

AGENDAS

FOR THE AMARILLO CITY COUNCIL WORK SESSION TO BE HELD ON TUESDAY, MARCH 13, 2018 AT 3:30 P.M. AND THE REGULAR MEETING OF THE AMARILLO CITY COUNCIL AT 5:00 P.M., CITY HALL, 509 SOUTHEAST 7th AVENUE, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

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

WORK SESSION

- A. City Council will discuss or receive reports on the following current matters or projects.
- (1) Review agenda items for regular meeting and attachments;
 - (2) Discussion on Red Light Camera Locations;
 - (3) Review of 2018 BluePrint for Amarillo;
 - (4) Discussion on Council Policies;
 - (5) MPEV Construction Update; and
 - (6) Consider future Agenda items and request reports from City Manager.
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REGULAR MEETING ITEMS

INVOCATION: Herman Moore, Carter Chapel Primitive Baptist

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

1. CONSENT AGENDA:

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

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

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting held on March 6, 2018.

B. **ORDINANCE NO. 7718:**

(Contact: AJ Fawver, Planning and Zoning Director)

This item is the second and final reading of an ordinance rezoning of Lot 4B, Block 124, Original Town of Amarillo Unit No. 16, in Section 188, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Multiple Family District 1 with Specific Use Permit 115 (MF-1/S-115) to Planned Development 388 (PD-388) for Tiny Houses. (Vicinity: North Rusk Street and Northwest 3rd Avenue.)

C. **ORDINANCE NO. 7720:**

(Contact: AJ Fawver, Planning and Zoning Director)

This is the second and final reading of an ordinance considering approval of the vacation of a 22,420 square foot portion of 60' ROW known as SW 8th Avenue directly east of S Coulter Street, previously dedicated by Medical Institute Unit No. 8 plat, in Sections 25 & 44, Block 9, BS&F Survey, Potter County, Texas. (Vicinity: Southwest 8th Avenue and South Coulter Street.)

D. **ORDINANCE NO. 7721:**

(Contact: AJ Fawver, Planning and Zoning Director)

This item is the second and final reading of an ordinance approving a petition to include a 109.32 acre property located approximately 4.1 miles south of Amarillo, located east of Helium Road, southwest of Dove Road, and west of White Wing Road, fully within the extraterritorial jurisdiction (ETJ) of the City of Amarillo.

The attached map provides the legal description and a graphical depiction of the property under discussion. Currently, this property falls partially within the City of Amarillo's ETJ, and partially outside of it. Page 2 of the attachment includes a petition from the property owner, requesting inclusion within the City's ETJ.

Section 42.022 of the Texas Local Government Code includes a provision for a municipality to expand the ETJ beyond the distance limitations established, if the area to be included is contiguous with the existing ETJ, and if the owner(s) make this request. This location, along with the petition from the owner, meet these two requirements. Section 42.022 also requires that any expansion not include areas which fall within the ETJ of another municipality, and the owner's petition verifies that this is not the case in this instance.

Fully encompassing the property within the City of Amarillo's ETJ preserves the ability to develop the property within one cohesive set of development regulations and standards.

E. **ORDINANCE NO. 7722:**

(Contact: AJ Fawver, Planning and Zoning Director)

This is the second and final reading of an ordinance annexing into the City of Amarillo, Randall County, Texas, on petition of property owner, territory generally described as a 91.334 acre tract located southeast of the city, west of the intersection of South Georgia Street and West Loop 335 South, situated in Sections 231 and 232, Block 2, A.B.&M. Survey, and extending west/southwest adjacent to the northern line of Section 232 for a distance of 4012.31'; describing the territory annexed; finding that all necessary and required legal conditions have been satisfied; providing for amendment of the boundaries and official map of the city; approving a service plan therefore; subjecting the property situated therein to bear its pro rata part of taxes levied; providing rights and privileges as well as duties and responsibilities of inhabitants of said territory; directing the filing of the ordinance in the manner required by law; directing notice to service providers and state agencies; providing a severability clause; declaring compliance with open meetings act; and, providing an effective date.

F. **CONSIDER AWARD OF GOLF CAR LEASE FOR BOTH ROSS ROGERS AND COMANCHE TRAIL GOLF COMPLEXES:**

(Contact: George Priolo, General Manager of Golf Operations)

Award to Club Car: 48-month lease on 245 – 2018 Club Car Tempo Electric Golf Cars for Ross Rogers (125 cars) and Comanche Trail (120 cars) Golf Complexes - \$1,090,560.00

This 48-month lease will provide the City with two-hundred forty-five (245) Tempo Connect Electric Golf Cars equipped with Visage Fleet Management Control and Tracking modules and the Shark Experience technology (available to each customer at an additional charge). The new lease fleet will replace the current golf cars at both Ross Rogers (125

cars) and Comanche Trails (120 cars). Club Car will accept our current Club Car Precedent Golf Cars at both locations (150 – 2014 models, 30 – 2015 models, 30 – 2016 models and 35 – 2017 model year cars) as trade-in value applied to the lease.

G. **CONSIDER AWARD – PROFESSIONAL SERVICES AGREEMENT FOR AERIAL SEWER CROSSINGS:**

(Contact: Kyle Schniederjan, City Engineer)

Brandt Engineering Group, Ltd. -- \$251,740

This item is to consider award of a professional services agreement for engineering services for the replacement of four existing aerial sewer crossings.

H. **SALE – PROPERTY:**

Sheriff Sale Property in Potter County.

REGULAR AGENDA

2. **RESOLUTION – AUTHORIZING THE CITY RESPONDING TO THE APPLICATION OF ATMOS ENERGY, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM:**

(Contact: Mick McKamie, City Attorney)

This resolution authorizes the City to respond to the Atmos Energy application to increase rates under the Gas Reliability Infrastructure Program (GRIP).

3. **RESOLUTION – APPROVING A REDUCTION IN RATES CHARGED BY ATMOS ENERGY CORPORATION, WEST TEXAS DIVISION (“ATMOS”):**

(Contact: Mick McKamie, City Attorney)

This resolution authorizes a reduction in rates charged by Atmos Energy Corporation, West Texas Division related to the reduction in the federal corporate tax rate.

4. **RESOLUTION – ADOPTING THE BUDGET AMENDMENT OF THE AMARILLO POTTER EVENTS VENUE DISTRICT FOR THE FISCAL YEAR OCTOBER 1, 2017 TO SEPTEMBER 30, 2018:**

(Contact: Laura Storrs, Finance Director)

This resolution adopts the 2017/2018 Proposed Budget Amendment for the Amarillo-Potter Events Venue District in the amount of \$420,942.

5. **CONSIDER PURCHASE APPROVAL OF PROPERTY:**

(Contact: Sam Baucom, Deputy Fire Chief)

Seller: Roy Dyer Family Limited Partnership \$631,000

This item considers the purchase of property located at 2035 Paramount Boulevard.

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

Posted this 9th day of March 2018.

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

www.amarillo.gov/granicus

Archived meetings are also available.

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO



On the 6th day of March 2018, the Amarillo City Council met at 3:00 p.m. for a work session, and the regular session was held at 5:00 p.m. in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

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
MICK MCKAMIE
ANDREW FREEMAN
FRANCES HIBBS

CITY MANAGER
DEPUTY CITY MANAGER
CITY ATTORNEY
ECONOMIC DEVELOPMENT MGR.
CITY SECRETARY

The invocation was given by Pastor Steve Martin, Jenkins Chapel Baptist Church. Councilmember Powell led the audience in the Pledge of Allegiance.

A proclamation was presented for "Procurement Month."

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 Street, stated he was excited about the budget being reviewed on a quarterly basis. He inquired about the sanitation fee. He further inquired about the cost of FOIA requests. Johnny Hughes, 1501 North Hughes Street, signed up to speak but was not present. Julie Hunt, 2500 South Polk Street, quoted the 8th amendment and Jones vs. City of Los Angeles regarding the enforcement of the anti-camping ordinance criminalizing the homeless. She stated there was not enough shelters for the homeless in Amarillo. Rusty Tomlinson, 5700 Canyon Drive, stated he was a member of Food Not Bombs. He read from a Globe News article which Councilmember Powell was quoted that she would like to keep the homeless near the downtown resources. Mr. Tomlinson stated he was disappointed and disillusioned that no one on Council has asked for this item be put on a future agenda. Michael Davis, 4210 Polk Street, presented a written letter. He stated he believed Council was willing to help people achieve greatness. He stated the homeless problem was a complex issue. He asked the Council to reexamine a tent city that would motivate a positive environment. Claudette Smith, 4410 Van Kriston Drive, stated the City failed to respond to numerous complaints on the property at 45th and Soncy. She further stated that Council minutes were not verbatim. Michael Fisher, 4410 Van Kriston Drive, spoke on charges for open records. He further stated the homeless were over coded and he has been under coded by the City. Justin Wann, 3012 Mockingbird Lane, stated he was a locomotive engineer with BSNF railroad. The Brothers of Division 299 requested steps be taken at the crossing at Eastern Street, DOT 014602g MP 550.190 to avoid accidents. He further stated there were many near misses at this location that were not documented and law enforcement is not seen in this area. There were no further comments.

ITEM 1: 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 approval the consent agenda, seconded by Councilmember Smith.

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.

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting and special meeting held on February 27, 2018.

B. **AWARD – HANDHELD EXPLOSIVE DETECTION SYSTEM:**

(Contact: Ed Drain, Police Department)

Thermo Scientific Portable Analytical Instruments, Inc. -- \$97,000.00

This award is to approve a purchase of Gemini FTIR/Raman Handheld Analyzer for the City of Amarillo Police Department.

C. **AWARD – IT SECURITY MAINTENANCE RENEWAL:**

(Contact: Rich Gagnon, IT Director)

Solid Border -- \$240,837.69

This item is the annual maintenance renewal for the City's network security appliances.

REGULAR AGENDA

ITEM 2: James Allen spoke on the gaps in homelessness services. Mr. Allen stated previous Council empowered the Continuum of Care (COC). They collaborate with nonprofits, businesses, faith based, individuals and others to address homelessness in the community. He stated that gaps were prevalent, due to decreased funding and he did not see this trend changing. He stated there was one shelter that is currently geared for allowing pets. He further stated Mr. Starbuck has offered FEMA kennels to the Salvation Army, if they have available room at their location. He stated that the City would also build dog runs. Recommendations from the subcommittee suggested a low-shelter with rules. Councilmember Sauer inquired as to the definition of low-barrier shelter. Mr. Allen replied the service providers' first concerns were safety and health but they did not allow alcohol, drugs or weapons. Councilmember Hays questioned whether low-barrier meant no rules or regulations. Mr. Allen reported the subcommittee did state the need for more sustainable housing in Amarillo and they are always looking for additional grants and funding sources. He further stated the subcommittee came up with a pamphlet, named pocket pal, which listed the resources and services available. Councilmember Sauer inquired as to the disparity in the homeless count. Mr. Allen explained the definitions of homelessness. He stated HUD defined homeless as not for humane habitat, and the Department of Education defines it as not having stable housing. The point in time count gives a snapshot of a 24-hour period. Mayor Nelson inquired if an accurate count was available, or if it was moving target. She further asked if anyone was ever turned away because the shelters were at capacity. Mr. Allen responded that the shelters can mobilize extra cots if necessary, and the local shelters have stated they can meet the demands. Mr. Allen explained that those who request a low-barrier shelter will not go to traditional shelters. During bad weather the shelters lower their standards to the bare minimum. Mayor Nelson stated it was difficult for the community to not have a defined definition of low-barrier shelter. She asked for a summary of the shelters and the services they provide. Councilmember Hays inquired if low-barrier shelters were temporary or permanent housing. Mr. Allen stated the goal was to find permanent housing for every homeless person. Councilmember Sauer inquired when the COC met. Mr. Allen stated they met on the second Friday of each month at 10:30 a.m. at the Salvation Army.

ITEM 3: Mayor Nelson presented the first reading of an ordinance rezoning of Lot 4B, Block 124, Original Town of Amarillo Unit No. 16, in Section 188, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Multiple Family District 1 with Specific Use Permit 115 (MF-1/S-115) to Planned Development 388 (PD-388) for Tiny Houses. (Vicinity: North Rusk Street and Northwest 3rd Avenue.) This item was presented by AJ Fawver, Planning and Zoning Director. Dan Ferguson, President of Yellow City Community Outreach (YCCO) stated this housing would be used as transitional housing. He further stated the focus is on the chronic homeless and the need to get to the root of their problem. Mayor Nelson opened a public hearing. Edith DiTommaso, 1613 Bowie Street #B, stated she was thrilled to see the City allowing tiny homes to be built. She encouraged the Council to build other homes for the homeless. Carol Smith, 1616 South Polk

Street, stated the misconception was that they will not have restroom facilities and it was important to stated there was no charge, unless they had the ability to pay, and that there was restroom and sanitation in the facilities. James Schenck, 6216 Gainsborough Street, inquired who would be paying for the water and electricity and how they would determine who would be in the tiny houses. Councilmember Hays replied they are not owned by the City, and YCCO would determine who the residents will be and the nonprofits will pay the utilities. There were no other comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Sauer, seconded by Councilmember Hays, that the following captioned ordinance be passed:

ORDINANCE NO. 7718

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF NORTH RUSK STREET AND NORTHWEST THIRD AVENUE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER 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 4: Mayor Nelson presented the first reading of an ordinance rezoning Lot 3A, Block 1, Sunset Addition Unit No. 4, in Section 171, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 3 (R-3) to General Retail District (GR). (Vicinity: South Washington Street and Wolflin Avenue.) This item was presented by AJ Fawver, Planning and Zoning Director. Mayor Nelson opened a public hearing. Richard L. Crawford, 6601 Admiral Court, stated he was the requestor on this item. Michael Fisher, 4410 Van Kriston Drive, spoke about the screening requirement. Joseph Kutin, 2006 South Madison Street, stated he had major concerns about this in his neighborhood. He inquired about the traffic on the residential street and the wooden fence. He further inquired what General District meant. Don Michel, 2002 South Madison Street, stated he did not want to worry about what might be opened in this area. Larry Winters, 2000 South Madison Street, questioned what type of General Retail business might be placed at that location. Claudette Smith, 4410 Van Kriston Drive, compared this item to the area near her residence. Richard L. Crawford stated he would put a solid wooden fence in the area. He stated he has purchased the houses in the area and will move them. There were no further comments. Mayor Nelson closed the public hearing. Councilmember Sauer stated the change in residential zoning would be difficult for him. Councilmember Hays asked if the opposition was known would the recommendation have been different. Mr. McKamie stated the advisory board could reconsider this issue or Council could ask for additional information. Councilmember Hays inquired about the screening requirements. Ms. Fawver stated the ordinance states a wooden fence would be sufficient. Councilmember Smith asked if anyone within 200' opposed the rezoning. Ms. Fawver stated this was the first time she has heard these complaints. Mr. Kutin stated they were within the 200' area. He also stated as neighbors they were not sure how the hearing process worked. He would appreciate another opportunity to speak to the Planning and Zoning board. Mr. Crawford stated he needed to move the houses, but he was willing to allow this item to be readdressed by the Planning and Zoning board. Mayor Nelson inquired if the land would be cleared and built to suit. Councilmember Sauer inquired what General Retail could include. Mayor Nelson asked who had requested the rezoning. Ms. Fawver stated Mr. Crawford requested a drive-thru be allowed at this location. Councilmember Hays stated moving forward Washington Street would be productive real estate. Ms. Fawver pointed out there is some General Retail in the area. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that the following captioned ordinance be passed. Councilmember Powell then rescinded her motion, seconded by Councilmember Sauer.

ORDINANCE NO. 7719

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 SOUTH WASHINGTON STREET AND WOLFLIN AVENUE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, and Sauer; voting NO was Councilmember Smith; the motion carried by a 4:1 vote of the Council.

Motion was then made by Councilmember Smith to refer this item back to the Planning and Zoning Advisory Board, seconded by Councilmember Hays. Mr. McKamie stated the notice and public hearing has been accomplished, those motions would not be repeated. When the matter comes back to Council there will not be a posted hearing. Mr. Smith asked the owner to visit with the homeowners and Ms. Fawver to see if there was an acceptable zoning. Mr. Crawford mentioned that Amarillo College owns some houses in the area that will also be moved.

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 5: Mayor Nelson presented the first reading of an ordinance considering approval of the vacation of a 22,420 square foot portion of 60' ROW known as Southwest 8th Avenue directly east of South Coulter Street, previously dedicated by Medical Institute Unit No. 8 plat, in Sections 25 and 44, Block 9, BS&F Survey, Potter County, Texas. (Vicinity: Southwest 8th Avenue and South Coulter Street.) This item was presented by AJ Fawver, Planning and Zoning Director. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, that the following captioned ordinance be passed:

ORDINANCE NO. 7720

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS DETERMINING LACK OF PUBLIC NECESSITY FOR RIGHT-OF-WAY AND NEARBY PUBLIC UTILITY EASEMENTS IN THE VICINITY OF SOUTHWEST 8TH AVENUE AND SOUTH COULTER STREET, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN- DESCRIBED RIGHT-OF-WAY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR 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 6: Mayor Nelson presented the first reading of an ordinance approving a petition to include a 109.32 acre property located approximately 4.1 miles south of Amarillo, located east of Helium Road, southwest of Dove Road, and west of White Wing Road, fully within the extraterritorial jurisdiction (ETJ) of the City of Amarillo. This item was presented by AJ Fawver, Planning and Zoning Director. Motion was made by Councilmember Sauer, seconded by Councilmember Smith, that the following captioned ordinance be passed:

ORDINANCE NO. 7721

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS, AMENDING THE DEFINITION OF THE EXTRATERRITORIAL JURISDICTION; ACCEPTING A PETITION FOR INCLUSION OF A TRACT OF LAND LOCATED IN RANDALL COUNTY INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF AMARILLO; PROVIDING THAT A CERTIFIED COPY OF THIS ORDINANCE BE SENT TO THE RANDALL COUNTY COMMISSION; PROVIDING A REPEALER CLAUSE; ESTABLISHING 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 7: Mayor Nelson presented the first reading of an ordinance annexing into the City of Amarillo, Randall County, Texas, on petition of property owner, territory generally described as a 91.334 acre tract located southeast of the city, west of the intersection of South Georgia Street and West Loop 335 South, situated in Section 231 and 232, Block 2, A.B.&M survey, and extending west/southwest adjacent to the northern line of Section 232 for a distance of 4012.31'; describing the territory annexed; finding that all necessary and required legal conditions have been satisfied; providing for amendment of the boundaries and official map of the city; approving a service plan therefore; subjecting the property situated therein to bear its pro rata part of taxes levied; providing rights and privileges as well as duties and responsibilities of inhabitants of said territory; directing the filing of the ordinance in the manner required by law; directing notice to service providers and state agencies; providing a severability clause; declaring compliance with open meetings act; and, providing an effective date. This item was presented by AJ Fawver, Planning and Zoning Director. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that the following captioned ordinance be passed:

ORDINANCE NO. 7722

AN ORDINANCE ANNEXING INTO THE CITY OF AMARILLO, RANDALL COUNTY, TEXAS, ON PETITION OF PROPERTY OWNER, TERRITORY GENERALLY DESCRIBED AS A 91.334 ACRE TRACT LOCATED SOUTHEAST OF THE CITY, WEST OF THE INTERSECTION OF SOUTH GEORGIA STREET AND WEST LOOP 335 SOUTH, SITUATED IN SECTION 231 & 232, BLOCK 2, A.B.&M. SURVEY, AND EXTENDING WEST/SOUTHWEST ADJACENT TO THE NORTHERN LINE OF SECTION 232 FOR A DISTANCE OF 4012.31'; DESCRIBING THE TERRITORY ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS OF SAID TERRITORY; DIRECTING THE FILING OF THE ORDINANCE IN THE MANNER REQUIRED BY LAW; DIRECTING NOTICE TO SERVICE PROVIDERS AND STATE AGENCIES; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; 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 8: Mayor Nelson presented the second and final reading of an ordinance amending the Code of Ordinances to implement the recently amended Texas Public Information Act to allow the City to establish reasonable monthly and yearly limits on the amount of time that City personnel are required to spend producing public information for a requestor without recovering the costs attributable to that personnel time. This item was presented by Mick McKamie, City Attorney. Councilmember Hays stated she voiced opposition last week and understands the need. Motion was made by Councilmember Powell, seconded by Councilmember Sauer, that the following captioned ordinance be passed:

ORDINANCE NO. 7717

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 2-4, ARTICLE I, BY ADDING SEC. 2-4-10 "TIME LIMITS FOR RESPONDING TO CERTAIN REQUESTS" ESTABLISHING MONTHLY AND ANNUAL TIME LIMITS ON TIME SPENT BY CITY PERSONNEL ON RESPONDING TO A REQUESTOR OF PUBLIC INFORMATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Powell, Sauer and Smith; voting NO was Councilmember Hays, the motion carried by a 4:1 vote of the Council.

ITEM 9: Mayor Nelson presented a resolution amending the observed holiday schedule to include Veteran’s Day (November 11), Christmas Eve (December 24) and a Floating Holiday for a total of 11 holidays. This item was presented by Mitch Normand, Director of Human Resources. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that the following captioned resolution be passed:

RESOLUTION NO. 03-06-18-1
AN RESOLUTION OF THE AMARILLO CITY COUNCIL RE-DECLARING
THE ANNUAL OFFICIAL HOLIDAYS FOR THE CITY OF AMARILLO;
PROVIDING 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.

ATTEST:

Frances Hibbs, City Secretary

Ginger Nelson, Mayor

DRAFT



Amarillo City Council

Agenda Transmittal Memo



Meeting Date	March 13, 2018	Council Priority	Community Appearance
Department	Planning		
Contact	AJ Fawver		

Agenda Caption

Vicinity: N Rusk Street & NW 3rd Avenue

PRESENTATION AND CONSIDERATION of Rezoning of Lot 4B, Block 124, Original Town of Amarillo Unit No. 16, in Section 188, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Multiple Family District 1 with Specific Use Permit 115 (MF-1/S-115) to Planned Development 388 (PD-388) for Tiny Houses.

Agenda Item Summary

The applicant is requesting a zone change in order to build four (4) tiny houses on this 0.14 acre lot.

This proposal is unusual in terms of its scale and size. The adopted zoning ordinance addressed most types of residential development, but not something this unique. The Planned Development (PD) tool is being utilized in this instance as the existing numerical standards and use standards do not readily apply to this type of proposal. The PD is an excellent tool for use in a situation such as this, though the same four criteria utilized in analyzing a rezoning application still apply. A PD is permitted for consideration per 4-10-103(10)a and c.

Staff's analysis of zoning change requests begins with referring to the Comprehensive Plan's Future Land Use and Character Map in order to identify what it recommends for future land uses. Staff also considers how any zoning change would impact the Comprehensive Plan's recommended Neighborhood Unit Concept (NUC) of development whereby non-residential land uses are encouraged at section-line arterial intersections with a transition to residential uses as development occurs away and inward from the arterial intersections. Staff also considers the principles and recommendations laid out within the Comprehensive Plan, as well existing zoning and development patterns in the area.

During the site visit, Planning Department staff noticed that to the north are residential uses, as well as to the south. Across the street to the east from the property is outdoor industrial storage for a nearby business.

This rezoning request is consistent with the adopted 2010 Comprehensive Future Land Use and Character Map, which designates this area for a future "General Residential (GR)" land use. The Comprehensive Plan states that the character and intensity of this land use category allows "Planned Developments (PD), potentially with a mix of housing types and varying densities, subject to compatibility and open space standards". Using the PD district, the city will be able to control standards for this development as well as set precedent on future tiny house projects. For instance, since the current zoning ordinance does not address developments such as this for tiny houses, standards had to be a combination of single family and multiple family housing standards. This includes landscaping

Amarillo City Council

Agenda Transmittal Memo



standards, building/house size standards (200 sq ft or less), parking standards (1 space for each tiny house or unit), fencing standards, and even signage standards (much like an apartment complex would have).

The Neighborhood Unit Concept is also a key piece of the adopted plan, in which zoning transitions from areas of lower density at section line corners to areas of high density. This concept of development ensures that commercial areas will have less of an impact to residential areas. This concept does not follow the Neighborhood Unit Concept as this area was developed before that concept was adopted. This area was constructed and built up in the 1890s (Platted in 1888) while the NUC was adopted in the 1980s, thus this area would not match up with the concept. The subject property is located in a plat that was filed before all the square mile north and south tracts were done (this plat is angled northwest and southeast along the railroad tracks), thus there is no real definitive position of the property within the NUC as opposed to farther out/newer developments that will follow along square mile arterial roads pattern.

The adopted Comprehensive Plan contains a number of action strategies that are to be followed when making decisions about land use, development, and other community elements. These include:

- Emphasis on infill development and encouraging development in existing undeveloped portions of the city where utility services are already available. (*page 3.3, Growth Management & Capacity*)
- Flexible Districts which allow for a series of residential development options and lot sizes, with various development and compatibility standards on a sliding scale and tied to the proposed development intensity to maintain a consistent area character. (*page 2.3, Land Use and Community Character*).

The original zoning was changed to MF-1/SUP-115 for a Type B Manufactured Home in 2006, the manufactured home has since then been removed from the property. The conditions in the area have remained relatively unchanged, what was residential has remained residential, what was industrial across the street has remained industrial in nature for many years. This proposal does not contradict the established development pattern.

The requested zoning change would allow for four (4) tiny houses to be placed on the lot with landscaping, fencing, and parking standards triggered. The landscaping will be placed along the side and rear boundaries of the property since the front yard of the lot is devoted to parking spaces. One (1) parking space is being provided for each tiny house, to eliminate a dependency on street parking. Fencing will follow single family housing rules, with a new 6' wooden fence placed along the alley-facing property line. The existing 6' wooden and 6' metal panel fences in the side yard areas to the north and south property lines eliminate the need for additional side yard fencing. No fence is being required along the front for the sidewalk access and parking spaces that are in that location. Signage standards will follow residential standards - much like an apartment complex identification sign which would be allowed in a residentially zoned area. There is no signage proposed at this time, but limitations exist should that be desired in the future.

Amarillo City Council

Agenda Transmittal Memo



Requested Action

The applicant is requesting the Rezoning of Lot 4B, Block 124, Original Town of Amarillo Unit No. 16, in Section 188, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Multiple Family District 1 with Specific Use Permit 115 (MF-1/S-115) to Planned Development 388 (PD-388) for Tiny Houses.

Funding Summary

N/A

Community Engagement Summary

Level 4 - The item was distributed to all applicable internal and external entities. Notices have been sent out to 20 property owners within 200 feet regarding this proposed rezoning. At the time of this writing, the Planning Department has received no comments regarding this request.

The item was recommended for approval by 5:0 vote of the Planning and Zoning Commission at its February 26, 2018 public meeting.

City Manager Recommendation

Planning Staff has reviewed the associated ordinance and exhibit and recommends the City Council **approve** the item as submitted.

ORDINANCE NO. 7718

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

WHEREAS, the Planning and Zoning Commission has held public hearings on proposed zoning changes on the property hereinafter described and has 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; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AMARILLO:

SECTION 1. The zoning map of the City of Amarillo adopted by Section 4-10 of the Amarillo Municipal Code and on file in the office of the Planning Director is hereby amended to reflect the following zoning use changes:

Rezoning of Lot 4B, Block 124, Original Town of Amarillo Unit No. 16, in Section 188, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Multiple Family District 1 with Specific Use Permit 115 (MF-1/S-115) to Planned Development 388 (PD-388) for Tiny Houses.

SECTION 2. All ordinances and resolutions or parts thereof that conflict with this ordinance are hereby repealed, to the extent of such conflict.

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 – DEVELOPMENT STANDARDS. That the development standards for Planned Development 388 such as lot areas, lot widths, lot depths, front yard, side yard, rear yard, lot coverage, as well as height Multiple Family District 1 (MF-1) zoning regulations.

SECTION 5 – LANDSCAPING STANDARDS. These standards for Planned Development 388 shall conform to the Landscaping Ordinance or known as Sec. 4-10-248 through Sec. 4-10-251 of the Zoning Ordinance.

SECTION 6 – SIGNAGE STANDARDS. All signage shall follow Multiple Family District 1 (MF-1) standards under Sec. 4-2-9(J)(1) of the Sign Ordinance.

SECTION 7 – PARKING STANDARDS. Parking standards are 1 space per tiny house.

SECTION 8 – UNDERLYING ZONING. That the entire property previously described

may contain listed below allowed, subject to the approved site plan(s) for this ordinance. Any standards not specifically addressed here in shall follow requirements for Multiple Family District 1 (MF-1) zoning.

SECTION 9. 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 6th day of March, 2018 and PASSED on Second and Final Reading on this the 13th day of March, 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney



Looking west from N Rusk Street at the proposed rezoning tract (Currently zoned MF-1/SUP 115)



Looking north up N Rusk Street across from the proposed rezoning tract.



Looking east across N Rusk Street from the proposed rezoning tract.

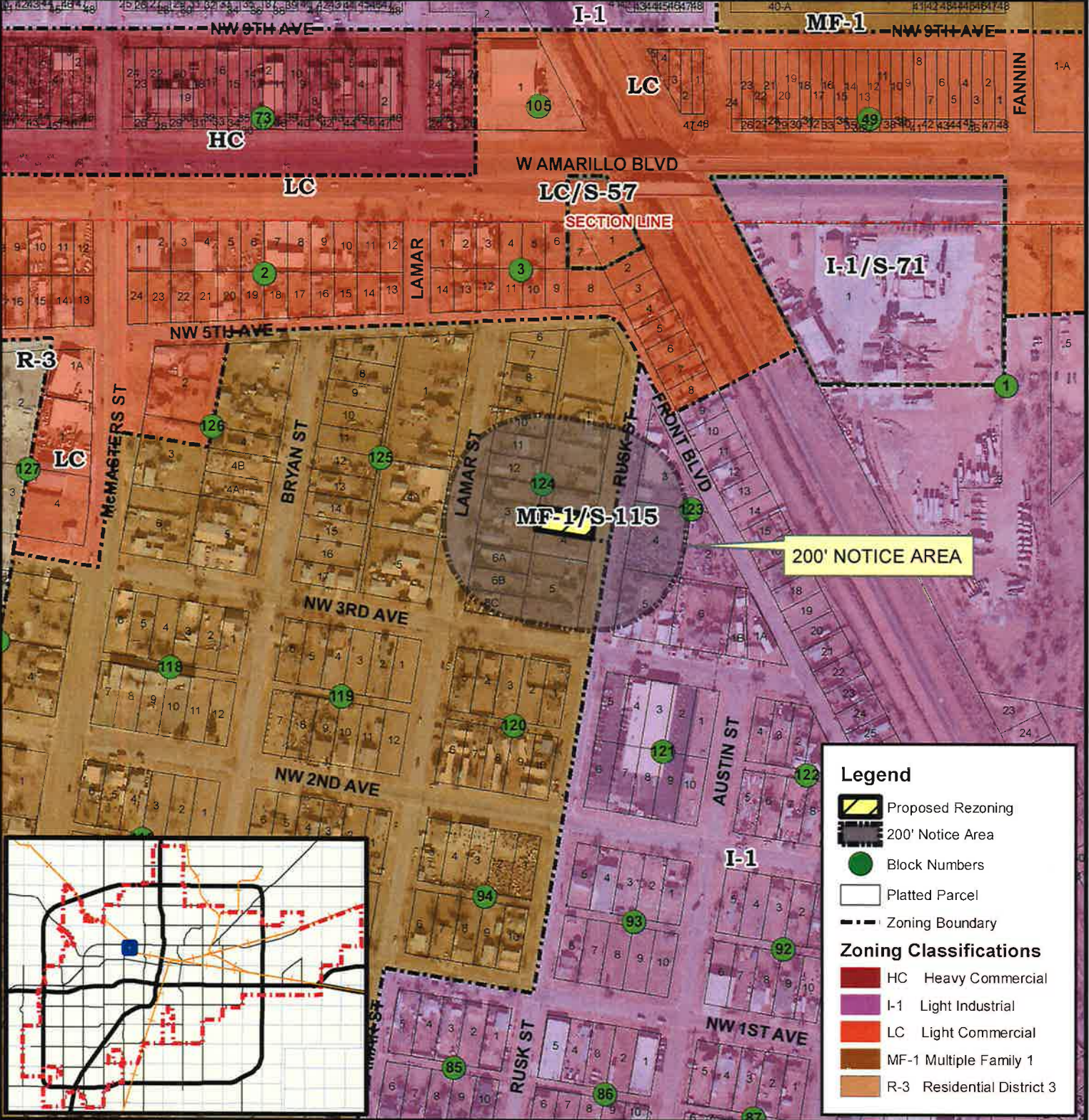


Looking southwest down N Rusk Street from the proposed rezoning tract.



Looking southeast down N Rusk Street from the proposed rezoning tract.

CASE Z-18-03
REZONING FROM MULTIPLE FAMILY DISTRICT 1 W/ SPECIAL USE PERMIT 115 (MF-1/S-115)
TO PLANNED DEVELOPMENT 388 (PD-388)



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 300 feet
Date: 2/13/2018



Rezoning of Lot 4B, Block 124, Original Town of Amarillo Unit No. 16, in Section 188, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Multiple Family District 1 (MF-1) to Planned Development 388 (PD-388) for Tiny Houses.

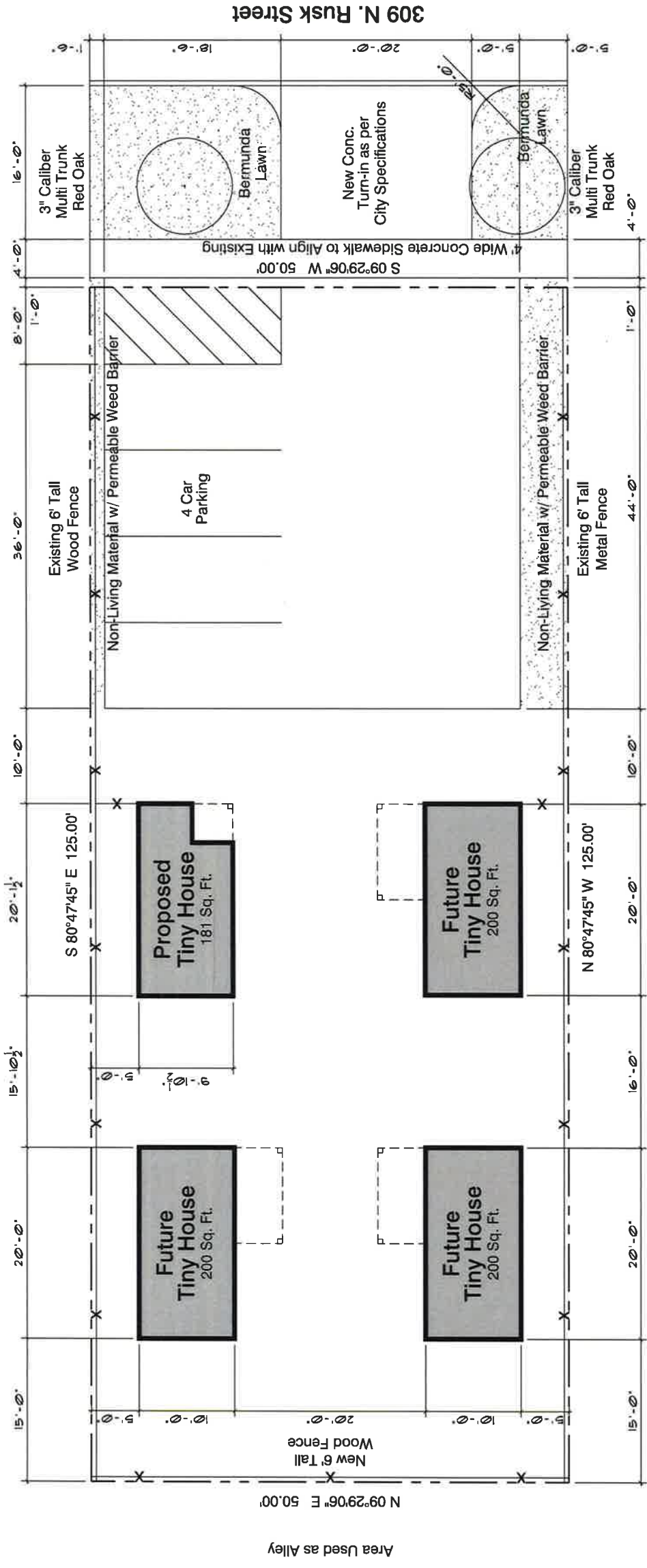
Applicant: Daryl Furman
Vicinity: N Rusk St. & NW 3rd Ave.

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.



Proposed Site Plan

SCALE : 1" = 10'-0"



Landscape Ordinance Requirements	
Street Tree Requirement: (1 tree for every 40 linear feet of street frontage)	
Street Frontage:	50' li
Trees Required:	2
Trees Provided:	0
Parking Lot Tree Requirement: (1 tree for every 20 parking spaces)	
Parking Spaces:	4
Trees Required:	0
Trees Provided:	0
Landscaping Requirement: (10% of building footprint)	
Building Footprint:	781 sf
Total Required Landscaping:	78 sf
Total Living Landscaping Required:	40 sf
Living Landscaping Provided:	469 sf
Non-Living Landscaping Provided:	293 sf

Landscape Point System	
Point Categories:	Points Received
1. 75% of all plant materials are water efficient as listed within the recommended plant list.	15 pts
2. All trees are 3" caliper or greater, each tree size meets or exceeds 3 caliper inches.	2 pts
3. All parking lot trees are planted in a parking lot island greater than 64 square feet per tree.	5 pts
4. For all areas 4 feet or less in any dimension, non-living landscape materials with a permeable weed barrier are used.	2 pts
5. Maintenance of each existing quality tree 2" caliper	2 pts
6. Surface irrigation is used for all turf grasses.	5 pts
7. Drip irrigation systems are used within all planting beds.	10 pts
8. Landscape plan designed and sealed by a registered Landscape Architect.	5 pts
9. Permeable weed barrier installed in all planting beds.	2 pts
10. Permeable weed barrier exceeds requirement by an additional 10 percent.	2 pts
11. Installation of each additional parking lot tree above the minimum requirement.	2 pts
12. Root barriers are used to prevent landscape damage as tree grows.	2 pts
13. More than 50% of total required landscape area is living landscape.	5 pts
14. Planting of each variety of tree not listed on the recommended plant list.	-2 pts
Total Points received: 21 pts	



Amarillo City Council

Agenda Transmittal Memo



Meeting Date	March 13, 2018	Council Priority	Regular Agenda Item – Public Hearing
Department	Planning Department		
Contact	AJ Fawver, Planning Director		

Agenda Caption

First reading of an ordinance for the vacation of a 22,420 square foot portion of 60' ROW known as SW 8th Avenue directly east of S Coulter Street, previously dedicated by Medical Institute Unit No. 8 plat, in Sections 25 & 44, Block 9, BS&F Survey, Potter County, Texas.

Agenda Item Summary

The applicant is requesting the City of Amarillo vacate a 22,420 square feet portion of the cul-de-sac of SW 8th Avenue near South Coulter Street. This cul-de-sac street was never constructed after it was dedicated by plat.

This request for vacation is for the purpose to include the area into a future large senior independent and assisted living facility to be located on the east side of Coulter at this location. This project is currently going through multiple review processes, to include: Construction Plans for extension of utility mains, Construction Plans for the remainder of the street, Drainage Study, Site Plan review, Plat review and Planned Development Zoning Amendment (plat and zoning to be presented at a future meeting).

There currently exists only vacant land that fronts on this street, and further east sits lot 2c of Medical Institute Unit 7 plat that has frontage on SW 9th Avenue and a large drainage creek owned by the city. These limitations would hinder any future continuation of the street eastward for a connection to another street. Planning, Utilities, and Engineering Departments have reviewed the vacation and concluded that the proposed vacation would not be detrimental to the area.

Per Section 12, “Dedications and Vacations” of the City of Amarillo’s Development Policy Manual, the developer is required to pay the fair market value of the land. In this instance, the applicant is constructing the remainder of the street, which was never built by the previous developer, and the new cul-de-sac turn around that will be dedicated on the plat. City staff believes that the benefit of the construction of this street outweighs the fair market value of the land to be vacated.

Requested Action

Planning staff and Planning & Zoning Commissioners have reviewed the associated ordinance and exhibits and recommend the City Council approve the item as submitted.

Funding Summary

N/A

Amarillo City Council

Agenda Transmittal Memo



Community Engagement Summary

No notices were required. Signs with the Planning Department contact information were posted at the location where SW 8th would intersect S Coulter concerning the potential vacation. At the time of this writing, no calls or comments have been received. The item was considered by the Planning and Zoning Commission in a public hearing on February 26th at which there were no public comments, and the item was recommended for approval with a 5:0 vote.

Community Impact: Level 1 – Modest on selected area and/or community group.

Staff Recommendation

Staff recommends approval of this ordinance as presented.

ORDINANCE NO. 7720

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS DETERMINING LACK OF PUBLIC NECESSITY FOR RIGHT-OF-WAY AND NEARBY PUBLIC UTILITY EASEMENTS IN THE VICINITY OF SOUTHWEST 8TH AVENUE AND SOUTH COULTER STREET, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN-DESCRIBED RIGHT-OF-WAY; PROVIDING A REPEALER; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Amarillo found that no public necessity currently exists for the right-of-way described herein and recommends to the City Council for such right-of-way be vacated; and

WHEREAS, the City Council reviewed said recommendation and considered all relevant information pertaining to the proposed vacation described herein, and finds that such right-of-way is no longer needed for public purposes; and

WHEREAS, the City Council further determines that the vacation of said right-of-way is not detrimental or injurious to the community's public health, safety or general welfare and is in the community's best interests.

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

SECTION 1. The City Council of the City of Amarillo hereby vacates and abandons for public purposes the herein-described right-of-way:

V-17-07 Vacation of a 22,420 square foot portion of 60' ROW known as SW 8th Avenue directly east of S Coulter Street, previously dedicated by Medical Institute Unit No. 8 plat, in Sections 25 & 44, Block 9, BS&F Survey, Potter County, Texas. (Vicinity: SW 8th Ave. & S Coulter St.) Further described in Exhibits A & B.

SECTION 2. City Manager is authorized to execute an instrument of conveyance to abutting land owner(s) as allowed or required by law.

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.

SECTION 5. This Ordinance shall become and be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 6th day of March 2018; and **PASSED** on Second and Final Reading this the 13th day of March 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

ITEM #: V-17-07 Vacation of a 22,420 square foot portion of 60' ROW known as SW 8th Avenue directly east of S Coulter Street, previously dedicated by Medical Institute Unit No. 8 plat, in Sections 25 & 44, Block 9, BS&F Survey, Potter County, Texas. (Vicinity: SW 8th Ave. & S Coulter St.)

APPLICANT: North Coulter Development LLC

Proposal

The applicant is requesting the City of Amarillo vacate a 22,420 square feet portion of the cul-de-sac of SW 8th Avenue near South Coulter Street. This cul-de-sac street was never constructed.

Analysis

This request for vacation is for the purpose to include the area into a future large senior independent and assisted living facility to be located on the east side of Coulter at this location. This project is currently going through multiple review processes, to include: Construction Plans for extension of utility mains, Construction Plans for the remainder of the street, Drainage Study, Site Plan review, Plat review and Planned Development Zoning Amendment (plat and zoning to be presented at a future meeting).

There currently exists only vacant land that fronts on this street, and further east sits lot 2c of Medical Institute Unit 7 plat that has frontage on SW 9th Avenue and a large drainage creek owned by the city. These limitations would hinder any future continuation of the street eastward for a connection to another street. Planning, Utilities, and Engineering Departments have reviewed the vacation and concluded that the proposed vacation would not be detrimental to the area.

Per Section 12, "Dedications and Vacations" of the City of Amarillo's Development Policy Manual, the developer is required to pay the fair market value of the land. In this instance, the applicant is constructing the remainder of the street, which was never built by the previous developer, and the new cul-de-sac turn around that will be dedicated on the plat. City staff believes that the benefit of the construction of this street outweighs the fair market value of the land to be vacated.

Recommendation

Considering the above, staff **recommends approval** of this vacation with the approval and filing of the replat.

EXHIBIT "A"

Street Right-of-Way Vacation

Description

A 22,420 square foot tract of land out of a 4.48 acre tract of land as described in that certain Special Warranty Deed recorded in Volume 3880, Page 638 of the Official Public Records of Potter County, Texas, situated in Section 44, Block 9, B. S. & F. Survey, Amarillo, Potter County, Texas, and said tract of land being further described by metes and bounds as follows:

COMMENCING at a 1/2 iron rod with cap stamped "R.P.L.S. 4263", found at northwest corner of Lot 8, Block 1 of Medical Institute Subdivision Unit No. 8, an addition to the City of Amarillo, according to the recorded map or plat thereof, of record in Volume 3653, Page 406 of the Official Public Records of Potter County, Texas;

Thence N. 00° 19' 34" W., (Directional Control GPS Observation WGS-84), 60.00 feet along the east right-of-way line of Coulter Street as dedicated by said Medical Institute Subdivision Unit No. 8;

Thence S. 89° 42' 26" E., 278.78 feet along the north right-of-way line of S.W. 8th Avenue as dedicated by said Medical Institute Subdivision Unit No. 8 to the northwest and **BEGINNING CORNER** of this tract of land;

Thence S. 89° 42' 26" E., 241.60 feet along the north right-of-way line of said S.W. 8th Avenue to the beginning of a cul-de-sac curve to the right having a radius of 50.00 feet;

Thence Southwesterly, along said curve, an arc distance of 249.81 feet with a chord of S. 00° 17' 34" W., 60.00 feet to the end of said curve;

Thence N. 89° 42' 26" W., 290.59 feet along the south right-of-way line of said S.W. 8th Avenue to the southwest corner of this tract of land and the beginning of a curve to the left with a radius of 50.00 feet;

Thence Northeasterly, along said curve, an arc distance of 88.61 feet with a chord of N. 39° 31' 27" E., 77.46 feet to the **POINT OF BEGINNING**.

See Exhibit "B" Job No. 20170902

Robert Keys & Associates

Surveying / Mapping / Planning
4423 S. W. 45th Avenue, Amarillo, Texas 79109
Voice: (806) 352-1782 Fax: (806) 352-1942
Texas Firm No. 10034400

EMAIL: rka@keyssurveying.com

Web Site: www.keyssurveying.com

Prepared: September 07, 2017

Revised: Different Cul-de-sac allowed (9-11-17)

Revised: Different Cul-de-sac and Location (2-02-18)

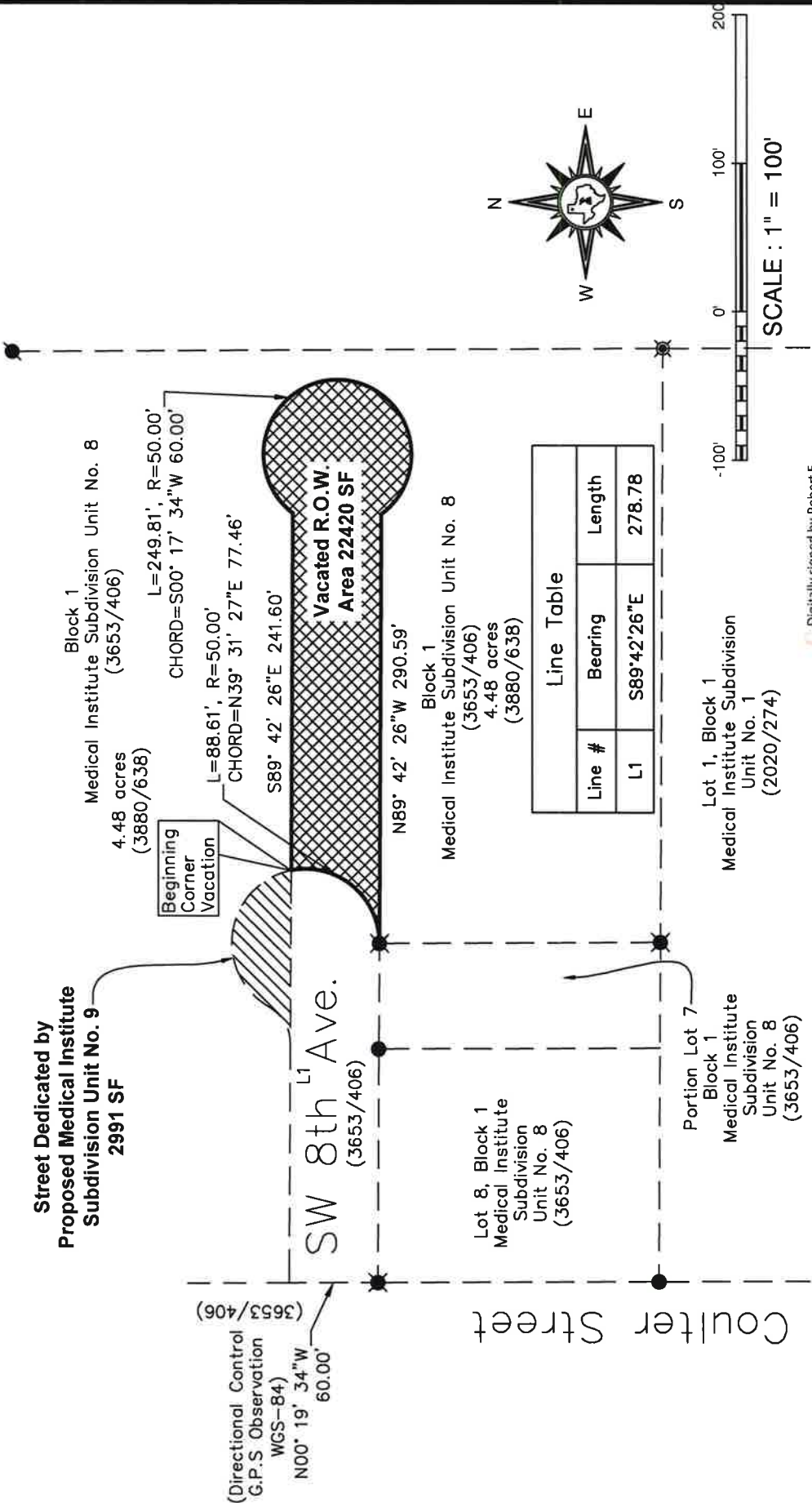


Robert
E. Keys

Digitally signed by Robert E. Keys
DN: cn=Robert E. Keys, o=Robert Keys and Associates, ou, email=rkeys@keyssurveying.com, c=US
Date: 2018.02.05 11:53:00 -06'00'

Registered Professional Land Surveyor

Exhibit "B"



Robert E. Keys

Job No. 20170902
Date: 09/07/2017
Revised: 09/11/2017
02/02/2018

Robert E. Keys

2507

Legend :

- ⊗ = 1/2" iron rod w/cap stamped "R.P.L.S. 4263" (found)
- = 1/2" iron rod (found)
- (/) = Instrument recording in County Clerks Office

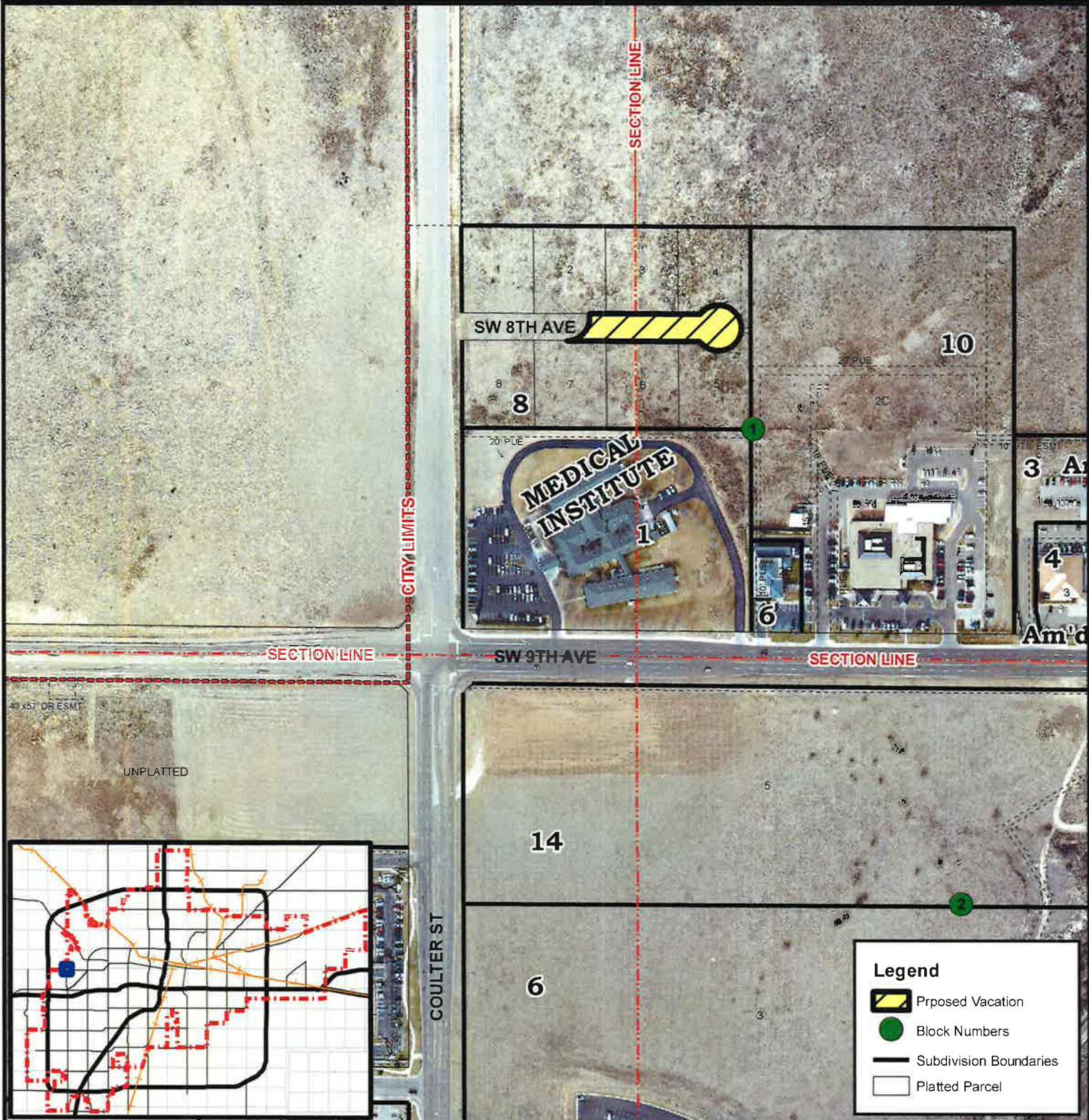
Digitally signed by Robert E. Keys
DN: cn=Robert E. Keys, o=Robert Keys and Associates, ou, email=rkeys@keyssurveying.com, c=US
Date: 2018.02.03 15:03:21 -0600

Bridlewood Retirement Center
Amarillo, Potter County, Texas.

Robert Keys & Associates
land surveying
mapping
land planning

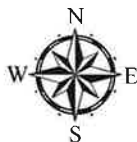
(806)352-1782 Email: rka@keyssurveying.com
7106 S. Bell Street, Amarillo, Texas 79109-7003
Firm No. 10034400 www.keyssurveying.com

CASE V-17-07
VACATION OF A PORTION OF SW 8TH AVE



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 300 feet
Date: 2/14/2018



Vacation of a 24881sf portion of 60' ROW known as Southwest 8th Avenue previously dedicated by Medical Institute Unit No. 8 plat, in Section 25 and 44, Block 9, BS&F Survey, Potter County, Texas.

Applicant: Robert Keys

Vicinity: SW 8th Ave & Coulter St

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



Amarillo City Council

Agenda Transmittal Memo



Meeting Date	3/13/18	Council Priority	Community Appearance Redevelopment
Department	Planning/Legal		
Contact	AJ Fawver, Planning Director/Bryan McWilliams, Deputy City Attorney		

Agenda Caption

Presentation and consideration of an ordinance approving a petition to include a 109.32 acre property located approximately 4.1 miles south of Amarillo, located east of Helium Rd, southwest of Dove Rd, and west of White Wing Rd, fully within the extraterritorial jurisdiction (ETJ) of the City of Amarillo.

Agenda Item Summary

The attached map provides the legal description and a graphical depiction of the property under discussion. Currently, this property falls partially within the City of Amarillo's ETJ, and partially outside of it. Page 2 of the attachment includes a petition from the property owner, requesting inclusion within the City's ETJ.

Section 42.022 of the Texas Local Government Code includes a provision for a municipality to expand the ETJ beyond the distance limitations established, if the area to be included is contiguous with the existing ETJ, and if the owner(s) make this request. This location, along with the petition from the owner, meet these two requirements. Section 42.022 also requires that any expansion not include areas which fall within the ETJ of another municipality, and the owner's petition verifies that this is not the case in this instance.

Fully encompassing the property within the City of Amarillo's ETJ preserves the ability to develop the property within one cohesive set of development regulations and standards.

Requested Action

Approval or denial of this ordinance.

Funding Summary

N/A at this time

Community Engagement Summary

N/A at this time

Staff Recommendation

Staff recommends approval of this ordinance, as presented. If approved, the planning base maps' depiction of the ETJ will be updated accordingly.

ORDINANCE NO. 7721

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS, AMENDING THE DEFINITION OF THE EXTRATERRITORIAL JURISDICTION; ACCEPTING A PETITION FOR INCLUSION OF APPROXIMATELY 38 ACRES OF LAND LOCATED IN RANDALL COUNTY INTO THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF AMARILLO; PROVIDING THAT A CERTIFIED COPY OF THIS ORDINANCE BE SENT TO THE RANDALL COUNTY COMMISSION; PROVIDING A REPEALER CLAUSE; ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Amarillo's Extraterritorial Jurisdiction ("ETJ") extends into Randall County; and

WHEREAS, Hunter Estates, a 109 (+/-) acre tract of land out of Section 30, Block 1, Tyler Tap Railroad Company Survey, ("Tract") located in Randall County is owned by Robbie Christie ("Developer") and is located partially in the City of Amarillo's ETJ; and

WHEREAS, all but approximately 38 acres of such Tract ("Remainder") shown on the map attached herein (designated as "Area Outside the ETJ") is within the ETJ of the City of Amarillo; and

WHEREAS, the Remainder is contiguous to the existing ETJ of the City of Amarillo; and

WHEREAS, pursuant to Section 42.022(b) of the Texas Local Government Code the Developer has requested by Petition that the Remainder be included in the ETJ of the City of Amarillo; and

WHEREAS, the Remainder is not located within any other municipality's existing ETJ or corporate boundaries; and

WHEREAS, the City Council finds that that acceptance of the Remainder into the ETJ of the City of Amarillo promotes orderly planning and subdivision control within the ETJ and wishes to grant the Petition.

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

SECTION 1. The Amarillo Municipal Code, Chapter 4-6, Article I, Section 4-6-2 be and hereby is amended to read as follows:

* * * *

Extraterritorial Jurisdiction: The contiguous unincorporated area not incorporated in any other city within five (5) miles of the corporate limits of the City of Amarillo and other contiguous areas as allowed by law.

* * * *

SECTION 2. That the above recitals are hereby found to be true and correct and incorporated herein for all purposes.

SECTION 3. That the City Council accepts and grants the Petition of the Developer.

SECTION 4. That the boundaries of the ETJ of the City of Amarillo shall be increased by the area specifically shown on Exhibit “A” attached hereto, identified as the Remainder consisting of approximately 38 acres.

SECTION 5. That after passage the City Manager shall as soon as practicable provide the Randall County Commission with a certified copy of this ordinance.

SECTION 6. Repealer. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 7. Effective Date. That this ordinance shall be effective after its passage according to law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 6th day of March 2018; and PASSED on Second and Final Reading the 13th day of March 2018.

Ginger Nelson, Mayor

ATTEST:

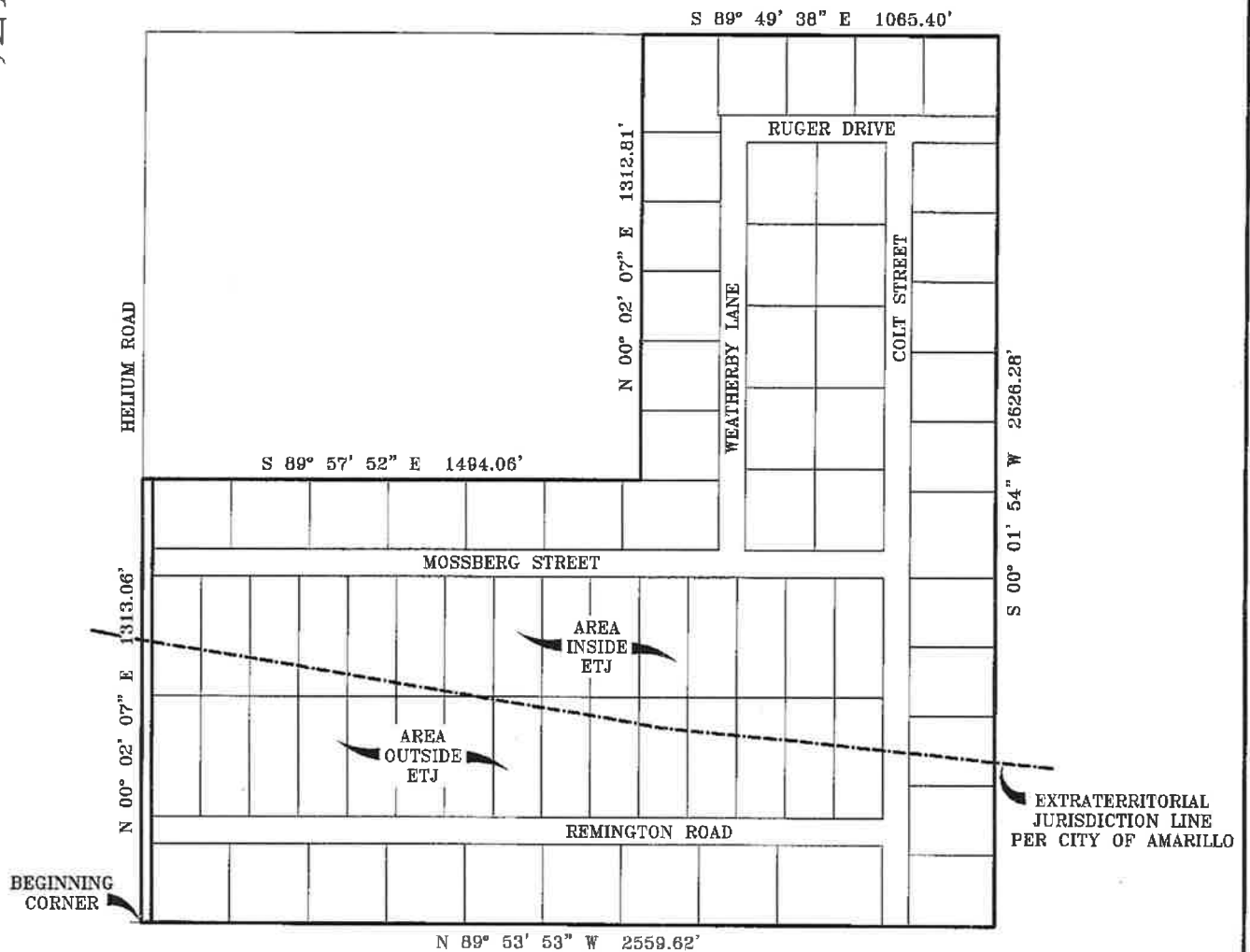
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney



PROPOSED HUNTER ESTATES
ETJ EXHIBIT



DESCRIPTION

A 109.32+/- acre tract of land out of Section 30, Block 1, Tyler Tap Railroad Company Survey, Randall County, Texas being all of that certain 109.32+/- acre tract of land described in that certain instrument recorded under Clerk's File No. 2016005376 of the Official Public Records of Randall County, Texas, said 109.32+/- acre tract of land having been surveyed on the ground by Furman Land Surveyors, Inc on August 17, 2016 and being described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap (5626) found at the Southwest corner of this tract of land, from whence a 1 inch iron pipe found at the Southwest corner of said Section 30 bears N. 00° 02' 02" W., 30.00 feet and S. 00° 02' 07" W., 30.00 feet;

THENCE N. 00° 02' 07" E. (Base line) 1313.06 feet to a 1/2 inch iron rod with cap (5626) found at the Southwest corner of a 22.544 acre tract of land being described in that certain instrument recorded under Clerk's File No. 2009020970 of the Official Public Records of Randall County, Texas, same being the most West Northwest corner of this tract of land;

THENCE S. 89° 57' 52" E., 1494.06 feet along the South line of said 22.544 acre tract of land to a 1/2 inch iron rod with cap (5626) found at the Southeast corner of said 22.544 acre tract of land, same being an interior jog corner of this tract of land;

THENCE N. 00° 02' 07" E., 1312.81 feet to a 1/2" rebar with cap (UNKNOWN) found in the South line of a 7.99 acre tract of land being described in that certain instrument recorded under Clerk's File No. 02 10532 of the Official Public Records of Randall County, Texas, same being the most North Northwest corner of this tract of land;

THENCE S. 89° 49' 38" E., 1065.40 feet to a 1/2 inch iron rod with cap (5626) found in the West line of a County Road Dedication described in that certain instrument recorded in Volume 266, Page 715 of the Deed Records of Randall County, Texas, at the Southeast corner of said 7.99 acre tract of land, same being the Northeast corner of this tract of land;

THENCE S. 00° 01' 54" W., 2626.28 feet along the West line of said County Road Dedication to a 1/2 inch iron rod with cap (5626) found at the Southwest corner of said County Road Dedication, same being the Southeast corner of this tract of land;

THENCE N. 89° 53' 53" W., 2559.62 feet to the POINT OF BEGINNING and containing 109.32 acres of land, more or less.



Welcome Home

N & B Properties, Inc.
17701 White Wing Rd
Canyon, TX 79015

January 5, 2018

AJ Fawver, AICP, CNU-A
Planning Director
800 S. Buchanan
Amarillo, Texas 79105

RE: Hunter Estates (ZB165143)

Ms. Fawver:

I have engaged Furman Land Surveyors, Inc. to provide surveying services for Hunter Estates, (Section 30) a suburban, residential subdivision. Hunter Estates is located partially in the City of Amarillo's Extraterritorial Jurisdiction (ETJ) in Randall County. In accordance with Texas Government Code, Chapter 791 "Interlocal Cooperative Contracts" and Local Government Code, Chapter 42 "Extraterritorial Jurisdiction of Municipalities", and being that a majority of the proposed subdivision is located inside the ETJ, I am formally requesting that this development be included, in full, in the Extraterritorial Jurisdiction.

If you should have any questions please do not hesitate to contact me at 806-420-9023.

Sincerely,

Robbie Christie

Cc: Kyle Schniederjan
Floyd Hartman

PETITION REQUESTING INCLUSION IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF AMARILLO, TEXAS Property Address: 0 Helium Road Property GEO ID: R-758-0300-7000.0 TO THE MAYOR AND CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS:

I(We), the undersigned, am(are) the owner(s) of a tract of land ("Tract") which is contiguous and adjacent to the extraterritorial jurisdiction ("ETJ") of the City of Amarillo, Texas ("City"). The Tract is identified by deed, legal description, address, and/or appraisal district data attached here as "Exhibit A" and included herein as if fully described. To fulfill the Texas Legislature's intent to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the City, I(We) request the Tract be included in the City's ETJ pursuant to TEXAS LOCAL GOVERNMENT CODE SECTION 42.022(b). Petitioner(s) believe(s) that none of the Tract is located within any other municipality's existing ETJ or corporate boundaries; however if Petitioner is incorrect, Petitioner requests the boundaries of the Tract be revised and reformed so that none of the Tract to be included within the City's ETJ shall be located within any other municipality's existing ETJ. If any portion of this Petition is invalid or unenforceable for any reason, including but not limited to parts of the Tract being ineligible for inclusion in the City's ETJ, such invalidity or unenforceability shall not affect any other provision hereof or any part of the Tract which is eligible for inclusion in the City's ETJ, and this Petition shall be construed as if such invalid or unenforceable provision had never been contained herein. And Petitioner(s) request(s) any prior request(s) for inclusion into the City of Amarillo for the Tract or portion thereof by Petitioner(s) or prior landowners be construed to be reaffirmed by this request and not invalidated. Petitioner(s) sole intent in that circumstance is to show continued intent for the Tract to be included in the ETJ of the City and not that of another municipality. Petitioner(s) also expressly grant(s) this covenant or agreement to run with the land. Petitioner(s) also agree(s) that if this petition should be accepted by the City, a subsequent request for removal from City's ETJ must also be accepted and/or approved by the City.

Signed and executed this the 12th day of January, 2018.
Robbie Christie Property Owner Signature

Property Owner Signature [Signature]

Printed Name Printed Name STATE OF TEXAS COUNTY OF Randall Before me,
the undersigned authority, on this day personally appeared Robbie Christie and
known to me to be the person(s) whose name(s)

is(are) subscribed to the foregoing instrument and each acknowledged to me that he(she) executed the



Natalie Phillips



E

Amarillo City Council

Agenda Transmittal Memo



Meeting Date	March 13, 2018	Council Priority	Second Reading, Consent Agenda
Department	Planning Department		
Contact	AJ Fawver, Planning Director; Cody Balzen, Planner (Case Manager)		

Agenda Caption

SECOND READING OF AN ORDINANCE ANNEXING INTO THE CITY OF AMARILLO, RANDALL COUNTY, TEXAS, ON PETITION OF PROPERTY OWNER, TERRITORY GENERALLY DESCRIBED AS A 91.334 ACRE TRACT LOCATED SOUTHEAST OF THE CITY, WEST OF THE INTERSECTION OF SOUTH GEORGIA STREET AND WEST LOOP 335 SOUTH, SITUATED IN SECTION 231 & 232, BLOCK 2, A.B.&M. SURVEY, AND EXTENDING WEST/SOUTHWEST ADJACENT TO THE NORTHERN LINE OF SECTION 232 FOR A DISTANCE OF 4012.31'; DESCRIBING THE TERRITORY ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS OF SAID TERRITORY; DIRECTING THE FILING OF THE ORDINANCE IN THE MANNER REQUIRED BY LAW; DIRECTING NOTICE TO SERVICE PROVIDERS AND STATE AGENCIES; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE

Agenda Item Summary

Background

City staff was presented with a petition for annexation of the property described above toward the end of 2017. City staff has met internally and with the applicant to discuss the annexation and timeline.

The annexation is for property described above and specifically shown in the attached exhibits. The property in question is entirely vacant. Barstow Drive is currently being built within this proposed annexation area and will be accepted by the City once it meets the required specifications and is annexed into the city limits. Barstow Drive will connect the City View Estates subdivision to Loop 335.

The existing conditions of the site are:

- 91.334 acres in size,
- Entirely vacant,
- No preliminary plan on file,
- No subdivision on file, and,
- The Future Land Use & Character (FLUC) map calls for an suburban commercial north of Loop 335 and suburban residential future land use south of Loop 335. The applicant has not given any information on desired future use or proposed any timeline for development currently.

Amarillo City Council

Agenda Transmittal Memo



Process to Date

Once all documents were acquired for processing, the following calendar of annexation proceedings was adopted, as prescribed under Chapter 43 of the Local Government Code.

First public hearing	January 30, 2018
Second public hearing	February 13, 2018
Introduction of annexation ordinance, on first reading	March 6, 2018
Adoption of annexation ordinance, on second reading	March 13, 2018

Local Government Code Guidance

The Local Government Code authorizes cities to annex sparsely occupied areas on petition of the area's landowner(s). This section (43.028) applies to the annexation of areas that meet the following criteria:

- 1) Is one-half mile or less in width;
- 2) Is within the ETJ (Extra-Territorial Jurisdiction) of the city;
- 3) Is vacant and without residents or on which fewer than three qualified voters reside;
- 4) Is contiguous to the annexing city.

Staff asserts that there is a public interest in proceeding as proposed, as:

- the City of Amarillo's policy is not to pursue involuntary annexation; and,
- annexation enables communities to include property at or before development occurs, making this a prudent decision as knowledge exists that the property proposed for annexation is intended to be developed in the near future.

Staff has worked to correct minor issues with the property description with the applicant, and prepared the legal documents and service plan, as required.

Service Plan

Section 43.056 of the Local Government Code requires preparation of a service plan, detailing what services shall be provided, when, and how (see attachment, prepared in January of this year). While this attached plan is in more detail, the following is a short summary of its main features:

- Existing services to this area: water and sewer services are available adjacent to the property; however, service from these mains is not being used by the annexation property at this time.
 - Services to be provided at the effective date of annexation and thereafter, consistent with other parts of the city:
 1. fire response,
 2. fire inspection,
 3. police patrols,
 4. building permitting & inspection,
-

Amarillo City Council

Agenda Transmittal Memo



-
5. code enforcement,
 6. zoning and planning services,
 7. administration of ordinances,
 8. library privileges,
 9. animal control services,
 10. health regulation enforcement,
 11. drainage inspection, and
 12. solid waste collection.
- Services to be provided **in accordance with related and adopted policies and plans as deemed appropriate:**
 1. maintenance to future streets and alleys upon acceptance of those improvements,
 2. maintenance to future drainage upon acceptance,
 3. coordination of street lighting,
 4. traffic control devices,
 5. extensions of water service,
 6. extensions of sanitary sewer service, and
 7. transit services.

City of Amarillo Costs

It is anticipated that the following costs would be borne by the City of Amarillo in association with this annexation as proposed:

- Streets – No cost to the City; all streets internal to the development would be the responsibility of the developer.
- Drainage – No cost to the City, other than maintenance after acceptance of improvements.
- Water – No cost to the City; water is already located adjacent to annexation area. Any extensions of this service would be the responsibility of the developer.
- Sanitary Sewer – No cost to the City; sewer main located adjacent to annexation area. Any extensions of this service would be the responsibility of the developer.
- Other Services – all other departments have reported the ability to absorb the extension of services into their existing operating budgets.

Recommendation

To summarize, the petitioned property for annexation is currently served by city water and sewer mains adjacent to the property which means there will be no immediate costs to the city for service extensions. The annexation would allow the city to regulate the development of the property to city standards that would not have been enforceable otherwise. Some of the property is designated for commercial use by the adopted Future Land Use and Character Map and Comprehensive Plan, and future commercial development in this area after annexation will allow the city to capture commercial tax and revenues from the site. Considering the low burden to the city and potential high reward, staff recommends approval of the petitioned annexation.

Amarillo City Council

Agenda Transmittal Memo



Requested Action

Consider and take action to either approve or deny this ordinance to annex the property described in the caption above at final reading.
--

Funding Summary

N/A

Community Engagement Summary

As required by the Local Government Code, Section 43.0561, written notices were sent to utility companies, the property owner, and ISDs in the area.
--

Public notice was published in a newspaper of general circulation and on the City website, notifying the public of the January 30th public hearing, while a second notice notified the public of the February 13th public hearing. Public notices for each of these dates were also published to the City of Amarillo’s website.

Community Impact: Level 1 – Modest on selected area and/or community group.

Staff Recommendation

Staff recommends approval of this item, as presented.

Attachments

- | |
|---|
| <ul style="list-style-type: none">1. Map of subject property2. Municipal Service Plan, approved by City Attorney’s office3. Annexation ordinance and exhibits, approved by City Attorney’s office |
|---|

ORDINANCE NO. 7722

AN ORDINANCE ANNEXING INTO THE CITY OF AMARILLO, RANDALL COUNTY, TEXAS, ON PETITION OF PROPERTY OWNER, TERRITORY GENERALLY DESCRIBED AS A 91.334 ACRE TRACT LOCATED SOUTHEAST OF THE CITY, WEST OF THE INTERSECTION OF SOUTH GEORGIA STREET AND WEST LOOP 335 SOUTH, SITUATED IN SECTION 231 & 232, BLOCK 2, A.B.&M. SURVEY, AND EXTENDING WEST/SOUTHWEST ADJACENT TO THE NORTHERN LINE OF SECTION 232 FOR A DISTANCE OF 4012.31'; DESCRIBING THE TERRITORY ANNEXED; FINDING THAT ALL NECESSARY AND REQUIRED LEGAL CONDITIONS HAVE BEEN SATISFIED; PROVIDING FOR AMENDMENT OF THE BOUNDARIES AND OFFICIAL MAP OF THE CITY; APPROVING A SERVICE PLAN THEREFORE; SUBJECTING THE PROPERTY SITUATED THEREIN TO BEAR ITS PRO RATA PART OF TAXES LEVIED; PROVIDING RIGHTS AND PRIVILEGES AS WELL AS DUTIES AND RESPONSIBILITIES OF INHABITANTS OF SAID TERRITORY; DIRECTING THE FILING OF THE ORDINANCE IN THE MANNER REQUIRED BY LAW; DIRECTING NOTICE TO SERVICE PROVIDERS AND STATE AGENCIES; PROVIDING A SEVERABILITY CLAUSE; DECLARING COMPLIANCE WITH OPEN MEETINGS ACT; AND, PROVIDING AN EFFECTIVE DATE

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

WHEREAS, annexation enables communities to encompass property at or before development occurs, and development is planned for this property as expressed by the petitioner; and,

WHEREAS, pursuant to Texas Local Government Section 43.028, the owners of the property described in Exhibits A, B, & C (hereinafter the "Area") have petitioned the City Council in writing to annex this area into the corporate limits of the City of Amarillo; and,

WHEREAS, the Area is one-half mile or less in width and vacant, without residents; and,

WHEREAS, a service plan has been prepared that provides for the extension of appropriate municipal services to the Area, outlined in Exhibit D, attached hereto and made a part hereof for all purposes; and the City of Amarillo is able to provide such services by any of the methods by which the City extends the services to any other area of the City; and,

WHEREAS, the notice, publication, time periods and other procedural requirements of Chapter C-1 of the Texas Local Government Code have been complied with, including with respect to this annexation that three public hearings have been held at which persons interested in annexation of the Area into the corporate limits of the City were given the opportunity to be heard, the first on January 30th of 2018, the second on February 13th of 2018, and the third on March 6th of 2018; and,

WHEREAS, the hereinafter described properties and territory lies within the extraterritorial jurisdiction of the City of Amarillo;

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

SECTION 1. Findings of Fact. All of the above premises are hereby found to be true and correct and are incorporated into the body of this ordinance as if fully set forth.

SECTION 2. Annexation. The Area described in Exhibits A, B, & C, attached hereto and incorporated herein for all purposes, is hereby added and annexed into the City of Amarillo, Texas, and said Area shall hereafter be included within the corporate limits of the City of Amarillo, and the present boundary lines of said City, are hereby altered, extended and amended so as to include said Area within the corporate limits.

SECTION 3. Amendment of Boundaries and Official Map. The official map and boundaries of the City of Amarillo, Texas, heretofore adopted and amended, shall be and are hereby amended so as to include the aforementioned annexed Area.

SECTION 4. Service Plan. The service plan attached hereto as Exhibit D is hereby approved and is incorporated herein for all purposes. The City of Amarillo makes an affirmative determination that this service plan provides for services to the annexed Area which are comparable to other areas within the City of Amarillo with similar land utilization, population density and topography. It is further found that those characteristics of land use, population density and topography which distinguish this Area from other areas of the City of Amarillo are considered a sufficient basis for providing a different level of services in the annexed Area.

SECTION 5. Pro Rata Share of Taxes. The annexed Area, being a part of the City of Amarillo for all purposes, the property situated herein shall bear its pro rata part of taxes levied by the City of Amarillo.

SECTION 6. Rights, Privileges and Duties of Inhabitants. The inhabitants of the annexed Area shall be entitled to the rights and privileges of the other citizens of the City of Amarillo and shall be bound by the Charter, Ordinances, Resolutions and other regulations of the City of Amarillo.

SECTION 7. Filing of Ordinance. The City Secretary is hereby directed to file a certified copy of this ordinance with the County Clerk of Randall County, Texas, the County Tax Assessor of Randall County, Texas, the Randall County Appraisal District, The Texas Secretary of State, the Census Bureau, the Texas Department of Insurance, the Texas Public Utility Commission, the Texas Comptroller of Public Accounts, and all local utility companies, in the manner required by law.

SECTION 8. Severability. If any part, provision, section, subsection, sentence, clause or phrase of this ordinance (or the application of same to any person or set of circumstances) is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining parts of this ordinance (or their application to other persons or sets of circumstances) shall not be affected thereby, it being the intent of City Council in adopting this ordinance, that no part thereof or provision contained herein shall become inoperative or fail by reason of any unconstitutionality of any other part hereof, and all provisions of this ordinance are declared to be severable for that purpose.

SECTION 9. Open Meeting Act Compliance. The City Council for the City of Amarillo hereby finds and declares that the meetings at which this ordinance was introduced and finally passed were open to the public as required by law and that public notice of the time, place and purpose of said meetings was given as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code.

SECTION 10. Effective Date. This ordinance will become effective on the day of its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the 6th day of March, 2018; and PASSED on Second and Final Reading on this the 13th day of March, 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKarnie, City Attorney

EXHIBIT "A"

ANNEXATION TO CITY OF AMARILO

DESCRIPTION

A 91.334 acre tract of land being a portion of a tract of land as described in that certain Warranty Deed recorded under Clerk's File No. 01 16302 of the Official Public Records of Randall County, Texas, a portion of a tract of land as described in that certain Warranty Deed recorded under Clerk's File No. 2013000574 of the Official Public Records of Randall County, Texas, portions of Highway Rights-of-Ways of Loop Highway No. 335, as described in those certain Rights-of-Ways Easements recorded in Volume 315, Page 356 and Volume 357, Page 334, both of the Deed Records of Randall County, Texas, portions of Highway Right-of-Way of Loop Highway No. 335, as described in those certain Highway Right-of-Way Deeds recorded under Clerk's File No.'s 2014000756, 2013021949, 2013021948, and 2013022337, all of the Official Public Records of Randall County, Texas, and a portion of that certain "Vacated" Road Right-of-Way known as Hollywood Road, as described in that certain City of Amarillo's Ordinance No. 6626, recorded under Clerk's File No. 02 19952 of the Official Public Records of Randall County, Texas, all situated in Sections 231 and 232, Block 2, A.B. & M. Survey, Randall County, Texas, said tract of land determined from various surveys by Robert Keys and Associates from April, 2004 to present, and being further described by metes and bounds as follows:

Commencing at the common west corner of said Sections 231 and 232;

Thence N. 89° 49' 42" E., (Directional Control GPS Observation WGS-84), 1270.00 feet along the common line of said Sections 231 and 232 to the northwest and **BEGINNING CORNER** of this tract of land;

Thence N. 89° 49' 42" E., 2760.31 feet along the common line of said Sections 231 and 232 and the existing city limits line of the City of Amarillo, as described in that certain Ordinance No. 6742, dated July 8, 2004, and Ordinance No. 7084, dated March 4, 2008 to the beginning of a curve to the right with a radius of 3944.83 feet;

Thence Northeasterly, along said existing city limits line, an arc distance of 486.82 feet with a chord of N. 86° 17' 35" E., 486.51 feet to the end of said curve;

Thence N. 89° 49' 42" E., 710.81 feet along said city limits line to the northeast corner of this tract of land, from whence the common east corner of said Sections 231 and 232 bears South, 30 feet and East 60 feet;

Thence S. 00° 24' 51" W., 379.54 feet to the most easterly southeast corner of this tract of land being in the east line of Lot 4, Block 1, Gouldy Acres Unit No. 1, a suburban subdivision of the City of Amarillo, according to the map or plat thereof, of record in Volume 776, Page 376 of the Deed Records of Randall County Texas and same being the most easterly southeast corner of a 0.8628 acre tract of land as described in that certain Highway Right-of-Way Deed recorded under Clerk's File No. 2014000756 of the Official Public Records of Randall County, Texas;

Thence N. 45° 13' 57" W., 106.12 feet along the southerly line of said 0.8628 acre tract of land and same being the southerly right-of-way line of said Loop Highway No. 335;

Thence S. 89° 48' 06" W., 635.76 feet along the south right-of-way line of said Loop Highway 335 as described in that certain Highway Right-of-Deed recorded under said Clerk's File No. 2014000756 to the beginning of a curve to the left, with a radius of 3646.81 feet;

Thence Southwesterly, along said curve and southerly right-of-way line of said Loop Highway 335, as described in that certain Highway Right-of-Deed recorded under said Clerk's File No. 2014000756, an arc distance of 551.98 feet with a chord of S. 85° 29' 13" W., 551.45 feet;

Thence S. 00° 15' 46" E., 531.98 feet along the west line of Lot 9, Block 2, of said Gouldy Acres Unit No. 1 to the most southerly southeast corner of this tract of land and same being the beginning of a curve to the left with a radius of 3119.83 feet;

Thence Southwesterly, along said curve, an arc distance of 861.47 feet with a chord of S. 71° 46' 50" W., 858.73 feet to the end of said curve;

Thence S. 63° 49' 15" W., 588.81 feet to the beginning of a curve to the right with a radius of 4519.83 feet;

Thence Southwesterly, along said curve, an arc distance of 1391.26 feet with a chord of S. 72° 40' 57" W., 1385.77 feet to the end of said curve;

Thence N. 00° 08' 00" W., 860.31 feet along the existing city limits line of the City of Amarillo as described in that certain Ordinance No. 5097 dated August 11, 1981;

Thence N. 01° 38' 30" W., 921.33 feet along the existing city limits line of the City of Amarillo as described in that certain Ordinance No. 4398 dated March 25, 1975 to the **POINT OF BEGINNING**.

NOTE: This metes and bounds description is for annexation purposes only, and not surveyed on the ground at this time, but prepared from previous surveys and record documents. It cannot be used for any other purpose.

See Exhibit "B" Sketch,
Job No. 20140210



Robert Keys & Associates

Surveying / Mapping / Planning
7106 S. Bell Street, Amarillo, Texas 79109
Voice: (806) 352-1782 Fax: (806) 352-1942
Texas Firm No. 10034400

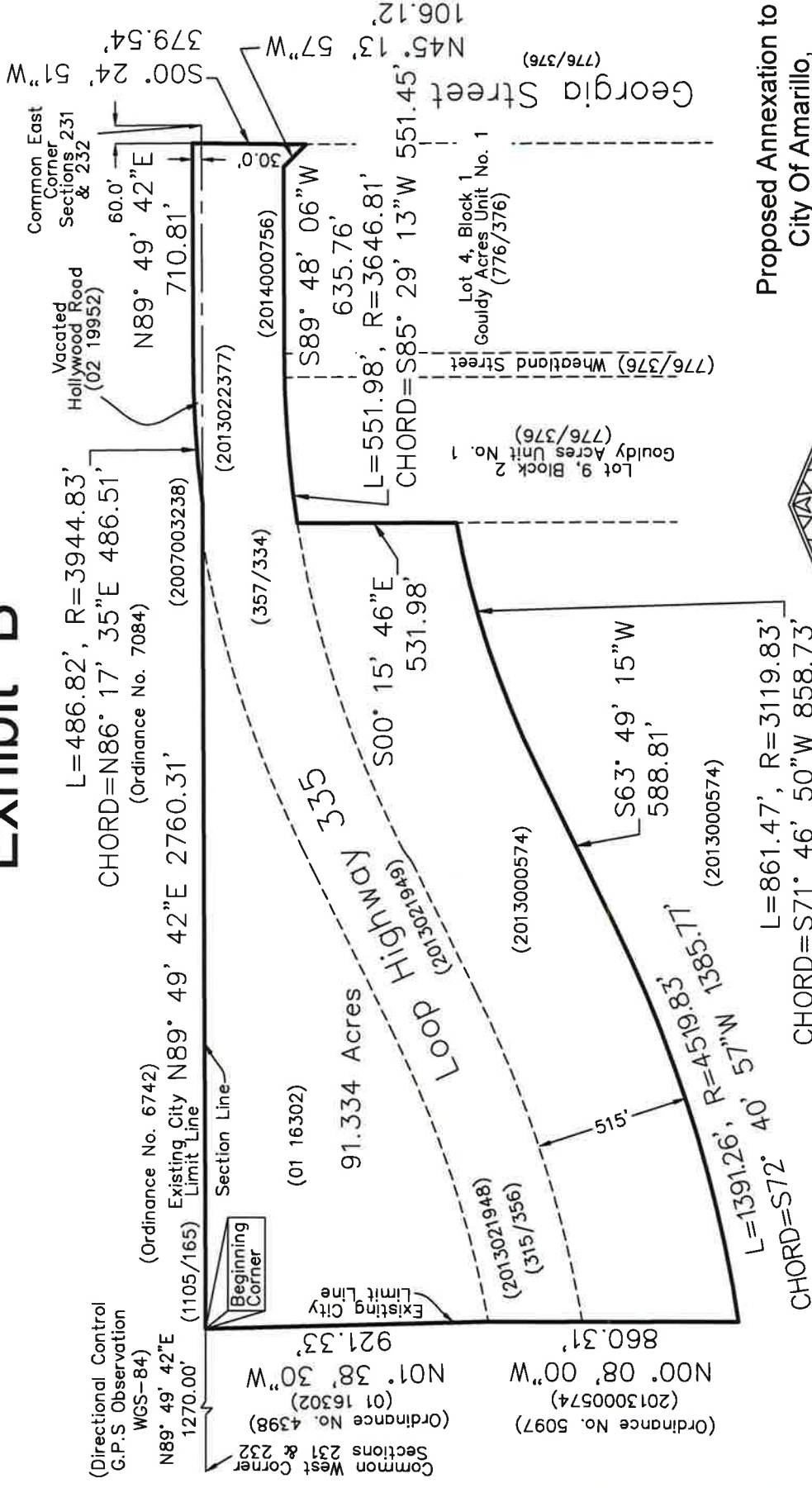
EMAIL: rka@keyssurveying.com
Web Site: www.keyssurveying.com
Prepared: December 19, 2017

**Robert E.
Keys**

Digitally signed by Robert E. Keys
DN: cn=Robert E. Keys, o=Robert
Keys and Associates, ou,
email=rkeys@keyssurveying.com,
c=US
Date: 2017.12.19 10:04:33 -06'00'

Registered Professional Land Surveyor

Exhibit "B"



Proposed Annexation to
City Of Amarillo,
91.344 acres
being a portion of
Sections 231 & 232, Block 2
A. B. & M. Survey,
Randall County, Texas

Robert Keys & Associates



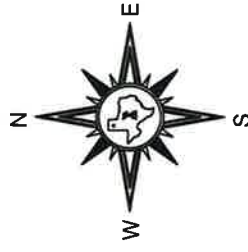
(806)352-1782 Email: rka@keyssurveying.com
7106 S. Bell Street, Amarillo, Texas 79109-7003
Firm No. 10034400 www.keyssurveying.com



Digitally signed by Robert E. Keys
DN: cn=Robert E. Keys, o=Robert
Keys and Associates, ou,
email=rkeys@keyssurveying.com,
c=US
Date: 2017.12.19 10:12:33 -0600

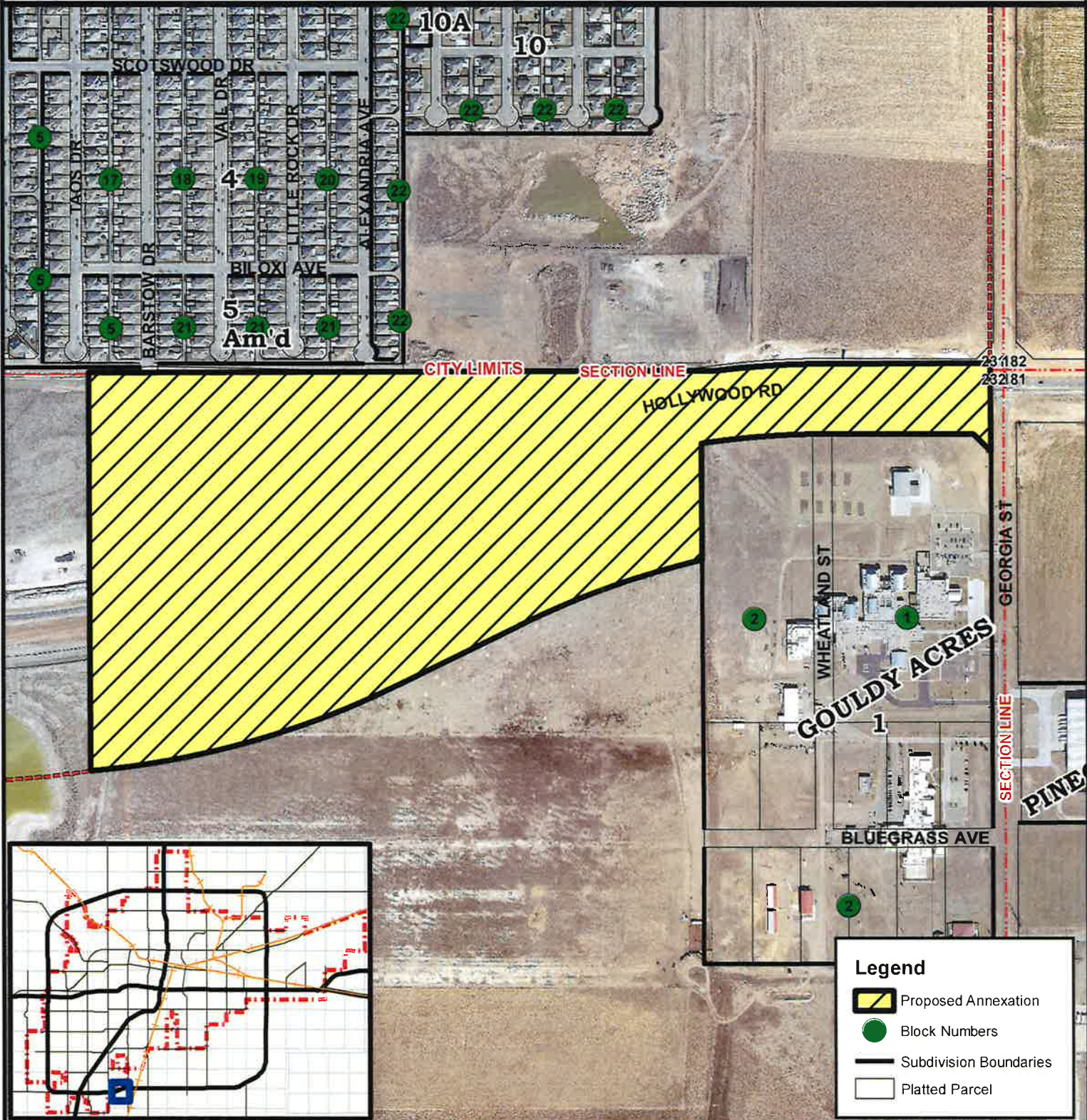
Job No.404029
Date: December 19, 2017
Prepared from various surveys
from April, 2004 to present

Robert
E. Keys



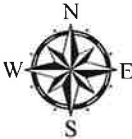
SCALE: 1" = 500'

EXHIBIT "C"



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 600 feet
Date: 1/17/2018



ANNEXATION INTO THE CITY OF AMARILLO, RANDALL COUNTY, TEXAS, ON PETITION OF PROPERTY OWNER, TERRITORY GENERALLY DESCRIBED AS A 91.34 ACRE TRACT LOCATED SOUTHEAST OF THE CITY, WEST OF THE INTERSECTION OF SOUTH GEORGIA STREET AND WEST LOOP 335 SOUTH, SITUATED IN SECTION 231 & 232, BLOCK 2, A.B.&M. SURVEY, AND EXTENDING WEST/SOUTHWEST ADJACENT TO THE NORTHERN LINE OF SECTION 232 FOR A DISTANCE OF 4012.31'

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.

EXHIBIT D: MUNICIPAL SERVICE PLAN

1. The property owners petitioned to annex their real property, which is contiguous to the City located approximately Southeast of the City, West of the Intersection of South Georgia Street, and West Loop 335 South, Randall County, Texas, described as Section 231 and 232, Block 2, A.B.&M. survey, and extending West/Southwest adjacent to the Northern line of Section 232 for a distance of 4013.31'.

Before publication notice of the first annexation hearing mandated under the Texas Government Code, Section 43.0561, the City of Amarillo, Texas is required to prepare a Municipal Service Plan to inventory the types of services currently provided for Amarillo citizens, existing services for the proposed annexed property, and how the City will provide the annexed property the same services as those property owners within the corporate city limits.

2. In compliance with Texas Government Code, Section 43.056, the following municipal services will be provided in the annexed area, provided the City Council annexes such property into the corporate city limits of Amarillo, Texas.

FIRE

Existing Services: None

Services to be Provided: Fire suppression will be available to the area upon annexation. Primary fire response will be provided by Fire Station No. 12, located at 3100 SW 58th. Adequate fire suppression activities can be afforded to the annexed area within current budget appropriation. Fire prevention and fire inspection activities will be provided by the Fire Marshal's office as needed.

POLICE

Existing Services: None

Services to be Provided: Currently, the area is under the jurisdiction of the Randall County Sheriff's Office. However, upon annexation, the City of Amarillo Police Department (APD) will extend regular and routine patrols to the area. It is anticipated that the implementation of police patrol activities can be effectively accommodated within the current budget and staff appropriation.

BUILDING INSPECTION

Existing Services: None

Services to be Provided: The Building Safety Department will provide code enforcement services upon annexation. This includes issuing building, electrical and plumbing permits for any new construction and remodeling, and enforcing all other applicable codes which regulated building construction within the City of Amarillo. This

can be provided within the current Department of Building Safety budget and staff appropriations.

PLANNING AND ZONING

Existing Services: None

Services to be Provided: The Planning and Zoning Department's responsibility for regulating development and land use through the administration of the City of Amarillo's Zoning Ordinance will extend to this area on the effective date of the annexation. The property will also continue to be regulated under the requirements of the City of Amarillo's Subdivision Ordinance. These services can be provided within the department's current budget and staff appropriations.

LIBRARY

Existing Services: None

Services to be Provided: Upon the effective date of annexation, free library use privileges will be available to anyone residing in this area. These privileges can be provided within the current budget appropriation.

ENVIRONMENTAL HEALTH DEPARTMENT- HEALTH CODE ENFORCEMENT SERVICE

Existing Services: None

Services to be Provided: The Bi-City-County Health District will implement the enforcement of the City of Amarillo's health ordinances and regulations on the effective date of the annexation. Such services can be provided with current Health Department personnel and within the current budget appropriation. In addition, Animal Management and Welfare services will be provided to the area as needed.

STREETS

Existing Services: County & TxDOT Street Maintenance

Services to be Provided: Maintenance to any future street and alley facilities will be provided by the City upon acceptance of that street or alley by the City at the completion of the required warranty period. Any future maintenance will require a budget increase, based upon the number of lane miles of streets and alleys installed as part of future development. Construction of any streets or alleys in the future shall comply with the City of Amarillo's standard specifications.

STORM WATER MANAGEMENT

Existing Services: None

Services to be Provided: Developers will provide storm water drainage at their own expense and will be jointly inspected by the Capital Projects and Public Works Department at time of completion. Construction of all storm water drainage facilities shall comply fully with City of Amarillo Specifications. The City will then maintain the drainage upon approval.

STREET LIGHTING

Existing Services: None

Services to be Provided: The City of Amarillo Traffic Engineering Department will coordinate any request for improved street lighting with the local electric provider in accordance with City of Amarillo Lighting Standards.

TRAFFIC ENGINEERING

Existing Services: None

Services to be Provided: After the effective date of annexation, the City of Amarillo Traffic Engineering Department will provide additional traffic control devices deemed necessary for public safety by that Department. Traffic controls shall be on a level comparable to that provided for other areas of the City with similar roads, topography, land use, population densities, degrees and nature of development, traffic patterns, and other factors influencing the flow of traffic in the area. Traffic counts and other studies will be conducted as warranted in accordance with the City's current policy.

WATER SERVICE

Existing Services: If the property is platted as a whole, as shown on map, an existing 30" water main runs along the north side of the property.

Services to be Provided: If property is subdivided water main extensions would be the responsibility of the developer. Water service to the area will be provided by developer in accordance with the applicable City codes and departmental policy. When other property develops in the adjacent area, water service shall be provided by developer in accordance with extension ordinances. Extension of service shall comply with City codes and ordinances.

SANITARY SEWER SERVICE

Existing Services: If the property is platted as a whole, as shown on map, an existing 42" sanitary sewer main runs along the northeast side of the property.

Services to be Provided: If property is subdivided sanitary sewer extensions would be the responsibility of the developer. Sanitary sewer service to the area of proposed annexation will be provided by developer in accordance with applicable City codes and departmental policy. When property develops in the adjacent areas, sanitary sewer service shall be provided by developer in accordance with the present extension ordinance. Extension of service shall comply with applicable codes and ordinances.

SOLID WASTE SERVICES

Existing Services: None

Services to be Provided: After annexation, solid waste collection shall be provided to the area of annexation in accordance with the present City ordinance. Service shall comply with existing City policies, beginning with occupancy of structures. The use of the City's sanitary landfill will also be provided to all residents of the proposed annexed area on the same basis as those residents currently living within the City limits.

TRANSIT

Existing Services: None

Services to be Provided: The Americans with Disabilities Act service area adopted in 1992 by the COA is defined as the City boundaries west of Lakeside. Expansion requires Amarillo City Transit to pick up and drop off eligible passengers in this area. Fixed route service is not required.

PARKS & RECREATION

Existing Services: None

Services to be Provided: Upon the effective date of annexation, all resident privileges will be available to anyone residing in this area for all city offered parks & recreation programs and services city wide. These privileges can be provided within the current budget appropriation. City View School Park will be the closest neighborhood park, approximately five blocks due North from designated annexation.

MISCELLANEOUS

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

F



Amarillo City Council

Agenda Transmittal Memo



Meeting Date	March 13, 2018	Council Priority	
Department	Parks & Recreation		
Contact	George Priolo, General Manager of Golf Operations		

Agenda Caption

CONSIDER AWARD OF GOLF CAR LEASE FOR BOTH ROSS ROGERS AND COMANCHE TRAIL GOLF COMPLEXES

Agenda Item Summary

Award to Club Car: 48-month lease on 245 – 2018 Club Car Tempo Electric Golf Cars for Ross Rogers (125 cars) and Comanche Trail (120) Golf Complexes.

This 48-month lease will provide the city with two-hundred forty-five (245) Tempo Connect Electric Golf Cars equipped with Visage Fleet Management Control and Tracking modules and the Shark Experience technology (available to each customer at an additional charge). The new lease fleet will replace the current golf cars at both Ross Rogers (125 cars) and Comanche Trails (120 cars). Club Car will accept our current Club Car Precedent Golf Cars at both locations (150 – 2014 models, 30 – 2015 models, 30 – 2016 models and 35 – 2017 model year cars) as trade-in value applied to the lease.

Requested Action

Request approval of the lease agreement with Club Car.

Funding Summary

48-month lease agreement:
Tempo Connect Golf Car (245 Cars): \$62.74 per car, per month=\$15,370.00 per month
Visage Control Module (245 Cars): \$15.00 per car, per month=\$3,675.00 per month
Visage Tracking Module (245 Cars): \$15.00 per car, per month= \$3,675.00 per month
Total lease payments for 48-month term of lease: \$1,090,560.00

The combined average annual revenue for car rentals is conservatively \$740,000 which equates to \$2,960,000 gross revenue for the term of the lease. Net revenue for the term of the lease is estimated to be \$1,869,440.

Community Engagement Summary

N/A

Staff Recommendation

Parks Administration and Golf Operations staff recommends approval and award of this lease agreement to Club Car.

Bid No. 6040 CLUB CAR LEASE FOR GOLF COURSES
Opened 4:00 p.m. February 22, 2018

To be awarded as one lot		CLUB CAR NORTH TEXAS BRANCH
Line 1 Golf Cart Rental or Lease 48 month lease - tempo connect golf car, per specifications		
48 ea		
Unit Price	\$22,720.000	
Extended Price		1,090,560.00
Bid Total		1,090,560.00
Award by Vendor		1,090,560.00

Amarillo City Council

Agenda Transmittal Memo



6

Meeting Date	3/13/2018	Council Priority	Infrastructure Initiative
Department	Capital Projects & Development Engineering		
Contact	Kyle Schniederjan, P.E., City Engineer		

Agenda Caption

CONSIDER AWARD – RFQ #05-17 Professional Services Agreement for Job # 530007 Aerial Sewer Crossings
Brandt Engineers Group, Ltd. - \$251,740.00

Agenda Item Summary

This item is to consider award of a Professional Services Agreement for Engineering Services for the replacement of four existing aerial sewer crossings.

Requested Action

Consider approval and award to Brandt Engineers Group, Ltd. - \$251,740.00

Funding Summary

Funding for this project is available in Project Number 530007.17400.2160 which was approved in the FY 17/18 CIP Budget.

Community Engagement Summary

This project will have modest impact to the neighborhood. The Project Manager will send notifications to affected property owners and conduct a public meeting prior to construction. City staff will update the public with press releases and public announcements through social media before and during the project.

Staff Recommendation

City Staff is recommending approval and award of the agreements.

AGREEMENT FOR ENGINEERING SERVICES

This Agreement is made between the City of Amarillo, a municipal corporation located in Potter and Randall Counties, Texas ("OWNER"), and Brandt Engineers Group, Ltd. ("ENGINEER").

OWNER hereby engages ENGINEER to perform engineering services in connection with Job #530007 Aerial Sewer Crossings (the "Services").

The Services are more particularly set forth in the letter dated January 27, 2018 from ENGINEER to OWNER attached to this Agreement as Exhibit A (the "Scope of Work") and by this reference made a part of the Agreement. ENGINEER 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.

ENGINEER agrees to accept as payment for the completion of the Services a maximum fee, inclusive of expenses, of \$251,740.00. Additional services outside the Scope of Work will require prior written approval by OWNER.

II.

ENGINEER will submit monthly billings to OWNER for payment. ENGINEER'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.

ENGINEER 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 Kyle Schniederjan, City Engineer, or his designee. ENGINEER will begin work on the Services within 5 days after receipt of written notification to proceed from OWNER and shall complete the Services in a timely manner.

IV.

ENGINEER 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 that will be provided hereunder, will be the sole and exclusive property of OWNER and are deemed "Works Made for Hire". ENGINEER agrees to and does hereby assign the same to OWNER. ENGINEER will enter into any and all necessary documents to effect such assignment to OWNER. ENGINEER is entitled to maintain copies of all Work Product that is produced or used in the execution of this Agreement. It is understood that ENGINEER 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 Products by OWNER without the ENGINEER'S specific written authorization, verification and adaption will be at OWNER'S risk and without any liability on behalf of ENGINEER.

V.

ENGINEER 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 ENGINEER or its employees and agents shall be used by ENGINEER or its employees and agents solely and exclusively in connection with the performance of the Services.

VI.

ENGINEER agrees that OWNER or its duly authorized representatives will, until the expiration of 4 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 ENGINEER involving transactions related to this Agreement, which books, documents, papers, invoices and records ENGINEER 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 ENGINEER.

VIII.

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

IX.

If ENGINEER is requested in writing by OWNER to provide any services outside of the Scope of Work, ENGINEER 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.

ENGINEER 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 ENGINEER OR THE ENGINEER'S AGENT, CONSULTANT UNDER CONTRACT, OR ANOTHER ENTITY OVER WHICH ENGINEER EXERSED CONTROL. ENGINEER SHALL BE RESPONSIBLE FOR PERFORMING THE WORK UNDER THIS AGREEMENT IN A SAFE AND PROFESSIONAL MANNER AND SHALL BE LIABLE FOR ENGINEER'S NEGLIGENCE AND THAT OF ENGINEER'S EMPLOYEES, CONTRACTORS, AND AGENTS.

XI.

ENGINEER 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 "B" 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 ENGINEER. In addition, ENGINEER will provide Professional Liability Insurance in the amount of \$1,000,000.00 per claim.

XII.

ENGINEER 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 7 days prior written notice. Upon receipt of notice of termination, ENGINEER 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 ENGINEER pursuant to this Agreement will be the property of OWNER.

XIV.

In the event OWNER finds that any of the Work Product produced by ENGINEER under this Agreement does not conform to the Scope of Work, then ENGINEER will be given 10 days after written notice of the nonconformity to make any and all corrections to remedy the non-conformance. If after these 10 days ENGINEER has failed to make any 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 ENGINEER 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.

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

Brandt Engineers Group, Ltd.
Attention: Dwight Brandt, P.E.
4537 Canyon Drive
Amarillo, TX 79110
Telephone: (806) 353-7233
Email: brandt@brandtengineers.com

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

City of Amarillo, Texas
Attn: Kyle Schniederjan, P.E.
PO Box 1971
Amarillo, Texas 79105-1971
Telephone: (806) 378-3024
Email: kyle.schniederjan@amarillo.gov

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, or e-mail and mailed, faxed or e-mailed 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.

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

XIX.

ENGINEER will perform the services to be provided under this Agreement with the professional skill and care ordinarily provided by competent engineers 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 a competent engineer.

XX.

ENGINEER agrees not to discriminate by reason of age, race, religion, sex, color, national origin or condition of disability in the performance of the Services. ENGINEER 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 ENGINEER 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 ENGINEER will be obligated or liable to any third party as a result of this Agreement.

XXIII.

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

XXIV.

This Agreement is entered into and is to be performed in the State of Texas. OWNER and ENGINEER 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 interruption 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 the OWNER of any payment to ENGINEER constitute or be construed as a waiver by the OWNER of any breach of the Agreement, or any default which may then exist, nor shall it in any way impair or prejudice any right or remedy available to the 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: _____

BRANDT ENGINEERS GROUP, LTD.
(ENGINEER)

By: Mary Ellen Brandt

Printed Name: Mary Ellen Brandt

Title: President

Date: 2/16/18

A

County of Potter

STATE OF TEXAS
SANTA FE BUILDING



TAX OFFICE
900 S. POLK, SUITE 106
PO BOX 2289
AMARILLO, TEXAS 79105-2289



PHONE: (806) 342-2600
FAX: (806) 342-2637
pcto@co.potter.tx.us

SHERRI AYLOR, PCC
TAX ASSESSOR-COLLECTOR

March 1, 2018

City of Amarillo
Francis Hibbs, City Secretary
P. O. Box 1971
Amarillo, TX 79105-1971

Ms. Hibbs:

Enclosed is a list of Sheriff Sale properties that Potter County, as Trustee, sent out for bid. The bidder who qualified to purchase the property has been highlighted, and we have received their payment for the property. Please place this item on your March 13th agenda for their deed approval and signature(s).

If you would please e-mail a confirmation that this item has been placed on your agenda to katrinaadams@co.potter.tx.us or contact Katrina at #342-2607.

Sincerely,

SHERRI AYLOR, PCC
Tax Assessor-Collector

SA/ka

Enclosure

TRUSTEE PROPERTY SALE
MARCH 1, 2018

PROPERTY DESCRIPTION:

2225002280

LOT: 22 BLOCK: 3
SUB OF BLOCK E
FOREST HILL ADDN

CAUSE # 21296D
TOTAL DUE: 34,182.93
1019 N MANHATTAN ST

BIDS RECEIVED:

RAUL DURON	\$	27,500.00
LEIDY NOGUEZ FONSECA	\$	15,000.00
ELIAS ALEMAYEHU	\$	13,200.00
C AND D RENTALS LLC	\$	10,000.00
UBALDO ARMENDARIZ	\$	6,000.00
LORENZO ALVARADO	\$	5,617.00
LOUIS FUENTES	\$	4,100.00
BERNADETTE KARIEM	\$	1,019.00
HAZEL SMITH	\$	775.00

PROPERTY DESCRIPTION:

6910003535

LOT: 12 BLOCK: 94
SAN JACINTO HEIGHTS

CAUSE # 20370C
TOTAL DUE: 7,209.03
3214 NW 2ND AVE

BIDS RECEIVED:

ELIAS ALEMAYEHU	\$	680.00
JOHNTA MCNEAL	\$	507.00
HAZEL SMITH	\$	205.00
LORENZO ALVARADO	\$	87.00

PROPERTY DESCRIPTION:

928003462

LOT: BLOCK: 22
EAST 129 FT TRIANGLE OF 7
COUNTRY CLUB DIST

CAUSE # 20778C
TOTAL DUE: 7,209.03
ARCH TERR

BIDS RECEIVED:

ELIAS ALEMAYEHU	\$	250.00
HAZEL SMITH	\$	115.00

PROPERTY DESCRIPTION:

980000800

LOT: 11 BLOCK: 4
JOHN DEES ADDN

CAUSE # 19344E
TOTAL DUE: 27,273.39
1314 PARKER ST

BIDS RECEIVED:

BRANDON MICHAEL PEDERSEN	\$	15,000.01
ELIAS ALEMAYEHU	\$	13,700.00
LEIDY NOGUEZ FONSECA	\$	12,000.00
BRIAN SCASTA	\$	11,320.00
UBALDO ARMENDARIZ	\$	5,000.00
LORENZO ALVARADO	\$	3,017.00
C AND D RENTALS LLC	\$	1,000.00
HAZEL SMITH	\$	775.00
BERNADETTE KARIEM	\$	650.00



Amarillo City Council

Agenda Transmittal Memo



Meeting Date	March 13, 2018	Council Pillar	
Department	Legal		
Contact	Mick McKamie, City Attorney		

Agenda Caption

RESOLUTION – AUTHORIZING THE CITY RESPONDING TO THE APPLICATION OF ATMOS ENERGY, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM:

(Contact: Mick McKamie, City Attorney)

This resolution authorizes the City to respond to the Atmos Energy application to increase rates under the Gas Reliability Infrastructure Program (GRIP).

Agenda Item Summary

This item provides for the City of Amarillo to respond to the Atmos Energy application to increase rates. The filing by Atmos was made on February 23, 2017 and results in an increase in the monthly customer charge from \$21.16 to \$23.34 for residential customers and from \$50.64 to \$56.72 for commercial customers. The resolution suspends the effective date of the rate application for 45 days until June 8, 2018 and acknowledges that Atmos has proposed an alternate method for calculating its interim rate adjustment to reflect the change in the federal corporate tax rate from 35% to 21%.

Requested Action

Council consideration and approval of the resolution.

Funding Summary

N/A

Community Engagement Summary

Staff Recommendation

Staff recommendation is to approve the resolution authorizing the City to respond to the Atmos Energy application to increase rates under the Gas Reliability Infrastructure Program (GRIP).

RESOLUTION NO. 03-13-18-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS, RESPONDING TO THE APPLICATION OF ATMOS ENERGY, TO INCREASE RATES UNDER THE GAS RELIABILITY INFRASTRUCTURE PROGRAM; SUSPENDING THE EFFECTIVE DATE OF THIS RATE APPLICATION FOR FORTY-FIVE DAYS; DETERMINING THAT THE MEETING AT WHICH THE RESOLUTION WAS ADOPTED COMPLIED WITH THE TEXAS OPEN MEETINGS ACT; MAKING SUCH OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE.

WHEREAS: on or about February 23, 2017, Atmos Energy (“Atmos”) filed for an increase in gas utility rates under the Gas Reliability Infrastructure Program (“GRIP”), resulting in a requested increase in the monthly customer charge from \$21.16 to \$23.34 for residential customers and from \$50.64 to \$56.72 for commercial customers; and

WHEREAS: the City has a special responsibility to exercise due diligence with regard to rate increases of monopoly utilities who operate within its boundaries; and

WHEREAS: the application to increase rates by Atmos is complex; and

WHEREAS: it is necessary to suspend the effective date for the increase in rates for forty-five days, so that the City can assure itself that the data and calculations in Atmos’ rate application are correctly done; and

WHEREAS: the effective date proposed by WTG is April 24, 2017 but a suspension by the City will mean that the rate increase cannot go into effect prior to June 8, 2017; and

WHEREAS: Atmos proposed an alternative method for calculating its interim rate adjustment to reflect the change in the federal corporate tax rate from 35% to 21%, and proposes to implement a change under GURA § 104.301 as if the 21% federal corporate tax rate applied; and

WHEREAS: the City will need to assess whether further adjustments are necessary to account for excess deferred income taxes resulting from the Tax Cut and Jobs Act of 2017; and

WHEREAS: the City is under no obligation to take the same positions with regard to the methodology Atmos proposes in its pending interim rate adjustment, and expressly its proposal to include the change in the federal corporate tax rate in its calculation of its interim rate adjustment, in future proceedings or in other jurisdictions; and

WHEREAS: nothing in this Resolution shall be used against the City in any future proceeding with respect to different positions it make take with regard to setting rates.

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

Section 1. That the statements and findings set out in the preamble to this resolution are hereby in all things approved and adopted.

Section 2. The City suspends the requested effective date by Atmos for forty-five days pursuant to the authority granted the City under Section 104.301 of the Texas Utilities Code. The City finds that additional time is needed in order to review the data and calculations that provide the basis for the rate increase application.

Section 3. The meeting at which this resolution was approved was in all things conducted in compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 4. This resolution shall be effective immediately upon passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this 13th day of March, 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney



Amarillo City Council

Agenda Transmittal Memo



Meeting Date	March 13, 2018	Council Pillar	
Department	Legal		
Contact	Mick McKamie, City Attorney		

Agenda Caption

RESOLUTION – APPROVING A REDUCTION IN RATES CHARGED BY ATMOS ENERGY CORPORATION, WEST TEXAS DIVISION (“ATMOS”):

(Contact: Mick McKamie, City Attorney)

This resolution authorizes a reduction in rates charged by Atmos Energy Corporation, West Texas Division related to the reduction in the federal corporate tax rate..

Agenda Item Summary

This item provides administrative approval under Utilities Code § 104.111 to decrease rates. The current rates are based on a federal-income-tax rate of 35%, however effective January 1, 2018 the corporate tax rate is 21% and Atmos is requesting approval to reduce annual revenue associated with the change in the corporate tax rate.

Requested Action

Council consideration and approval of the resolution.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommendation is to approve the resolution authorizes a reduction in rates charged by Atmos Energy Corporation.

RESOLUTION NO. 03-13-18-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS APPROVING A REDUCTION IN RATES CHARGED BY ATMOS ENERGY CORPORATION, WEST TEXAS DIVISION RELATED TO THE REDUCTION IN THE FEDERAL CORPORATE TAX RATE; FINDING THE REDUCTION IN ATMOS' RATES TO BE JUST AND REASONABLE; FINDING THAT THE MEETING COMPLIED WITH THE OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THE RESOLUTION TO THE COMPANY AND SPECIAL COUNSEL.

WHEREAS, the City of Amarillo, Texas is a regulatory authority under the Gas Utility Regulatory Act "GURA" and under § 103.001 of GURA has exclusive original jurisdiction over Atmos Energy Corporation – West Texas Division ("Atmos" or "Atmos WTX") rates, operations, and service of a gas utility within the municipality; and

WHEREAS, on about October 2, 2012, the Railroad Commission of Texas in Gas Utility Docket No. 10174 ("GUD No. 10174)," approved an increase in annual revenue for Atmos WTX of about \$6.6 million; and

WHEREAS, the City participated in Atmos WTX general rate case at the Railroad Commission of Texas in GUD No. 10174; and

WHEREAS, the corporate tax rate on federal income included in Atmos' current rates and made part of the \$6.6 million increase in revenue approved by the Railroad Commission of Texas, was based on a federal-income-tax rate of 35%; and

WHEREAS, the corporate tax rate on federal income included in Atmos WTX current rates and approved by the Railroad Commission of Texas in GUD No. 10174, was based on a federal-income-tax rate of 35%; and

WHEREAS, effective January 1, 2018, the corporate tax rate on income is 21%; and

WHEREAS, Atmos seeks administrative approval under Utilities Code § 104.111 to reduce its annual revenue; and

WHEREAS, Atmos' proposed decrease in rates comprises a change in rates thus invoking GURA § 103.022, which requires Atmos to reimburse the City's reasonable expenses associated with reviewing Atmos' proposal to change rates; and

WHEREAS, the City's Special Counsel and consultants engaged to review Atmos' calculation of the effect of the reduction in the corporate federal-income-tax rate from 35% to 21% has on Atmos' rates, have confirmed that Atmos' calculation of the reduction in Atmos' revenue is mathematically accurate; and

WHEREAS, the reduction in Atmos' annual revenue is limited to the tax expense related to the change in the corporate tax rate from 35% to 21%, and thus will need to be adjusted further in a future proceeding to account for excess deferred income taxes resulting from the Tax Cut and Jobs Act of 2017; and

WHEREAS, by approving the reduction in Atmos' rates, the City, in future proceedings or in other jurisdictions, is under no obligation to take the same positions with regard to the methodology resulting in a reduction in rates, as the methodology underlying the reduction proposed by Atmos, nor shall the City's approval of the reduction in Atmos' rates, be used against the City in any future proceeding with respect to different positions the City may take with regard to setting Atmos' rates.

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

Section 1. The findings set forth in this Resolution are hereby in all things approved and incorporated herein.

Section 2. Atmos shall submit to the City within fourteen days from the effective date of this Resolution, amended tariffs reflecting the reduction in revenue noted above.

Section 3. Atmos is directed to reimburse the City's expenses related to review of Atmos' proposal to change rates within thirty (30) days from submission to Atmos of the City's invoices related to such expenses.

Section 4. To the extent any Resolution previously adopted by the City Council is inconsistent with this Resolution, it is hereby superseded.

Section 5. The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 6. If any one or more sections or clauses of this Resolution is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Resolution and the remaining provisions of the Resolution shall be interpreted as if the offending section or clause never existed.

Section 7. This Resolution shall become effective from and after its passage.

Section 8. A copy of this Resolution shall be sent to Atmos West Texas Division, care of Mr. Phillip Littlejohn, Vice-President of Rates and Regulatory Affairs, Atmos Energy

3/13/18 WMM

Corporation, 6606-66th Street, Lubbock, Texas 79424, and to Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 816 Congress Avenue, Suite 950, Austin, Texas 78701.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this 13th day of March, 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney



Amarillo City Council

Agenda Transmittal Memo



Meeting Date	March 13, 2018	Council Pillar	
Department	Legal		
Contact	Laura Storrs, Finance Director		

Agenda Caption

RESOLUTION – ADOPTING THE BUDGET AMENDMENT OF THE AMARILLO POTTER EVENTS VENUE DISTRICT FOR THE FISCAL YEAR OCTOBER 1, 2017 TO SEPTEMBER 30, 2018.

(Contact: Laura Storrs, Finance Director)

This resolution adopts the 2017/2018 Proposed Budget Amendment for the Amarillo-Potter Events Venue District in the amount of \$420,942.

Agenda Item Summary

The Amarillo Potter Event Venue District Board met on March 6, 2018 and has approved a \$420,942 budget amendment increasing the annual 2017/2018 fiscal year budget to \$3,384,417. This budget is funded through a 5% car rental tax and a 2% hotel occupancy tax. The Amarillo-Potter Events Venue District operates and maintains voter approved entertainment venues within the City.

Requested Action

Council consideration and approval of the resolution.

Funding Summary

N/A

Community Engagement Summary

The 2017/2018 fiscal year budget amendment has been reviewed and approved for Council consideration at the March 5, 2018 Amarillo Potter Events Venue District Board meeting and will be considered at the March 12, 2018 Potter County Commissioner's Court meeting.

Staff Recommendation

Staff recommendation is for the City Council to adopt the 2017/2018 Proposed Budget Amendment for the Amarillo-Potter Events Venue District in the amount of \$420,942.

RESOLUTION NO. 03-13-18-3
A RESOLUTION OF THE CITY OF AMARILLO, TEXAS:
ADOPTING THE BUDGET AMENDMENT OF THE
AMARILLO POTTER EVENT VENUE DISTRICT FOR
THE FISCAL YEAR OCTOBER 1, 2017, TO
SEPTEMBER 30, 2018.

WHEREAS, the Amarillo-Potter Event Venue District (hereafter called "District") was formed and exists for the purpose of constructing and maintaining voter approved entertainment venues within the City, for the public welfare, in accordance with state law; and

WHEREAS, the revenue for the District derives from a tax on car rentals and hotel occupancy, to be used for the above stated activities by the District; and

WHEREAS, the Bylaws of the District require that it submit its annual budget to the City Council for approval; and

WHEREAS, the District Board of Directors has prepared, approved and submitted a proposed amendment to their budget; and

WHEREAS, the City Council finds that the proposed budget amendment is in order and should be approved.

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

SECTION 1. The proposed budget as filed for the fiscal year October 1, 2017 to September 30, 2018, of the Amarillo-Potter Events Venue District, a copy of which is attached and incorporated into this Resolution is hereby approved, adopted, and ratified together with any amendments made in public meeting at which it is considered.

SECTION 2. The City Secretary shall certify a copy of this Resolution to the District.

INTRODUCED AND PASSED by the City Council on the 13th day of March 2018.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

Amarillo Potter Events Venue District
2017/2018 Proposed Budget Amendment

Amarillo Potter Events Venue District Fund Account 92310.63705 Amarillo Tri-State Participation \$420,942.00

Amarillo Potter Events Venue District
2017/2018 Proposed Budget Amendment

	2017/2018 Approved Budget	2017/2018 Amended Budget	CALCUALTION OF RESERVE BALANCES		
			Common REV/EXP	ANC 60%	City 40%
Beginning Available Balance	4,290,973	4,336,995	500,000	1,888,158	1,948,837
30340 Vehicle Rental Tax	955,000	955,000	955,000		
30470 Hotel Occupancy Tax	1,946,945	1,946,945	1,946,945		
30480 Interest-Past Tax	350	350	350		
37110 Interest Income	6,750	6,750	6,750		
37410 Miscellaneous Revenue	107,267	107,267		107,267	
TREVENUE Total Revenues	3,016,312	3,016,312	2,909,045	107,267	-
51110 Office Expense	25	25	25		
61200 Postage	25	25	25		
62000 Professional	18,000	18,000		18,000	
63140 Audit Fee	6,800	6,800	6,800		
63705 Ama Tri-State Participation	675,000	1,095,942		1,095,942	
63710 ANC Management Contract	328,248	328,248		328,248	
63710 ANC Property Insurance	60,000	60,000		60,000	
63715 Civic Center Mgmt Contract	398,004	398,004			398,004
63900 Event Development	356,517	356,517		356,517	
78010 Fiscal Agent Fees	3,400	3,400	3,400		
92060 Civic Center Improv	250,000	250,000			250,000
92140 Events Debt Service	867,456	867,456	867,456		
TEXPENSES Total Expenses	2,963,475	3,384,417	877,706	1,858,707	648,004
Excess of Revenue over Common Expenditures			2,031,339	1,218,803	812,536
Increase (Decrease)in Reserve Balance	52,837	(368,105)	-	(532,637)	164,532
Ending Reserve Balance		3,968,890	500,000	1,355,521	2,113,369

63705 Ama Tri-State Participation

Phase II ANC Parking Lot	60,000	60,000
Vance Reed Parking	45,000	45,000
Freight Elevator	6,000	6,000
Vance Reed Wash Rack	154,000	154,000
Cattle Pens, Water Lines, Tubs	35,000	35,000
HVAC Repairs	50,000	50,000
ANC Curb, Gutter and Parking	58,000	58,000
Tractor	30,000	30,000
Vacuum Trailer - Shavings		15,800
Populous Long Range		57,648
ANC Concrete Floors - Restrooms		166,358
ANC Video Board		344,470
contingency for electrical and roof support		20,000
Polaris Timing Console		3,666
Other	237,000	50,000
	675,000	1,095,942



CITY OF AMARILLO

OFFICE OF THE
CITY MANAGER

March 7, 2018

Mayor Ginger Nelson
509 Southeast 7th Avenue
Amarillo, TX 79101

Dear Mayor Nelson:

Attached is the proposed amendment to the 2017/2018 budget for the Amarillo Potter Events Venue District. The Venue District Board met on March 5, 2018 and approved the attached budget amendment and is requesting the City Council's consideration at the March 13, 2018, meeting.

The proposed budget amendment reflects a \$420,942 increase to the Amarillo Tri-State Participation line item. This increase will provide additional funding for improvements at the Amarillo National Center. Attached is a list of the proposed projects and the amended budget. Total expenditures for the 2017/2018 fiscal year will increase from \$2,963,475 to \$3,384,417.

The anticipated available fund balance at the end of the 2017/2018 fiscal year (09/30/2018) is \$3,968,890 which includes \$500,000 as a targeted reserve for the District, \$1,355,521 for the Amarillo National Center and \$2,113,369 for the Civic Center facility which is calculated based on the 60/40 split of the original project. The reserve balances at each of the two facilities have historically been available to fund facility improvements or events.

Thank you for your consideration in this matter. If you will please forward this information to the City Council and if acceptable to you, Terry Wright, President of the Amarillo Potter Events Venue District, and Laura Storrs, the City of Amarillo Finance Director, are available to attend the March 13th meeting.

Sincerely,

Michelle Bonner
Deputy City Manager

Attachment

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Amarillo City Council

Agenda Transmittal Memo



Meeting Date	March 13, 2018	Council Priority	Public Safety
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Department	Fire Department	Contact Person	Sam Baucom, Deputy Fire Chief
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Agenda Caption
CONSIDER PURCHASE APPROVAL OF PROPERTY: Seller: Roy Dyer Family Limited Partnership \$631,000 This item considers the purchase of property located at 2035 Paramount Blvd.

Agenda Item Summary
This item considers the purchase of property located at 2035 Paramount Blvd. This property will be used to relocate Fire Station #9, currently located at 34 th and Western. The current fire station was constructed in 1958. The structure and systems (plumbing, electrical, HVAC, etc.) are outdated. The current property location is too small to construct a modern fire station. Being right on the corner, the 34 th and Western location causes problems for the fire trucks to get in and out. Also, emergencies in the northern part of this district (near I-40 between Western and Georgia) tend to experience longer response times. The accreditation process, which the AFD has recently undertaken, identified the need for Fire Station #9 to be moved north and east of the current location to better serve this district.

Requested Action
Approval for the purchase of the property located at 2035 Paramount Blvd.

Funding Summary
This purchase is funded from the General Obligation Bonds Series 2017 as approved by the voters in the November 2016 bond election, Proposition 2.

Community Engagement Summary
Not applicable

Staff Recommendation
Staff recommends approval of the property located at 2035 Paramount Blvd.

CONTRACT FOR SALE

DATE:	March _____, 2018
SELLER:	Roy Dyer Family Limited Partnership, a Texas Limited Partnership
ADDRESS:	1619 S. Kentucky #E 526 Amarillo, TX 79102 -2233
BUYER:	City of Amarillo, Texas
ADDRESS:	P.O. Box 1971 Amarillo, Texas 79105-1971
PROPERTY & TITLE:	Fee simple title to the property located at 2035 Paramount Blvd., Amarillo, Potter County, Texas and more particularly described as South 69 feet of Lot 2, all of Lot 3, 4, amended plat of Thunderbird Place, a Subdivision in Section 227, Block 2, A.B. & M. Survey, City of Amarillo, Potter County, Texas together with all easements, rights of way, buildings, improvements and fixtures located thereon.
PURCHASE PRICE:	For all the Property, together with all buildings, improvements and fixtures a Total Purchase Price of Six Hundred and Thirty-One Thousand Dollars (\$631,000.00).
ESCROW FUNDS:	Within 5 days after execution of this Contract by Seller and Buyer, Buyer will deliver to Circle A Title Company as escrow agent, the amount of \$10,000.00 as commitment money. This money will be applied to the Purchase Price at Closing or retained by either Seller or Buyer as hereinafter provided.
CLOSING:	On or before 60 days after execution hereof by both parties. Time is of the essence.
TITLE:	Seller will furnish a Warranty Deed; Seller will obtain a Title Commitment thru Circle A Title Company of Amarillo and provide a survey. Taxes will be prorated to date of closing.
CURING OBJECTIONS TO TITLE:	Buyer shall notify Seller of its objections to title no later than ten (10) days following receipt of the Title Commitment. Seller will have a reasonable time to cure objections to title, if any, but a curative requirement that extends the closing date for longer than ten (10) days shall require an amendment to this Contract setting a specific closing date. In the event Seller fails to cure such objections before closing, as extended, Buyer, at its sole discretion, may proceed to closing or terminate this Contract.
BREACH OF CONTRACT:	Should either party fail to comply with this Contract, the party willing to perform may either enforce specific performance or terminate this Contract, at its option. In the event Buyer fails to comply with the Contract, Seller will be entitled, as his sole remedy, to terminate this Contract and to retain the Escrow Funds as liquidated damages in full satisfaction of any claims against Buyer. In the event Seller fails to comply with this Contract, Buyer will be entitled to terminate this Contract and receive back the Escrow Funds; waive default and close; enforce specific performance; and/or seek such other relief as may be available to it at law and in equity.
PROPERTY EXAMINATIONS:	Upon execution of this Contract, Buyer, its agents, and its employees, shall have the right, at any reasonable time and from time to time while this Contract is in effect, to enter upon the Property at their own expense and risk for the purpose of inspecting, studying and assessing the Property, including all structures, equipment and fixtures. Inspections, studies and assessments may include, but are not limited to, physical property inspections (e.g. mechanical, structural, electrical and plumbing), environmental assessments (e.g. Soil, paint and asbestos testing) and engineering studies. If upon examination Buyer shall

determine Property is not suitable for its purposes, Buyer may terminate this Contract by written notice to Seller at the above address and Buyer shall have no further responsibility to Seller and Buyer shall be entitled to retain its escrowed funds.

CLOSING COSTS: Buyer shall pay the cost of preparation of the Deed, the Title Commitment premium, survey fees, the title company closing fees, the fee for tax certificates, and the costs of recording the Deed.

SPECIAL CONDITIONS:

- 1) This Contract for Sale is subject to the approval of the Amarillo City Council.
- 2) If applicable, Seller will transfer all utility deposits to Buyer at closing.
- 3) Seller warrants and represents that there are no legal actions, suits, or other legal or administrative proceedings pending or threatened, which affect the Property or any portion thereof.
- 4) Buyer agrees to assume all existing leases, sign leases etc., which encumber the Property.
- 5) Seller will provide Buyer for its review any environmental history of the Property in his possession, including, but not limited to, any Underground Storage Tank records, closure letters, etc. Buyer may obtain its own Phase 1 and Phase 2 environmental study on the Property. Buyer, based on its review of the environmental history of the Property and its environmental study, if any, will have the option of either terminating this Contract without penalty and retaining the Escrow Funds or renegotiating the Purchase Price to offset remediation costs.
- 6) Seller will provide Buyer with copies of any lease agreements, including but not limited to any billboard leases, affecting the Property and shall assign all rights to receive payment under said leases to Buyer as of the date of closing.

MISCELLANEOUS: This Contract contains the entire understanding of the parties as to the subject matter described herein. This Contract and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of Texas. This Contract may not be changed orally but only by an instrument in writing signed by both parties. The failure of any party to exercise any right or power given hereunder, or to insist upon strict compliance by the other party with its obligations as set forth herein, shall not constitute a waiver by such party of its rights to demand strict compliance with the terms and provisions of this Contract. Titles and captions have been inserted for convenience only and in no way define, limit, extend, or describe the scope of intent of this Contract. If either party shall bring suit against the other as a result of an alleged breach or failure by the other party to perform any obligations under this Contract or shall seek declaratory relief with respect to any provision hereof, then the prevailing party in such action shall, in addition to any other relief granted or awarded by the court, be entitled to judgment for reasonable attorneys' fees incurred by reason of such action and all costs of suit and those incurred in preparation thereof at both trial and appellate levels.

AGREEMENT: Seller agrees to sell, and Buyer agrees to purchase the property for the Purchase Price which will be in cash to Seller at closing and subject to the conditions expressed in this Contract.

COMMISSIONS: The party employing a real estate agent shall be solely responsible for any real estate commission fees incurred as a result of this Contract.

POSSESSION: Buyer shall take possession on date of closing; however Seller shall be entitled to continue to use the Property until March 13, 2018 subject to the following:

- 1) Seller shall pay Buyer rent in the amount of \$1.00 per month, payable in advance the first payment being due at Closing.
- 2) Seller will continue to carry commercial general liability insurance on the Property in an amount of not less than \$1,000,000.00 per occurrence covering personal injury, including death, and property damage. Seller shall

be named in said policy as an additional insured. A certificate evidencing the coverage shall be provided to Buyer at Closing.

- 3) Seller will pay for all utilities used on the Property.
- 4) Seller will use the property for the same purposes that it is being used at the time of execution of this Contract.
- 5) Seller will maintain the Property in good order and repair.
- 6) Seller will remove all of Seller's equipment and personal property from the premises on or before March 13, 2018. Any equipment or personal property not removed by said date will automatically become the property of Buyer.
- 7) Seller shall not make any alterations, additions or improvements to the Property without Buyer's prior written consent.
- 8) In the event Seller shall breach any of the terms of this Contract and fails to cure said breach within 7 calendar days after receipt of notice of said breach from Buyer, Buyer can terminate Seller's right to occupy the Property by giving Buyer written notice of termination. Notice to Seller shall be given at Seller's address stated above. In the event of early termination Seller shall have 10 calendar days from the date of termination to remove Seller's equipment and personal property or same shall automatically become the property of Buyer.
- 9) Seller shall be responsible for the payment of any taxes assessed as a result of Seller's use of the Property.
- 10) SELLER WILL INDEMNIFY AND HOLD BUYER, ITS OFFICERS AND EMPLOYEES, HARMLESS FROM AND AGAINST ANY CLAIMS, JUDGEMENTS (INCLUDING COSTS, INTEREST AND REASONABLE ATTORNEY'S FEES) OR LIABILITY OF ANY KIND FOR PERSONAL INJURY, INCLUDING DEATH, OR PROPERTY DAMAGE CAUSED AS A RESULT OF THE NEGLIGENCE OF SELLER, ITS EMPLOYEES, AGENTS, INVITEES, CUSTOMERS OR GUESTS.
- 11) Buyer will have the right at all times to enter the premise to inspect, preserve and maintain the condition of its Property, and to determine that Seller is complying with this Contract.

Each signatory warrants that he/she is duly and legally authorized to accept the above terms and to Execute this Contract on behalf of his/her entity.

ATTEST:

CITY OF AMARILLO

By: _____
Frances Hibbs, City Secretary

By: _____
Jared Miller, City Manager

ROY DYER FAMILY LIMITED PARTNERSHIP,
A Texas Limited Partnership

By: _____
Roy Dyer, President of Roy D. Inc.
General Partner of Roy Dyer Family L.P.