases (e.g., imaging and diagnostic equipment, life-support and other critical care devices), while approximately 75% is related to: infrastructure improvements (e.g., improvements to patient, caregiver and public spaces), real property improvements (e.g., direct building improvements to the hospital related to modernization and improvement of patient care), and augmentation of current departments. These investments will allow NWTHS to improve and successfully sustain operations to improve the quality of life and care for those in the Amarillo and panhandle communities. NWTHS will also retain 500 jobs related to this project.

This project as proposed will meet all criteria for Enterprise Project consideration. Similar to previous EZ designations provided by the city for Bell, BSA, and NWTHS this project would be for incentives provided by the State. There are no local incentives being sought. By receiving a nomination and considered for approval by the State, NWTHS would be eligible to receive state sales and use tax refunds on qualified expenditures with caps based on the level of capital investment made and jobs created/retained.

Requested Action

Approve as presented

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval as presented

RESOLUTION NO. 05-28-2019-_____

A RESOLUTION OF THE CITY OF AMARILLO; AUTHORIZING THE CITY OF AMARILLO TO NOMINATE NORTHWEST TEXAS HEALTHCARE SYSTEM, INC. TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT AND TOURISM ("OOGEDT") THROUGH THE ECONOMIC DEVELOPMENT BANK ("BANK") FOR DESIGNATION AS A QUALIFIED BUSINESS AND ENTERPRISE PROJECT ("PROJECT") UNDER THE TEXAS ENTERPRISE ZONE PROGRAM UNDER THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303, TEXAS GOVERNMENT CODE ("ACT").

WHEREAS, the City of Amarillo, Texas ("City") on February 28, 2006, passed Ordinance No. 6915 electing to participate in the Texas Enterprise Zone Program, and the local incentives offered under this resolution are the same on this date as were outlined in Ordinance No. 6915;

WHEREAS, the Office of the Governor Economic Development and Tourism ("OOGEDT") through the Economic Development Bank ("Bank") will consider the project proposed by Northwest Texas Healthcare System, Inc. as an enterprise project pursuant to a nomination and an application made by the City;

WHEREAS, the City desires to pursue the creation of the proper economic and social environment in order to induce the investment of private resources in productive business enterprises located in the City and to provide employment to residents of enterprise zones and to other economically disadvantaged individuals;

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Texas Enterprise Zone Act, Texas Government Code (the "Act"), Northwest Texas Healthcare System, Inc. has applied to the City for designation as an enterprise project;

WHEREAS, the City finds that Northwest Texas Healthcare System, Inc. meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

1. Northwest Texas Healthcare System, Inc. is a "qualified business" under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body's jurisdiction located outside of an enterprise zone and at least thirty-five percent (35.0%) of the business' new employees will be residents of an enterprise zone or economically disadvantaged individuals; and
2. There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities within the area; and
3. The designation of Northwest Texas Healthcare System, Inc. as an enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

WHEREAS, the City finds that Northwest Texas Healthcare System, Inc. meets the criteria for tax relief and other incentives adopted by the City and nominates Northwest Texas Healthcare System, Inc. as an enterprise project on the grounds that it will be located at the qualified business site and will create a higher level of employment, economic activity and stability; and

WHEREAS, the City finds that it is in the best interest of the City to nominate Northwest Texas Healthcare System, Inc. as an enterprise project pursuant to the Act;

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

SECTION 1. The findings of the City Council herein were made and, the approval of this resolution occurred in a regular posted public meeting of the Council.

SECTION 2. Northwest Texas Healthcare System, Inc. is a “qualified business,” as defined in Section 2303.402 of the Act, and meets the criteria for designation as an enterprise project, as set forth in Section 2303, Subchapter F of the Act.

SECTION 3. The enterprise project shall take effect on the date of designation of the enterprise project by the agency and terminate five years from that date.

SECTION 4. Should any part of this resolution be found to be invalid by a court or agency of competent jurisdiction, then such invalid part is declared void, but such invalidity shall not affect any other part or provision of this Resolution.

SECTION 5. In the event this Resolution conflicts with any prior resolution pertaining to the specific subject matter as this Resolution, then such prior resolution is repealed to the extent of the conflict.

SECTION 6. This Resolution is immediately effective upon passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on this the 28th day of May 2019.

THE CITY OF AMARILLO

Ginger Nelson, Mayor, City of Amarillo

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

City Attorney's Office

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	May 28, 2019	Council Priority	Transportation, Drainage, Utilities
Department	Capital Projects & Development Engineering - 1415		
Contact	Matt Thomas		

Agenda Caption

CONSIDER – Agreement for Professional Services Contract Project #462007, - Design and Construction Phase Services for Arden Road Arterial Section, Storm Sewer, and Water Main from Soncy to Helium. Geospatial Data Inc. - \$529,750.00

Agenda Item Summary

This item is to consider an engineering design contract. The scope of work is for the design of Arden Road from Soncy Road to Helium Road including the design of Phase II of the storm sewer system for Arden Road and for the design of the water main from the existing 20" main to Helium Road. This contract includes construction phase services.

Requested Action

Consider approval of the proposed contract for execution by the City Manager.

Funding Summary

Funding for this project has been made available in the Project Budget Number 462007.17400.2130. The funding for this project was identified in the FY 16/17-20/21 CIP and are funded through the Proposition 1 Bond.

Community Engagement Summary

This is a recommendation for a design contract which will have a minimal impact on the community. The construction of this project following design will have an impact on the community and the design engineer will be involved in working with neighboring landowners during design and construction.

Staff Recommendation

Staff recommends approval of the contract with Geospatial Data Inc.

Bid No. 6483 DESIGN OF ARDEN ROAD, STORM SEWER PHASE II & WATER MAIN
Opened 4:00 p.m. May 17, 2019

To be awarded as one lot		GEOSPATIAL DATA INC
Line 1 Design and Construction Phase		
Services, per specifications		
1 ls	Unit Price	\$529,750.000
	Extended Price	529,750.00
Bid Total		529,750.00
Award by Vendor		529,750.00

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	May 28, 2019	Council Priority	Transportation
Department	Capital Projects & Development Engineering		
Contact	Matthew Thomas		

Agenda Caption

CONSIDER APPROVAL – RFQ 03-19/Project #462060 – Professional Services Agreement – Construction Services Manager. FY 16/17 – FY 20/21 Community Investment Program, Proposition 1
Parkhill, Smith & Cooper, Inc. - \$189,349.00

Agenda Item Summary

This item is to consider approval of a professional services agreement for the construction phase management services of the Streets Northwest Quadrant Seal Coat project. The construction project was previously awarded during the May 14th, 2019 City Council Meeting.

Requested Action

Consider approval of a professional services agreement with Parkhill, Smith & Cooper, Inc. for execution by the City Manager.

Funding Summary

Funding for professional services was identified separately from the construction funding in the FY 16/17 – FY 20/21 Community Investment Program Budget. The professional services and construction are funded from the Proposition 1 Bonds. Funding will be available in the Project Budget Number 462060.17400.2130.

Community Engagement Summary

The work associated with this agreement will have minimal public impact. However, the community engagement process will be an integral part of this project as it moves to the construction phase.

Staff Recommendation

City Staff is recommending approval of the agreement.

AGREEMENT FOR PROFESSIONAL SERVICES

This Agreement is made between the City of Amarillo, a municipal corporation located in Potter and Randall Counties, Texas ("OWNER") and Parkhill, Smith & Cooper, Inc. ("CONSULTANT").

OWNER hereby engages CONSULTANT to perform the following professional services: construction services and delivery phase project management in connection with Job #462060 Streets NW Quadrant Seal Coat (the "Services").

The Services are more particularly set forth in Exhibit A (the "Scope of Work") and by this reference made a part of the Agreement. CONSULTANT accepts this engagement on the terms and conditions hereinafter set forth. In the event of any conflict between the Scope of Work and this Agreement, the terms of this Agreement will govern.

I.

CONSULTANT agrees to accept as payment for the completion of the Services a maximum fee, inclusive of expenses, of \$189,349.00, as shown in Exhibit B to this Agreement and by this reference made a part of the Agreement. Additional services outside the Scope of Work will require prior written approval by OWNER.

II.

CONSULTANT will submit monthly billings to OWNER for payment. CONSULTANT'S billings will be in writing and of sufficient detail to fully identify the work performed to date of billing. No invoices detailing services performed outside the Scope of Work will be paid without corresponding proof of prior written authorization by the OWNER. Payments will be made by OWNER within 30 days of receipt of billing. Interest on payments over 30 days past due shall accrue at the rate provided by law.

III.

CONSULTANT will confer with representatives of OWNER to take such steps as necessary to keep the Services on schedule. OWNER'S representative for purposes of this Agreement shall be Matthew Thomas, City Engineer, or his designee. CONSULTANT will begin work on the Services within five days after receipt of written notification to proceed from OWNER and shall complete the Services in a timely manner.

IV.

CONSULTANT agrees that all products, including but not limited to all reports, documents, materials, data, drawings, information, techniques, procedures, and results of the work ("Work Product") arising out of or resulting from the particular and defined Services, will be the sole and exclusive property of OWNER and are deemed "Works Made for Hire". CONSULTANT agrees to and does hereby assign the same to OWNER. CONSULTANT will enter into any and all necessary documents to effect such assignment to OWNER. CONSULTANT is entitled to maintain copies of all Work Product that is produced or used in the execution of this Agreement. It is understood that CONSULTANT does not represent that such Work Product is suitable for use by OWNER on any other projects or for any purposes other than those stated in this Agreement. Reuse of the Work Product by OWNER without the CONSULTANT'S specific written authorization, verification, and adaption will be at OWNER'S risk and without any liability on behalf of CONSULTANT.

V.

CONSULTANT agrees neither it nor its employees or subcontractors or agents will, during or after the term of this Agreement, disclose proprietary or confidential information of OWNER unless required to do so by court order or similar valid legal means. Such proprietary and confidential information received by CONSULTANT or its employees and agents shall be used by CONSULTANT or its employees and agents solely and exclusively in connection with the performance of the Services.

VI.

CONSULTANT agrees that OWNER or its duly authorized representatives will, until the expiration of four years after final payment under this Agreement, have access to and the right to examine, audit, and copy pertinent books, documents, papers, invoices and records of CONSULTANT involving transactions related to this Agreement, which books, documents, papers, invoices and records CONSULTANT agrees to maintain for said time period.

VII.

Any and all taxes assessed by any government body upon services or materials used in the performance of this Agreement shall be the responsibility of CONSULTANT.

VIII.

CONSULTANT shall furnish at CONSULTANT'S own expense, all materials, supplies and equipment necessary to carry out the terms of this Agreement.

IX.

If CONSULTANT is requested in writing by OWNER to provide any services outside of the Scope of Work, CONSULTANT and OWNER will agree in writing as to the nature of such services and to a price for such services before any work is started.

X.

CONSULTANT AGREES TO INDEMNIFY AND HOLD HARMLESS OWNER AND ITS OFFICERS, EMPLOYEES, AGENTS, SUCCESSORS, AND ASSIGNS FROM AND AGAINST LIABILITY FOR DAMAGE TO THE EXTENT THAT THE DAMAGE IS CAUSED BY OR RESULTS FROM AN ACT OF NEGLIGENCE, INTENTIONAL TORT, INTELLECTUAL PROPERTY INFRINGEMENT, OR FAILURE TO PAY A SUBCONTRACTOR OR SUPPLIER COMMITTED BY THE CONSULTANT OR THE CONSULTANT'S AGENT, CONSULTANT UNDER CONTRACT, OR ANOTHER ENTITY OVER WHICH CONSULTANT EXERCISED CONTROL. CONSULTANT SHALL BE RESPONSIBLE FOR PERFORMING THE SERVICES IN A SAFE AND PROFESSIONAL MANNER AND SHALL BE LIABLE FOR CONSULTANT'S NEGLIGENCE AND THAT OF CONSULTANT'S EMPLOYEES, CONTRACTORS, AND AGENTS.

XI.

CONSULTANT will provide insurance coverage in accordance with OWNER'S insurance requirements as set forth in the "Certificate of Insurance Requirements" attached to this Agreement as Exhibit C and by reference made a part hereof. If the required insurance is terminated, altered, or changed in a manner not acceptable to OWNER, this Agreement may be terminated by OWNER, without penalty, on written notice to CONSULTANT. In addition, CONSULTANT will provide Professional Liability Insurance in the amount of \$1,000,000.00 per claim.

XII.

CONSULTANT shall at all times observe and comply with all applicable laws, ordinances, and regulations of the state, federal, and local governments which are in effect at the time of the performance of this Agreement.

XIII.

Either party shall have the right to terminate this Agreement by giving the non-terminating party seven days prior written notice. Upon receipt of notice of termination, CONSULTANT will cease any further work under this Agreement and OWNER will only pay for work performed prior to the termination date set forth in the notice. All finished and unfinished Work Product prepared by CONSULTANT pursuant to this Agreement will be the property of OWNER.

XIV.

In the event OWNER finds that any of the Work Product produced by CONSULTANT under this Agreement does not conform to the Scope of Work, then CONSULTANT will be given ten days after written notice of the nonconformity to make any and all corrections to remedy the non-conformance. If after these ten days CONSULTANT has failed to make the non-conforming Work Product conform to the specifications, OWNER may terminate this Agreement and will only owe for work done prior to termination and accepted by OWNER. All finished or unfinished Work Product prepared by CONSULTANT pursuant to this Agreement will be the property of OWNER.

XV.

Neither party shall be responsible for failure to fulfill its obligations hereunder or liable for damages resulting from delay in performance as a result of war, fire, strike, riot or insurrection, natural disaster, delay of carriers, governmental order or regulation, complete or partial shutdown of plant, unavailability of equipment or software from suppliers, default of a subcontractor or vendor to the party if such default arises out of causes beyond the reasonable control of such subcontractor or vendor, the acts or omissions of the other party, or its officers, directors, employees, agents, contractors, or elected officials, or other occurrences beyond the party's reasonable control ("Excusable Delay" hereunder). In the event of such Excusable Delay, performance shall be extended as agreed to in writing by the parties.

XVI.

CONSULTANT'S address for notice under this Agreement is as follows:

Parkhill, Smith & Cooper, Inc.
Attention: Mike Ramirez, P.E.
4222 85th Street
Lubbock, Texas 79423
Telephone: (806) 473-2200
Fax: (806) 473-3500
Email: mramirez@team-psc.com

OWNER'S address for notice under this Agreement is as follows:

Attention: Matthew Thomas, P.E.
City Engineer
808 S. Buchanan Street
Amarillo, Texas 79105-1971
Telephone: (806) 378-4227
Fax: (806) 378-5263
Email: matthew.thomas@amarillo.gov

CMW 5.10.19

Any notice given pursuant to this Agreement shall be effective as of the date of receipt by registered or certified mail or the date of sending by fax e-mail, when sent to the address or number stated in this Agreement.

XVII.

All obligations of OWNER are expressly contingent upon appropriation by the Amarillo City Council of sufficient, reasonably available funds.

XVIII.

CONSULTANT shall provide experienced and qualified personnel to carry out the Services and shall be responsible for and in full control of the work of such personnel. CONSULTANT agrees to perform the Services hereunder as an independent contractor and in no event shall the employees or agents of CONSULTANT be deemed employees of OWNER. CONSULTANT shall be free to contract for similar services to be performed for others while CONSULTANT is under Agreement with OWNER.

XIX.

CONSULTANT will perform the Services with the professional skill and care ordinarily provided by consulting professionals practicing in the same or similar locality and under the same or similar circumstances and professional license and as expeditiously as is prudent considering the ordinary professional skill and care of consulting professionals.

XX.

CONSULTANT agrees not to discriminate by reason of age, race, religion, sex, color, national origin or condition of disability in the performance of the Services. CONSULTANT further agrees to comply with the Equal Opportunity Clause as set forth in Executive Order 11246 as amended and to comply with the provisions contained in the Americans With Disability Act, as amended.

XXI.

No modifications to this Agreement shall be enforceable unless agreed to in writing by both parties.

XXII.

OWNER and CONSULTANT hereby each binds itself, its successors, legal representatives, and assigns to the other party to this Agreement, and to the successors, legal representatives, and assigns of such party in respect to all covenants of this Agreement. Neither OWNER nor CONSULTANT will be obligated or liable to any third party as a result of this Agreement.

XXIII.

CONSULTANT will not assign, sublet, or transfer interest in this Agreement without the prior written consent of OWNER. OWNER will not assign, sublet, or transfer interest in this Agreement without the prior written consent of CONSULTANT.

XXIV.

This Agreement is entered into and is to be performed in the State of Texas. OWNER and CONSULTANT agree that the law of the State of Texas shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interpretation of this Agreement. All litigation arising out of this Agreement shall be brought in courts sitting in Texas with a venue in Potter County.

XXV.

In no event shall the making by OWNER of any payment to CONSULTANT constitute or be construed as a waiver by OWNER of any breach of the Agreement, or any default which may then exist, nor

CMW 5.10.19

shall it in any way impair or prejudice any right or remedy available to OWNER in respect to such breach or default.

XXVI.

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

IN WITNESS WHEREOF, the parties have made and executed this Agreement as of the day, month and year shown below to be effective as of the date that the last of the parties signs.

ATTEST:

CITY OF AMARILLO
(OWNER)

Frances Hibbs, City Secretary

By: _____
Jared Miller, City Manager

Date: _____

PARKHILL, SMITH, & COOPER, INC.
(CONSULTANT)

By: _____

Printed Name: Michael Ramirez

Title: Principal

Date: 5/12/19

EXHIBIT A
PROFESSIONAL SERVICES FOR
CONSTRUCTION SERVICES & DELIVERY PHASE
PROJECT MANAGEMENT
SCOPE OF WORK

Project Description

The following scope of work clarifies and describes the work and associated project tasks to be performed and completed by PSC. Work under this "EXHIBIT A" includes PSC Construction Services and Delivery Phase Project Management.

The general scope of services for this project is to provide construction management and RPR services for the City of Amarillo's Northwest Quadrant seal coat program. Upon receipt of notice to proceed, the CONSULTANT will begin services as outlined herein. The scope of work includes Construction Management (CM) and a daily Resident Project Representative (RPR) for the detailed drawings set and front-end documents and technical specifications provided by the City.

The scope of work is separated into the following tasks:

- Task 100 Construction Phase Services
- Task 200 Resident Project Representative
- Task 300 Additional Services

Listed below is a more specific description of work to be performed as part of the project.

Task 100 Construction Services

The Construction Phase Services will include these tasks listed below.

- Deliverables: Evaluation of Bidders
Answer Bidder Questions
Addenda (if necessary)
Constructability Review
Street Assessments and Quantity Takeoffs
- Meetings: Contractor Evaluation and Quantity Takeoff Meeting

Specific tasks to be performed for the Bidding Phase are listed below.

Task 100 Construction Phase Services

The Construction Phase Services will include those tasks necessary to represent the OWNER during the project construction. Key aspects of Task 100 are listed below.

- Deliverables: Construction meeting minutes

Contractor Payment Applications
Submittal responses
Request for Information responses
Change Order recommendations, if required
Field Order(s), if required

- Meetings: Pre-Construction Kickoff Meeting
Construction progress meetings
Substantial completion inspection
Final completion inspection

100.01. Construction Administration – Communication with the Owner will be highest priority, project set up, document control set up, identification of key team members and lines of communication.

100.02. Documentation – Develop document management protocols for processing and documenting shop drawings, request for information, operation and maintenance manuals, pay applications, field orders, and change orders.

100.03. Permitting – The CM will assist in the permit needed for the BNSF railroad agency for the specified work within the railroad easements.

100.04. Pre-Construction Meeting – Conduct a pre-construction kick-off meeting with the Contractor and OWNER to review the key construction processes outlined in Contract Documents. Establish lines of communication and protocols, identify critical path of schedule, provide Conformed to Bid Documents to Contractor, and issuing Notice to Proceed with executed Contracts to Contractor. The CONSULTANT will also attend the public education meeting to be held on the same day as the pre-construction meeting.

100.05. Submittal Management – The CONSULTANT will log-in, track, and distribute submittals internally and provide review comments to Contractor and OWNER.

100.06. Request for Information, Field Orders, Change Orders – **RFIs**; The CONSULTANT will review and respond to all RFIs, as necessary, submitted by the Contractor. The CONSULTANT will coordinate with the OWNER on RFIs that requires information from the OWNER. Draft responses will be submitted to the OWNER for review and comment prior to submitting to the Contractor. **(FOs)**; – The CONSULTANT will provide direction to the Contractor, as necessary, for modifications to the Bid Documents through FO to complete the Scope of Work identified herein. FO are used to address unforeseen issues. FO will be submitted to the OWNER for review and comment before submitting to the Contractor. **(COs)** – The CONSULTANT will review and provide recommendation to the OWNER on all Change Order requests received by the Contractor. The CONSULTANT will work with the OWNER to properly facilitate CO requests when appropriate.

100.07. Site Visits – The CONSULTANT will make periodic visits, estimate of three (3), to the project site to observe the progress and quality of the various aspects of the Contractor's work. To provide oversight for the delivery, storage, and protection of materials.

100.08. Construction Progress Meetings – The CONSULTANT will attend monthly construction progress meeting with OWNER and Contractor. An estimate of three (3) construction meetings are included, with one or two persons from the CONSULTANT's project team attending.

100.09. Review Project Schedule – The CONSULTANT will monitor the overall progress of services including tracking the scope, schedule and budget regularly. The CONSULTANT will review the Contractor's execution plan and provide comments. The plan will be measured against the Contractors actual progress results.

100.10. Review Construction Reports – Conduct a review of Reports complete by the RPR in the field and submitted by the Contractor. The CM will report to the Owner any work that is unsatisfactory, defective, or does not conform to the Contract Documents.

100.11. Payment Application Process – The CONSULTANT will review all Contractor Payment Requests for accuracy and provide an approved copy for the Owners signature and release. The CM will recommend retainage, release, and coordinate with the Owner/Contractor the collection of all Closeout Documents.

100.12. Document Control – Conclude and file all pertinent documents into document control software for all parties to view. Develop a project status report highlighting key issues; identifying potential changes to the scope of work; invoice status; active submittal(s) and log; active RFI(s) status and log; CMR status and log; list of outstanding issues; decision log; and action item log. The Consultant will assist the Owner in acceptance and transition to operations. The CONSULTANT will also maintain a testing log and provide access for the City through the document control software.

100.13. Substantial Completion Inspection – The CONSULTANT will participate in substantial completion inspection and provided list of noted items not in compliance with Construction Documents.

100.14. Final Completion Inspection – The CONSULTANT will participate in final completion inspection and provided list of noted items not in compliance with Construction Documents.

100.15. Warranty Work – The Consultant will coordinate the Contractors warranty work as required during the warranty period, as stated below the RPR will conduct a final inspection as well as quarterly inspections.

Task 200. – Resident Project Representative

200.01. Observation and Inspection of Contractors Work – The Consultant will provide all manpower and materials to provide daily observation of the work. Quality of contractor's workmanship will be inspected and reported with any issues or actions.

200.02. Communication with OWNER/Contractor/CM – To serve as Owners liaison with Contractor. Advise the Owner and Contractor of the commencement of any portion of the work that does not meet the standards on the Contract Documents. Observe and report on testing that is required by contract.

200.03. Daily Construction Logs – RPR will compose daily logs of the progress of the construction and submit to the OWNER at the project completion.

200.04. Daily Photos – RPR will take daily digital photos of the progress of the construction and submit to the OWNER at the project completion.

200.05. Quantity Logs and Documenting – The RPR will provide daily reports of quantities installed for inclusion in monthly pay applications. The RPR will initially review Contractors Payment Requests. The RPR will also maintain a clean set of record drawings that will be submitted to the City at the end of the project. This scope does not include any CAD support for generating new record drawings.

200.06. Weather Reports – Observe and report in daily reports. Annotate any weather days and extent of time lost due to weather.

200.07. Material Reports – Obtain by Contractor, review to meet specifications, file.

200.08. Quarterly Inspections – The RPR will initially attend the final inspection. RPR will also perform quarterly inspections of the seal coat material placed in this project for deficiencies and proper contractor quality workmanship.

Task 300 – Additional Services

300.01. Traffic Control – The CONSULTANT will provide a phasing plan and traffic control plan to coordinate street closures prior starting construction.

300.02. Public Communication – The CONSULTANT will assist the City in providing public communication via printed press and social media. The scope of work includes developing a social media material for the City's current social media program. Material will be submitted two times per week to provide information of work zones, street closures, construction photos and progress of the project. This will be an ongoing task throughout the project.

Time Period for Performance

Time periods for performance of the CONSULTANT's services is expected to run through mid-September followed by quarterly reports until the one-year warranty has expired.

Method of Payment

The OWNER shall compensate CONSULTANT on a lump sum basis for all items in Task 100 and on a hourly with a maximum for Task 200 and 300.

Invoices shall be submitted monthly by the CONSULTANT, in a format acceptable to the OWNER, based upon the percentage of work completed to date. The CONSULTANT shall not exceed the stated fee amount without written approval from the OWNER. The CONSULTANT shall seek written approval for any work outside of the stated scope of work herein before performing said work.

EXHIBIT B

PSC PROFESSIONAL SERVICES FOR

CONSTRUCTION SERVICES & DELIVERY PHASE

PROJECT MANAGEMENT

FEE BREAKDOWN

Task 100:	Construction Phase Services	
	Lump Sum	\$38,336.00
Task 200:	Resident Project Representative	
	Hourly with a NTE	\$138,191.00
Task 300:	Additional Services	
	Hourly with a NTE	\$12,822.00
Total Contract Amount		\$189,349.00

Exhibit C

CERTIFICATE OF INSURANCE REQUIREMENTS
CITY OF AMARILLO, TEXAS

Without limiting any of the other obligations or liabilities of the contractor, the contractor shall provide minimum insurance coverage as listed below, prior to the execution of the contract and maintain coverage, without interruption provided by an insurer of a Best Rating of B+ or better, until the work is completed and accepted by the City. A certification of insurance will be placed on file with the Contracting Department of the City of Amarillo, prior to the execution of the contract.

TYPE OF COVERAGE	MINIMUM LIMITS
WORKER'S COMPENSATION - Coverage A	Statutory

NOTES:
Worker's Compensation Insurance shall include a
Waiver of Subrogation in favor of the City of Amarillo

EMPLOYERS LIABILITY - Coverage B	
Bodily Injury by Accident - each accident	\$100,000
Bodily Injury by Disease - policy limit	\$500,000
Bodily Injury by Disease - each employee	\$100,000

COMMERCIAL GENERAL LIABILITY:	
Coverage A - Each Occurrence	\$500,000
Coverage B - Personal & Advertising Injury	\$500,000
General Aggregate Other Than Products/Completed Operations	\$500,000
Products/Completed Operations Aggregate	\$500,000

- NOTE:
- 1) Coverage for explosion, collapse, and underground property hazards cannot be excluded.
 - 2) Contractual liability coverage cannot be excluded.
 - 3) Contractor will assume all liability for independent subcontractors.
 - 4) Coverage must include the CITY of Amarillo as an Additional Insured for all work performed for or on behalf of the CITY.

AUTOMOBILE LIABILITY:	
Bodily Injury Liability - Each Person	\$250,000
Bodily Injury Liability - Each Occurrence	\$500,000
Property Damage Liability - Each Occurrence	\$100,000

- NOTE:
- 1) Coverage must include all owned, hired, and non-owned vehicles.
 - 2) Coverage must include the City of Amarillo as an Additional Insured for all work performed for or on behalf of the City.