

AGENDA
**FOR A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE
HELD ON TUESDAY, APRIL 9, 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: Van McNeece, Hillside Christian Church

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. Reports and updates from City Councilmembers serving on outside Boards:
Amarillo Local Government Corporation (04/03)
 - C. Update on Mayor's Summit;
 - D. Update on Opening Day at Hodgetown;
 - E. Update from Canadian River Municipal Water Authority; and
 - F. 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. **MINUTES:**
Approval of the City Council minutes for the meeting held on April 2, 2019.
- B. **ORDINANCE NO. 7778:**
(Contact: Cris Valverde - Assistant Director of Planning and Development Services)
This item conducts the second and final reading of an ordinance considering the rezoning of the South 70ft. of Lot 5, JW Cartwrights First Subdivision of Block 239, Plemons Addition plus a 10ft. by 140ft. strip of vacated right-of-way South of said Lot, all in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 96B to Amended Planned Development for the expansion to existing business operations. (Vicinity: Tyler Street and Interstate-40; Applicant: Hope and Healing Place, Inc.)
- C. **ORDINANCE NO. 7782:**
(Contact: Andrew Freeman, Director of Planning and Development Services)
This item conducts the second and final reading of an ordinance establishing a permit system for use of golf carts to transport passengers among certain downtown facilities and venues.

This item authorizes the use of appropriately equipped golf carts to transport passengers between certain downtown establishments, parking facilities and entertainment venues. Please see the ordinance for all details, but note the following items of interest:

- It requires \$1 million liability insurance per cart.
- It specifies duties of both the Owners and Operators of the carts.
- It prohibits driving along Buchanan, Pierce, Fillmore, and Taylor Streets, but allows the carts to cross Buchanan at street intersections.
- It initially establishes an administrative fee of \$20 per cart for a permit.
- It provides a sunset clause of December 31, 2019. This is in anticipation that, between now and then, this registration/permit approach will be replaced with a franchised sole provider of such service, based upon an RFP and franchise ordinance, both to be brought forward by separate action, later this year.

D. **CONSIDERATION TO PURCHASE SIX (6) POLICE RATED POLICE MOTORCYCLES:**

(Contact: Glenn Lavender, Fleet Services Superintendent)

Award to best evaluated vendor: Tripp's Harley Davidson Sales -- \$95,970.00

This item approves the 2018/2019 Budget Scheduled Replacements FOR Units 8330 thru 8335. These vehicles will be used by the Police Department for daily operational requirements.

3. **NON-CONSENT ITEMS:**

A. **CONSIDER A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT TO PURCHASE TRANSIT BUSES THROUGH A CONTRACT OBTAINED BY THE DENTON COUNTY TRANSPORTATION AUTHORITY:**

(Contact: Marita Wellage-Reiley, Transit Director)

This item is a resolution authorizing an Interlocal Agreement between the City of Amarillo and Denton County Transportation Authority (DCTA) to purchase eight 35-foot low floor clean diesel buses. Use of an Interlocal Agreement will allow the City to expedite the purchasing process through utilization of a competitively bid contract obtained by DCTA, reducing the purchasing process by approximately 6-months.

B. **DISCUSSION AND POSSIBLE APPROVAL OF THE GOVERNANCE AND ENDS POLICY**

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 5th day of April 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.

2A



STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 2nd day of April 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
HOWARD SMITH	COUNCILMEMBER NO. 4

Absent was Eddy Sauer, Councilmember Place 3. Also in attendance were the following administrative officials:

JARED MILLER	CITY MANAGER
MICHELLE BONNER	DEPUTY CITY MANAGER
MARCUS NORRIS	DEPUTY 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

James Schenck, 6216 Gainsborough Road, stated the need to broadcast public comment. He inquired if the employees at the Chamber of Commerce and Amarillo Economic Development Corporation were City employees, and if they were funded out of the City's budget. He expressed concerns about items in Propositions 1 and 2, sealcoating for streets, neighborhood upgrades, and the Warford Center. He sated the Confederate statue should remain in Ellwood Park. He stated there was only one pothole group and there were several potholes that needed attention. He stated Amarillo College uses zero based budgeting something the City should consider. Barji Yalamanchili, 62 Prestwick Lane, spoke on an upcoming City clean up and a new organization, KeepAmarilloClean.org. They kickoff would be this Saturday near Palo Duro High School and would cover one square mile. Signed up but did not appear: Rusty Tomlinson, 5700 Canyon Drive; Mike Fisher, 4410 Van Kriston Drive; Gary Prescott, 10000 Amarillo Boulevard; and Claudette Smith, 4410 Van Kriston Drive. There were no further comments.

ATTEST:

Frances Hibbs, City Secretary

Ginger Nelson, Mayor

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 2nd day of April 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
MARCUS NORRIS
STEPHANIE COGGINS
FRANCES HIBBS

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

The invocation was given by Pat Williams. Mayor Nelson led the Pledge of Allegiance.

Proclamations were presented for "Sexual Assault Awareness Month" and "Amarillo Child Abuse Prevention and Awareness Month."

Don Judd, Executive Director of Arts in the Sunset presented a recreated city flag adopted in 1941. Artist Chris Johnson recreated the flag from the descriptions found in a book and two flags were presented one for the City of Amarillo and one for the Chamber of Commerce.

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

Councilmember Eddy Sauer came in during the discussion of Item 1B at 1:30 p.m.

ITEM 1:

- A. Review agenda times for regular meeting and attachments;
- B. Reports and updates from City Councilmembers serving on outside Boards:
Convention and Visitor Board (03/27)
Environmental Task Force;
- C. Buy the Way, Keep It Local Update;
- D. Update on Utility Billing;
- E. Presentation by Executive Director Don Judd of the Arts in the Sunset;
- F. Discuss Draft Governance and Ends Policy; and
- G. 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 items, seconded by Councilmember Sauer.

- A. **MINUTES:**
Approval of the City Council minutes for the meeting held on March 26, 2019.
- B. **CONSIDER CHANGE ORDER #3: ARDEN ROAD STORM SEWER AND PLAYA #7 EXCAVATION – PHASE I:**
(Contact: Matt Thomas, City Engineer)
This item is to approve Change Order #3 to the contract for the Arden Road Storm Sewer and Playa #7 Excavation – Phase I. This proposed change

order is for additional pumping due to heavy rainfall in October 2018 totaling up to 4 inches in the area which required pumping the site for 44 days total and includes additional days on the contract.

Original Contract Amount:	\$2,418,171.41
Previous Change Orders:	\$12,799.17
Recommended Change Order:	<u>\$49,124.88</u>
Revised Contract Total:	\$2,480,095.46

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

ITEM 3A: Mayor Nelson presented the first reading of an ordinance for the rezoning of the South 70ft. of Lot 5, JW Cartwrights First Subdivision of Block 239, Plemons Addition plus a 10ft. by 140ft. strip of vacated right-of-way South of said Lot, all in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 96B to Amended Planned Development for the expansion to existing business operations. (Vicinity: Tyler St. and Interstate-40; Applicant: Hope and Healing Place, Inc.) This item was presented by Cris Valverde, Assistant Director of Planning and Development Services. Mayor Nelson opened a public hearing. There were no comments and the public hearing was closed. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that the following captioned ordinance be passed:

ORDINANCE NO. 7778

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 CLASSIFICATIONS OF SPECIFIED PROPERTY IN THE VICINITY OF INTERSTATE-FORTY AND TYLER STREET, POTTER COUNTY, TEXAS; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; 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 3B: Mayor Nelson presented the first reading of an ordinance establishing a permit system for use of golf carts to transport passengers among certain downtown facilities and venues. This item authorizes the use of appropriately equipped golf carts to transport passengers between certain downtown establishments, parking facilities and entertainment venues. This item was presented by Jared Miller, City Manager and Andrew Freeman, Director of Planning and Development Services. Mr. Freeman stated there has been some interest in transporting people from one event to another. Councilmember Hays stated she appreciated the sunset clause to allow for a trial period. Councilmember Smith inquired about golf carts on the Tascosa Country Club roads. Mr. Schniederjan replied Tascosa Country Club roads were private roads, but they were prohibited from the use of golf carts unless they include the hazard triangles, flashers, lights, etc. but on public city streets they are generally prohibited. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that the following captioned ordinance be passed:

ORDINANCE NO. 7782

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-5, TO ADD ARTICLE III TO PROVIDE AUTHORIZATION TO OPERATE GOLF CARTS ON STREETS IN DOWNTOWN CENTRAL BUSINESS DISTRICT, SETTING MINIMUM STANDARDS, RESTRICTIONS, PERMIT PROCESS, AND OFFENSES; PROVIDING CLAUSES FOR SEVERABILITY, REPEALER; PENALTY, PUBLICATION, 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 3C: Mayor Nelson stated this item conducts a public hearing to gather comments for and against annexation of approximately 329 acres in Sections 65 and 66, Block 9, BS&F Survey, Randall County, Texas. This item was presented by Cris Valverde, Assistant Director of Planning and Development Services. Mayor Nelson opened a public hearing. Curt Pohlmeier, 5101 Black Oak Drive, stated this item would provide affordable housing. There were no further comments and the public hearing was closed. Motion was made by Councilmember Powell to approve the Resolution closing the public hearings on the proposed annexation and setting the dates for the first and second readings of an Ordinance annexing the property on April 23 and April 30, 2019, seconded by Councilmember Sauer, that the following captioned resolution be passed.

RESOLUTION NO. 04-02-19-1

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF AMARILLO CLOSING THE PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY AND SETTING THE DATE FOR THE FIRST AND SECOND READINGS OF AN ORDINANCE ANNEXING SUCH PROPOSED CERTAIN PROPERTY BY THE CITY OF AMARILLO, TEXAS.

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 a resolution approving design standard modifications to the 2010 City of Amarillo Hike and Bike Trail Master Plan. Proposed modifications revise the Design Standards portion of the current Master Plan to address multi modal transportation demands on upcoming large infrastructure projects. The new design standards are proposed for projects with roadway design speeds 55 MPH and greater. The update also recommends fully updating the 2010 City of Amarillo Hike and Bike Trail Master Plan and recommends that the Amarillo Area MPO consider a Thoroughfare Master Plan that includes multi-modal considerations. The Traffic advisory Board, Parks and Recreation Board, and the Pedestrian and Bicycle Safety Advisory Committee have all reviewed the proposed modifications and recommend adoption by the City Council. This item was presented by Kyle Schniederjan, Director of Capital Projects & Development Engineering. Mayor Nelson inquired if some sections may have been missed. Mr. Schniederjan stated these types of amenities are not prohibited but there is the question on who would pay for them. He further stated having a master plan will assure the sections are all connected with the other entities plans. Mr. Miller interjected there were two plans the City's Hike & Bike Master Plan and Metropolitan Planning Organization's Thoroughfare Plan. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that the following captioned resolution be passed.

RESOLUTION NO. 04-02-19-2

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS APPROVING AND ADOPTING AN UPDATE WITH MINOR DESIGN STANDARD MODIFICATIONS TO THE 2010 CITY OF AMARILLO HIKE AND BIKE TRAIL MASTER PLAN; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; 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 3E: Mayor Nelson presented an item which considers approval of a Chapter 380 Economic Development Program Agreement between the City of Amarillo and BSA Hospital, LLC for the relocation and expansion of the Harrington Cancer Center to be located on a 5.71-acre tract on the corner of South Coulter Street and Wallace Boulevard. This item was presented by Andrew Freeman, Director of Planning and Development Services. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, 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 3F: Mayor Nelson stated this item would be placed on next week's agenda for approval after suggested minor changes. Motion was made by Councilmember Powell to table this item until next week, seconded by Councilmember Sauer
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.

Mayor Nelson advised that the meeting was adjourned.

ATTEST:

Frances Hibbs, City Secretary

Ginger Nelson, Mayor

DRAFT

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	April 9, 2019	Council Priority	Infrastructure Customer
Department	Planning and Development Services Cris Valverde - Assistant Director of Planning and Development Services		

Agenda Caption

Public hearing to consider the rezoning of the South 70ft. of Lot 5, JW Cartwrights First Subdivision of Block 239, Plemons Addition plus a 10ft. by 140ft. strip of vacated right-of-way South of said Lot, all in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 96B to Amended Planned Development for the expansion to existing business operations.

VICINITY: Tyler St. and Interstate-40

APPLICANT: Hope and Healing Place, Inc

Agenda Item Summary

Area Characteristics

Adjacent zoning consists of Multiple-Family District 2 in all directions.

Adjacent land uses consist of single-family detached homes to the north and west, an apartment complex to the east, and is bounded by Interstate-40 to the south.

Proposal

The applicant is requesting an amendment to the existing planned development in order to construct a 406 square foot multi-purpose room addition to the existing structure. Although at first glance the proposed addition may appear minor, because the site is part of an approved planned development site plan, any deviation in the approved site plan (building area, landscaping total, parking, etc) requires an amendment and must go through the rezoning process.

Analysis

Since 1978, this particular site has been utilized with various non-residential land uses which include its initial non-residential use of professional offices to its latest and current use as a non- profit counseling organization (Hope and Healing Place). In 2009, the latest planned development was approved and allowed for a 1,308 square foot addition on the lot (east of the existing building along the north property line).

With the above-described land uses considered low-impact, the site's proximity to Interstate-40, as well as being in an area that can be considered a mixed-use area, the various non-residential land uses of the site have been deemed appropriate. Additional considerations such as development standards that preserve the residential character of the area and strict control of signage have furthered the site's appropriateness for non-residential uses.

Below is a comparison of existing standards (Planned Development 96B) to those proposed by this amendment.

	<u>Existing:</u>	<u>Proposed:</u>
<u>Land use:</u>	Professional offices	Professional offices
<u>Landscaping:</u>	38 percent groundcover And 7 trees	33 percent groundcover And 7 trees
<u>Lot coverage:</u>	31 percent maximum	34 percent maximum
<u>Parking:</u>	7 spaces minimum	7 spaces minimum
<u>Building height:</u>	One-story	One-story
<u>Building material:</u>	Stucco and Masonry exterior	Stucco and Masonry exterior
<u>Building style:</u>	Residential	Residential
<u>Signage:</u>	1 non-illuminated Sign totaling 6 square feet	1 non-illuminated Sign totaling 6 square feet
<u>Hours of operation:</u>	8 a.m. to 6 p.m. Mon. thru Fri. (Thurs. meeting 6 p.m. To 8 p.m.)	8 a.m. to 6 p.m. Mon. thru Fri. (Thurs. meeting 6 p.m. To 8 p.m.)
<u>Setbacks:</u>	Front yard – 34ft. Rear yard – 2ft. – 1in. Side yard – 8in.	Front yard – 34ft. Rear yard – 2ft. – 1in. Side yard – 8in.

When comparing the existing and proposed standards, with exception of a slight increase in lot coverage and a minor decrease in overall landscaping (internal ground cover to be reduced), the proposed changes can be considered minor in nature.

With the bulk of the core development standards (land use, architectural, signage, and hours of operation) remaining in place in addition to the small size of the proposed addition and its' orientation towards Interstate-40 the Planning and Zoning Commission believes that should the request be approved, no detrimental impacts on the area would result.

Requested Action/Recommendation

Notices have been sent to property owners within 200 feet regarding this proposed rezoning. At the time of this writing, the Planning Department has not received any negative comments regarding the request.

Considering the above, the Planning and Zoning Commission is of the opinion that the applicant's request is appropriate and represents a minimal change to existing site development. Therefore, Planning and Zoning Commissioners recommend approval as presented.

ORDINANCE NO. 7778

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

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 the South 70ft. of Lot 5, JW Cartwrights First Subdivision of Block 239, Plemons Addition plus a 10ft. by 140ft. strip of vacated right-of-way South of said Lot, all in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 96B to Amended Planned Development 96C for the expansion of existing business operations.

SECTION 3. All ordinances and resolutions or parts thereof that conflict with this Ordinance are hereby repealed, to the extent of such conflict.

SECTION 4. 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 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 2nd day of April, 2019 and **PASSED** on Second and Final Reading on this the 9th day of April, 2019.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney

Amarillo City Council

Agenda Transmittal Memo



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Meeting Date	April 9, 2019	Council Priority	
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Department	Legal	Contact Person	Bryan McWilliams, City Attorney
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Agenda Caption

Discuss and Consider approval of ordinance establishing a permit system for use of golf carts to transport passengers among certain downtown facilities and venues.

Agenda Item Summary

This agenda item was prepared at the request of the City Manager. It authorizes the use of appropriately equipped golf carts to transport passengers between certain downtown establishments, parking facilities and entertainment venues. Please see the ordinance for all details, but note the following items of interest:

- It requires \$1million liability insurance per cart.
- It specifies duties of both the Owners and Operators of the carts.
- It prohibits driving along Buchanan, Pierce, Fillmore and Taylor Streets, but allows the arts to cross Buchanan at street intersections.
- It initially establishes an administrative fee of \$20 per cart for a permit.
- It provides a sunset clause of Dec. 31, 2019. This is in anticipation that, between now and then, this registration/permit approach will be replaced with a franchised sole provider of such service, based upon an RFP and franchise ordinance, both to be brought forward by separate action, later this year.

Requested Action

Approval of the draft ordinance.

Funding Summary

Provides an administrative fee of \$20, estimated to cover costs of registration and permit issuance. Unknown how many carts may be registered so no total revenue projection available for this start-up program.

Community Engagement Summary

N/A

Staff Recommendation

Approval of this ordinance as presented.

ORDINANCE NO. 7782

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 16-5, TO ADD ARTICLE III TO PROVIDE AUTHORIZATION TO OPERATE GOLF CARTS ON STREETS IN DOWNTOWN CENTRAL BUSINESS DISTRICT, SETTING MINIMUM STANDARDS, RESTRICTIONS, PERMIT PROCESS, AND OFFENSES; PROVIDING CLAUSES FOR SEVERABILITY, REPEALER, PENALTY, PUBLICATION, AND EFFECTIVE DATE.

WHEREAS, the City Council finds that traffic management will be a refreshing challenge in downtown, with the opening of the Multi-Purpose Event Venue, new restaurants, and hotels; and the continuing successful concerts, games, and other events and tenants of the Amarillo Civic Center and Globe News Center; and,

WHEREAS a home rule municipality is vested with legal authority to control vehicles upon its public streets, alleys, and other rights-of-way; and,

WHEREAS, the City Council has received information from citizens, Police Department, and Traffic Engineering Department supporting a trial program to authorize the use of golf carts for passenger transportation, to promote the widest possible usage of all available parking lots and garages throughout downtown central business district, even if not immediately adjacent to event venues; and,

WHEREAS, Texas Transportation Code, section 551.404, allows a City to enact an ordinance regulating the use of golf carts in certain areas, upon certain city streets pursuant to various restrictions; and

WHEREAS this ordinance is intended to be a pilot program and shall sunset as provided herein if it is not timely renewed, extended, or replaced.

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 an Article III to read as follows:

**CHAPTER 16-5. - CENTRAL BUSINESS DISTRICT PARKING
AND TRANSPORTATION**

* * *

Secs. 16-5-35 to 16-5-44. Reserved.

ARTICLE III. – GOLF CART TRANSPORTATION

Sec. 16-5-45. Definitions.

For the purposes of this Article, the following terms have the meaning shown.

(a) *Event Venue*, means any and all of the following facilities, jointly or separately, the

Amarillo Civic Center (Exhibit Halls, Auditorium, Arena, Plaza); Amarillo Globe News Center,

Amarillo Multi-Purpose Event Venue (Hodgetown).

(b) *Golf Cart*, means a motor vehicle designed by the manufacturer primarily for use on a golf course, with a maximum speed capability of 25 miles per hour and, has mounted on the vehicle that equipment and accessories described in Texas Transportation Code section 551.404(b) as amended.

(c) *Operator*, means the person driving a Golf Cart as authorized by this Article.

(d) *Owner*, means a person who holds legal title to a Golf Cart; has the legal right to possess a Golf Cart; or has the legal right of control of a Golf Cart.

(e) *Parking Facility(ies)*, means a parking lot or parking garage.

Sec. 16-5-46. Authorized use and territory.

(a) It is lawful for a Golf Cart with a Permit to be operated upon those public streets and alleys within the downtown central business district having a speed limit of less than 35 miles per hour, for the purpose of transporting passengers to and from Parking Facilities, Event Venues, and along streets as allowed in section (b) below. Operation of a Golf Cart as provided in this Article is a privilege and shall comply with the provisions of this Article.

(b) Within the Central Business District, the driving of Golf Carts and the loading and unloading of passengers may occur on or along any street not prohibited by this subsection. A Golf Cart shall not drive upon any of the following streets which are designated components of the state highway system: Buchanan, Fillmore, Pierce, or Taylor Streets, but a Golf Cart is allowed to safely cross such streets at intersections. Where applicable, Golf Cart operation authorized in this section may cross a road or street that has a posted speed limit of 35 miles per hour or higher only at an intersection and in compliance with any traffic control device and, in the absence or malfunction of a traffic control device, then the Golf Cart must yield to the cross traffic upon the road or street with the 35 mph or higher speed limit.

(c) This section does not apply to or authorize the use of Neighborhood Electric Vehicles as defined in Texas Transportation Code, chapter 601, or the use of any other type of vehicle that is not defined by state law as being a Golf Cart, such as but not limited to all-terrain vehicles, motorized utility carts, or other vehicles not recognized as a Golf Cart by the Texas Transportation Code.

Sec. 16-5-47. Requirements.

(a) *Vehicle*. In addition to the mandatory characteristics and equipment required to meet the definition of an authorized “Golf Cart” as defined in 16-5-45(b) and 16-5-46(b), the following equipment is also mandatory to be present upon and shall be operable and in-use on a Golf Cart when operating as authorized in section 16-5-46(a):

1. The international sign for a slow moving vehicle (reflective orange triangle with red trim) must be attached to the rear of the vehicle, so as to be fully visible to a vehicle operator approaching the Golf Cart from the rear.
2. A revolving or flashing amber or yellow beacon affixed at a height higher than the the Golf Cart, so as to be visible 360 degrees around the cart. This beacon may be roof-top mounted or pole mounted.
3. Each headlamp and tail lamp required by state law (see definition of *Golf Cart*), the beacon required by this section, and any other light must be activated and used at all times when a Golf Cart is being operated pursuant to this Article, without regard to day or night hours.
4. A strip of red, yellow, white, or combination color of reflective tape, being at least six (6) inches in length and one (1) inch or more in width, attached on the two sides of the cart, positioned at or approximate to the middle and center of each side as the vehicle as its structure reasonably allows.
5. Have a City-issued permit displayed on the front windshield.

(b) *Operator*. At all times while operating a Golf Cart as authorized by section 16-5-46 shall:

1. Be at least 18 years old.
2. Have upon his or her person a valid state driver's license issued to such operator.
3. Wear a reflective vest covering the upper torso of the driver's body which complies with the standards for a class II ANSI Safety Vest.
4. Operate the Golf Cart in full compliance with all traffic laws, traffic control devices, applicable state law, and City ordinances, including this Article.
5. Not drive, park, or stand a Golf Cart upon a public sidewalk, curb of a public street, or the lawn at any Event Venue or Parking Facility.
6. Not drive upon a street prohibited in section 16-5-46(b) except as allowed for crossing at an intersection.
7. Upon request of any peace officer, present the proof of insurance required to be in each Golf Cart.
8. Not use a Golf Cart to tow a trailer or other vehicle while transporting passengers.

(c) *Owner*:

1. Shall at all times have and keep in force motor vehicle liability insurance upon each Golf Cart being operated as authorized in section 16-5-46, which is issued by a carrier authorized to issue such insurance in Texas, with combined single limit of not less than \$1 million. Proof of current insurance in force shall be kept in each Golf Cart to be presented when requested by a peace officer.
2. Shall allow or provide only Operators who meet or exceed the requirements of subsection (b), above to operate a Golf Cart authorized by this Article.
3. Shall allow or provide Golf Carts to be used for the purposes authorized by sec. 16-5-146 which are in safe and sound mechanical condition and which meet or exceed the requirements for a Golf Cart specified in sections 16-5-45(b) and subsection (a) of this section.

Sec. 16-5-48. Permit required; process

(a) Requirement. The owner of each golf cart to be used on public streets in accordance with section 16-5-46 shall first apply for, pay the required fee, and obtain an annual City permit which must be display on the Golf Cart for which the permit is issued.

(b) Process. The Downtown Transportation Coordinator shall prescribe the application form and collect the fee and issue Golf Cart Permits that expire one year after date of issuance.

1. Applications must be signed by the Owner or agent of the Golf Cart to be registered.
2. The authorized fee that must be paid with the submission of the application is \$20 for each permit application for each Golf Cart.
3. Owner must submit proof of the insurance required by section 16-5-47(c).

(c) Refusal, Revocation, and Appeal. The Downtown Transportation Coordinator Office shall issue an annual permit upon receiving a completed application with the required payment and proof of required insurance. The Office shall refuse to issue a permit due to: incomplete or misleading information in the application; nonpayment of required fee; or, the failure or refusal to provide acceptable proof of required insurance. An issued permit may be revoked for: discovery of facts that would have been grounds for refusal of the permit; misuse of a Permit on more than the single vehicle for which it was issued; or, discovery the vehicle does not meet the definition and requirements of this Article to be a Golf Cart. An Owner may appeal a Refusal or Revocation to the City Manager or designee, who shall promptly hear and render a decision in the matter. Such decision is final.

Sec. 16-5-49 Offenses.

(a) An Operator commits an offense by:

1. Operating a Golf Cart in a place not authorized in sections 16-5-46 or 16-5-47(b) (5) or (6).
2. Operating a Golf Cart in violation of an equipment requirement stated in sections 16-5-47(a) or 16-5-45(b)
3. Operating a Golf Cart in violation of an Operator Requirement as stated in section 16-5-47(b).
4. Operating a Golf Cart on a public street in the Central Business District without displaying the required City permit per section 16-5-48.
5. Operating a Golf Cart with passengers on-board and tows another vehicle per section 16-5-47(b).

(b) An Owner commits an offense by:

1. Operating or allowing operation of a vehicle that does not contain the characteristics to meet the definition or the further requirements to be a Golf Cart in sec. 16-5-45(b) or the further requirements of sec. 16-5-47(a).
2. Operating or allowing operation of a golf cart without motor vehicle insurance required by sec.16-5-47(c), or having proof of such insurance in a Golf Cart when a peace officer asks to see it.
3. Allowing a person to operate a Golf Cart who does not meet or exceed the requirements of sec. 16-5-47(b).
4. Operating or allowing operation of a Golf Cart on a public street in the Central Business District without displaying a valid City permit, section 16-5-48.
5. Operating or allowing operation of a Golf Cart in a place prohibited by section 16-5-46(b)

(c) Prosecution, penalty upon conviction, and other procedural matters shall be as provided in sec. 1-1-5 of this Code of Ordinances or applicable state law.

Sec. 16-5-50. Sunset.

This Article is enacted as a trial program and shall expire and be automatically repealed at midnight local time on December 31, 2019, unless the City Council acts to renew, extend, amend, or replace this Article.

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. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

SECTION 5. Publishing and Effective Date. This ordinance shall be published and become effective according to law. This Ordinance is enacted as a trial program and shall expire and be automatically repealed at midnight local time, on December 31, 2019

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 2nd day of April, 2019; and PASSED on Second and Final Reading the 9th day of April, 2019.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan S. McWilliams, City Attorney



Amarillo City Council

Agenda Transmittal Memo



Meeting Date	April 9, 2019	Council Priority	Fiscal Responsibility-Best Practices Customer Service
Department	Public Works – Fleet Services Division		
Contact	Glenn Lavender, Fleet Services Superintendent		

Agenda Caption

Consider: Purchase of 6 Police Rated Police Motorcycles. Bid #6400

Award to best evaluated vendor,
Tripp’s Harley Davidson Sales **\$95,970.00**

Agenda Item Summary

Approved 18/19 Budget Scheduled Replacements, units 8330 thru 8335. Vehicles will be used by the Police Department for daily operational requirements.

Requested Action

Recommend purchase approval from Tripp’s Harley Davidson, as listed on Bid Evaluation and Recommendation Form.

Funding Summary

Funding for this purchase will be from 61120.84100 Fleet Services Auto Rolling Stock.
Total Cost \$95,970.00

Community Engagement Summary

Competitive bids sent to local / state wide vendors.

Staff Recommendation

Staff recommends Approval purchase of replacement vehicles. This bid was a Competitive bid sent out to 9 vendors.

Bid No. 6400 POLICE MOTORCYCLES FOR THE CITY OF AMARILLO
Opened 4:00 p.m. March 21, 2019

To be awarded as one lot TRIPP'S HARLEY DAVIDSON MAVERICK HARLEY DAVIDSON

Line 1 Motorcycles-Police Pursuit Rated,
per specifications

6 ea			
Unit Price	\$15,995.000	\$16,711.000	
Extended Price	95,970.00		100,266.00
Bid Total	95,970.00		100,266.00
Award by Vendor	95,970.00		



Amarillo City Council

Agenda Transmittal Memo



Meeting Date	April 9, 2019	Council Priority	Transportation Systems
Department	Amarillo City Transit (ACT)		
Contact	Marita Wellage-Reiley, Transit Director		

Agenda Caption

CONSIDER A RESOLUTION AUTHORIZING AN INTERLOCAL AGREEMENT TO PURCHASE TRANSIT BUSES THROUGH A CONTRACT OBTAINED BY THE DENTON COUNTY TRANSPORTATION AUTHORITY

Agenda Item Summary

This item is a resolution authorizing an Interlocal Agreement between the City of Amarillo and Denton County Transportation Authority (DCTA) to purchase eight 35-foot low floor clean diesel buses. Use of an Interlocal Agreement will allow the City to expedite the purchasing process through utilization of a competitively bid contract obtained by DCTA, reducing the purchasing process by approximately 6-months.

Requested Action

The Amarillo City Council has previously authorized Amarillo City Transit (ACT) to apply for and receive funding from the U.S. Department of Transportation and the Texas Department of Transportation (TxDOT) for the purpose of purchasing new fixed route buses. Use of an Interlocal Agreement will allow the City to expedite the purchasing process through utilization of a competitively bid contract obtained by DCTA, reducing the purchasing process by approximately 6-months.

Request approval of a resolution authorizing the City Manager to sign an agreement with the DCTA to allow ACT to purchase new buses from a competitively procured contract with a bus manufacturer offering a desirably designed and equipped vehicle.

Funding Summary

Funding for the project is provided through Federal and State grant programs and previously approved local capital funding.

Community Engagement Summary

ACT has engaged the public as part of the Master Planning Process and continues to conduct outreach with each new initiative.

Staff Recommendation

Staff recommends approval of the resolution authorizing the City Manager to sign an agreement with the DCTA to purchase new buses from a competitively bid contract.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS: AUTHORIZING PURCHASE OF BUSES THROUGH A CONTRACT OBTAINED BY THE DENTON COUNTY TRANSPORTATION AUTHORITY; AUTHORIZING CITY MANAGER TO SIGN INTERLOCAL GOVERNMENTAL AGREEMENT; PROVIDING REPEALER CLAUSE, SAVINGS CLAUSE, AND EFFECTIVE DATE.

WHEREAS, the City of Amarillo has obtained grant funding for the purchase of eight (8) public transit buses; and,

WHEREAS, the City has the opportunity to expedite the purchase of such buses by “piggybacking” on a competitively bid commodity contract obtained by the Denton County Transportation Authority for the same type of buses desired by the City; and,

WHEREAS, state law allows local governmental entities to cooperate with one another in allowing one to make purchases upon competitively procured contracts of other entities;

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

SECTION 1. That the attached Interlocal Governmental Agreement between the City of Amarillo and Denton County Transportation Authority (DCTA) is hereby approved and the City Manager is authorized to execute it and any other ancillary papers on behalf of the City of Amarillo;

SECTION 2. That the City manager and designees are further authorized to enter a subcontract with the vendor who was competitively selected by DCTA and, to take all reasonable and necessary steps to acquire the specified buses, and to perform all grant assurance activities necessary to secure the grant funding for the transaction.

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

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

SECTION 5. This resolution shall be effective up adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas on the 9th day of April, 2019.

Ginger Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Frances Hibbs, City Secretary

Bryan S. McWilliams, City Attorney

03/26/19 _____

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF AMARILLO, TEXAS
AND DENTON COUNTY TRANSPORTATION AUTHORITY
(for Bus Purchase)**

This Agreement is made between the City of Amarillo, Texas (hereafter, "AMARILLO") and Denton County Transportation Authority (hereafter, "DCTA"). Pursuant to the authority granted by the "Texas Interlocal Cooperation Act," Chapter 791, Texas Government Code, as amended, providing for the cooperation between local governmental bodies, the parties hereto, in consideration of the premises and mutual promises contained herein, agree as follows:

1. Entity and Authority. Each party is a local government within the State of Texas. The governing body of each entity has approved this agreement in a public meeting and, has authorized its signatory to execute this agreement and thereby legally obligate each party.

2. Public Benefit & Purpose. The respective governing body of each party finds that: the subject of this Agreement is necessary for the benefit of the public; and, that each party has the legal authority to perform and to provide the governmental function, service, or transaction which is the subject matter of this Agreement; and, that the division of cost fairly compensates the performing party for the services performed under this Agreement.

3. Current revenues. Any party hereto which is required to make a payment shall do so from current revenues legally available to the party.

4. City Obligation. AMARILLO desires to purchase from DCTA eight (8) buses upon a cooperative purchase arrangement on a contract procured by DCTA for such vehicles, and to timely pay for such buses, as further specified in Exhibit A.

5. County Obligation. DCTA hereby (a) accepts the duties, terms, conditions, limitations, procedures, fees, and scope of services stated in Exhibit A and, (b) agrees to allow and facilitate the purchase of buses by AMARILLO upon a DCTA contract for the specified commodity, for which DCTA has sought bids or proposals in accordance with competitive procurement procedures of state law.

6. Exhibit incorporated. The provisions of Exhibit A are incorporated herein by this reference as though stated verbatim. The governing body of each Party hereby authorizes its point-of-contact official to mutually agree (without the need of further approval by either governing body) to minor adjustments in the operational procedures, allocated duties, rights, etc. described in Exhibit A to facilitate greater efficiencies, reduce opportunity for errors, and better serve the public, so long as such adjustments do not require or constitute a material change in fees, costs, or the performance required of a party.

7. Liability. The purpose of this Agreement is only to set forth the rights and duties of the Parties with regard to the governmental function, services, or transaction described. This agreement does not create any right, benefit, or cause of action for any third party. By executing this Agreement, neither Party waives, nor shall be deemed hereby to waive, any immunity or defense that would otherwise be available to it against claims arising out of the approval or

performance of this agreement. Each Party shall be solely responsible for any loss, damage, injury, or death to a third party (parties) arising out of or related to the acts or omissions of it's employees or agents and not those of any other party.

8. Venue. Each Party agrees that if legal action is brought under this Agreement, then exclusive venue shall lie in the county in which the defendant Party is located and, if located in more than one county, in the county in which the principal offices of the defendant Party are located.

9. Effective date & Term. This Agreement shall become effective on the first day after it has been approved the governing body for each respective entity. This Agreement shall remain in full force and effect for a term of one (1) year from the effective date hereof. This Agreement shall automatically be renewed for additional one-year terms unless and until a Party cancels it by giving thirty (30) days written notice to the other Party.

10. Point of Contact. The point of contact for each Party shall be as specified in Exhibit A.

11. Severance & Survival. In the event 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 aspect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been stated herein. The provisions of paragraphs 5 through 8, inclusive, shall survive termination, cancellation, expiration or non-renewal of this Agreement.

12. Entire Agreement; Amendments. This Agreement contains all of the commitments and agreements of the Parties. Any oral or written commitment not stated herein shall have no force or affect. This Agreement may be amended or modified only by mutual agreement in a writing signed by both Parties. In the event of a conflict between the terms of this agreement and Exhibit A, then the terms of Exhibit A shall control.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their authorized officers the day and year written below.

**DENTON COUNTY
TRANSPORTATION AUTHORITY**

CITY OF AMARILLO, TEXAS

By: _____
Title: _____
Date: _____

By: _____
Title: Jared Miller, City Manager
Date: _____

EXHIBIT A – Cooperative Purchase of Buses

The purpose of this Exhibit A and the Interlocal Agreement to which it is attached is to state the terms, conditions, and consideration by which the City of Amarillo ("City") will make a cooperative "piggyback" purchase of eight (8) buses upon that certain contract which Denton County Transportation Authority ("DCTA") competitively procured for its own purposes. To the extent of any conflict between the Interlocal Agreement and this Exhibit A, this exhibit controls.

1. Point of Contact: Each party hereby designates the following person as its Point of Contact for administering this agreement:

City of Amarillo
Transit Director
P.O. Box 1971
Amarillo TX 79105

Denton County Transportation Authority
Raymond Suarez, CEO
P.O. Box 96
Lewisville Tx 75067

2. Independent Contractor Status: Each party is solely responsible for the manner and means of consummating its purchase of buses and the delivery, operation, maintenance, and the legal obligations and rights arising out of such. Neither party has control over the other. Each functions as an independent contractor and is not an employee or agent of the other party. City and DCTA each independently retains sole determination as to the best manner, means, and methods for procuring and delivering the services, functions, or transaction contemplated in this Agreement. As an independent contractor, neither party has any authority or right to represent or commit to any matter on behalf of the other, unless such authority is expressly stated or of necessity can be reasonably implied from the terms of this Agreement or another document signed by the parties.

3. Description of commodity: City agrees to purchase from vendor, and DCTA hereby consents to City acquiring from vendor such buses as City desires to purchase pursuant to that certain contract competitively procured by DCTA, as follows: See attached specifications.

4. Contracting: City is responsible for obtaining its own subcontract directly with vendor, specifying delivery dates, options, any changes to the DCTA contract, warranties and other matters specific to City, for which DCTA has no control, authority, or involvement, or control.

5. Grant Compliance: City and DCTA are subject to a common set of federal grant requirements for public transportation buses. While DCTA is no guarantor to the City, DCTA does represent that to the best of its knowledge and belief, the vendor contract and the commodity satisfy the Federal Transportation Administration's grant assurances. However, the City must provide its own due diligence in this matter, specifically as to the Buy America requirement.

Attachment: Specifications

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SPECIFICATIONS

Heavy Duty Transit Standard 35' Low-Floor Bus 12yr/500,000 Mile Altoona Tested

Dimensions:

Size: 35 Ft.
Length Over Bumpers: 442.5 In.
Length Over Body: 431.5 In.
Width Over Body excluding Mirrors: 102 In.
Height Maximum: 122.9 In.
Seating Capacity Maximum: 32
Front Step Height Unkneeled: 15.3 In.
Head Room Maximum at Center of Aisle: 95 In.
Aisle Width Minimum between Front Wheel Wells: 26 In.
Wheel Base: 230 In.
Turning Radius Outside Bumper: 37 Ft. 9 In.
Approach Angle: 8.5 Deg.
Departure Angle: 8.9 Deg.
Break Over Angle: 12.8 Deg.
Ground Clearance Including Axles: 8.04 In.
Ground Clearance Excluding Axles: 8.76 In.
Curb Weight Max. GVW: 27,300 lbs
Vehicle Weight Max. GVWR: 39,600 lbs

Engine:

Heavy duty low-sulfur diesel engine, with a minimum rating of 280 BHP at 2200 RPM and a peak torque of 900 foot lbs at 1200 RPM. The engine shall be designed to operate for not less than 300,000 miles without major failure or significant deterioration.

Transmission:

Allison B400 multiple-speed, automatic, electronically-controlled shift with torque converter and integral hydraulic retarder.

Chassis:

The chassis must be constructed of stainless steel and have an integrated 15" high crash barrier in the low floor section of the bus.

Kneeling:

A driver-actuated kneeling device shall lower the curbside front of the bus during loading or unloading operations, regardless of load, to a step up from street level not to exceed 12 inches measured at the longitudinal centerline of the front door. Brake and throttle interlock shall prevent movement when the bus is kneeled.

Fire Detection and Suppression System

The bus shall be equipped with a fire detection/suppression system.

Towing Requirements

Towing devices shall be provided on each end of the bus. Towing devices should accommodate flat-bedding or flat-towing.

Bicycle Racks:

The Manufacturer shall mount a bicycle rack, stainless steel, 2 position, to the front bumper of the bus.

Passenger Doors:

Two (2) doors shall be provided on the curbside of the transit configuration bus equipped with stanchions, actuators, lighting, emergency overrides and other equipment necessary to allow safe and efficient passenger ingress and egress.

Interlocks:

To preclude movement of the bus during passenger alighting, an accelerator interlock shall disable or lock the accelerator in the closed position and a brake interlock shall engage a portion of the rear axle service brake system.

Passenger Seats:

The seats shall be modular in design, having similar appearance for all forward, longitudinal, and flip seat models. All seating shall comply with all Federal Procurement Guidelines (White Book and Federal Motor Vehicle Safety Standards).

Passenger Assists:

Passenger assists in the form of full grip, vertical stanchions or handholds shall be provided for the safety of standees and for ingress/egress.

Grab Straps:

A minimum of three (3) grab straps shall be installed on the horizontal overhead stanchion on each side of the bus in the wheelchair securement area to assist passengers moving through that area.

Accessibility Provisions:

The design and construction of the bus shall be in accordance with all requirements defined in *49 CFR, Part 38, Subpart B: ADA Accessibility Specifications for Transportation Vehicles—Buses, Vans and Systems*.

ADA Accessible Ramp:

The ramp shall support a load of 600 pounds, placed at the center of the ramp distributed over an area of twenty-six (26) inches by twenty-six (26), with a safety factor of at least three (3) based on the ultimate strength of material.

Mobility Aid Accommodations:

Two (2) forward facing mobility aid, securement positions, as close to the front door ramp system as practical, shall be provided. Passenger seats in these positions may be replaced or modified to provide parking space and secure tie-downs for passengers with disabilities.

Stop Request System:

A passenger "Stop Requested" signal system that complies with applicable ADA requirements defined in *49 CFR, Part 38.37* shall be provided.

Driver's Seat Dimensions:

The driver's seat shall be equipped with a pneumatic suspension, high back seat that is comfortable and adjustable so that persons ranging in size from the 95th-percentile male to the 5th percentile female may operate the bus.

Driver's Storage Compartment:

An aluminum storage compartment shall be mounted near the front street-side wheelhouse behind the driver seat.

Farebox:

The manufacturer will install the farebox on a secure platform in a location convenient to boarding passengers. The final installation shall be compatible with the design and layout of the passenger assist bars in the vestibule area of the bus, and the installation shall meet all of the requirements of the *Americans with Disabilities Act (ADA) of 1990*.

HVAC:

The HVAC system shall be a unitized system mounted in the rear area of the bus.

Roof Ventilator and Escape Hatches:

The hatches shall be captive to the bus roof and capable of being reset by one person from inside the bus when opened or released.

Mobile Radio:

The Manufacturer shall install a mobile radio.

Electronics Cabinet:

Given the anticipated design and the horizontal surface over the street-side front wheelhouse, a full size electronics cabinet shall be provided to accommodate the two-way radio system, as well as the future need for other ITS equipment and inclusion of the overall electronic systems in the bus.

Speaker Requirements:

Six (6) interior speakers shall be provided and installed by the bus builder, evenly spaced along the bus.

Public Address System:

Radio Engineering Industries or equivalent system shall include a hands free microphone.

Destination Signs:

An electronic all amber LED destination sign system shall be supplied for the bus with destination signs for the front, side, and rear of the bus plus a route number sign on the dash. The electronic destination information system shall be ADA compliant. The LED's on all signs shall be amber.