AGENDA

FOR A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE HELD ON TUESDAY, JANUARY 11, 2022 AT 1:00 P.M., CITY HALL, 601 SOUTH BUCHANAN STREET, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

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

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

INVOCATION: Bob Attaway, Hillside Christian Church

ANNOUNCEMENT: Chamber of Commerce Supporting Small Business Initiative Award

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

AGENDA

1. **City Council will discuss or receive reports on the following current matters or projects:**
   - A. Review agenda items for regular meeting and attachments;
   - B. Updates from Councilmembers serving on outside boards and commissions:
     - a. Beautification and Public Arts Advisory Board
   - C. Quarterly Budget Update
   - D. Quarterly Sales Tax Update
   - E. Discuss Update on Peer Reintegration Employment Partnership (PREP) Academy
   - F. Discuss replacement of Athletic Field Lighting; and
   - G. Request future agenda items and reports from City Manager.

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

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

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

   This item considers approval of the City Council minutes for the regular meeting held on December 14, 2021.

   B. **CONSIDERATION OF ORDINANCE NO. 7942**
   (Contact: Brady Kendrick, Planner II)

   This item is a second and final reading of an ordinance to consider rezoning a 30.89-acre tract of unplatted land, in Section 65, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public

ways, to change from Agricultural District to Residential 3 District. (Vicinity: Westin Dr. and Legacy Pkwy.)

C. **CONSIDERATION OF ORDINANCE NO. 7943**
(Contact: Victoria Medley, Animal Management and Welfare Director)

This item is a second and final reading of an ordinance to consider amendments to the Amarillo Municipal Code, Chapter 8-2, Articles I and II, Sec. 8-2-4, 8-2-12, 8-2-55, 8-2-57

D. **CONSIDERATION OF ORDINANCE NO. 7945**
(Contact: Kevin Carter, President and CEO, Amarillo Economic Development Corporation)

This item is a second and final reading of an ordinance to consider designating certain areas of the City as Reinvestment Zone No. 15 for commercial and industrial tax abatement. The zone is approximately 77 acres in the vicinity of Centerport Boulevard and Folsom Road.

E. **CONSIDERATION OF RESOLUTION NO. 01-11-22-1**
(Contact: Donny Hooper, Director of Public Works)

This item considers approval of a resolution for the Advance Funding Agreement for Highway Safety Improvement Program (Off System) with the Texas Department of Transportation (TxDOT). This agreement will provide for $182,622 in federal funding for the construction of related traffic signal improvements.

F. **CONSIDER AWARD - ONSITE CLINIC PROVIDER SERVICES CONTRACT**
(Contact: Laura Storrs, Assistant City Manager)
Award to: CareATC, Inc. - $1,955,807.00

This item considers approval of RFP #11-21 for a three-year contract with renewal options for two additional one-year terms and a first-year implementation fee for onsite clinic provider services beginning January 1, 2022.

G. **CONSIDER AWARD - WELLNESS PLAN ADMINISTRATIVE SERVICES CONTRACT**
(Contact: Sandy Elliott, Benefits Manager)
Award to: Virgin Pulse - $120,616.00

This item considers approval of RFP #09-21 for a two-year contract for Wellness Plan Administrative Services beginning January 1, 2022.

H. **CONSIDER AWARD - SUPPLY AGREEMENT FOR FIREFIGHTING GARMENTS**
(Contact: Brandon Mason, Deputy Fire Chief)
Award to: Daco Fire Equipment - $318,240.00

This item is to consider award of a supply agreement for 100 sets of coats, pants, hoods, and gloves with a 7-year warranty, 30 suspenders, 40 helmets, and 10 pairs of boots.

I. **CONSIDER APPROVAL - REMOVAL AND INSTALLATION OF VERTICAL TURBINE PUMP AT OSAGE WATER TREATMENT PLANT**
(Contact: Jonathan Gresham, Director of Utilities)
Award to: Kinger GPI - $69,969.00

This item considers approval of the removal, evaluation, and rehabilitation of #1 Pump at the High Service Pump Station. This repair will allow the Osage Water Treatment Plant to efficiently and systematically move water around the

transmission system to assets where demand has been identified around the city.

J. **CONSIDER APPROVAL - COMMUNICATION SYSTEM MUTUAL AID AGREEMENT**
(Contact: Chip Orton, Emergency Management Coordinator)

This item considers approval of a Communication System Agreement with the United States Department of Energy (DOE) for Pantex usage of the City's radio system.

K. **CONSIDER AWARD - PAPER GOODS SUPPLY AGREEMENT**
(Contact: Trent Davis, Purchasing Agent)

Award to:	Empire Paper -	$ 1,008.60
	Wagner Supply -	$103,936.00
	Mavich -	$ 5,844.00
	Total Award	$110,788.60

This item considers approval for the award of an annual paper goods supply agreement.

L. **CONSIDER APPROVAL - BEARING ASSEMBLIES FOR HOLLYWOOD ROAD WATER RECLAMATION PLANT PUMP STATION**
(Contact: Jonathan Gresham, Director of Utilities)
Award to: Evoqua Water Technologies - $132,681.82

This item considers approval to purchase two sets of bearing assemblies to replace existing equipment at Hollywood Road Water Reclamation Plant.

M. **CONSIDERATION OF RESOLUTION 01-11-22-2**
(Contact: Sam Baucom, Deputy Fire Chief)

This item considers a resolution that will authorize the City Manager to take action on a letter of authorization for the Amarillo Fire Department (AFD) to upgrade from a Texas Department of State Health Services (DSHS) First Responder Only (FRO) license to a Provider license, which would allow the AFD to transport patients when necessary.

N. **CONSIDER AWARD – CONTRACT FOR THE ARCHITECTURE AND ENGINEERING OF THE NEW AMARILLO CITY TRANSIT MULTIMODAL TERMINAL (6TH AVENUE AND BOWIE ST AMARILLO, TEXAS 79106)**
(Contact: Jerry Danforth, Facilities Director)
Award to: Sims + Architects - $480,000.00

This item considers awarding a contract for all architecture and engineering services for the design of the new Amarillo City Transit Multimodal Terminal located at 6th Avenue and Bowie St in Amarillo, Texas 79106.

O. **CONSIDER ACCEPTANCE OF STD/HIV – DIS GRANT**
Grant amount: $213,611.00
Grantor: Texas Department of State Health Services

This item accepts the award from the Texas Department of State Health Services from January 1, 2022, thru December 31, 2022, to fund for the Infectious Disease Surveillance in the Public Health Department.

3. NON-CONSENT ITEM:

A. **PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7946**
(Contact: Martin Birkenfeld, Chief of Police)

This item is a public hearing and first reading of an ordinance to consider readopting of an ordinance providing for a nocturnal curfew for persons under age seventeen.

B. **CONSIDERATION OF ORDINANCE NO. 7947**
(Contact: Martin Birkenfeld, Chief of Police)

This item is the first reading of an ordinance to consider amending the Amarillo Municipal Code, Chapter 8-4, article I, Sections 8-4-2 and 8-4-3 to enable authorized code enforcement officers to assist with moving or impounding vehicles that are in violation of state law or city ordinance.

C. **PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7948**
(Contact: Brady Kendrick, Planner II)

This item is for a public hearing and first reading of an ordinance to consider the Vacation of a 7,544 square foot portion of a Public Right-Of-Way (alley) located adjacent to Lots 2 through 4, Block 33, Lawrence Park Unit No. 23 and Lot 6, Block 24, Lawrence Park Unit No. 89, in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas. (Vicinity: S.W. 26th Ave. and Britain Dr.; Applicant/s: David Hudson for Southwestern Public Service Company)

D. **CONSIDER DEDICATION OF 4,201 SQUARE FOOT TRACT OF LAND FOR PUBLIC RIGHT-OF-WAY PURPOSES**
(Contact: Brady Kendrick, Planner II)

This item considers the dedication of a 4,201 square foot tract of land for Public right-of-way purposes (alley) being in Lot 4, Block 33, Lawrence Park Unit No. 23, an addition to the City of Amarillo, in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas. This item will authorize the City Manager to sign necessary documents, contingent upon approval of a second and final reading of Ordinance No. 7948, anticipated for January 25, 2022. (Vicinity: S.W. 26th Ave. and Britain Dr.; Applicant/s: David Hudson for Southwestern Public Service Company)

E. **PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7949**
(Contact: Brady Kendrick, Planner II)

This item is for a public hearing and first reading of an ordinance to consider the Vacation of a 20 foot wide Public Right-Of-Way (alley) lying in Block 13, Sunrise Addition Unit No. 3, in Section 123, Block 2, A.B.&M. Survey, Potter County, Texas. (Vicinity: Eastern St. and Interstate 40; Applicant/s: Beant Sandhu for Sardari, LLC)

F. **PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7950**
(Contact: Brady Kendrick, Planner II)

This item is for a public hearing and first reading to consider an ordinance rezoning a 20.00-acre tract of unplatted land, in Section 53, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District (A) and Heavy Commercial District (HC) to Heavy Commercial District (HC). (Vicinity: Pullman Rd. and Interstate 40; Applicant/s: Sardari, LLC)

G. **PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7951**
(Contact: Brady Kendrick, Planner II)

This item is for a public hearing and first reading to consider an ordinance rezoning a 2.89-acre portion of Lot 2, Block 3, Amended South Side Acres Unit No. 12, an addition and a suburban subdivision to the City of Amarillo, in Section 230, Block 2, A.B.&M. Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District

(A) to Multiple-Family District 1 (MF-1). (Vicinity: S.W. 58th Ave. and Ray St; Applicant/s: Robert Keys for Attebury Elevators, LLC)

H. **CONSIDER AWARD - MARTIN ROAD LAKE IMPROVEMENTS FOR PHASES 3 AND 4**
(Contact: Kyle Schniederjan, Director of CP&DE.)
Award to: MH Civil Constructors, Inc. – Base Bid $10,877,000.00
Alt Bid #1 $ 1,000.00
Alt Bid #2 $ 10,000.00
Total contract price $10,888,000.00

This item is to consider the award of a contract for the construction of storm drain outfalls into the west portion of Martin Road Lake as well as the southeast corner of Martin Road and 16th Ave. Additionally, a new parking lot, fishing pond, paved walking trails and crosswalks, and improved landscaping are in the scope of this project. Finally, excavation within the west lake to achieve the city's goals to mitigate the floodplain in this area are included with this project.

I. **CONSIDER APPROVAL - LOCATION INCENTIVE AGREEMENT BETWEEN AMARILLO ECONOMIC DEVELOPMENT CORPORATION AND MATEEN BAR USA**
(Contact: Kevin Carter, President and CEO, Amarillo Economic Development Corporation)

This item considers approval of a Location Incentive Agreement (LIA) between Amarillo Economic Development Center (AEDC) and Mateen Bar USA for the construction of a new 800,000 square foot manufacturing facility on 77 acres in the Centerport Business Park. Under the LIA, AEDC would provide Mateen Bar USA $1,920,000 for the creation of up to 160 full-time employees to be paid out over 10 years based on a 10-year performance term and would convey 77.1 acres of land to Mateen Bar USA at a value of $3,084,000.

J. **CONSIDER APPROVAL - TAX ABATMENT AGREEMENT – BETWEEN CITY OF AMARILLO AND AMARILLO ECONOMIC DEVELOPMENT CORPORATION AND MATEEN BAR USA**
(Contact: Kevin Carter, President and CEO, Amarillo Economic Development Corporation)

This item considers approval of a Tax Abatement Agreement between the City of Amarillo, Amarillo Economic Development Corporation, and Mateen Bar USA for the construction of a new 800,000 square foot manufacturing facility on 77 acres in the Centerport Business Park. The agreement would provide an abatement of future taxes on the construction and equipment costs at 100% abatement for 10 years on $72,000,000 estimated cost of improvements in four phases and $8,000,000 in new equipment.

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

A. Sec. 551.071 - Discussion on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter IX of the Texas Open Meetings Act
    a. Poker rooms
B. Sec. 551.072 - Discussion regarding the purchase, exchange, lease or value of real property.
    a. Purchase/Sale of real property located in the Northeast quadrant of the City of Amarillo
C. Sec. 551.087 - Discussion regarding commercial or financial information received from a business prospect and/or to deliberate the offer of a financial or other incentive to a business prospect:

a. Project # 21-02-04 (Manufacturing)
b. Project # 21-07-02 (Workforce Education)
c. Project # 21-10-03 (Manufacturing)
d. Project # 21-11-01 (Transportation)
e. Project # 21-12-01 (Manufacturing)
f. Project # 21-12-02 (Manufacturing)
g. Economic development incentive request in the vicinity of East Interstate 40 and Airport Boulevard

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (601 S. Buchanan Street) of the building. An access ramp leading to the main entry is located at the southwest corner of the building. Parking spaces for individuals with disabilities are available in the south parking lot. City Hall is equipped with restroom facilities, communications equipment and elevators that are accessible. Individuals with disabilities who require special accommodations, or a sign language interpreter must contact the City Secretary's Office 48 hours prior to meeting time by telephoning 378-3014 or the City TDD number at 378-4229.

Watch the meeting live: http://amarillo.gov/city-hall/city-government/view-city-council-meetings.

I certify that the above notice of meeting was posted on the electronic bulletin board in City Hall, 601 S. Buchanan, Amarillo, Texas and the City website (www.amarillo.gov) on or before the 7th day of January 2022, at 5:00 p.m. in accordance with the Open Meetings Laws of the State of Texas, Chapter 551, Texas Government Code.

Stephanie Coggins

Stephanie Coggins, City Secretary

A

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 14th of December 2021 the Amarillo City Council met at 1:00 p.m. for a regular meeting held in Council Chambers, located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

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

Joining the meeting late was Mayor Ginger Nelson. Absent was Councilmember Howard Smith. Also in attendance were the following administrative officials:

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

A quorum was established by Mayor Pro Tem Powell and Councilmembers Stanley and Sauer, and Mayor Pro Tem Powell called the meeting to order, welcomed those in attendance, and the following items of business were conducted.

The invocation was given by Blake Clevenger of Hillside Christian Church. Mayor Pro Tem Powell led the Pledge of Allegiance.

Mayor Pro Tem Powell recessed the meeting until 1:30 p.m. Mayor Pro Tem Powell resumed the meeting at 1:30 p.m.

Proclamations were presented for "Arbor Day" and "Older Driver Safety Awareness Week".

At this time, Mayor Pro Tem Powell turned the meeting over to Mayor Nelson.

PUBLIC ADDRESS:

Al Patel, of Amarillo, spoke on agenda items 2L, 2M, and 2N. Dipak Patel, of Amarillo, spoke on agenda items 2L, 2M, and 2N. Chester Furrow, of Amarillo, was signed up but did not speak. There were no further comments.

ITEM 1 – CITY COUNCIL DISCUSSED OR RECEIVED REPORTS ON THE FOLLOWING CURRENT MATTERS OR PROJECTS:

A. Review agenda items for regular meeting and attachments;
B. Updates from Councilmembers serving on outside boards and commissions:
    a. Amarillo Local Government Corporation
    b. Pedestrian and Bicycle Safety Advisory Committee
    c. Beautification and Public Arts Advisory Board
    d. Convention and Visitors Bureau
C. Discuss Neighborhood Empowerment Zones;
D. Discuss Onsite Clinic Provider Services;
E. Discuss Wellness Plan Administrative Services;

F. Discuss Downtown Parking Management; and
G. Request future agenda items and reports from City Manager

ITEM 2 – CONSENT ACTION ITEMS:
Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. A motion was made to approve the consent agenda as presented by Councilmember Powell, seconded by Councilmember Sauer.

A. **CONSIDER APPROVAL - MINUTES**:
Approval of the City Council minutes for the regular meeting held on November 9, 2021.

B. **CONSIDERATION OF ORDINANCE NO. 7940**:
(Contact: Kashion Smith, Executive Director, Convention and Visitors Bureau)

This is the second and final reading of an ordinance to amend the Convention and Visitors Bureau (CVB) 2021/2022 Budget.

C. **CONSIDERATION OF ORDINANCE NO. 7941**:
(Contact: Brady Kendrick, Planner II)

This is the second and final reading of an ordinance to approve rezoning of a 4.84-acre tract of unplatted land in Section 183, Block 2, A.B.&M. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to Planned Development District 397 for a Self-Storage Facility with General Retail District Development Standards, in the vicinity of Georgia St. and Farmers Ave.

D. **CONSIDER APPROVAL - TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) ROUTINE AIRPORT MAINTENANCE PROGRAM (RAMP) GRANT AGREEMENT FOR THE RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT**
(Contact: Michael W. Conner, Director of Aviation)

This item considers approval of the 2021 TXDOT RAMP Grant agreement for Rick Husband International Airport. This grant will match funds, at 50%, up to $100,000.00 of total project costs. Projects and services are selected based on Airport needs and evaluated for funding eligibility under the General Maintenance guidelines in this grant agreement.

E. **CONSIDER AWARD - DEMOLITION OF THREE STRUCTURES AT THE RICK HUSBAND INTERNATIONAL AIRPORT**
(Contact: Michael W. Conner, Director of Aviation)
Award to: Lloyd D. Nabors Demolition, LLC. - $117,700.00

This item considers award of a contract for demolition of two buildings, 95 and 101 N. Pullman Road and demolition of a structure located at 11151 Airport Boulevard. All three structures are located on Airport property.

F. **CONSIDER AWARD - ROOF REPAIR AND REPLACEMENT CHANGE ORDER FOR THE CITY OF AMARILLO SERVICE CENTER NORTH BUILDING AND ROOF REPLACEMENT FOR THE CITY OF AMARILLO AUCTION BUILDING**
(Contact: Jerry Danforth, Director of Facilities)
Vendor: Red Oak Roofing DBA Top Notch Foam

Original Contract Amount	$674,000.00
Change Order	$ 92,380.00
Revised Contract Amount	$766,380.00

This item considers award of a change order for the roof repair and replacement for the City of Amarillo Service Center North Building located at

2100 N. Spruce Amarillo, Texas, and additional roof replacement for the City of Amarillo Auction Building located at 2006 S. Garfield St. Amarillo, Texas.

G. **CONSIDERATION OF RESOLUTION NO. 12-14-21-1**
(Contact: Stephanie Coggins, City Secretary)

This item considers amending Resolution No. 04-05-16-2 to provide for administrative changes to membership titles of the Audit Committee.

H. **CONSIDER AWARD - HERITAGE HILLS PUBLIC IMPROVEMENT DISTRICT SITE AMENITIES IMPROVEMENT PROJECT**
(Contact: Kelley Shaw, Development Services Customer Service Coordinator)
Award to: Tri-State General Contracting - $595,313.00

This item considers the award of a construction contract related to Heritage Hills Public Improvement District (PID) improvements within the Heritage Hills subdivision. The proposed improvements are to be constructed along Heritage Hills Parkway, west of the initial Phase 1 improvements along the same thoroughfare. Improvements include landscaping, sod, concrete walking trails, and specialty lighting. All improvements will be constructed to applicable City standards.

I. **CONSIDER AWARD - ANNUAL CONTRACT FOR WATER AND SEWER TAPS**
(Contact: Jonathan Gresham, Director of Utilities)
Award to: Amarillo Utility Contractors (AUC) - Not to exceed $200,000.00

This item considers approval of an annual contract for services to provide water and sewer taps to assist City of Amarillo Water Distribution and Wastewater Collection divisions.

J. **CONSIDER AWARD - STOP LOSS INSURANCE ANNUAL CONTRACT**
(Contact: Sandy Elliott, Benefits Manager)
Award to: Stealth Partner Group, LLC - $464,240.64

This item considers the award of RFP #01-22 for a one-year Stop Loss Insurance coverage contract for calendar year 2022.

K. **CONSIDER AWARD – VACCINE ANNUAL CONTRACT**
(Contact: Casie Stoughton, Director of Public Health)
Award to: Minnesota Multistate Contracting Alliance for Pharmacy (MMCAP) - $300,000.00

This item considers award of an annual contract to provide medical supplies needed for clinical services to patients and to fulfill grant deliverables.

L. **CONSIDER APPROVAL - FIRST AMENDMENT TO AMENDED AND RESTATED ECONOMIC DEVELOPMENT AGREEMENT BETWEEN SUPREME BRIGHT AMARILLO II, LLC, AND THE CITY OF AMARILLO**
(Contact: Andrew Freeman, Assistant City Manager)

This item considers approval of minor amendments to the existing economic development agreement with Supreme Bright Amarillo II, LLC, before it is assigned to Summit Hotel properties.

M. **CONSIDER APPROVAL - ASSIGNMENT AND ASSUMPTION OF INCENTIVE AGREEMENT FOR THE EMBASSY SUITES HOTEL BETWEEN SUPREME BRIGHT AMARILLO II, LLC, AND SUMMIT HOTEL TRS 178, LLC**
(Contact: Andrew Freeman, Assistant City Manager)

This item considers approval of Supreme Bright Amarillo II, LLC assigning their incentive agreement related to the development and operation of the city-owned hotel located in Downtown Amarillo. The assignment would be to Summit Hotel TRS 178, LLC.

N. **CONSIDER APPROVAL - GROUND LESSOR'S ESTOPPEL CERTIFICATE TO SUMMIT NCI JV 178, LLC AND SUMMIT HOTEL TRS 178, LLC**
(Contact: Andrew Freeman, Assistant City Manager)

This item considers approval of an estoppel certificate to Summit NCI JV 178, LLC and Summit Hotel TRS 178, LLC. As part of the assignment process for Summit Hospitality's purchase agreement with Supreme Bright Amarillo, II, LLC, the new assignee has requested a ground lessor's estoppel certificate which covers the material terms of the agreement for verification purposes.

O. **CONSIDER APPROVAL - ASSIGNMENT AND ASSUMPTION OF TIRZ #1 AGREEMENT FOR THE EMBASSY SUITES HOTEL BETWEEN SUPREME BRIGHT AMARILLO II, LLC, AND SUMMIT NCI JV 178, LLC**
(Contact: Andrew Freeman, Assistant City Manager)

This item considers approval of Supreme Bright Amarillo II, LLC assigning their TIRZ #1 incentive agreement related to the development of the city-owned hotel located in Downtown Amarillo. The assignment would be to Summit NCI JV 178, LLC.

P. **CONSIDER APPROVAL - ASSIGNMENT AND ASSUMPTION OF TIRZ #1 AGREEMENT FOR THE COURTYARD MARRIOTT HOTEL BETWEEN AMARILLO HOSPITALITY, LLC, AND SUMMIT NCI JV 177, LLC**
(Contact: Andrew Freeman, Assistant City Manager)

This item considers approval of Supreme Bright Amarillo II, LLC assigning their TIRZ #1 incentive agreement related to the development of the city-owned hotel located in Downtown Amarillo. The assignment would be to Summit NCI JV 177, LLC.

Q. **CONSIDER APPROVAL - PURCHASE OF TWO PUMPER STYLE FIRE TRUCKS**
(Contact: Donny Hooper, Director of Public Works)
Award to: Lone Star Emergency Group - $1,235,546.00 (HGAC Contract #FS12-19LC03)

This item considers approval to purchase two (2) pumper style fire trucks for the scheduled replacement of units 7125 and 7126, both of which have reached or exceeded their useable life cycle.

R. **CONSIDER APPROVAL - PURCHASE OF TWO STREET SWEEPERS**
(Contact: Donny Hooper, Director of Public Works)
Award to: Heil of Texas - $627,420.00 (HGAC Contract #SW04-20)

This item considers approval to purchase two (2) street sweepers for the scheduled replacement of units 7792 and 7921, both of which have reached or exceeded their useable life cycle.

S. **CONSIDER AWARD - RENEWAL OF ESRI ANNUAL SOFTWARE MAINTENANCE**
(Contact: Rich Gagnon, Managing Director of IT)
Award to: Environmental Systems Research Institute - $52,210.48

This item considers award of a one-year support and maintenance renewal for software provided by ESRI.

T. **CONSIDER AWARD - ANNUAL AVAYA PBX MAINTENANCE CONTRACT**

(Contact: Rich Gagnon, Managing Director of IT)
Award to: ConvergeOne - $86,806.32

This item considers awarding a one-year renewal of the Avaya PBX maintenance contract.

U. **CONSIDER APPROVAL - CHANGE ORDER No. 3 FOR BID #6975/PROJECT #462156 - FY 20/21 STREET MAINTENANCE COMMUNITY INVESTMENT PROGRAM, PROPOSITION 1**
(Contact: Matthew Thomas, City Engineer)
Vendor: Intermountain Slurry Seal Inc.

Original Contract Amount	$ 5,654,176.08
Previous Change Orders	$ 958,420.95
Current Change Order	$ (152,358.81)
Total Revised Contract	$ 6,460,238.22

This item considers approval of Change Order No. 3 to the construction contract for the FY 20/21 Street Maintenance project.

V. **CONSIDER AWARD –DIRECT AND REMOTE WATER METERS SUPPLY AGREEMENT**
(Contact: Trent Davis, Purchasing Agent)
Award to: Core & Main - $ 78,911.50
Zenner USA - $ 2,566.80
Total Award: $ 81,478.30

This item considers the award of Bid # 7119 for a Direct and Remote Water Meters Supply Agreement.

W. **CONSIDER AWARD – PLUMBING AND MECHANICAL SUPPLIES ANNUAL CONTRACT**
(Contact: Trent Davis, Purchasing Agent)
Award to: Morrison Supply Company - Not to exceed $200,000.00 (BuyBoard Purchasing Cooperative Contract #657-21)

This item considers the award of a contract for the purchase of plumbing and mechanical supplies used by various departments.

X. **CONSIDER AWARD – PROMOTIONAL PRODUCTS ANNUAL CONTRACT**
(Contact: Trent Davis, Purchasing Agent)
Award to: ColorArt LLC. - not to exceed $60,000.00

This item considers award of an annual contract for promotional products to be used by various city departments.

Y. **CONSIDER APPROVAL - PROFESSIONAL SERVICES AGREEMENT FOR FY 2017-2021 COMMUNITY INVESTMENT PROGRAM: HOLLYWOOD RD WASTEWATER RECLAMATION FACILITY (WRF) TERTIARY FILTER REHABILITATION**
(Contact: Matthew Thomas, City Engineer)
Award to: KSA Engineers, Inc. - $543,000.00

This item considers approval of a professional services agreement with KSA Engineers, Inc., which includes engineering design, resident project representative/inspection, construction, and warranty phase services.

Z. **CONSIDER AWARD - OUTDOOR WARNING SIRENS**
(Contact: Chip Orton, Emergency Management Coordinator)
Award to: Federal Sign Corporation - $68,091.63

This item considers approval to purchase three (3) Federal Signal 508 outdoor warning sirens on behalf of Randall County for use in the Amarillo Area Office

of Emergency Management Outdoor Warning System. Randall County will cover the cost of this purchase.

AA. **CONSIDER AWARD - TEMPORARY EMPLOYMENT STAFFING SERVICES**
(Contact: Erin Palacio, HR Manager)
Award to:

Lot1: Express Employment Professionals -	Not to exceed $ 400,000.00
Lot 2: KT Black Services, LLC -	Not to exceed $ 100,000.00
Total Award -	Not to exceed $ 500,000.00

This item considers the award of a contract for temporary employment service to address staffing shortages or special project staffing needs.

BB. **CONSIDER APPROVAL - LIFEPAK-15 CARDIAC MONITOR / DEFIBRILLATORS**
(Contact: Sam Baucom, Deputy Fire Chief)
Award to: Stryker Medical - $211,995.50 (GSA Contract #36F79721D0021)

This item considers approval to purchase five (5) LIFEPAK-15 cardiac monitor/defibrillators with accessories to be used by the Amarillo Fire Department to provide advanced life support medical procedures.

CC. **CONSIDERATION OF RESOLUTION NO. 12-14-21-2**
(Contact: Bryan McWilliams, City Attorney)

This item considers a Resolution that would approve a 60-day extension to the final extended term for the permit issued to American Medical Response, Inc. to operate an ambulance service within the City to finalize and complete the negotiation of a new permit.

DD. **CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT - SOUTH GEORGIA BUSINESS PARK UNIT NO. 1**
(Contact: Brady Kendrick, Planner II)

This item considers approval of an Aviation Clear Zone Easement, being 4,700 feet above mean sea level above the plat of South Georgia Business Park Unit No. 1, an addition to the City of Amarillo, being an unplatted tract of land in Section 182, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: Georgia Street and Farmers Avenue; APPLICANT/S: Amarillo Economic Development Corporation)

EE. **CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT - DREMMEL ADDITION UNIT NO. 3**
(Contact: Brady Kendrick, Planner II)

This item considers approval of an Aviation Clear Zone Easement, being 4,450 feet above mean sea level above the plat of Dremmel Addition Unit No. 3, a suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 152, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: Tradewind Street and S.E. 46th Avenue; APPLICANTS: Brent Williamson, Amarillo Economic Development Corporation)

FF. **CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT - I.H. 40 EAST INDUSTRIAL PARK UNIT NO. 9**
(Contact: Brady Kendrick, Planner II)

This item considers approval of an Aviation Clear Zone Easement, being 3,750 feet above mean sea level above the plat of I.H. 40 East Industrial Park Unit No. 9, an addition to the City of Amarillo, being a replat of Lots 1 and 2, Block 1, I.H. 40 East Industrial Park Unit No. 9, plus an unplatted tract of land, in Section 90, Block 2, A.B.&M. Survey, Potter County, Texas. (VICINITY: Interstate 40 and Whitaker Road; APPLICANT: ATC Realty Investment, LLC)

GG. **CONSIDER APPROVAL - AVIATION CLEAR ZONE EASEMENT - O-16 UNIT NO. 1**
(Contact: Brady Kendrick, Planner II)

This item considers approval of an Aviation Clear Zone Easement, being 4,400 feet above mean sea level above the plat of O-16 Unit No. 1, a suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 151, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: Tradewind Street and S.E. 58th Avenue; APPLICANT: Ivan Gonzalez)

HH. **CONSIDERATION OF RESOLUTION NO. 12-14-21-3**
(Contact: Bryan McWilliams, City Attorney)

This item considers a Resolution authorizing administration of the Regional Real Time Crime Center (RRTCC) grant program and designating the assistant city manager to act as the authorized official in all matters pertaining to the city's participation in the program.

II. **CONSIDER APPROVAL - PURCHASE OF TWENTY-FOUR (24) 12-YARD ROLL-OFF CONTAINERS**
(Contact: Donny Hooper, Director of Public Works)
Award to: Roll-Off USA - $120,135.00 (Buy Board Contract # 559.19)

This item considers approval to purchase twenty-four (24) 12-yard Roll-Off containers to be used for the "Residential Roll-Off" program being implemented to help reduce illegal dumping.

JJ. **CONSIDER APPROVAL – BROADBAND NETWORK AND RADIO EQUIPMENT**
(Contact: Rich Gagnon, Managing Director of IT)
Award to: Dell Technologies - $410,449.05 (DIR Contract #DIR-TSO-3763)

The item considers the approval to purchase network and radio equipment for the Broadband project. This purchase will be funded by the American Rescue Plan Act (ARPA) federal funds.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion carried by a 4-0 vote.

ITEM 3 - NON-CONSENT ITEMS:

ITEM 3A: Mayor Nelson introduced an item for a public hearing and first reading of Ordinance No. 7942. Brady Kendrick, Planner II, presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made to approve Ordinance No. 7942 approving the rezoning of a 30.89-acre tract of unplatted land, in Section 65, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to Residential 3 District in the vicinity of Westin Drive and Legacy Parkway by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 7942

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 WESTIN DRIVE AND LEGACY PARKWAY, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion carried by a 4-0 vote.

ITEM 3B: Mayor Nelson introduced the first reading of Ordinance No. 7943. Victoria Medley, Director of Animal Management and Welfare, presented the item. A motion was made to approve Ordinance No. 7943 to approve the amendments to the Amarillo Municipal Code, to include Chapter 8-2, Articles I and II, Sec. 8-2-4, 8-2-12, 8-2-55, and 8-2-57 by Mayor Pro Tem Powell, seconded by Councilmember Smith.

ORDINANCE NO. 7943

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-2, ARTICLES I AND III, SECTIONS 8-2-4, 8-2-12, AND 8-2-55, AND REPEALING CHAPTER 8-2, ARTICLE III, SECTION 8-2-57, TO REFLECT CURRENT SERVICES PROVIDED BY THE AMARILLO-PANHANDLE HUMANE SOCIETY; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion carried by a 4-0 vote.

ITEM 3C: Mayor Nelson introduced an item to discuss and consider funding options for renovating Amarillo Hardware as City Hall. Ms. Storrs and Steven Adams, with Specialized Public Finance, presented the item. Agenda items 3D, 3E, and 3F were discussed in conjunction with the presentation of item 3C.

ITEM 3F: Mayor Nelson introduced Ordinance No. 7944. The item had been presented by Mr. Adams. A motion was made to adopt Ordinance No. 7944 to authorize the issuance of the City of Amarillo, Texas Combination Tax and Revenue Notes, Series 2022 resolving other matters incident and related thereto including the approval of a paying agent/registrar agreement and a purchase contract by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 7944

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF AMARILLO, TEXAS, COMBINATION TAX AND REVENUE NOTES, SERIES 2022"; PROVIDING FOR THE PAYMENT OF SAID NOTES BY THE LEVY OF AN AD VALOREM TAX UPON ALL TAXABLE PROPERTY WITHIN THE CITY AND A LIMITED PLEDGE OF THE CITY'S WATERWORKS AND SEWER SYSTEM, SPECIFYING THE TERMS AND FEATURES OF SAID NOTES, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID NOTES, INCLUDING THE APPROVAL AND EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND A PURCHASE CONTRACT; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmember Sauer; voting NO was Councilmember Stanley; absent was Councilmember Smith; the motion carried by a 3-1 vote.

ITEM 3G: Mayor Nelson introduced an item to consider approval of a Chapter 380 Economic Development Program Agreement between the City of Amarillo and Amarillo LTACH, LLC. Mr. Freeman presented the item. A motion was made to approve the Chapter 380 Economic Development Program Agreement between the City of Amarillo and Amarillo LTACH, LLC for the rehabilitation of an existing building located at 1540 Research Drive to be utilized as a long-term acute care hospital by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion carried by a 4-0 vote.

ITEM 3H: Mayor Nelson introduced an item for a public hearing and first reading of Ordinance No. 7945. Kevin Carter, President and CEO of Amarillo Economic Development Corporation, presented the item. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. A motion was made to approve Ordinance No. 7945 designating certain areas of the City as Reinvestment Zone No. 15 for commercial and industrial tax abatement by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 7945

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS CITY COMMISSION: DESIGNATING CERTAIN AREAS AS REINVESTMENT ZONE NO. 15 FOR COMMERCIAL / INDUSTRIAL TAX ABATEMENT, CITY OF AMARILLO, TEXAS, PURSUANT TO TEXAS TAX CODE, CHAPTER 312, SUBCHAPTERS A & B, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer and Stanley; voting NO were none; absent was Councilmember Smith; the motion carried by a 4-0 vote.

ITEM 4: Mr. McWilliams advised at 7:00 p.m. that the City Council would convene in Executive Session per Texas Government Code:

A. Sec. 551.087 - Discussion regarding commercial or financial information received from a business prospect and/or to deliberate the offer of a financial or other incentive to a business prospect:
    a. Project # 20-03-02 (Manufacturing)
    b. Project # 21-02-04 (Manufacturing)
    c. Project # 21-04-02 (Manufacturing)
    d. Project # 21-10-03 (Manufacturing)
    e. Project # 21-11-01 (Transportation)
    f. Economic development incentive request in the vicinity of East Interstate 40 and Airport Boulevard
B. Sec. 551.072 – Discussion regarding the purchase, exchange, lease or value of real property:
    a. Purchase of real property located in the Northeast quadrant of the City of Amarillo.
    b. Sale of real property located in the Northeast quadrant of the City of Amarillo

Mr. McWilliams announced that Executive Session was adjourned at 5:42 p.m. and recessed the Regular Meeting.

ATTEST:

_____ _____

Stephanie Coggins, City Secretary Ginger Nelson, Mayor

B

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	January 11, 2022	**Council Priority**	Economic Development and Redevelopment
Department	Planning and Development Services Brady Kendrick – Planner II		

Agenda Caption

CONSIDERATION OF ORDINANCE NO. 7942

Second reading to consider an ordinance rezoning a 30.89-acre tract of unplatted land, in Section 65, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to Residential 3 District.
(Vicinity: Westin Dr. and Legacy Pkwy.)

Agenda Item Summary

Adjacent land use and zoning
Adjacent zoning consists of Residential District 2 to the north, Residential District 2 and 3 to the south, and Agricultural District to the east and west.

Adjacent land uses consist of undeveloped land to the north, west, and east and single family detached homes to the south.

Proposal
The applicant is requesting a change in zoning to develop this tract of land with single-family detached homes for the next phase of the Heritage Hills Subdivision.

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

The 2010 Comprehensive Future Land Use and Character Map recommends Estate Residential for this area. Estate Residential calls for less dense residential development of via larger lots and increased setbacks.

Although the land to be rezoned and developed with higher density residential homes does not strictly algin with the recommended development type, the proposed zoning is residential in nature. It is also recognized that since the Estate Residential recommendation was given, there has been a change in development characteristics within the section of land surrounding the applicant's site whereby higher density single-family homes have become the predominate development pattern in the area.

Residential District 3 allows single-family detached homes that are of a higher density due to the smaller minimum lot size (5,000 square feet) and reduced front-yard setbacks (15 feet) when compared the other residential zoning districts of Residential 1 and 2. This higher density single-family residential zoning is found throughout the remainder of the section currently developed to the south.

It is worth noting that the request is consistent with the approved Preliminary Plan for Heritage Hills.

Considering the above, The Planning and Zoning Commission is of the opinion that the request is a logical continuation of existing zoning and patterns of development in the area and does not create any negative impacts.

Requested Action/Recommendation

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

Taking all the above into account, The Planning and Zoning Commission recommends **APPROVAL** of the rezoning request as presented.

LSS

ORDINANCE NO. 7942

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 WESTIN DRIVE AND LEGACY PARKWAY, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

Rezoning of a 30.89-acre tract of unplatted land, in Section 65, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to Residential 3 District. being further described below:

BEGININNING at a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set in the South Right-of-Way line of Arden Road as dedicated per instrument recorded under Clerk's File No. 2021006609 of the Official Public Records of Randall County, Texas, from whence a 1/2 inch iron rod found for the Northwest corner of said Section 65 bears N. 00° 21' 42" W. 60.00 feet and N. 89° 45' 43" W. 1723.67 feet;

THENCE S. 89° 45' 43" E. 1596.59 feet along the South Right-of-Way line of said Arden Road to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the Northeast corner of this tract of land;

THENCE S. 00° 21' 42" E. 197.60 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the beginning of a curve to the left whose center bears N. 89° 38' 18" E.

746.00 feet;

THENCE Southerly 353.22 feet along said curve to the left with a long chord of S. 13° 55' 33" E. 349.93 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the end of said curve, same being the intersection of the East Right-of-Way line of Legacy Parkway and the North Right-of-Way line of Westin Drive as dedicated in Heritage Hills Unit No. 2, an addition to the City of Amarillo according to the map or plat thereof recorded under Clerk's File No. 2014018558 of the Official Public Records of Randall County, Texas, also being the most East Southeast corner of this tract of land;

THENCE S. 62° 30' 35" W. 94.00 feet along the Northerly boundary of said Heritage Hills Unit No. 2 to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the beginning of a curve to the left whose center bears N. 62° 30' 35" E. 840.00 feet;

THENCE Southeasterly 6.82 feet along said curve to the left with a long chord of S. 27° 43' 22" E. 6.82 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the end of said curve;

THENCE S. 26° 57' 10" W. 8.19 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set in the North Right-of-Way line of said Westing Drive for the most South Southeast corner of this tract of land, same being the beginning of a curve to the left whose center bears S. 08° 19' 56" E. 3850.00 feet;

THENCE Southwesterly 1137.78 feet along said curve to the left with a long chord of S. 73° 12' 05" W. 1133.65 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the end of said curve;

THENCE S. 64° 44' 07" W. 131.65 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the beginning of a curve to the right whose center bears N. 25° 15' 53" W. 710.00 feet;

THENCE Westerly 316.39 feet along said curve to the right with a long chord of S. 77° 30' 06" W. 313.79 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the end of said curve;

THENCE N. 89° 43' 55" W. 54.27 feet, continuing along the North Right-of-Way line of said Westin Drive to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the Southwest corner of this tract of land;

THENCE N. 35° 35' 29" E. 5.78 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the beginning of a curve to the right whose center bears N. 71° 02' 42" E. 1100.00 feet;

THENCE Northerly 356.97 feet along said curve to the right with a long chord of N. 09° 39" 30" W. 355.40 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the end of said curve;

THENCE N. 00° 21' 42" W. 545.89 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the beginning of a curve to the left whose center bears S. 89° 38' 18" W. 37.00 feet;

THENCE Northwesterly 31.20 feet along said curve to the left with a long chord of N. 24° 31' 21" W. 30.29 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the beginning of a curve to the right whose center bears N. 41° 19' 00" E. 60.00 feet;

THENCE Northerly 144.85 feet along said curve to the right with a long chord of N. 20° 28' 39" E. 112.15 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the end of said curve;

THENCE N. 00° 21' 42" W. 18.51 feet to the PLACE OF BEGINNING and containing 30.89 acres of land, more or less.
Base line – West line of Section 65 S. 00° 12' 23" E. 5412.60 feet

SECTION 3. In the event this Ordinance or any part hereof is found to be invalid, such invalidity shall not affect the remaining portions of the Ordinance, and such remaining portions shall continue to be in full force and effect. The Director of Planning is authorized to make corrections and minor changes

to the site plan or development documents to the extent that such does not materially alter the nature, scope, or intent of the approval granted by this Ordinance.

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

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

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the 14th day of December, 2021 and PASSED on Second and Final Reading on this the 11th day of January, 2022.

_____
Ginger Nelson, Mayor

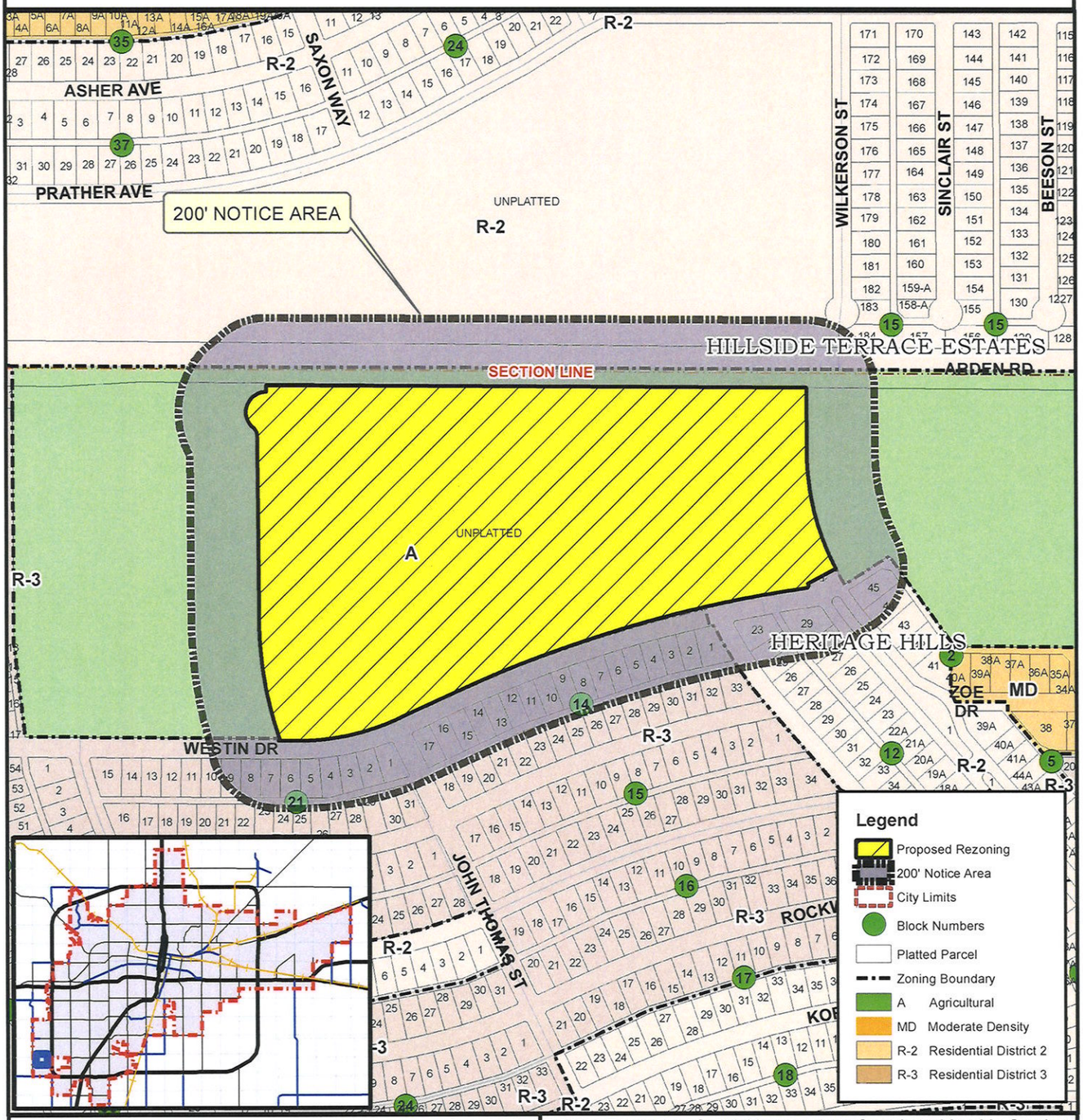
ATTEST:

_____
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

_____
Bryan McWilliams,
City Attorney

REZONING FROM A TO R-3



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 400 feet
Date: 10/19/2021
Case No: Z-21-14

N
W E
S

Z-21-14 Rezoning of a 30.89 acre tract of unplatted land in Section 65, Block 9, B.S.&F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from Agricultural District to Residential 3 District.

VICINITY: Westin Dr. & Legacy Pkwy.

APPLICANT: Seth Williams for PEGA Development, LLC

AP: H-17

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

C

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	January 11, 2022	Council Priority	Public Health and Safety

Department	Animal Management & Welfare	Contact Person	Victoria Medley

Agenda Caption

CONSIDERATION OF ORDINANCE NO. 7943

This item is a second and final reading of an ordinance to consider amendments to the Amarillo Municipal Code, Chapter 8-2, Articles I and II, Sec. 8-2-4, 8-2-12, 8-2-55, 8-2-57.

Agenda Item Summary

This ordinance specifically amends Chapter 8-2 of the Amarillo Municipal Code which provides for and describes local requirements for the custody and control of animals within the city limits. The City of Amarillo and the Amarillo-Panhandle Humane Society ("APHS") have had a lone history of working together to facilitate animal adoptions in Amarillo. APHS no longer provides adoptions services and is now providing temporary foster care and rescue services. The proposed amendments reflect the current services provided by the Amarillo-Panhandle Humane Society.

Requested Action

Approve as presented

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval as presented

ORDINANCE NO. 7943

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-2, ARTICLES I AND III, SECTIONS 8-2-4, 8-2-12, AND 8-2-55, AND REPEALING CHAPTER 8-2, ARTICLE III, SECTION 8-2-57, TO REFLECT CURRENT SERVICES PROVIDED BY THE AMARILLO-PANHANDLE HUMANE SOCIETY; PROVIDING FOR: SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

WHEREAS, the City's of Amarillo and the Amarillo-Panhandle Humane Society ("APHS") have a long history of working together to facilitate animal adoptions in Amarillo; and

WHEREAS, APHS no longer provides adoption services and now provides temporary foster care and rescue transport services; and

WHEREAS, the City desires to update its ordinances to reflect APHS' current services;

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

SECTION 1. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-4 be and hereby is amended in part to now read as follows:

Sec. 8-2-4. – Fees.

(a) [NO TEXT CHANGE]

(b) *Humane society ~~adoption~~ kenneling fees.* For ~~adoption~~ kenneling of any Animal pursuant to section 8-2-55(a)(3) the society shall pay to the City the ~~monthly~~ per-animal-per-day fees required by contract with the City for this service.

(c) *Other fees:*

(1) [NO TEXT CHANGE]

(2) [NO TEXT CHANGE]

(3) [NO TEXT CHANGE]

~~(4) Dead Animal pickups, veterinary clinics: ….~~

~~a. Per bagged animal that is less than 200 pounds .....2.50~~

~~b. Animals weighing more than 200 pounds will not be picked up by Animal Management & Welfare ….~~

(4~~5~~) Pathological examination 50.00

(5~~6~~) Small Animal trap, deposit (refundable upon timely return) 90.00

(6~~7~~) Vaccination at intake, Animal medical treatment: ….

a. Vaccination (therapeutic or prophylactic), immunization fee (or actual cost whichever is more) 10.00

b. The owners of animals at the shelter requiring veterinarian services shall be charged the cost of the veterinarian fees. ….

(~~7~~8) Surrender Fee: .....

Adult pet (over 6 months) 25.00

Per puppy or kitten 10.00

Spay-a-Mama Program 40.00

(~~8~~9) Adoption Fee - Canine 50.00

Adoption Fee - Feline 30.00

Adoption Fee - Barn Cat 10.00

Adoption Fee - Chicken 10.00

Adoption Fee - Small animal 15.00

(~~9~~10) Replacement Rabies Tag 5.00

(d) [NO TEXT CHANGE]

SECTION 2. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-12 be and hereby is amended in part to now read as follows:

Sec. 8-2-12. - Humane society to operate at Animal shelter.

The Amarillo Panhandle Humane Society is authorized to operate an Animal ~~adoption~~ temporary foster care and rescue transport program in conjunction with the Animal Management & Welfare Department's Animal shelter in accordance with state law.

SECTION 3. The Amarillo Municipal Code, Chapter 8-2, Article III, Section 8-2-55 be and hereby is amended in part to now read as follows:

Sec. 8-2-55. - Disposition of unclaimed or unredeemed Animals.

(a) After any impounded Animal that has become the property of the City pursuant to Section 8-2-15 and has remained unclaimed or unredeemed, the department shall have the following powers:

(1) [NO TEXT CHANGE]

(2) [NO TEXT CHANGE]

(3) *Transfer to Humane Society.* The Animal Management & Welfare Department may transfer any impounded Animal that is unclaimed ~~and~~or unredeemed to the Amarillo Panhandle Humane Society for the purposes of temporary foster care or ~~adoption~~ rescue transport. In the event of transfer of ownership for purposes of ~~adoption~~temporaryfoster care or

rescue transport, the Amarillo Panhandle Humane Society shall pay to the Animal Management & Welfare Department the required kenneling fees set forth in this ~~chapter~~section 8-2-4(b). Except as otherwise required by law, personal identifying information of a person who adopts or fosters an animal or a rescue organization that takes custody of an animal shall remain confidential.

(b) Surrendered, sick, unweaned or injured Animals.

(1) [NO TEXT CHANGE]

(2) Animals surrendered for adoption may only be destroyed upon order of the Director of Animal Management & Welfare, or his designee, after taking into consideration the recommendation of the Humane Society representative, if reasonably available.

SECTION 4. The Amarillo Municipal Code, Chapter 8-2, Article III, Section 8-2-57 be and hereby is repealed and reserved as follows:

Secs. 8-2-59~~7~~—8-2-70. - Reserved.

SECTION 5. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Amarillo, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 6. Repealer. Subject to the provision in Section 4 (Continuation of Prior Law), all ordinances and resolutions, or parts thereof, in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 7. Continuation of prior law. Nothing in this ordinance or any code hereby adopted shall be construed so as to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause of action acquired existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just, vested, or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 8. Effective Date. This ordinance shall be effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading the 14th day of December 2021; and PASSED on Second and Final Reading the 11th day of January 2022.

_____
Ginger Nelson, Mayor

ATTEST:

_____
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

_____
Bryan S. McWilliams, City Attorney

Amarillo City Council
Agenda Transmittal Memo

AMARILLO ECONOMIC DEVELOPMENT

Meeting Date	January 11, 2022	**Council Pillar**	Economic Development
Department	Amarillo Economic Development Corporation		
Contact	Kevin Carter, President and CEO		

Agenda Caption

CONSIDERATION OF ORDINANCE NO. 7945

This item is a second and final reading of an ordinance to consider designating certain areas of the City as Reinvestment Zone No. 15 for commercial and industrial tax abatement. The zone is approximately 77 acres in the vicinity of Centerport Boulevard and Folsom Road.

Agenda Item Summary

Designating a reinvestment zone is a step in the property tax abatement process under Chapter 312 of the Tax Code. Local governments often use tax abatements to attract new industry and commercial enterprises and to encourage the retention and development of existing businesses. Designation of an area as a reinvestment zone is required before City Council has the ability to offer a tax abatement.

The 77 acres proposed for Reinvestment Zone No. 15 is located at Centerport Boulevard and Folsom Road. The reason for creating this zone is to provide Council the option to offer an economic development incentive to a prospective manufacturing facility.

Before Council may consider a new zone, it must be preceded by a public hearing, with 7 days written notice of the hearing provided to the presiding officer of each of the other taxing entities with jurisdiction in the zone and notice of the hearing in a newspaper of general circulation in the city.

Council must make findings that the improvements sought in the zone are feasible and practical and would be a benefit to the zone after expiration of a tax abatement agreement. Zones must also meet one of the applicable criteria for reinvestment zones. For the case of this zone, the criteria met is that with designation of the zone it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City.

Requested Action

Conduct a public hearing and first reading of the Ordinance on December 14, 2021. The final reading is scheduled for January 11, 2022.

Funding Summary

N/A

Staff Recommendation

AEDC staff is recommending approval of the designation of Reinvestment Zone 15.

ORDINANCE NO. 7945

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS CITY COMMISSION: DESIGNATING CERTAIN AREAS AS REINVESTMENT ZONE NO. 15 FOR COMMERCIAL / INDUSTRIAL TAX ABATEMENT, CITY OF AMARILLO, TEXAS, PURSUANT TO TEXAS TAX CODE, CHAPTER 312, SUBCHAPTERS A & B, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Amarillo, Texas ("City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its jurisdiction by the creation of a Reinvestment Zone for commercial/industrial tax abatement, as authorized by Texas Tax Code Chapter 312, Subchapters A & B;

WHEREAS, City has elected by Resolution No. 08-24-21-1 to become eligible to participate in tax abatements;

WHEREAS, a public hearing in a regularly scheduled meeting before the City Council was held on December 14, 2021, such date being at least seven (7) days after the date of publication of the notice of such public hearing as required by the Texas Tax Code; and

WHEREAS, notice of the public hearing was delivered to the presiding officer of the governing body of each taxing unit located within the proposed Reinvestment Zone at least seven (7) days before the date of the public hearing; and

WHEREAS, the City at such hearing invited all interested persons, or their counsel, to appear and speak for or against the creation of the proposed Reinvestment Zone, the boundaries of the proposed Reinvestment Zone, and whether all or part of the property described in this ordinance should be included in such proposed Reinvestment Zone; and

WHEREAS, all interested persons were given the opportunity to be heard and the proponents of the Reinvestment Zone offered evidence in favor of the creation of the proposed Reinvestment Zone and the proponents also submitted evidence as to the proposed improvements, and any opponents of the proposed Reinvestment Zone were given the opportunity to contest creation of the proposed Reinvestment Zone; and

WHEREAS, the area to be designated meets the statutory requirement that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary

employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the municipality, and/or meets other criteria that satisfies state law for establishment of a reinvestment zone;

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and are adopted as findings of fact by this body and as part of its official record.

SECTION 2. The City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the testimony and evidence presented to it:

a) That a public hearing on the designation of the Reinvestment Zone has been properly called, held and conducted and that notice of such hearing was published as required by law and delivered to all taxing units overlapping the territory inside the proposed reinvestment zone; and

b) That the boundaries of the area to be known as City of Amarillo Reinvestment Zone No. 15 shall be the area of land described on the document attached hereto as Exhibit "A", which is incorporated herein for all purposes; and

c) That the creation of the City of Amarillo Reinvestment Zone No. 15 with the boundaries as described in (b) above, will result in benefits to the City and to the land included in the zone and to the City after the expiration of any Tax Abatement Agreement entered into, and the improvements sought are feasible and practical; and

d) That the Reinvestment Zone as described in (b) above meets the criteria for the creation of a Reinvestment Zone as set forth in Texas Tax Code Chapter 312, Subchapters A & B in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would be a benefit to the property and that would contribute to the economic development of the City; and

e) That the City of Amarillo Reinvestment Zone No. 15 as defined herein satisfies the requirement of a Reinvestment Zone and is eligible under the Guidelines and Criteria for Tax Abatement in the City of Amarillo, Resolution No. 08-24-21-1.

SECTION 3. That pursuant to Texas Tax Code Chapter 312, Subchapter B, the City hereby creates a Reinvestment Zone for commercial/industrial tax abatement encompassing the area described by the legal description in Section 2 (b) above and such Reinvestment Zone is hereby designated and shall hereafter be designated City of Amarillo Reinvestment Zone No. 15 for a period of five (5) years.

SECTION 4. If any portion of this ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

SECTION 5. That the establishment of City of Amarillo Reinvestment Zone No. 15 shall take effect on the date of the final passage of this Ordinance.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on the 14th day of December 2021, and PASSED on Second and Final Reading on this the 11th day of January 2022.

_____
Ginger Nelson, Mayor

ATTEST:

_____
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

_____
Bryan S. McWilliams, City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF REINVESTMENT ZONE NO. 15

FIELD NOTES for a 77.10 acre tract of land being a portion of Section 72, Block 2, A. B. & M. Survey, Potter County, Texas, and more particularly described as follows:

BEGINNING at a concrete monument found with a brass cap at the intersection of the south right-of-way line of N.E. 24th Avenue and the west right-of-way line of Folsom Road which bears N. 89° 51′ 08″ W. a distance of 72.82 feet and S. 00° 08′ 52″ W. a distance of 59.93 feet from a Kelley Cap found at the northeast corner of said Section 72 for the northeast corner of this tract.

THENCE S. 04° 58′ 59″ E., along said west right-of-way line, a distance of 525.77 feet to a 1/2″ iron rod found with a yellow cap on said west right-of-way line for a corner of this tract.

THENCE S. 00° 30′ 45″ W., continuing along said west right-of-way line, a distance of 446.03 feet to a 1/2″ iron rod found on said west right-of-way line for a corner of this tract.

THENCE S. 00° 05′ 40″ W., continuing along said west right-of-way line, a distance of 447.61 feet to a 1/2″ iron rod found with a yellow cap at the intersection of said west right-of-way line and the north right-of-way line of Centerport Blvd. for the most easterly southeast corner of this tract.

THENCE S. 45° 05′ 40″ W., along said north right-of-way line, a distance of 169.71 feet to a 1/2″ iron rod found with a yellow cap on said north right-of-way line for the most southerly southeast corner of this tract.

THENCE N. 89° 54′ 20″ W., continuing along said north right-of-way line, a distance of 347.43 feet to a 1/2″ iron rod found with a yellow cap on said north right-of-way line at the beginning of a curve to the left for a corner of this tract.

THENCE in a southwesterly direction continuing along said north right-of-way line and along said curve with a radius equal to 677.23 feet, a long chord bearing of S. 78° 25′ 14″ W. and a long chord distance of 274.06 feet, a curve length of 275.97 feet to a 1/2″ iron rod found with a yellow cap at the end of said curve on said north right-of-way line for a corner of this tract.

THENCE S. 66° 44′ 49″ W., continuing along said north right-of-way line, a distance of 977.39 feet to a 1/2″ iron rod found with a yellow cap on said north right-of-way line at the beginning of a curve to the right for a corner of this tract.

THENCE in a southwesterly direction continuing along said north right-of-way line and along said curve with a radius equal to 2460.00 feet, a long chord bearing of S. 70° 36′ 15″ W. and a long chord distance of 330.98 feet, a curve length of 331.23 feet to a 1/2″ iron rod found with a yellow cap on said north right-of-way line on said curve for the southwest corner of this tract.

THENCE N. 00° 08′ 25″ E. a distance of 2092.73 feet to a 1/2″ iron rod found with a yellow cap on said south right-of-way line of said N.E. 24th Ave. for the northwest corner of this tract.

THENCE S. 89° 49′ 24″ E., along said south right-of-way line, a distance of 743.38 feet to a concrete monument found with a brass cap on said south right-of-way line for a corner of this tract.

THENCE S. 89° 51′ 06″ E., continuing along said south right-of-way line, a distance of 1156.86 feet to the place of BEGINNING and containing 77.10 acres (3,358,613 square feet) of land.

E

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO® CITY MANAGER

Meeting Date	January 11, 2022	**Council Pillar**	Infrastructure
Department	Transportation / 1731		
Contact	Donny Hooper, Director of Public Works		

Agenda Caption

CONSIDERATION OF RESOLUTION 01-11-22-1

This item considers approval of a resolution for the Advance Funding Agreement for Highway Safety Improvement Program (Off System) with the Texas Department of Transportation (TxDOT).

Agenda Item Summary

Resolution for agreement for TxDOT to install and the City of Amarillo to design, operate and maintain signals installed with eligible federal or special program funds at Adams & SE 3rd Ave, Georgia & SW 26th Ave, and Western & SW 34th Ave. The TxDOT upgrades are for Safety improvements in left turns and detection.

Requested Action

Requesting Council to consider and approve resolution for Advance Funding Agreement for Highway Safety Improvement Program (Off System) with TxDOT to install and the City of Amarillo to operate and maintain signals in TxDOT right-of-way but inside the City Limits.

Funding Summary

TxDOT federal and special program funds Highway Safety Improvement Program (Off System), after installation City Traffic operations maintenance funds.

Community Engagement Summary

The City will work with TxDOT to produce media releases to inform the public of the upcoming installations.

Staff Recommendation

The TxDOT District office is in agreement, as well as City Transportation Staff, to approve the resolution for an agreement for TxDOT to install and the City of Amarillo to operate and maintain signals installed with eligible federal or special program funds at Adams & SE 3rd Ave, Georgia & SW 26th Ave, and Western & SW 34th Ave.

RESOLUTION NO. 01-11-22-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO AUTHORIZING AN ADVANCE FUNDING AGREEMENT FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM WITH THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) FOR TRANSPORTATION IMPROVEMENTS WITHIN THE SPECIFIED PROGRAM; PERMITTING ADMINISTRATIVE ADJUSTMENTS TO DOCUMENTS AS NEEDED; AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENT; PROVIDING SAVINGS CLAUSE; AND PROVIDING SEVERABILITY CLAUSE AND EFFECTIVE DATE.

WHEREAS, the Texas Department of Transportation (TxDOT) desires to enter an Agreement with the City of Amarillo (COA) for transportation improvements in the total amount of approximately Two Hundred Two Thousand and Six Hundred Twenty-Two and No/100 Dollars ($202,622.00), attached hereto and incorporated herein;

WHEREAS, the Agreement allocates costs based on 100% federal funding ($182,622.00) with 0% local funding until the federal funding reaches the maximum amount obligated to this Project;

WHEREAS, the City of Amarillo will participate in the amount of Twenty Thousand and No/100 Dollars ($20,000.00) for engineering costs;

WHEREAS, the highway safety improvement project is described as TxDOT will improve traffic signals and install flashing yellow arrows, and the COA will operate and maintain the signals in TxDOT right-of-way; and

WHEREAS, the City Council authorizes the City Manager and/or his designee to execute such documents related to this Agreement.

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

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

SECTION 2. The City Council authorizes the COA to enter into an Agreement with TxDOT for the highway safety improvement project with TxDOT improving and installing traffic signals, and the COA operating and maintaining such signals in the TxDOT right-of-way.

SECTION 3. The City of Amarillo supports funding this project as described in the Advance Funding Agreement for Highway Safety Improvement Program Off-System and is

willing to commit to the Twenty Thousand and No/100 Dollars ($20,000.00) for engineering costs.

SECTION 4. The City Manager or designee is authorized to sign such Agreement and any related documents for this Project.

SECTION 5. Should any part of this Resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this Resolution.

SECTION 6. Should any word, phrase or part of this Resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

SECTION 7. This Resolution shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas,

this 11th day of January 2022.

_____
Ginger Nelson, Mayor

ATTEST:

_____
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

_____
Bryan S. McWilliams, City Attorney

F

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	January 11, 2022	**Council Priority**	Fiscal Responsibility
Department	Human Resources		
Contact	Laura Storrs, Assistant City Manager		

Agenda Caption

CONSIDER AWARD – ONSITE CLINIC PROVIDER SERVICES CONTRACT
(Contact: Laura Storrs, Assistant City Manager)
Award to: CareATC, Inc. - $1,955,807.00

This item considers approval of RFP #11-21 for a three-year contract with renewal options for two additional one-year terms and a first-year implementation fee for onsite clinic provider services beginning January 1, 2022.

Agenda Item Summary

The Human Resources Employee Benefits Division released an RFP for onsite clinic provider services. The top respondent is CareATC, Inc.

Requested Action

Requesting approval for a three-year contract (CY2022 through CY2024) with renewal options for two additional one-year terms for onsite clinic provider services for $1,955,807, which includes a first-year implementation fee.

Funding Summary

64300 - Health Plan Fund

Community Engagement Summary

N/A

Staff Recommendation

Approval of a three-year contract (CY2022 through CY2024) with renewal options for two additional one-year terms for onsite clinic provider services with CareATC, Inc.

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO® CITY MANAGER

Meeting Date	January 11, 2022	**Council Priority**	Fiscal Responsibility
Department	Human Resources		
Contact	Sandy Elliott, Benefits Manager		

Agenda Caption

CONSIDER AWARD – WELLNESS PLAN ADMINISTRATIVE SERVICES CONTRACT
(Contact: Sandy Elliott, Benefits Manager)
Award to: Virgin Pulse - $120,616.00

This item considers approval of RFP #09-21 for a two-year contract for Wellness Plan Administrative Services beginning January 1, 2022.

Agenda Item Summary

The Human Resources Employee Benefits Division released an RFP for administration of wellness services. The top respondent is Virgin Pulse.

Requested Action

Requesting approval for a two-year contract (CY2022 through CY2023) for wellness services for $120,616.

Funding Summary

64100.71360 – Health Plan Fund

Community Engagement Summary

N/A

Staff Recommendation

Approval of a two-year contract (CY2022 through CY2023) for wellness services with Virgin Pulse.

H

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	January 11, 2022	**Council Priority**	Public Safety
Department	Amarillo Fire Department		
Contact	Brandon Mason, Deputy Fire Chief		

Agenda Caption

CONSIDER AWARD – SUPPLY AGREEMENT FOR FIREFIGHTING GARMENTS
(Contact: Brandon Mason, Deputy Fire Chief)
Award to Daco Fire Equipment - $318,240

This item is a supply agreement for 100 sets of coats, pants, hoods, and gloves with a 7-year warranty, 30 suspenders, 40 helmets, and 10 pairs of boots.

Agenda Item Summary

Supply Agreement for NFPA 1971 compliant firefighting garments, including firefighting coats, pants, hoods, helmets, suspenders and gloves (aka Personal Protective Equipment - PPE) to replace older PPE that is nearing end of service life. The 7-year warranty ensures that the PPE is cleaned and repaired annually; and when it cannot be repaired, then the warranty will replace it at no additional costs. Per Texas Commission on Firefighting, PPE shall be replaced before it's 10-years old or when gear can not be repaired and recertified to the NFPA 1971 standard.

Requested Action

To approve the award of a supply agreement for firefighting garments to Daco Fire Equipment in the amount of $318,240.

Funding Summary

This is a budgeted purchase in the amount of $318,240, allocated to account 1910.51300-*Clothing and Linen.*

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends award of the supply agreement for firefighting garments to Daco Fire Equipment in the amount of $318,240, authorizing the City Manager to execute the purchasing agreement.

Amarillo City Council
Agenda Transmittal Memo

I

Meeting Date	January 11, 2022	**Council Priority**	Long Term Plan for Infrastructure
Department	Water Utilities – Osage Water Treatment Plant		
Contact	Jonathan Gresham, Director of Utilities		

Agenda Caption

CONSIDER APPROVAL – REMOVAL AND INSTALLATION OF VERTICAL TURBINE PUMP AT OSAGE WATER TREATMENT PLANT

Consideration of approval for Pump #1 at High Service Pump Station repair, and associated labor for installation to Klinger-GPI for $69,969.00.

Agenda Item Summary

Consider Approval

This purchase is for Klinger-GPI to remove, evaluate, and the associated labor to rehabilitate the #1 Pump at the High Service Pump Station. This will include removal of exiting pump, evaluation, and rehab of the existing pump. This repair allows the Osage Water Treatment Plant to efficiently and systematically move water around the transmission system to assets where demand has been identified around the City.

Requested Action

Utilities staff requests the approval of Bid No. 7113 High Service Pump Station Pump #1 repair to Klinger-GPI for $69,969.00.

Funding Summary

This purchase will be funded from 52220.68300. This account has a current balance of $448,500.00, the remaining balance in the account will be $378,531.00 after this purchase.

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends the approval of award.

Amarillo City Council
Agenda Transmittal Memo

J

Meeting Date	January 11, 2022	Council Priority	Public Safety

Department	Emergency Management	Contact Person	Chip Orton

Agenda Caption

CONSIDER APPOVAL – COMMUNICATION SYSTEM MUTUAL AID AGREEMENT

This item considers approval of a Communication System Agreement with Department of Energy (DOE) for Pantex usage of the City's radio system.

Agenda Item Summary

This agreement will allow Pantex first responders to access the City's radio system to be used in operations, training, exercises, or emergency situations. This is a no-cost agreement.

Requested Action

The Office of Emergency Management has reviewed the amendment and recommends that the City Council authorize the City Manager to execute the document.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of this amendment.

Amarillo City Council
Agenda Transmittal Memo

K

Meeting Date	January 11, 2022	**Council Priority**	Fiscal Responsibility
Department	Central Stores		
Contact	Trent Davis, Purchasing Agent		

Agenda Caption

CONSIDER AWARD-BID 7134 PAPER GOODS SUPPLY AGREEMENT

Empire Paper	$ 1,008.60
Wagner Supply	$ 103,936.00
Mavich	$ 5,844.00
	$ 110,788.60

Total Awarded $110,788.60

Agenda Item Summary

Consider approval of the award of the Paper Goods Supply Agreement Bid 7134.

Requested Action

Consider approval of the award of the Paper Goods Supply Agreement Bid 7134.

Funding Summary

Funding is available in inventory account 1000.15400.

Community Engagement Summary

N/A

Staff Recommendation

City staff is recommending approval of award.

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO® CITY MANAGER

L

Meeting Date	January 11, 2022	**Council Priority**	Best Practices; Infrastructure
Department	Water Utilities – Wastewater Treatment Hollywood Road Plant		
Contact	Jonathan Gresham – Director of Utilities		

Agenda Caption

CONSIDER APPROVAL – BEARING ASSEMBLIES FOR HOLLYWOOD ROAD WATER RECLAMATION PLANT PUMP STATION

Award to: Evoqua Water Technologies - $132,681.82

This item considers approval to purchase two sets of bearing assemblies to replace existing equipment at Hollywood Road Water Reclamation Plant.

Agenda Item Summary

This item is to consider the award for the purchase of two sets of upper and lower bearing assemblies for our Reaeration Pump Station. This process adds dissolved oxygen to the effluent allowing the effluent to be discharged to the waters of the state and meet TCEQ regulations and our TPDES discharge permit. This pump station consists of three Zimpro Screw Pumps. Currently two of these are down for repair. These parts are sole sourced from the manufacturer, Evoqua Water Technologies. This system was engineered in 2005, and the parts are specific to the screw pumps.

Requested Action

Requesting approval and award of purchase for the bearing assemblies to Evoqua Water Technologies in the amount of $132,681.82

Funding Summary

Funding is available in account 52270.68312

Community Engagement Summary

N/A

Staff Recommendation

City staff is recommending approval and award to Evoqua Water Technologies.

M

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO® CITY MANAGER

Meeting Date	January 11, 2022	**Council Priority**	Long-term Plan for Infrastructure
Department	Amarillo Fire Department		
Contact	Sam Baucom, Deputy Fire Chief		

Agenda Caption

CONSIDERATION OF RESOLUTION 01-11-22-2

This item considers a resolution that will authorize the City Manager to take action on a letter of authorization for the Amarillo Fire Department (AFD) to upgrade from a Texas Department of State Health Services (DSHS) *First Responder Only* (FRO) license to a *Provider* license, which would allow the AFD to transport patients when necessary.

Agenda Item Summary

The Amarillo Fire Department (AFD) has worked with the Panhandle Regional Advisory Council to develop a proactive method for the AFD to assist in transporting patients during extenuating events, such as a Mass Casualty Incident, nursing home evacuation, or a state mission request. For the AFD to be authorized to assist with patient transport, the AFD must upgrade from a First responder Only license to a Provider license. Approval of this resolution will authorize the City Manager to sign the *Letter of Approval*, which is a required element for the AFD to apply for a Provider license with Texas DSHS.

Requested Action

Authorize the City Manager to sign the Letter of Approval for the AFD to apply for a Provider license.

Funding Summary

None

Community Engagement Summary

The AFD continues to seek opportunities to improve on protecting our community services by providing the highest quality of compassionate and professional services. During the AFD's Accreditation process of community engagement, the citizens ranked Emergency Medical Services and the Number 2 Community Service priority for the AFD – second only to fire suppression.

Level 2 – Modest impact on whole community
CPSE Community Risk Assessment – Standards of Cover: External Stakeholder Meetings February 2017

Staff Recommendation

Approval as presented

01/03/22-bsm

RESOLUTION NO 01-11-22-2

A RESOLUTION BY THE CITY OF AMARILLO CITY COUNCIL: AUTHORIZING THE CITY MANAGER TO SIGN A LETTER OF APPROVAL SUPPORTING THE AMARILLO FIRE DEPARTMENT'S APPLICATION TO THE DEPARTMENT OF STATE HEALTH SERVICES (DSHS) TO OBTAIN AN EMS PROVIDER LICENSE.

WHEREAS, the Amarillo Fire Department (AFD) is currently listed as a First Responder Organization (FRO) with the DSHS; and

WHEREAS, the AFD was recently awarded an AMBUS unit through the Texas Emergency Medical Task Force (EMTF) Region 1; and

WHEREAS, the award of the AMBUS unit is contingent upon AFD obtaining an EMS provider license from the DSHS; and

WHEREAS, part of the application process requires a Letter of Approval from the governing body of the municipality; and

WHEREAS, AFD is requesting that the City Council authorize the City Manager to sign a Letter of Approval in support of the EMS Provider License Application.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL:

1. The City Manager is hereby authorized to sign the Letter of Approval in support of the EMS Provider License Application.
2. That the addition of another licensed emergency medical services provider will not interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating within the city.
3. That the authorization of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services providers in the municipality.
4. That the authorization of an additional licensed emergency medical services provider will not cause an over supply of licensed emergency medical services providers in the municipality.

CONSIDERED AND APPROVED this 11th day of January 2022.

_____
Ginger Nelson, Mayor

ATTEST:

_____
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

_____
Bryan McWilliams, City Attorney

N

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO® CITY MANAGER

Meeting Date	January 11, 2022	**Council Priority**	Architecture and Engineering Contract for Infrastructure
Department	Facilities Department		
Contact	Jerry Danforth, Facilities Director		

Agenda Caption

AWARD – CONTRACT FOR THE ARCHITECTURE AND ENGINEERING OF THE NEW AMARILLO CITY TRANSIT MULTIMODAL TERMINAL (6TH AVENUE AND BOWIE ST AMARILLO, TEXAS 79106)
(Contact: Jerry Danforth, Facilities Director)
Sims + Architects -- $480,000.00

This is a contract for all Architecture and Engineering to be awarded to Sims Architects for the design of the new Amarillo City Transit Multimodal Terminal located at 6th Avenue and Bowie St in Amarillo, Texas 79106.

Agenda Item Summary

This bid is for the Architecture and Engineering contract to Sims + Architects for the design of the new Amarillo City Transit Multimodal Terminal located at 6th Avenue and Bowie St in Amarillo, Texas 79106.

Requested Action

Approval and award of the Architecture and Engineering contract to Sims + Architects for the amount of $480,000.00.

Funding Summary

This contract is Federally funded using FTA FY-19 CAP (TX-2020-040-00)
(City Job # 411755.17400.1050)

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of the Architecture and Engineering contract award to Sims + Architects for the design of the new Amarillo City Transit Multimodal Terminal for the sum of $480,000.00.

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	January 11, 2022	**Council Priority**	Public Safety
Department	Public Health		
Contact	Casie Stoughton, Public Health Director		

Agenda Caption

CONSIDERATION – ACCEPTANCE OF STD/HIV – DIS GRANT
Grant Amount: $213,611.00
Grantor: Texas Department of State Health Services

This item accepts the award from the Texas Department of State Health Services from January 1, 2022, thru December 31, 2022, to fund for the Infectious Disease Surveillance in the Public Health Department.

Agenda Item Summary

Contractor shall fund the STD/HIV – DIS Grant. This grant provides for a staff and programmatic support for the STD program.

Requested Action

Accept grant award.

Funding Summary

Funding provided by the Texas Department of State Health Services.

Community Engagement Summary

Patients testing positive for an STD receive partner elicitation services to confidentially test and treat partners, as a tool to reduce STDs in our community.

Staff Recommendation

Staff recommend acceptance of this grant.

A

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO® CITY MANAGER

Meeting Date	January 11, 2022	**Council Priority**	Public Safety
Department	Police Department		
Contact	Chief Martin Birkenfeld		

Agenda Caption

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7946

Public hearing and first reading of an ordinance re-adopting and continuing CHAPTER 10-3, Article VI, Sections 10-3-71 through 10-3-75, inclusive of the Amarillo Municipal Code, without change; providing for a nocturnal curfew (starting at midnight) for persons under 17 years of age; defining offenses; providing defenses; providing a cumulative remedy clause; providing savings and severability clauses; providing a repealer clause; providing for penalties and an effective date.

Agenda Item Summary

This ordinance renews the juvenile curfew, making it an offense to remain in any public place or on the premises of any establishment within the city during curfew hours. This rule has been proven and remains valuable in reducing juvenile crime and keeping kids from becoming victims of crimes during curfew hours. The curfew rule is up for renewal and review every three years.

Requested Action

Council consideration and approval of the ordinance.

Funding Summary

No additional funding required for this.

Community Engagement Summary

n/a

Staff Recommendation

Staff recommends that the City Council approve this agreement.

LSS 1/5/2022

ORDINANCE NO. 7946

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO: RE-ADOPTING AND CONTINUING CHAPTER 10-3, ARTICLE VI, SECTIONS 10-3-71 THROUGH 10-3-75, INCLUSIVE OF THE AMARILLO MUNICIPAL CODE, WITHOUT CHANGE; PROVIDING FOR A NOCTURNAL CURFEW (STARTING AT MIDNIGHT) FOR PERSONS UNDER 17 YEARS OF AGE; DEFINING OFFENSES; PROVIDING DEFENSES; PROVIDING FOR PENALTIES; PROVIDING A CUMULATIVE REMEDY CLAUSE; PROVIDING SAVINGS AND SEVERABILITY CLAUSES; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, by prior action on March 5, 2019 and effective on March 23, 2019, the City Council renewed the existing teen curfew for persons under the age of seventeen years, with the goals of both reducing crime committed by juveniles, and reducing the number of juveniles who are victimized by night crimes; and

WHEREAS, by state law the City Council must conduct a public hearing and review such Ordinance every three years, and either renew it or allow it to lapse; and

WHEREAS, at a minimum, the City Council has conducted a public hearing upon the first reading of this Ordinance, and now finds the peer pressure to be out late at night continues to be a factor in teen behavior, whether it be for law abiding or criminal purposes; and

WHEREAS, the City Council also finds that persons under the age of seventeen continue to be particularly vulnerable to crime victimization late at night; and

WHEREAS, the City Council further finds that protecting persons under the age of seventeen by limiting the opportunities for victimization; requiring parental control and responsibility for youth; and protecting the public from irresponsible acts committed by certain youth; and

WHEREAS, upon review of the experience of other cities with teen curfews and the experience within the City of Amarillo itself, as documented in police statistics and information, the City Council now finds that the public health, safety, and welfare continues to be served by renewing the existing curfew, which forecloses constitutionally unprotected conduct by persons under the age of seventeen years, during late hours of the night when the likelihood of adult supervision is the least.

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

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

SECTION 2. Chapter 10-3, "Miscellaneous Offenses", of the Amarillo Municipal Code is hereby amended as follows:

CHAPTER 10

ARTICLE VI. CURFEW HOURS FOR MINORS

Sec. 10-3-71. Definitions.

(A) *Curfew Hours* means 12:01 a.m. until 6:00 a.m. daily.

(B) *Emergency* means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(C) *Establishment* means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to, any place of amusement or entertainment.

(D) *Guardian* means:

1. a person who, under court order, is the guardian of the person of a minor; or

2. a public or private agency with whom a minor has been placed by a court.

(E) *Minor* means any person under 17 years of age.

(F) *Operator* means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(G) *Parent* means a person who is:

1. a natural parent, adoptive parent, or step-parent of another person; or

2. at least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(H) *Public Place* means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(I) *Remain* means to:

1. linger or stay; or

2. fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(J) *Serious Bodily Injury* means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

Sec. 10-3-72. Offenses.

(A) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.

(B) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.

(C) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Sec. 10-3-73. Defenses.

(A) It is a defense to prosecution under Offenses that the minor was:

1. accompanied by the minor's parent or guardian;

2. on an errand at the direction of the minor's parent or guardian, without any detour or stop;

3. in a motor vehicle involved in interstate travel;

4. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

5. involved in an emergency;

6. on the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

7. attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Amarillo, a civic organization, or another similar entity that has undertaken responsibility for the minor, or going to or returning home from such activity, without any detour or stop.

8. exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

9. married or had been married or had disabilities of minority removed in accordance with Chapter 31 of the Texas Family Code.

(B) It is a defense to prosecution under Section 10-3-72-(C) that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Sec. 10-3-74. Enforcement.

(A) Before taking any enforcement action under this Section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this Section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in Section 10-3-73 is present.

Sec. 10-3-75. Penalties.

(A) A person who violates a provision of this Chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed $500.

(B) When required by Section 51.08 of the Texas Family Code, as amended, the Municipal Court shall waive original jurisdiction over a minor who violates Section 10-3-72-(A) and shall refer the minor to juvenile court.

SECTION 3. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Amarillo hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 5. If any part, provision, or clause of this Ordinance conflicts with any other ordinance or resolution, then such other ordinance or resolution is hereby repealed to the extent of such conflict with this Ordinance.

SECTION 6. This Ordinance shall become effective ten (10) days after the date of its second publication as required by the Charter of the City of Amarillo.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on the 11th day of January 2022; and PASSED on Second and Final Reading on the 25th day of January 2022.

_____
Ginger Nelson, Mayor

ATTEST:

_____
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

_____
Bryan S. McWilliams, City Attorney

B

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	January 11, 2022	**Council Priority**	Public Safety
Department	Police Department		
Contact	Chief Martin Birkenfeld		

Agenda Caption

CONSIDERATION OF ORDINANCE NO. 7947

This item is the first reading of an ordinance to consider amending the Amarillo Municipal Code, Chapter 8-4, article I, Sections 8-4-2 and 8-4-3 to enable authorized code enforcement officers to assist with moving or impounding vehicles that are in violation of state law or city ordinance.

Agenda Item Summary

This ordinance clarifies the language in the municipal code to enable additional authorized code enforcement officers to assist with moving or impounding vehicles that are in violation of state law or city ordinance. This will include parking enforcement officers for the police department who are regularly tasked with responding to illegally parked vehicles.

Requested Action

Council consideration and approval of the ordinance.

Funding Summary

No additional funding required for this change.

Community Engagement Summary

n/a

Staff Recommendation

Staff recommends that the City Council approve this agreement.

11/24/21-cmw _____

ORDINANCE NO. 7947

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-4, ARTICLE I, SECTIONS 8-4-2 AND 8-4-3 TO ENABLE AUTHORIZED CODE ENFORCEMENT OFFICERS TO ASSIST WITH MOVING OR IMPOUNDING VEHICLES; PROVIDING FOR: SEVERABILITY, CONTINUATION OF PRIOR LAW, REPEALER, AND EFFECTIVE DATE.

WHEREAS, members of the Amarillo Police Department are authorized to move or impound vehicles that are in violation of state law or city ordinance; and

WHERAS, the City Council finds it is in the interest of public safety to enable additional authorized code enforcement officers to assist with moving or impounding vehicles that are in violation of state law or city ordinance;

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

SECTION 1. The Amarillo Municipal Code, Chapter 8-4, Article I, Section 8-4-2 be and hereby is amended in part to now read as follows:

Sec. 8-4-2. - Vehicles.

(a) Whenever any police officer <u>or authorized code enforcement officer</u> finds a vehicle standing upon a Street or highway in violation of any provision of a statute or ordinance, such officer is authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same to a position off the paved or main-traveled part of such highway or Street.

(b) Any police officer <u>or authorized code enforcement officer</u> is authorized to remove a vehicle from a highway to the nearest garage or other place of safety, or to a storage place designated or maintained by the City, under the following circumstances:

(1) - (6) [NO TEXT CHANGE]

(c) [NO TEXT CHANGE]

(d) [NO TEXT CHANGE]

SECTION 2. The Amarillo Municipal Code, Chapter 8-4, Article I, Section 8-4-3 be and hereby is amended in part to now read as follows:

Sec. 8-4-3. - Notice requirements.

(a) [NO TEXT CHANGE]

(b) If the property removed from the Street, as authorized in sections 12-4-1 and 12-4-2, is a motor vehicle and the officer does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as

provided in subsection (a) of this section, and if the vehicle is not returned to the owner as provided in section 8-4-4, notice shall be given as provided in ~~V.A.C.S. art. 4477-9a~~ the Texas Transportation Code.

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

SECTION 4. Continuation of prior law. Nothing in this ordinance or any code hereby adopted shall be construed so as to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause of action acquired existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just, vested, or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5. Repealer. Subject to the provision in Section 4 (Continuation of Prior Law), all ordinances and resolutions, or parts thereof, in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 6. Effective Date. 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 this the 11th day of January 2022; and PASSED on Second and Final Reading this the 25th day of January 2022.

_____
Ginger Nelson, Mayor

ATTEST:

_____
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

_____
Bryan S. McWilliams, City Attorney

C

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO® CITY MANAGER

Meeting Date	January 11, 2022	Council Priority	Economic Development & Redevelopment

Department	Planning and Development Services Brady Kendrick – Planner II

Agenda Caption

Public hearing and first reading of an ordinance to consider the Vacation of a 7,544 square foot portion of a Public Right-Of-Way (alley) located adjacent to Lots 2 through 4, Block 33, Lawrence Park Unit No. 23 and Lot 6, Block 24, Lawrence Park Unit No. 89, in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: S.W. 26th Ave. and Britain Dr.
APPLICANT/S: David Hudson for Southwestern Public Service Company

Consideration of Dedication of a 4,201 square foot tract of land for Public right-of-way purposes (alley) being in Lot 4, Block 33, Lawrence Park Unit No. 23, an addition to the City of Amarillo, in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: S.W. 26th Ave. and Britain Dr.
GRANTOR/S: David Hudson for Southwestern Public Service Company

Agenda Item Summary

Proposal

These two items are associated with Southwestern Public Service Company's latest Substation construction project. The vacation of the above alley way is being requested in order to consolidate adjacent land into a unified building site for just-mentioned substation.

The above-mentioned dedication is for a new alley segment to ensure that a dead-end alley situation is not created by the proposed vacation should it be approved. The dedication would not only ensure continued through access is provided for as mentioned but will serve as a new location for utility infrastructure that is being relocated by the applicant as part of the vacation request.

While the dedication is being approved as part of this item, the City Manager will not execute the required documents until after the second reading of the Vacation Ordinance takes place. This is scheduled to occur on the January 25, 2022, City Council agenda.

Analysis

The alley to be abandoned is within the Lawrence Park subdivision where with exception land developed with a United Grocery Store, all land adjacent to the alley is owned by the applicant. United is aware of the request and has expressed no opposition to the request.

City Staff and private utility companies have reviewed the request and apart from the relocation of utilities being necessary (construction plans approved) and a new alley segment needing to be dedicated and constructed, no additional requirements for approval or objections have been expressed.

As with any request to vacate public right-of-way, an applicant is required to either pay fair market value to acquire the alleyway, dedicate an area of equal or greater value, pay only the higher cost of the fair market value or the relocation cost, or complete a combination of these requirements.

In this case, the applicant will be dedicating a new alley way as previously mentioned (4,201 square feet) north of the alley to be vacated to avoid a dead-end alley. Additionally, the applicant will also be relocating, at their expense, a City water and sanitary sewer main. The combination of the above exceeds an approximate fair market value of $27,309 and as such, no fair-market value payment is required.

Regarding the proposed dedication, all pertinent City Departments have reviewed and approve of the new alley segment should it be approved.

Requested Action/Recommendation

Public notices of the vacation request were sent to property owners within 200 feet as required by State Law. As of this writing, one phone call has been received expressing no opposition to the vacation request.

Considering the just mentioned, the Planning and Zoning Commission recommends **APPROVAL** of the Vacation request as presented with a 6-0 vote.

ORDINANCE NO. 7948

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF AMARILLO, TEXAS DETERMINING LACK OF PUBLIC NECESSITY FOR PUBLIC RIGHT-OF-WAY (ALLEY) IN THE VICINITY OF SOUTHWEST 26th AVENUE AND BRITAIN DRIVE, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN DESCRIBED RIGHT-OF-WAY SAVE AND EXCEPT A PUBLIC UTILITY EASEMENT; AUTHORIZING THE CITY MANAGER TO CONVEY SUCH REAL PROPERTY TO ABUTTING LANDOWNERS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE.

WHEREAS, David Hudson for Southwestern Public Service Company petitioned the City of Amarillo to abandon a 7,544 square foot portion of alley right-of-way located in the vicinity of Southwest 26th Avenue and Britain Drive, Potter County, Texas; and

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

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

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

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

SECTION 1: The herein-described alley right-of-way be vacated and abandoned for public purposes:

Vacation of a 7,544 square foot portion of a Public Right-Of-Way (alley) located adjacent to Lots 2 through 4, Block 33, Lawrence Park Unit No. 23 and Lot 6, Block 24, Lawrence Park Unit No. 89, in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas being further described below:

A 7,544 Square Foot portion of an alley lying South and East of Lot 4, Block 33, Lawrence Park Unit No. 23, an addition to the City of Amarillo in Potter County, Texas, according to the map or plat thereof, recorded in Volume 1030, Page 135 of the Deed Records of Potter County, Texas, said alley being described by metes and bounds as follows:

BEGINNING at a point being the Southwest corner of said Lot 4;

THENCE S. 89°57'05" E. 180.00 feet along the South line of said Lot 4 to a point;

THENCE N. 44°48'45" E. 28.48 feet along the South line of said Lot 4 to a point;

THENCE N. 00°01'11" W. 69.47 feet along the East line of said Lot 4 to a point;

THENCE NORTH 30.37 feet to a point being in the West line of Lot 6, Block 24, Lawrence Park Unit No. 89, an addition to the City of Amarillo in Potter County, Texas, according to the map or plat thereof, recorded in Volume 2905, Page 297 of the Deed Records of Potter County, Texas;

THENCE S. 00°02'34" W. 109.84 feet along the West line of said Lot 6 to a point

being in the North line of Lot 2, said Block 33, Lawrence Park Unit No. 23;

THENCE N. 89°55'14" W. 230.34 feet along the North line of said Lot 2 and the North line of Lot 3, said Block 33, Lawrence Park Unit No. 23 to a point being the Northwest corner of said Lot 3;

THENCE NORTH 20.00 feet to the BEGINNING CORNER of this alley containing 7,544 square feet, more or less.

SAVE AND EXCEPT: A Public Utility Easement is hereby retained over the entire area of abandonment. Upon completed relocation/rerouting of existing utility equipment, said portion of the Public Utility Easement encroached upon with a structure and/or no longer containing utility equipment, shall be abandoned entirely.

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

SECTION 3: Repealer. All ordinances and resolutions or parts thereof in conflict with this Ordinance are hereby repealed to the extent of conflict with this Ordinance.

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

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

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 11th day of January, 2022; and PASSED on Second and Final Reading this the 25th day of January, 2022.

_____
Ginger Nelson, Mayor

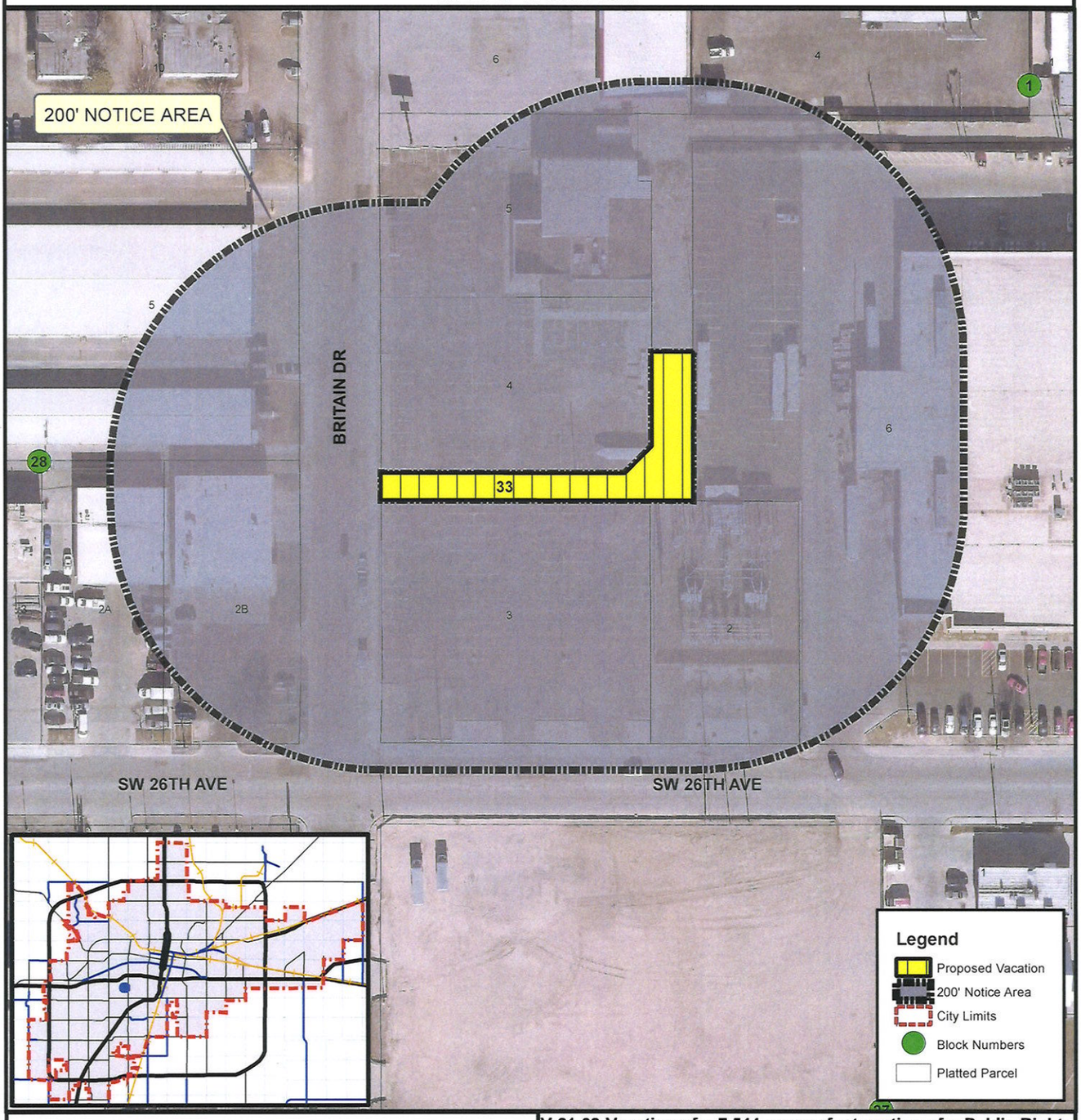
ATTEST:

_____
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

_____
Bryan McWilliams, City Attorney

CASE V-21-03
LAWRENCE PARK
ALLEY VACATION



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 100 feet
Date: 7/12/2021
Case No: V-21-03

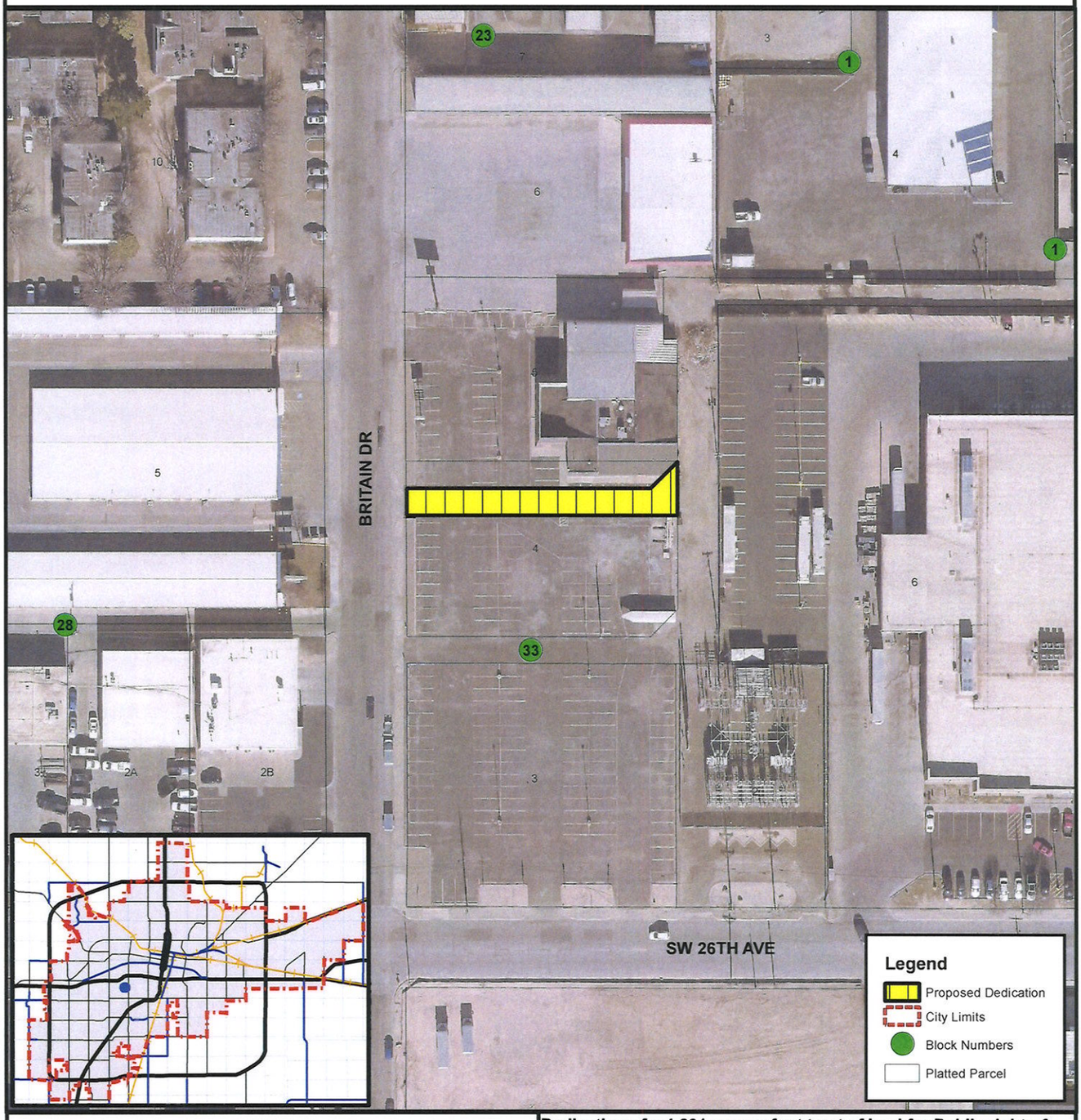
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V-21-03 Vacation of a 7,544 square foot portion of a Public Right-of-way (alley) located adjacent to Lots 2 through 4, Block 33, Lawrence Park Unit No. 23 and Lot 6, Block 24, Lawrence Park Unit No. 89, an addition to the City of Amarillo, all in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: SW 26th Ave. and Britain Dr.
APPLICANT/S: David Hudson for Southwestern Public Service Company

AP: L-13

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

Dedication of a 4,201 square foot portion of Public Alley



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 100 feet
Date: 7/12/2021
Cas e No: D-21-03

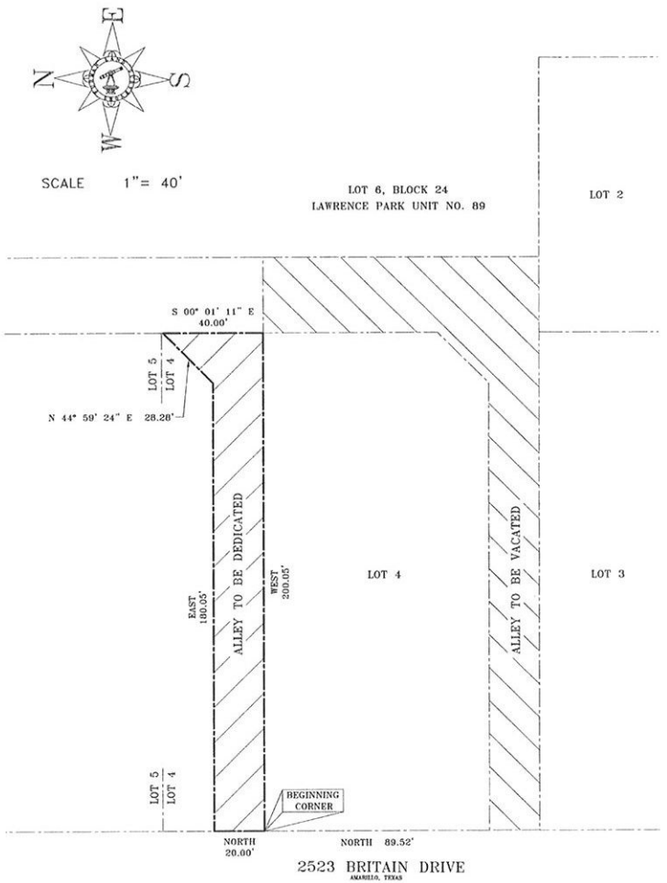
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Dedication of a 4,201 square foot tract of land for Public right-of-way purposes (alley) being in Lot 4, Block 33, Lawrence Park Unti No. 23, an addition to the City of Amarillo, in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas.

VICINITY: S.W. 26th Ave. and Britain Dr.
APPLICANT/S: David Hudson for Southwestern Public Service Company

AP: L-13

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ALLEY DEDICATION EXHIBIT FOR:
SOUTHWESTERN PUBLIC SERVICES CO.

PAGE 1 OF 2

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. THIS DOCUMENT HAS BEEN RELEASED BY DARYL R. FURMAN RPLS 5374 FOR REVIEW PURPOSES ONLY. DATE: 7/2/2021

FURMAN LAND SURVEYORS, INC.
SURVEYING · MAPPING · CONSULTING
TEXAS · OKLAHOMA · NEW MEXICO
KANSAS · COLORADO

DARYL R. FURMAN, RPLS · DANIEL R. FURMAN, RPLS · DONALD R. FURMAN, RPLS
CASEY A. MANN, RPLS · LANDON M. STOKES, RPLS
HEATHER LYNN LEMONS, RPLS · KYLE L. BRADY, RPLS
CHASE ROME, SIT · LEONARD A. MCLAUGHLIN, SIT
TEXAS FIRM #10092400 & 10092401
P.O. BOX 1416 · AMARILLO, TEXAS 79105 · (806) 374-4246 · FAX (806) 374-4248
P.O. BOX 464 · DUMAS, TEXAS 79029 · (806) 934-1405 · FAX (806) 934-1482

PROJECT NO. 2027280 FILE NO. L-13
DRAWING NO. DWG\XCEL\2027280\DWG\2027280\LP_ALLEY

D

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO® CITY MANAGER

Meeting Date	January 11, 2022	Council Priority	Economic Development & Redevelopment

Department	Planning and Development Services Brady Kendrick – Planner II

Agenda Caption

Public hearing and first reading of an ordinance to consider the Vacation of a 7,544 square foot portion of a Public Right-Of-Way (alley) located adjacent to Lots 2 through 4, Block 33, Lawrence Park Unit No. 23 and Lot 6, Block 24, Lawrence Park Unit No. 89, in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: S.W. 26th Ave. and Britain Dr.
APPLICANT/S: David Hudson for Southwestern Public Service Company

Consideration of Dedication of a 4,201 square foot tract of land for Public right-of-way purposes (alley) being in Lot 4, Block 33, Lawrence Park Unit No. 23, an addition to the City of Amarillo, in Section 227, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: S.W. 26th Ave. and Britain Dr.
GRANTOR/S: David Hudson for Southwestern Public Service Company

Agenda Item Summary

Proposal

These two items are associated with Southwestern Public Service Company's latest Substation construction project. The vacation of the above alley way is being requested in order to consolidate adjacent land into a unified building site for just-mentioned substation.

The above-mentioned dedication is for a new alley segment to ensure that a dead-end alley situation is not created by the proposed vacation should it be approved. The dedication would not only ensure continued through access is provided for as mentioned but will serve as a new location for utility infrastructure that is being relocated by the applicant as part of the vacation request.

While the dedication is being approved as part of this item, the City Manager will not execute the required documents until after the second reading of the Vacation Ordinance takes place. This is scheduled to occur on the January 25, 2022, City Council agenda.

Analysis

The alley to be abandoned is within the Lawrence Park subdivision where with exception land developed with a United Grocery Store, all land adjacent to the alley is owned by the applicant. United is aware of the request and has expressed no opposition to the request.

City Staff and private utility companies have reviewed the request and apart from the relocation of utilities being necessary (construction plans approved) and a new alley segment needing to be dedicated and constructed, no additional requirements for approval or objections have been expressed.

As with any request to vacate public right-of-way, an applicant is required to either pay fair market value to acquire the alleyway, dedicate an area of equal or greater value, pay only the higher cost of the fair market value or the relocation cost, or complete a combination of these requirements.

In this case, the applicant will be dedicating a new alley way as previously mentioned (4,201 square feet) north of the alley to be vacated to avoid a dead-end alley. Additionally, the applicant will also be relocating, at their expense, a City water and sanitary sewer main. The combination of the above exceeds an approximate fair market value of $27,309 and as such, no fair-market value payment is required.

Regarding the proposed dedication, all pertinent City Departments have reviewed and approve of the new alley segment should it be approved.

Requested Action/Recommendation

Public notices of the vacation request were sent to property owners within 200 feet as required by State Law. As of this writing, one phone call has been received expressing no opposition to the vacation request.

Considering the just mentioned, the Planning and Zoning Commission recommends **APPROVAL** of the Vacation request as presented with a 6-0 vote.

Notice of confidentiality rights: If you are a natural person, you may remove or strike the following information from this instrument before it is field for record in the public records: Your social security number or your driver's license number.

Alley Right-of-Way Dedication

Date:	January 6, 2022
Grantor:	Southwestern Public Service Company, Inc.
Grantor's Mailing Address:	790 S. Buchanan Street, Amarillo, Texas 79101
Grantee:	The City of Amarillo, Texas, a municipal corporation
Grantee's Mailing Address:	P.O. Box 1971, Amarillo, Texas 79105-1971
Consideration:	Property dedicated for Public Use
Property:	Right-of-Way of a 4,201 square foot tract of land located in Lot 4, Block 33, Lawrence Park, Unit No.23, an addition to the City of Amarillo in Section 227, Block 2, AB&M Survey, Potter County, Texas as more fully described in Exhibit "A," attached hereto and incorporated herein.

For consideration recited, Grantor does by this instrument convey and dedicate this right-of-way on the Property to Grantee for installation and continuous maintenance of a public alley right-of-way and to make and maintain improvements on and to the Property to better accommodate such public purposes. Grantor binds itself, its successors and assigns to warrant and forever defend all and singular the Property to Grantee, its successors and assigns against any persons whomsoever lawfully claiming the same or any part thereof.

Grantor: Southwestern Public Service Company, Inc.

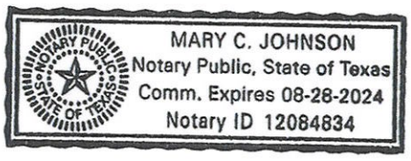
By: David T Hudson

David T. Hudson, President, Southwestern Public Service Company, Inc.
790 S. Buchanan Street, 4th Floor
Amarillo, Texas 79101

The State of Texas

County of Potter

This instrument was acknowledged before me on the 6 day of January, 2022 by David T. Hudson for and in behalf of Southwestern Public Service Company, Inc.



Mary C Johnson

Notary Public for the State of Texas

My Commission expires: 8-28-2024

ACCEPTED BY CITY OF AMARILLO, TEXAS
(GRANTEE)

_____

Jared Miller, City Manager

ATTEST:

_____

Stephanie Coggins, City Secretary

Date:_____

Exhibit A

A 4201 Square Foot tract of land out of Lot 4, Block 33, Lawrence Park Unit No. 23, an addition to the City of Amarillo in Potter County, Texas, according to the map or plat thereof, recorded in Volume 1030, Page 135 of the Deed Records of Potter County, Texas, said alley being described by metes and bounds as follows:

COMMENCING at a point being the Southwest corner of said Lot 4;

THENCE NORTH 89.52 feet along the West line of said Lot 4 to a point being the BEGINNING CORNER of this tract of land;

THENCE NORTH 20.00 feet along the West line of said Lot 4 to a point;

THENCE EAST 180.05 feet to a point;

THENCE N. 44°59'24" E. 28.28 feet to a point being in the East line of said Lot 4;

THENCE S. 00°01'11" E. 40.00 feet along the East line of said Lot 4 to a point;

THENCE WEST 200.05 feet to the BEGINNING CORNER of this tract of land containing 4201 square feet, more or less.

E

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO® CITY MANAGER

Meeting Date	January 11, 2022	**Council Priority**	Regular Agenda Item – Public Hearing

Department	Planning and Development Services Brady Kendrick- Planner II

Agenda Caption

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7949

Public hearing and first reading of an ordinance to consider the Vacation of a 20 foot wide Public Right-Of-Way (alley) lying in Block 13, Sunrise Addition Unit No. 3, in Section 123, Block 2, A.B.&M. Survey, Potter County, Texas.
VICINITY: Eastern St. and Interstate 40
APPLICANT/S: Beant Sandhu for SARDARI, LLC

Agenda Item Summary

Analysis

The proposed alley to be vacated is located within the Sunrise Addition subdivision and all land adjacent to the alley is owned by the applicant. The applicant is requesting vacation in order to consolidate the adjacent land into a unified building site for an upcoming commercial project.

City staff and private utility companies have reviewed the request and as of this writing, no objections to abandoning the alley way have been received.

As with any request to vacate public right-of-way, an applicant is required to either pay fair market value to acquire the alleyway, dedicate an area of equal or greater value, pay only the higher cost of the fair market value or the relocation cost, or complete a combination of these requirements.

In this case, the applicant has relocated the existing water line in the alley to be vacated at an estimated cost of $57,500. The relocation costs exceed the fair market value of $2,250 and as such no fair-market value payment is required.

Requested Action/Recommendation

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

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

LSS 1/4/2022

ORDINANCE NO. 7949

AN ORDINANCE TO THE CITY OF AMARILLO, TEXAS DETERMINING LACK OF PUBLIC NECESSITY FOR A SEGMENT OF STREET RIGHT-OF-WAY IN THE VICINITY OF EASTERN STREET AND INTERSTATE 40, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN DESCRIBED STREET RIGHT-OF-WAY SAVE AND EXCEPT A TEMPORARY PUBLIC UTILITY EASEMENT; AUTHORIZING THE CITY MANAGER TO CONVEY SUCH REAL PROPERTY TO ABUTTING LANDOWNERS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Amarillo has been petitioned to abandon a 20 foot wide Public Right-Of-Way (alley), lying in Block 13, Sunrise Addition Unit No. 3, in Section 123, Block 2, A.B.&M. Survey, Potter County, Texas, located in the vicinity of Eastern Street and Interstate 40, Potter County, Texas; and

WHEREAS, after reviewing information presented in the petition, the Planning and Zoning Commission of the City of Amarillo has recommended to the City Council that there is nopublic necessity for the following described street right-of-way; and

WHEREAS, the City Council, having reviewed said recommendation and having considered all relevant information pertaining to the proposed vacation described below, is of the opinion that the street right-of-way described are no longer necessary and no longer serve apublic purpose; and

WHEREAS, the City Council, further decides that such vacation of street right-of-way excepted a temporary public utility easement, which is retained for current utilities; and

WHEREAS, the City Council further determined that this street right-of-Way abandonment is not detrimental or injurious to the public health, safety or general welfare, or otherwise offensive to the neighborhood.

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

SECTION 1. The herein-described street right-of-way to be vacated and abandoned for public purposes:

Vacation of a 20 foot wide public Right-Of-Way (alley) lying West of Lots 1 through 4, and East of Lots 5 through 9, all in Block 13, Sunrise Addition Unit No. 3, in Section 123, Block 2, A.B.&M. Survey, Potter County, Texas, being further described below and attached hereto as Exhibit A, incorporated herein:

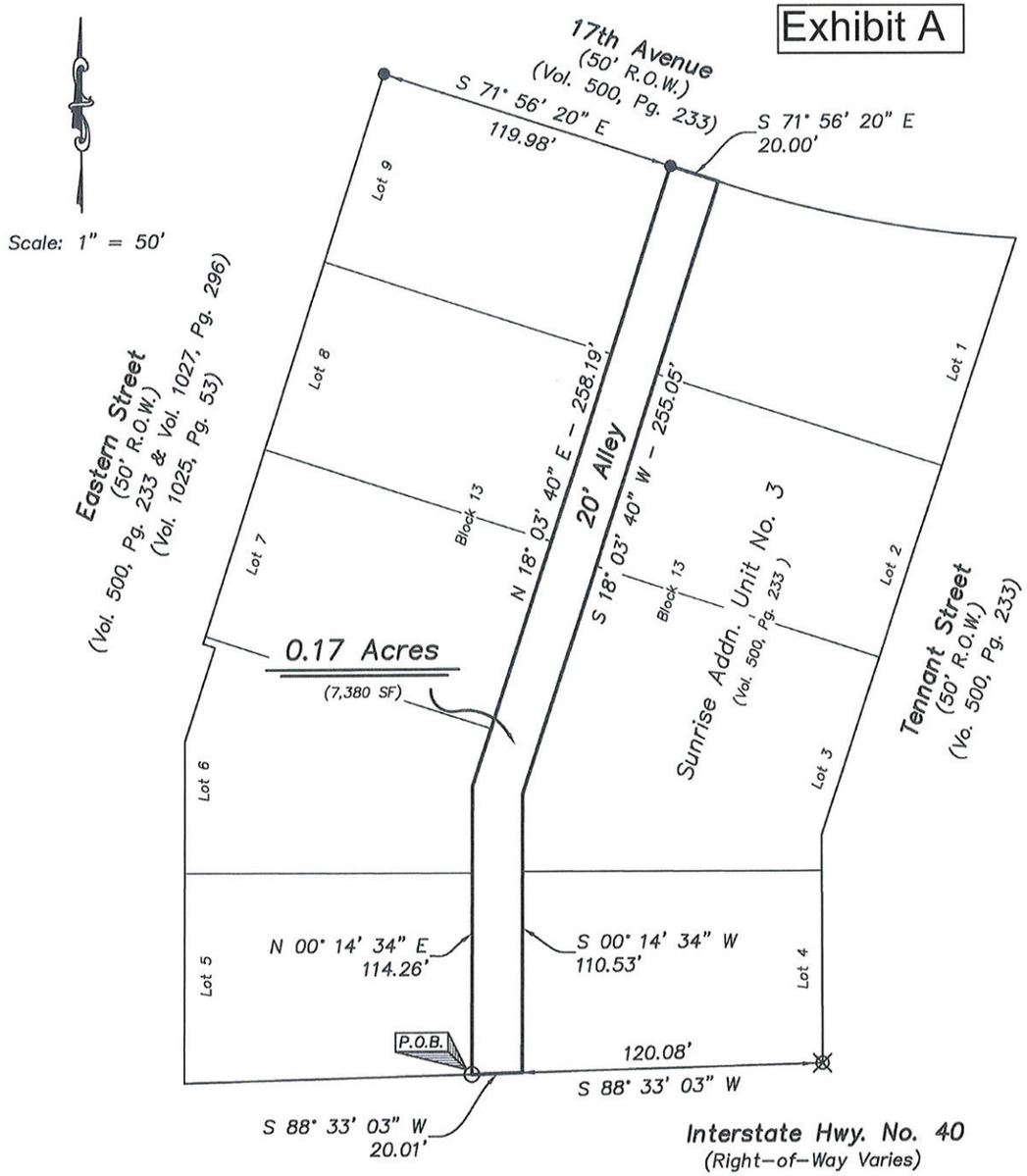
FIELD NOTES for a 0.17 acre tract of land being a 20.0 foot alley out of Block 13, Sunrise Addition Unit No. 3, City of Amarillo, Potter County, Texas, as per the plat filed of record in Volume 500, Page 233, Deed Records, Potter County, Texas, and more particularly described as follows:

BEGINNING at a 1/2" iron rod found on the north right-of-way line of Interstate Hwy. No. 40 at the southeast corner of Lot 5, Block 13, for the southwest corner of this tract.

THENCE N. 00° 14' 34" E. a distance of 114.26 feet to a corner of this tract.

THENCE N. 18° 03' 40" E. a distance of 258.19 feet to a M.A.G. nail found on the south right-of-way line of 17th Avenue at the northeast corner of Lot 9, Block 13, which bears S. 71° 56' 20" E. a distance of 119.98 feet from a M.A.G. nail found at the northwest corner of said Lot 9 for the northwest corner of this tract.

Exhibit A



Scale: 1" = 50'

⊠ = 3/4" Iron Pipe Found
○ = 1/2" Iron Rod Found
● = M.A.G. Nail Found

Bearings based on the U.S. State Plane Coordinate System (NAD83) – Texas North Zone 4201

Distances shown are ground distances. Grid to ground scale factor: 1.0002507

* * * * * * * * * * * * * * * * *

STATE OF TEXAS :
COUNTY OF COLLINGSWORTH :

KNOW ALL MEN BY THESE PRESENTS, that I, Richard E. Johnson, Registered Professional Land Surveyor, do hereby certify that I did cause to be surveyed on the ground the tract of land shown on this plat, and to the best of my knowledge and belief, the said description is true and correct.

IN WITNESS THEREOF, my hand and seal, this the 19th day of November, A.D., 2021.

STATE OF TEXAS
REGISTERED
RICHARD E. JOHNSON
4263
PROFESSIONAL
LAND SURVEYOR

Richard E. Johnson
Registered Professional
Land Surveyor #4263

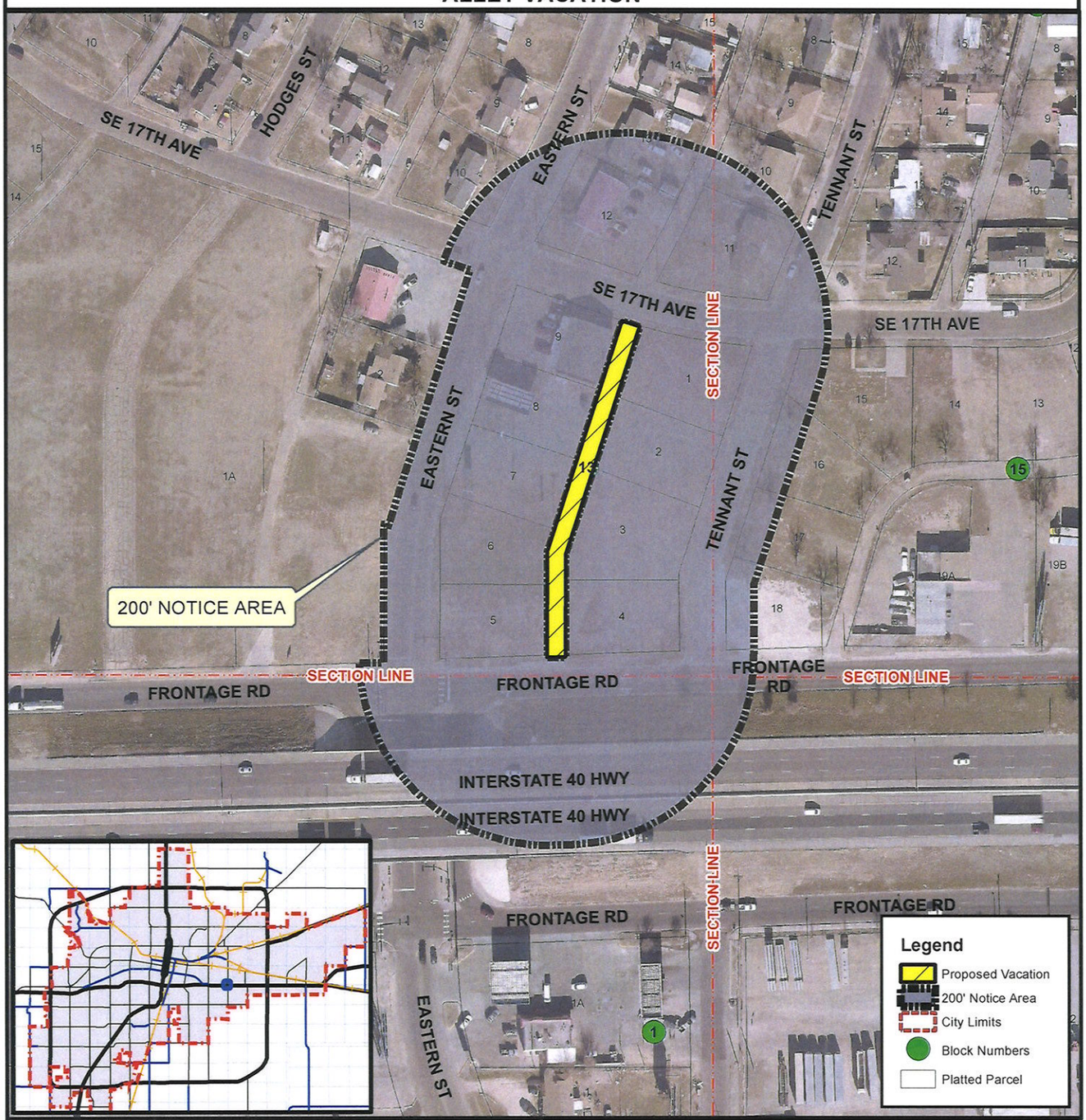
A Plat of a 20.0' Alley out of Block 13,
Sunrise Addition Unit No. 3, City of Amarillo,
Potter County, Texas

SCALE: 1" = 50'	Firm No. 10090900	DRAWN BY: JA
DATE: July 2021		FILE NAME:

OJD Engineering, LLC
Consulting Engineers & Surveyors
806-447-2503
P.O. Box 543
Wellington, Texas 79095

DRAWING NUMBER

CASE V-21-04
SUNRISE ADDITION UNIT NO. 3
ALLEY VACATION



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 145 feet
Date: 12/1/2021
Case No: V-21-04

Vacation of a 20 foot wide alley lying west of Lots 1 thru 4, and east of Lots 5 thru 9, all in Block 13, Sunrise Addition Unit No. 3, in Section 123, A.B.&M. Survey, Potter County, Texas.

Applicant: Greg Mitchell for JAMAL Enterprises, LP

Vicinity: Eastern & I-40

AP: R-12

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.

F

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	January 11, 2022	**Council Priority**	Regular Agenda Item – Public Hearing

Department	Brady Kendrick – Planner II Planning and Development Services

Agenda Caption

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7950

Public hearing and first reading to consider an ordinance rezoning a 20.00-acre tract of unplatted land, in Section 53, Block 2, A.B.&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District (A) and Heavy Commercial District (HC) to Heavy Commercial District (HC).
(Vicinity: Pullman Rd. and Interstate 40)

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Heavy Commercial District (HC) to the north, a combination of Agricultural District (A) and Heavy Commercial District to the east and west, and Agricultural District to the south.

Adjacent land uses consist of various commercial developments to the north and undeveloped land in all other directions.

Proposal

The applicant is requesting a change in zoning to develop this tract of land with a commercial land use (hotel).

Analysis

Analysis of a zoning change begins with referring to conformity to the Comprehensive Plan's Future Land Use and Character Map, the recommended Neighborhood Unit Concept (NUC) of development, and what impacts, if any, a particular request will have on existing area zoning and development patterns.

The Future Land Use and Character Map identifies the applicant's tract as being General Commercial in nature. The General Commercial category calls for a wide range of commercial retail and service uses. The land uses typically vary in scale and intensity depending on the site.

Understanding that there are some uses allowed in Heavy Commercial that may not fit within the General Commercial category, the Planning and Zoning Commission would typically have some reservations with going against the recommended type of development. That said, considering the existing land use and zoning patterns along Interstate-40 either have or allow for Heavy Commercial uses and the fact that the applicant is expanding existing Heavy Commercial zoning minimally southward to the limits of the General Commercial recommendation, the Planning and Zoning Commission believes that if approved, no significant changes to existing zoning or development patterns will result.

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

In this case, the applicant's tract does not fall within such areas. That said, the applicant's tract is located adjacent to a long-established commercial corridor. Considering this and other considerations mentioned previously, the Planning and Zoning Commission is of the opinion that the request is a logical continuation of existing zoning and development patterns in the area and would not create any negative impacts to the surrounding area.

Requested Action/Recommendation

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

Considering the above, the Planning and Zoning Commission recommends **APPROVAL** as presented.

ORDINANCE NO. 7950

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 PULLMAN ROAD AND INTERSTATE HIGHWAY 40, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

Rezoning of a 20 acre tract of unplatted land, in Section 53, Block 2, Pullman Industrial Acres Addition, AB&M. Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District (A) and Heavy Commercial District (HC) to Heavy Commercial District (HC) being further described below and site plan attached hereto and incorporated herein as Exhibit A:

2129381- Description

A 20.00+/- acre tract of land out of Section 53, Block 2, A.B. & M. Survey, Potter County, Texas, being a portion of that certain 39.90+/- acre tract of land being described in that certain instrument recorded under Clerk's File No. 2021OPR0013879 of the Official Public Records of Potter County, Texas, said 20.00+/- acre tract of land being described by metes and bounds as follows:

COMMENCING at a 1/2 inch iron rod with cap (Keys) found as called for in the East Right-of-Way line of FM Highway 1258 for the Southwest corner of said 39.90+/- acre tract of land, from whence a

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the 11th day of January, 2022, and PASSED on Second and Final Reading on this the 25th day of January, 2022.

_____
Ginger Nelson, Mayor

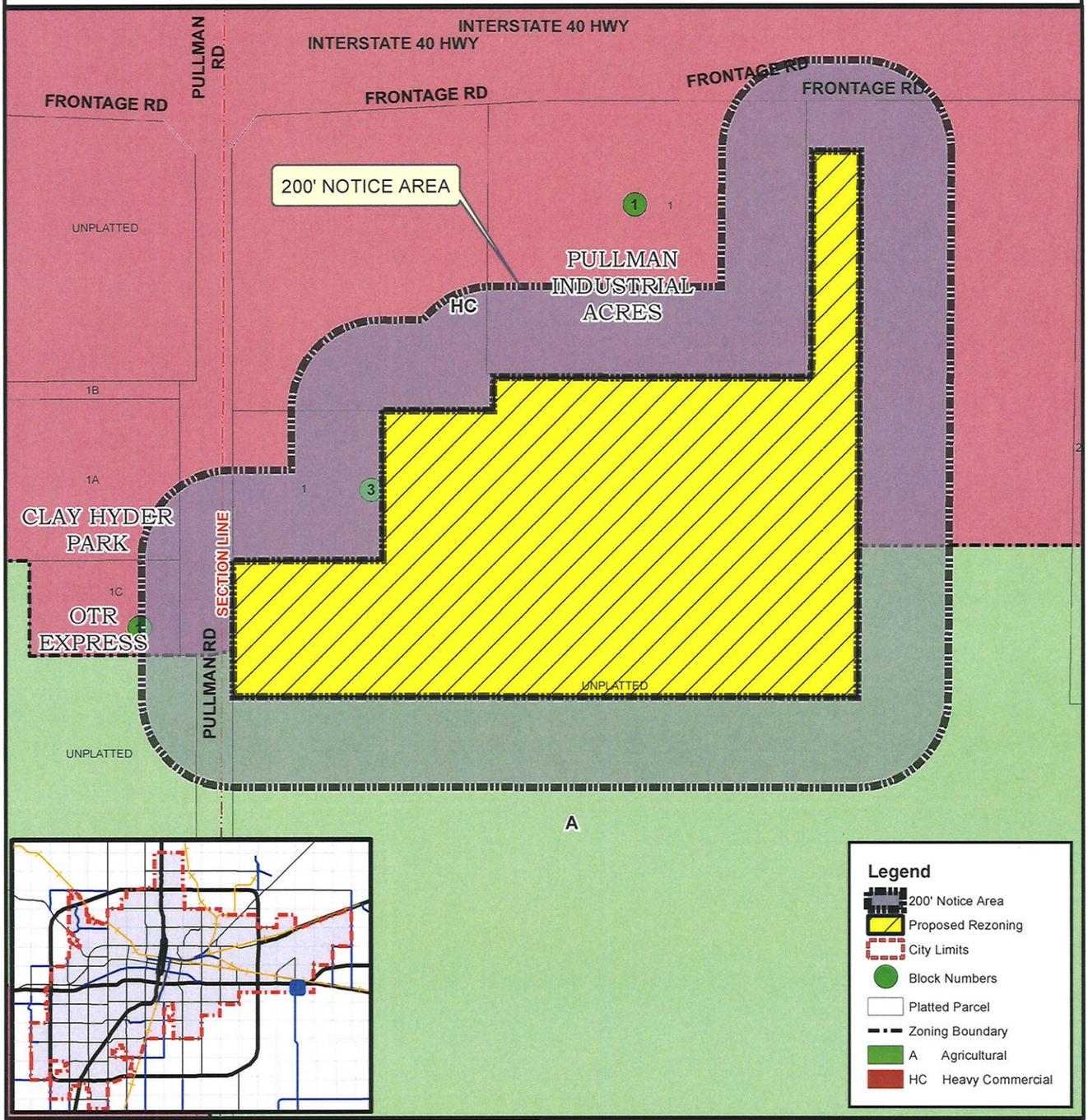
ATTEST:

_____
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

_____
Bryan McWilliams,
City Attorney

REZONING FROM HC AND A TO HC



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 300 feet
Date: 12/1/2021
Case No: Z-21-16

Rezoning of a 20 acre portion of Section 53, Block 2, Pullman Industrial Acres Addition, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from Agricultural District to Heavy Commercial District.

Owner: Sardari, LLC

Vicinity: Pullam Rd & I40

AP: V-13

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G

Meeting Date	January 11, 2022	Council Priority	Regular Agenda Item – Public Hearing

Department	Planning and Development Services Brady Kendrick – Planner II

Agenda Caption

PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7951

Public hearing and first reading to consider an ordinance rezoning a 2.89-acre portion of Lot 2, Block 3, Amended South Side Acres Unit No. 12, an addition and a suburban subdivision to the City of Amarillo, in Section 230, Block 2, A.B.&M. Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to Multiple-Family District 1 (MF-1).
VICINITY: S.W. 58th Ave. and Ray St.
APPLICANT/S: Robert Keys for Attebury Elevators, LLC

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Multiple-Family District 1 to the north and east and Agricultural District in all other directions.

Adjacent land uses consist of undeveloped land to the north, a playa lake to the south, an apartment complex to the east, and an outdoor athletic complex and playa lake to the west.

Proposal

The applicant is requesting a change in zoning to have the entirety of this lot zoned appropriately for a future multi-family development. Currently the north 230 feet of this lot is zoned Multiple-Family District 1 while the remaining south 2.89-acre portion of the lot is zoned Agricultural District.

Analysis

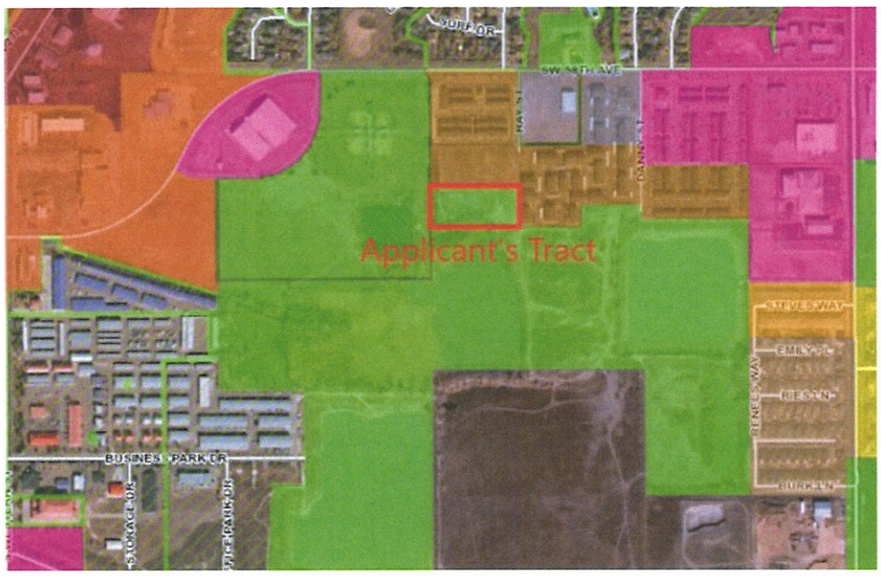
Analysis of a zoning change begins with referring to conformity to the Comprehensive Plan's Future Land Use and Character Map, the recommended Neighborhood Unit Concept (NUC) of development, and what impacts, if any, a particular request will have on existing area zoning and development patterns.

The Future Land Use and Character Map identifies the applicant's tract as being General Residential (GR). This category calls for detached single-family dwellings being the primary focus with less open space than suburban areas. Additionally, a mix of housing types and densities can be considered as well, typically via Planned Developments.

While the applicant's request does not conform with the just mentioned land use category, it must be noted that there has been a departure from this recommendation as neighboring property to the north and east has developed primarily with apartments while land to the west contains multiuse complex that has various non-residential land uses (indoor and outdoor sports, retail, and daycare).

Land to the south of the applicant's tract is mostly undevelopable due to the presence of a playa lake and associated flood hazard area. In fact, all the properties immediately along the south side of 58th Avenue between Georgia Street and Western Street are developed with non-single family uses.

In this instance if the Future Land Use Map was strictly adhered to, this would place single family homes among higher intensity land uses and would not be compatible with existing development. Additionally, it must also be noted that the applicant's tract is part of a lot located on cul-de-sac that is either developed with apartments or zoned for multiple-family office development.



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

As illustrated by existing zoning and development patterns in the area, development along SW 58th Ave has not developed according to the Neighborhood Unit Concept due to a large portion of the section south of development along SW 58th being a playa lake and associated flood hazard area. Considering this, the Planning and Zoning Commission is of the opinion that the applicant's tract is a logical continuation of existing zoning and development patterns in the area and would not result in any detrimental impacts to the surrounding area if approved

Requested Action/Recommendation

Notices were sent to all property owners within 200 feet as required by State Law. As of this writing, no comments have been received.

Considering the just mentioned information, the Planning and Zoning Commission recommends **APPROVAL** of the request as presented with a 6-0 vote.

ORDINANCE NO. 7951

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 RAY STREET AND SOUTHWEST 58TH AVENUE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

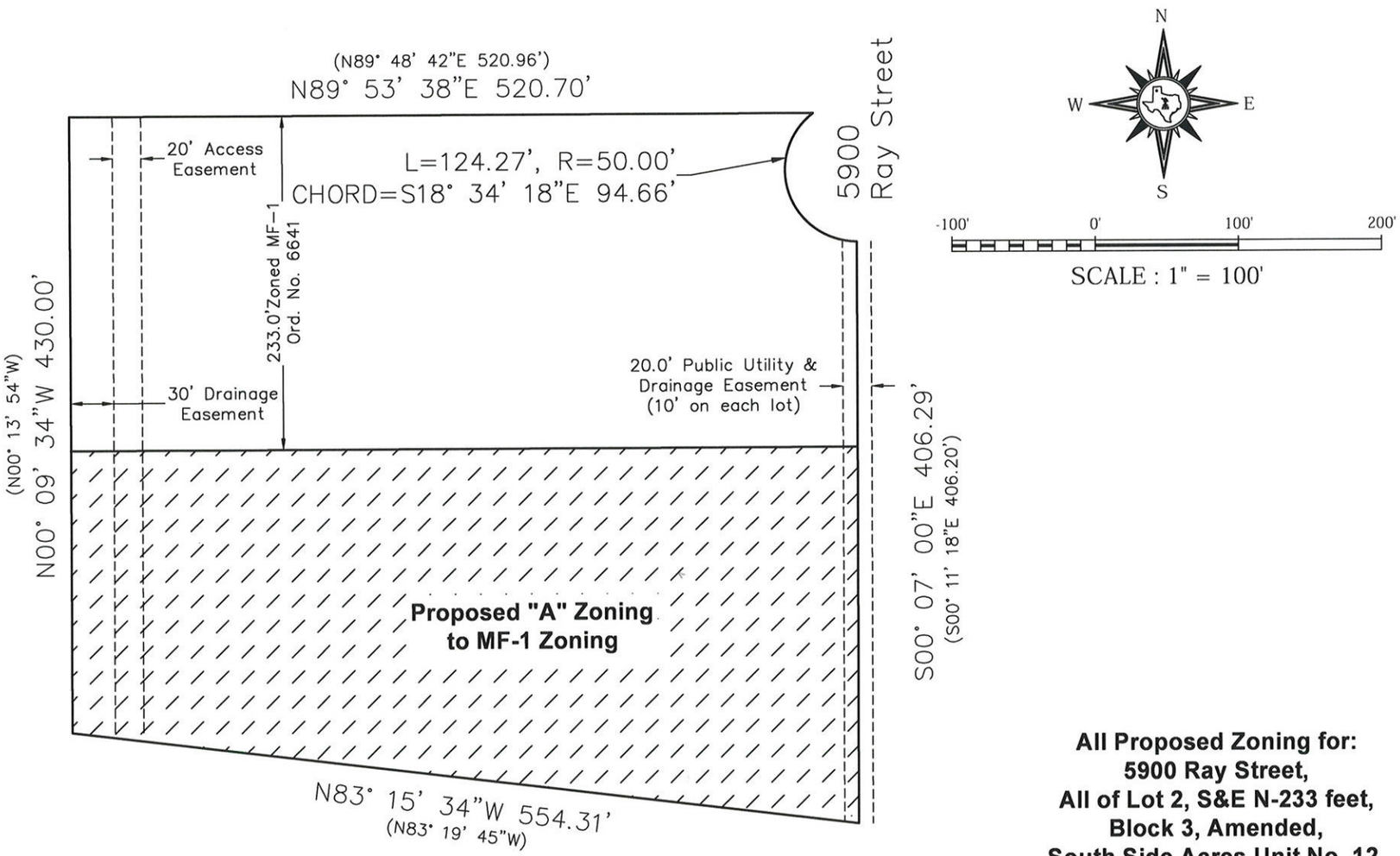
> Rezoning of a 2.89 acre portion of Lot 2, Block 3, Amended South Side Acres Unit No. 12, an addition and a suburban subdivision to the City of Amarillo, in Section 230, Block 2, A.B.&M. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to Multiple-Family District 1 (MF-1), as shown in Exhibit A attached hereto and incorporated herein.

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

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

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

Exhibit A



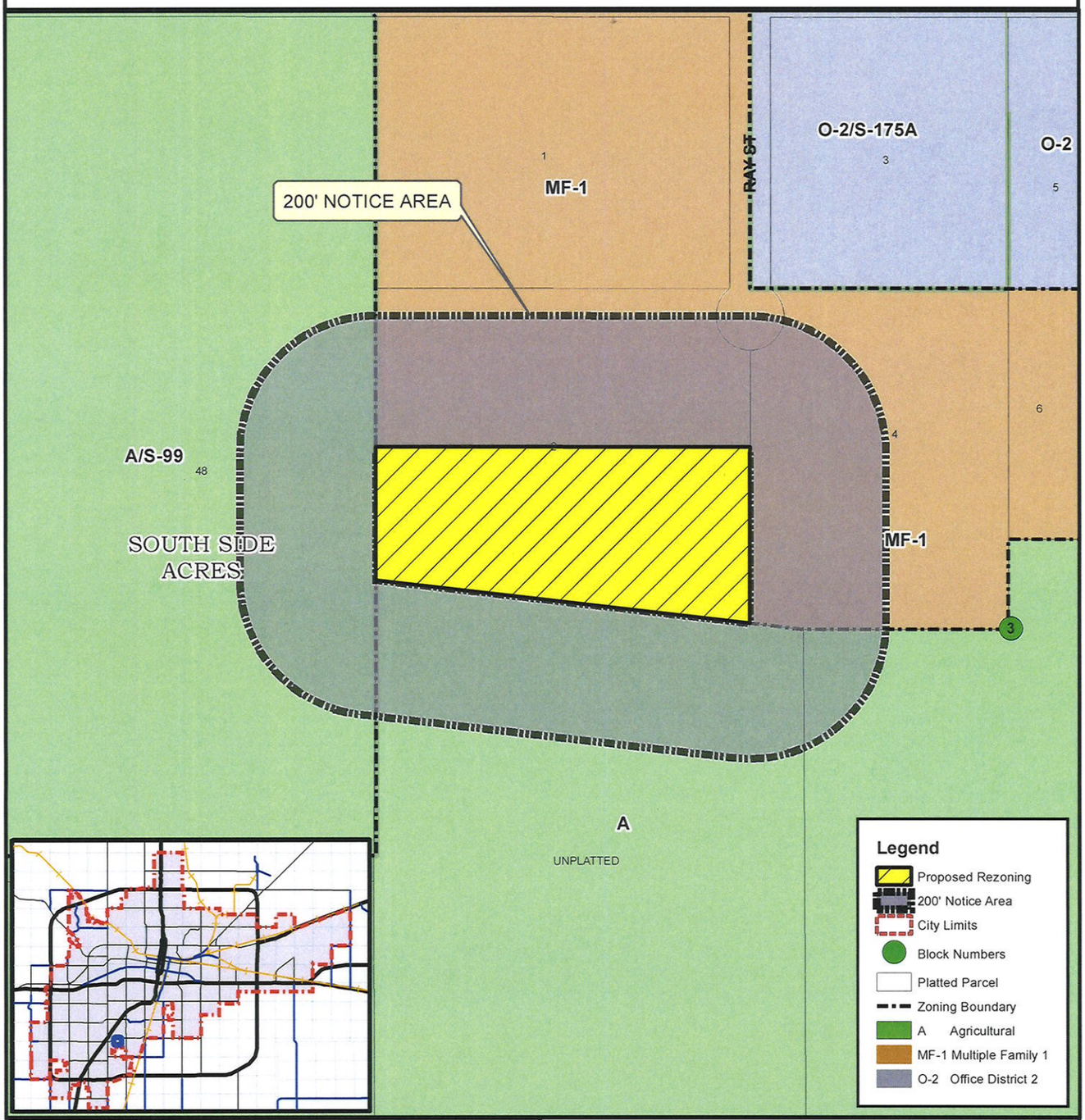
All Proposed Zoning for:
5900 Ray Street,
All of Lot 2, S&E N-233 feet,
Block 3, Amended,
South Side Acres Unit No. 12,
Amarillo, Randall County, Texas

Date 11-18-2021
Location: L-16

Robert Keys & Associates
RK A land surveying engineering land planning
(806)352-1782 Email:rka@keyssurveying.com
7106 S. Bell Street, Amarillo, Texas 79109-7003
TBPE Reg. No. F-16713 TBPLS Reg. No. 10194378
Oklahoma CA No. 8646 www.keyssurveying.com

N:\1\Amal\L\L-16\58th & Ray Rockrose\Zoning 58th & Ray St. Rockrose.dwg, 11/22/2021 3:26:33 PM, DWG To PDF.pc3

REZONING FROM A TO MF-1



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 200 feet
Date: 12/1/2021
Case No: Z-21-17

Z-21-17 Rezoning of a 2.89 acre portion of Lot 2, Block 3, Amended South Side Acres Unit No. 12, an addition and a suburban subdivision to the City of Amarillo, in Section 230, Block 2, A.B.&M. Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to Multiple-Family District 1 (MF-1).

VICINITY: S.W. 58th Ave. and Ray St.
APPLICANT/S: Robert Keys for Attebury Elevators, LLC

AP: L-16

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Amarillo City Council
Agenda Transmittal Memo

H

Meeting Date	January 11, 2022	**Council Priority**	Infrastructure
Department	Capital Projects & Development Engineering		
Contact	Kyle Schniederjan, P.E., Director of Capital Projects & Development		

Agenda Caption

CONSIDER AWARD - MARTIN ROAD LAKE IMPROVEMENTS FOR PHASES 3 AND 4

Award to: MH Civil Constructors, Inc. – Base bid - $10,877,000.00
Alt bid #1 - $ 1,000.00
Alt bid #2 - $ 10,000.00
Total contract price - $10,888,000.00

JOB # 560137 – Construction of storm sewer outfalls, parking lot, paved walking trail and crosswalks, fishing pond and landscape improvements of Martin Road Lake.

Agenda Item Summary

Project #560137.17400.1040
Project #560137.17400.2040

This item is to consider award of the contract for the construction of storm drain outfalls into the west portion of Martin Road Lake as well as the southeast corner of Martin Road and 16th Ave. Additionally, a new parking lot, fishing pond, paved walking trails and crosswalks, and improved landscaping are in the scope of this project. Finally, excavation within the west lake to achieve the city's goals to mitigate the floodplain in this area are included with this project.

Requested Action

Consider approval of the lowest bidder, MH Civil Constructors, Inc. - $10,888,000.00

Funding Summary

Funding for this project is available in the Project Budget Numbers 560137.17400.1040 & 560137.17400.2040.

Community Engagement Summary

The work associated with this agreement will have significant public impact. City staff and the consulting engineer have had multiple public meetings in the past and will hold an additional public meeting before this Martin Road Lake Improvements project.

Staff Recommendation

City staff is recommending approval of the agreement.

Amarillo City Council
Agenda Transmittal Memo

AMARILLO ECONOMIC DEVELOPMENT

Meeting Date	January 11, 2022	**Council Pillar**	Economic Development
Department	Amarillo Economic Development Corporation		
Contact	Kevin Carter, President and CEO		

Agenda Caption

CONSIDER APPROVAL – LOCATION INCENTIVE AGREEMENT BETWEEN AMARILLO ECONOMIC DEVELOPMENT CORPORATION AND MATEEN BAR USA

This item considers approval of a Location Incentive Agreement (LIA) between Amarillo Economic Development Center (AEDC) and Mateen Bar USA for the construction of an 800,000 square foot manufacturing facility on 77 acres in the Centerport Business Park. Under the LIA, AEDC would provide Mateen Bar USA $1,920,000 for the creation of up to 160 full-time employees to be paid out over 10 years based on a 10-year performance term and would convey 77.1 acres of land to Mateen Bar USA at a value of $3,084,000.

Agenda Item Summary

Mateen Bar USA is looking to build an 800,000 sq. ft. Manufacturing Facility on 77 acres in the Centerport Business Park.

Highlights of the project include:

- **$72 MM estimated improvements in 4 Phases**
- **$8 MM in new equipment**
- **160 new employees projected**
- **$8,800,000 new annual payroll projected**
- **Incentive of $1,920,000 for job creation paid over 10 years as they are created**
- **Incentive of 77.1 acres conveyed**

AEDC will provide Mateen Bar USA $1,920,000 for the creation of up 160 FTE's. These funds will be paid out over 10 years and will be based on a 10-year performance term. AEDC will convey 77.1 acres of land (40 acres in Phases 1&2 and 37.1 acres in Phases 3&4).

Based on the level of capital investment, full-time jobs created, and projected payroll, the AEDC Board of Directors approved the LIA on December 13, 2021, with a 4-0 vote.

Requested Action

Approval of the Location Incentive Agreement as presented.

Funding Summary

$1,920,000 for Job Incentive, $3,084,000 for Land Incentive for total Incentive up to $5,004,000.

Staff Recommendation

AEDC Board approved location incentive agreement 4-0 on December 13, 2021. AEDC staff is recommending approval of the Location Incentive Agreement.

Amarillo City Council
Agenda Transmittal Memo

J

Meeting Date	January 11, 2022	**Council Pillar**	Economic Development
Department	Amarillo Economic Development Corporation		
Contact	Kevin Carter, President and CEO		

Agenda Caption

CONSIDER APPROVAL – TAX ABATMENT AGREEMENT – BETWEEN CITY OF AMARILLO AND AMARILLO ECONOMIC DEVELOPMENT CORPORATION AND MATEEN BAR USA

This item considers approval of a Tax Abatement Agreement between the City of Amarillo, Amarillo Economic Development Corporation, and Mateen Bar USA for the construction of a new 800,000 square foot manufacturing facility on 77 acres in the Centerport Business Park. The agreement would provide an abatement of future taxes on the construction and equipment costs at 100% abatement for 10 years on $72,000,000 estimated cost of improvements in four phases and $8,000,000 in new equipment.

Agenda Item Summary

Mateen Bar USA is looking to build an 800,000 sq. ft. Manufacturing Facility on 77 acres in the Centerport Business Park.

Highlights of the project include:

- **$72 MM estimated improvements in 4 Phases**
- **$8 MM in new equipment**
- **160 new employees projected**
- **$8,800,000 new annual payroll projected**
- **Incentive of $1,920,000 for job creation paid over 10 years as they are created**
- **Incentive of 77.1 acres conveyed**

AEDC is asking the City Council to approve an abatement of future taxes on the construction and equipment costs. AEDC is recommending 100% abatement for 10 years on the above costs.

Request is in accordance with the Incentives Guidelines approved by the Council.

Requested Action

Approval of the Tax Abatement Agreement as presented.

Funding Summary

n/a

Staff Recommendation

AEDC staff is recommending approval of the Tax Abatement Agreement.

TAX ABATEMENT AGREEMENT BETWEEN THE CITY OF AMARILLO, AMARILLO ECONOMIC DEVELOPMENT CORPORATION, AND MATEENBAR USA INC.

STATE OF TEXAS §
§
COUNTY OF POTTER §

This Tax Abatement Agreement ("***Agreement***"), is entered into as of this 11th day of January, 2022 ("***Effective Date***"), by and between the City of Amarillo, Texas ("***City***"), a home rule city and municipal corporation located in Potter and Randall Counties, Texas, duly acting herein by and through its City Manager or other designated representative, Amarillo Economic Development Corporation, a Texas nonprofit corporation ("***Amarillo EDC***"), and Mateenbar USA Inc., a Delaware corporation ("***Mateenbar***").

WITNESSETH:

WHEREAS, the City Council of the City of Amarillo, Texas ("***City Council***") indicated its election to be eligible to participate in Tax Abatements in the Resolution Adopting Guidelines and Criteria for Tax Abatement in the City of Amarillo ("***Policy Statement***"), by the passage of Resolution No. 7-26-88-1 on the 21st day of July, 1988; and

WHEREAS, on the 24th day of August, 2021, the City Council readopted the Policy Statement by the passage of Resolution No. 08-24-21-1; and

WHEREAS, the City's current Policy Statement entitled:

RESOLUTION ADOPTING GUIDELINES
AND CRITERIA FOR TAX ABATEMENT WITHIN REINVESTMENT ZONES
FOR THE
CITY OF AMARILLO

Is attached as Exhibit A hereto; and

WHEREAS, the Policy Statement constitutes appropriate "guidelines and criteria" governing tax abatement agreements which may be entered into by the City as contemplated by the Texas Tax Code ("***Tax Code***"), and provides for the availability of tax abatement for both new facilities and structures and for the contemplated expansion or modernization of existing facilities or structures; and

WHEREAS, entering into this Agreement will produce public benefits:

1) enhancing and diversifying the economic and industrial bases of the Amarillo area;

2) contributing to the retention and expansion of primary employment; and

3) attracting major investment that will be of benefit to the Premises (as hereafter defined) and that will contribute to the economic development of the City; and

WHEREAS, on the 11th day of January, 2022, the City Council adopted Ordinance No. 7945 establishing City of Amarillo Reinvestment Zone No. 15 ("***Zone***") for commercial/industrial tax abatement, as authorized by Tax Code Chapter 312; and

WHEREAS, Amarillo EDC currently holds title to the Premises, but Mateenbar expects to receive title to the Premises[1] under a location incentives agreement between Amarillo EDC and Mateenbar ("***LIA***"); and

[1] Amarillo EDC and Mateenbar stipulate and agree that: (i) the LIA calls for conveyance of only a portion of the Premises initially; (ii) provided Mateenbar satisfies performance metrics as described in the LIA, the rest of the Premises will be conveyed to Mateenbar in a second closing; and (iii) this Agreement does not create any independent obligation of Amarillo EDC to convey any portion of the Premises (any and all such obligations arise solely, if at all, under the LIA).

WHEREAS, the contemplated uses of the Premises (a manufacturing and distribution facility), the contemplated improvements to the Premises as set forth in this Agreement, the contemplated equipment, and other business personal property, and the other terms of this Agreement will encourage development of the Zone, are in accordance with the purposes for its creation, and are in compliance with the Policy Statement, the Ordinance, and all applicable laws; and

WHEREAS, Mateenbar's use of the Premises is expected to favorably influence the economic and employment base of the City, to wit: within seven (7) years to provide 155 new full time jobs; and

WHEREAS, the City Council finds that the improvements sought are feasible and practical and will be of benefit to the Premises, the Zone, and to the City after expiration of this Agreement; and

WHEREAS, the City Council finds that the terms of this Agreement and the proposed Qualified Facilities and Qualified Personal Property (as hereafter defined) subject to this Agreement meet the applicable guidelines and criteria previously adopted by the City Council; and

WHEREAS, a copy of this Agreement has been furnished, in the manner prescribed by the law, to the presiding officers of the governing bodies of each of the taxing units in which the Premises subject to the Agreement is located;

NOW, THEREFORE, the City for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, which consideration includes the attraction of major investment to the Zone and business activity which contributes to the overall economic development of the City and enhancement of the tax base in the City; Amarillo EDC, and Mateenbar for good and valuable consideration, the adequacy and receipt of which is hereby acknowledged by each, which consideration includes the tax abatement set forth below, as authorized by Tax Code Chapter 312, Subchapter B, do hereby contract and agree as follows:

1. Definitions

Wherever used in this Agreement, the following terms shall have the meanings ascribed to them:

1) "Tax Code" means the relevant provisions of the Texas Tax Code.

2) "Eligible Property Value" shall mean the value of Mateenbar's Qualified Facilities and Qualified Personal Property that:

   a) is eligible for tax abatement under Tax Code Chapter 312 (which shall not include the real property's current value – only increase in value of the real property may be exempted); and

   b) has taxable situs in the Zone on January 1 of the first tax year as set forth in Section 3 or on January 1 of any subsequent tax year as set forth in Section 3.

However, pursuant to Tax Code Section 312.204, tangible personal property that was located on the Premises before the beginning date of the abatement period shall not be eligible for tax abatement. Supplies and inventory located in the Zone at any time shall not be eligible for tax abatement.

3) "Qualified Facilities" shall mean the buildings and other improvements constructed by or for the benefit of Mateenbar for design, assembly, manufacturing, storage, training, repair, or other purposes in the Zone, consisting of an approximately 400,000 ft^2 manufacturing and distribution facility (whether in one or more structures) expected to cost, together with the Qualified Personal Property, approximately $40,000,000.

4) "Qualified Personal Property" shall mean the machinery, equipment, furniture, fixtures, and other tangible personal property that are eligible for tax abatement under Tax Code Chapter 312, consisting of furniture, fixtures, and equipment

sufficient to carry on Mateenbar's operations and expected to cost, together with the Qualified Facilities, approximately $40,000,000, and that:

a) is owned by Mateenbar or a third party as described in Section 2(11)(b);

b) is located in the Zone; and

c) but for this Agreement would be subject to appraisal by the Potter County Appraisal District or its successor for the applicable tax year.

5) "Premises" shall mean the parcel of land owned by Amarillo EDC and to be owned by Mateenbar under the LIA in Amarillo, Potter County, Texas, as described on Exhibit B, which is attached hereto and incorporated by reference, and is located within the Zone (or that entirely constitutes the Zone).

6) "Abatement" shall mean the tax abatement rate in those percentages set forth in Section 5 for each applicable year.

2. General Provisions

1) Mateenbar agrees that its use of the Premises will be in accordance with applicable state and local laws and regulations.

2) The parties agree that the periods of abatement under this Agreement are directly proportional to the capital expenditures for improvements and the number of permanent full-time jobs to be created by Mateenbar.

3) The procedures followed by the City in the enforcement and administration of this Agreement will conform to the requirements of the Tax Code and other applicable law. To the extent possible, these procedures will be undertaken in coordination with Mateenbar's corporate, public, employee, and business relations requirements.

4) The Premises are presently owned by Amarillo EDC and are to be owned (in whole or in part) by Mateenbar under the LIA. Amarillo EDC joins herein solely as an accommodation party currently owning the Premises; provided, however, that all parties hereto agree that the LIA is the sole agreement between Amarillo EDC and Mateenbar with respect to the transfer of all or part of the Premises, and this Agreement does not create, and shall not be construed to create, an independent obligation of Amarillo EDC to convey any part of the Premises to Mateenbar. The Premises are located solely within the corporate limits of the City and within the Zone.

5) The Premises and Qualified Facilities are not an improvement project financed by tax increment bonds.

6) This Agreement is entered into subject to the rights of the holders of outstanding bonds of the City.

7) The Premises and Qualified Personal Property are not owned or leased by any member of the Amarillo City Council or any member of the Planning and Zoning Commission of the City or a member of the governing body of any taxing units joining in or adopting this Agreement.

8) The City has adopted guidelines and criteria governing tax abatement agreements and it has the authority to enter into this Agreement.

9) This Agreement is intended to comply with the requirements of law and is authorized by the Texas Property Redevelopment and Tax Abatement Act, Tax Code Chapter 312, the Policy Statement, and by resolution of the City Council of the City of Amarillo authorizing execution of this Agreement.

10) During the period of tax abatement herein authorized, Mateenbar shall be subject to taxation on all real and personal property not abated or otherwise exempted.

11) This Agreement shall apply to Qualified Facilities and Qualified Personal Property which is owned by:

a) Mateenbar; or

b) A third party when

i) Mateenbar is contractually obligated to pay taxes on said personal property; and

ii) Mateenbar renders said personal property for taxation.

12) The construction and development of the Qualified Facilities and Qualified Personal Property contemplated by this Agreement will be diligently pursued by Mateenbar and may occur in Phases. Each Phase will be created as set forth in Section 4 of this Agreement.

3. Term and Abatement Period

A ten (10) year tax abatement is hereby granted to Mateenbar on the Eligible Property Value, subject to meeting the conditions herein. For each Phase (as hereafter defined), the ten (10) year abatement period commences beginning on January 1 of the first tax year for which Mateenbar files an approved abatement application with the Potter County Appraisal District. For each subsequent Phase, the ten (10) year abatement period commences on January 1 of the first tax year for which Mateenbar timely files an approved abatement application for that Phase with the Potter County Appraisal District.

4. Construction May Occur in Phases

At its option, Mateenbar may elect to stage development of the Qualified Facilities and Qualified Personal Property to occur at different times within the Zone. If Mateenbar chooses to make this election, each individual Phase shall be eligible for Abatement under the terms of this Agreement for a period of ten (10) years.

Mateenbar will designate each Phase by metes and bounds or by description of the improvement or property sought to be abated, to be submitted with the first Tax Abatement application filed on each Qualified Facility or Qualified Personal Property in that Phase. Each Phase so designated will be sequentially numbered as Phase 1, Phase 2, and so forth. Thereafter, the Qualified Facilities and Qualified Personal Property in each Phase shall be the subject of a separate Tax Abatement application as may be required by law. For purposes of identifying property within a Phase, it shall be sufficient to generally identify the improvement or property by its use or purpose and relative geographic location to other existing improvements.

The deadline for designating a Phase under Section 4 of this Agreement coincides with the expiration of the Zone, being the fifth (5^{th}) anniversary of the establishment of the Zone, unless renewed or extended to a later date by the City.

5. Rate of Abatement

The rate and scope of tax abatement shall be as follows:

1) Scope of Abatement. The annual rate of abatement will be applied as set forth below to the Eligible Property Value.

2) Annual Rate of Abatement. The following shall be the annual rate of tax abatement. The rate of abatement shall be applied separately to the Eligible Property Value in each Phase created under this Agreement for each applicable tax year.

Year of Abatement	Rate of Abatement on Incremental Increase
1	100%
2	100%
3	100%
4	100%
5	100%

6	100%
7	100%
8	100%
9	100%
10	100%

6. Records and Audits

1) At all times throughout the term of this Agreement and upon at least 24 hours prior notice to Mateenbar, the City and the Potter County Appraisal District shall have reasonable access to the Premises by their employees or agents, accompanied by Mateenbar personnel, for the purpose of inspecting the Premises to ensure the Qualified Facilities and Qualified Personal Property are maintained in accordance with the conditions of this Agreement and shall have access to the books and records of Mateenbar for purposes of determining compliance with state law and this Agreement.

2) Before December 31 of each year, Mateenbar must certify in writing to the governing body of each participating taxing unit that it is in compliance with each term of this Agreement; provided, however, that Mateenbar shall not be considered in default hereunder until the applicable party has received notice of non-compliance, and has had a period of time (not to exceed 30 days) to provide the required certification.

7. Performance Requirement

Mateenbar shall not be entitled to any Eligible Property Value tax abatement under this Agreement for any tax year during which Mateenbar is in default of this Agreement following the expiration of the applicable cure period set forth in, or authorized pursuant to, Section 8 of this Agreement.

8. Breach and Default

In the event that Mateenbar:

1) fails to make the improvements or repairs;

2) allows *ad valorem* taxes on the Premises, Qualified Facilities, or Qualified Personal Property subject to abatement to become delinquent and fails to timely and properly follow the legal procedures for the protest and/or appeal of such *ad valorem* taxes;

3) fails or refuses to timely file the documents required to be filed with the State Comptroller or local tax appraisal district in connection with the tax abatement set forth in this Agreement; or,

4) breaches any of the terms or conditions of this Agreement;

then Mateenbar shall be in default of this Agreement.

If Mateenbar defaults in its performance of 1, 2, 3, or 4 above, the City shall give Mateenbar written notice of default. If Mateenbar has not cured such default within ninety (90) days of receipt of written notice, or, if such default cannot be cured by the payment of money or posting of a bond or other collateral, Mateenbar shall be in default for that tax year. However, if such default is not reasonably susceptible of cure within such ninety (90) day period, whether or not due to causes within the control of Mateenbar, and Mateenbar has begun efforts to cure the default, then after first advising the City of its efforts, Mateenbar may utilize an additional one hundred eighty (180) days to cure the default. Time in addition to the foregoing two hundred seventy (270) day cure period may be authorized by the City, in its sole and absolute discretion.

Failure to timely cure any default will result in the cancellation of this Agreement and the retroactive loss of the tax abatement. Additionally after the expiration of the applicable notice and cure periods, all taxes which would have otherwise been paid to the City during the tax year in which the default occurs without the benefit of abatement plus ten percent (10%) interest beginning on the date of expiration of the cure period will be owed by Mateenbar to the City as liquidated

damages. This amount shall be due and owing to the City within sixty (60) days of the expiration of the above referenced cure period, subject to all lawful offsets, settlements, deductions, or credits to which Mateenbar may be entitled. The parties acknowledge that actual damages in the event of default would be speculative and difficult to determine.

If the default is cured after the expiration of the two hundred seventy (270) day cure period provided but no later than three hundred sixty-five (365) days after default, then the terms and conditions of this Agreement may be reinstated for the remaining number of years available under Section 3 in which an abatement has not yet been enjoyed.

9. Sale, Assignment, or Lease of Property; Termination

1) This Agreement may be assigned (in whole or in part) by Mateenbar to an entity controlling, controlled by, or under common control with Mateenbar without further consent of the City.

2) This Agreement may be assigned (in whole or in part) by Mateenbar to any other entity only with the consent of the City, which consent shall not be unreasonably withheld.

3) This Agreement shall terminate in the event that Amarillo EDC or Mateenbar notifies City that Mateenbar has not acquired the Premises (or a portion thereof) pursuant to the terms and conditions of the LIA.

10. Indemnity

It is understood and agreed among the parties that Mateenbar, in performing its obligations hereunder, are acting independently of City and Amarillo EDC. City and Amarillo EDC assume no responsibilities or liabilities in connection therewith to Mateenbar or third parties, and City agrees that Amarillo EDC has no responsibility or liability under this Agreement with respect to the obligations of Mateenbar. Mateenbar agrees to indemnify and hold City and Amarillo EDC and their agents, employees, and officers harmless from penalties, fines, damages of every kind, attorney fees, costs, and interest that arise out of or relate to Mateenbar's acts or omissions relating to the Premises, Qualified Facilities, Qualified Personal Property, or the performance or benefits of this Agreement provided, however, such indemnity shall not extend to matters outside the scope of this Agreement.

11. Notice

Any notice called for or required by this Agreement shall be considered delivered when actually received by a party at the following address, or at such other address as may be designated in writing.

For Mateenbar:
Mateenbar USA Inc.
151 Whitehall Drive
Markham, Ontario L3R9TI Canada
Attention: Sam Costa, Chief Operating Officer
Email: samcosta@bell.net

For Amarillo EDC:
Amarillo Economic Development Corporation
600 S. Tyler St., Suite 1600
Amarillo, Texas 79101
Attention: Kevin Carter, President and CEO
Email: Kevin@AmarilloEDC.com

with a copy to (which shall not constitute notice):

Underwood Law Firm, P.C.
500 S. Taylor St., Suite 1200
Amarillo, Texas 79101
Attention: John B. Atkins

Email: John.Atkins@uwlaw.com

For City of Amarillo, Texas:
City Manager
City of Amarillo
P.O. Box 1971
Amarillo, Texas 79186-1971
Fax (806) 378-8394

12. City Authorization

This Agreement was authorized by Resolution of the Amarillo City Council approved by a majority of the City Council at a regularly scheduled meeting in accordance with applicable provisions of the Tax Code. The resolution authorized the City Manager, or designee, to execute this Agreement on behalf of the City.

13. Mateenbar Authorization

This Agreement was entered into by Mateenbar pursuant to proper authority whereby an authorized executive officer of Mateenbar, signing below, was authorized to execute this Agreement on behalf of Mateenbar.

14. Severability

If any section, subsection, paragraph, sentence, phrase, or word of this Agreement is held invalid, illegal, or unconstitutional, the balance of this Agreement shall be enforceable and read as if the parties intended at all times to delete the invalid section, subsection, paragraph, sentence, phrase, or word.

15. Estoppel Certificate

Any party hereto may request an estoppel certificate from another party if the certificate is requested in connection with a bona fide business purpose. The estoppel certificate will be addressed as requested by the party, and shall include, but not necessarily be limited to, statements that this Agreement is in full force and effect without default (or if default exists, the nature of default and curative action, which should be undertaken to cure same), the remaining term of this Agreement, the levels of primary Abatement in effect, and such other matters reasonably requested by the party.

16. Mateenbar Standing

Mateenbar shall be deemed a proper and necessary party in any litigation questioning or challenging the validity of this Agreement or any of the underlying ordinances, resolutions, or City Council actions authorizing same and Mateenbar shall be entitled to intervene in said litigation.

17. Applicable Law

This Agreement shall be construed under the laws of the State of Texas. Venue for any action under this Agreement shall be the State District Court of Potter County, Texas. This Agreement is performable in Potter County, Texas.

18. Recordation of Agreement

A certified copy of this Agreement in recordable form shall be recorded in the Deed Records of Potter County, Texas.

19. Entire Agreement

This Agreement contains the entire agreement of the parties on the subject matter herein. This Agreement supersedes any prior written or oral tax abatement agreements or representations between the parties. It may only be modified by written instrument signed by the parties.

Notwithstanding the foregoing provisions, this Agreement does not modify, alter, or amend any other agreement or instrument between the City, Amarillo EDC, and/or Mateenbar relating to

matters other than the abatement of ad valorem taxes on the Eligible Property Value. This Agreement is being executed in multiple originals which are being distributed for execution to Mateenbar, Amarillo EDC, and the City. Each party agrees that its sole execution of an original shall constitute its consent to, and acceptance of the Agreement, without the necessity of a single copy being executed by all parties.

{Signature Pages Follow}

Executed to be effective as of the Effective Date.

CITY OF AMARILLO, TEXAS

By: _____
Jared Miller, City Manager

Attest:

_____
Stephanie Coggins, City Secretary

Approved as to form:

_____
Bryan S. McWilliams, City Attorney

City's Acknowledgment

STATE OF TEXAS §
§
COUNTY OF POTTER §

BEFORE ME, the undersigned authority, a Notary Public in and for said State, on this day personally appeared Jared Miller, City Manager of the City of Amarillo, Texas, a municipal corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the City of Amarillo, Texas, a municipal corporation, that he was duly authorized to perform the same by appropriate resolution of the City Council of the City of Amarillo, and that he executed the same as the act of the said City for purpose and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2022.

_____
Notary Public, State of Texas

MATEENBAR USA INC.

By: _____
Printed Name: Sam Costa
Title: Chief Operating Officer

Mateenbar Acknowledgment

MATEENBAR USA INC.

STATE OF _____ §
§
COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for said State, on this day personally appeared Sam Costa, as Chief Operating Officer of Mateenbar USA Inc., a Delaware corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Mateenbar USA Inc., that he was duly authorized to perform the same by appropriate resolution of such corporation, and that he executed the same as the act of the said corporation for purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2022.

_____
Notary Public, State of _____

AMARILLO ECONOMIC DEVELOPMENT CORPORATION

By: _____
Printed Name: Kevin Carter
Title: President and CEO

Amarillo EDC Acknowledgment

AMARILLO ECONOMIC DEVELOPMENT CORPORATION

STATE OF TEXAS §
§
COUNTY OF POTTER §

BEFORE ME, the undersigned authority, a Notary Public in and for said State, on this day personally appeared Kevin Carter, as President and CEO of Amarillo Economic Development Corporation, a Texas nonprofit corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the Amarillo Economic Development Corporation, that he was duly authorized to perform the same by appropriate resolution of such corporation, and that he executed the same as the act of the said corporation for purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 2022.

_____
Notary Public, State of Texas

EXHIBIT A
POLICY STATEMENT

08/17/2021

RESOLUTION NO. 08-24-21-1

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS CITY COUNCIL: ADOPTING GUIDELINES AND CRITERIA FOR TAX ABATEMENT WITHIN REINVESTMENT ZONES FOR THE CITY OF AMARILLO; PROVIDE A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Amarillo desires to participate in tax abatements from time to time as the City Council may find appropriate, in accordance with the criteria and guidelines herein adopted;

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

SECTION 1. That for tax abatements in reinvestment zones adopted by the City of Amarillo, the fundamental purpose is to stimulate growth and create jobs, and the following guidelines and general criteria will apply:

A. Tax abatements may be provided for both new facilities and structures and for the expansion or modernization of existing facilities and structures. Each project proposed for tax abatement shall be considered individually on its own merits, benefit to the public, and in context of any other economic incentives for the project or existing in the reinvestment zone.

B. The developer, property owner, project owner, or other recipient of a tax abatement must annually certify in writing to the governing body of each participating taxing unit that the developer, owner or recipient is in compliance with each applicable term of the agreement.

C. Only the taxable value of improvements to real property or tangible personal property that is brought to the real property after the execution of a tax abatement agreement will qualify for tax abatement.

D. A tax abatement agreement must ensure that the periods of abatement are directly proportional to the capital expenditures for improvements and the number of permanent full-time jobs created.

E. Expansion or modernization of existing facilities qualifies for tax abatement if the expansion meets the qualifications for capital expenditures and retention of or creation of new jobs nets new jobs. The number of jobs created must be new jobs and not replacement of jobs which were in the payroll within the year immediately prior to application for tax abatement. A tax abatement shall not be granted if the facility has been the subject of or included in a prior tax abatement agreement.

F. If a new facility is constructed to replace an existing facility, and the existing facility is abandoned by the developer, property owner, project owner, or other recipient of a tax abatement, only the difference in taxable value of the new facility over the existing facility will qualify for tax abatement.

G. An agreement will be executed by the developer, property owner, project owner, or other recipient of a tax abatement which incorporates the terms of this resolution and includes any other site and development specific terms which might be found applicable at the time.

H. The tax abatement agreement will require, among other things, that the City of Amarillo will have the right of access to the site and books and records of the applicant for tax abatement to determine compliance with statutory requirements and the agreement. Failure to fulfill any of the requirements of the agreement will result in cancellation of the agreement and retroactive loss of tax abatement.

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

SECTION 3. This Resolution is immediately effective upon passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on this the 24 day of August, 2021.

THE CITY OF AMARILLO

Ginger Nelson, Mayor, City of Amarillo

ATTEST:

Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

Bryan S. McWilliams, City Attorney

EXHIBIT B

Property Description

FIELD NOTES for a 77.10 acre tract of land being a portion of Section 72, Block 2, A. B. & M. Survey, Potter County, Texas, and more particularly described as follows:

BEGINNING at a concrete monument found with a brass cap at the intersection of the south right-of-way line of N.E. 24th Avenue and the west right-of-way line of Folsom Road which bears N. 89° 51′ 08″ W. a distance of 72.82 feet and S. 00° 08′ 52″ W. a distance of 59.93 feet from a Kelley Cap found at the northeast corner of said Section 72 for the northeast corner of this tract.

THENCE S. 04° 58′ 59″ E., along said west right-of-way line, a distance of 525.77 feet to a 1/2″ iron rod found with a yellow cap on said west right-of-way line for a corner of this tract.

THENCE S. 00° 30′ 45″ W., continuing along said west right-of-way line, a distance of 446.03 feet to a 1/2″ iron rod found on said west right-of-way line for a corner of this tract.

THENCE S. 00° 05′ 40″ W., continuing along said west right-of-way line, a distance of 447.61 feet to a 1/2″ iron rod found with a yellow cap at the intersection of said west right-of-way line and the north right-of-way line of Centerport Blvd. for the most easterly southeast corner of this tract.

THENCE S. 45° 05′ 40″ W., along said north right-of-way line, a distance of 169.71 feet to a 1/2″ iron rod found with a yellow cap on said north right-of-way line for the most southerly southeast corner of this tract.

THENCE N. 89° 54′ 20″ W., continuing along said north right-of-way line, a distance of 347.43 feet to a 1/2″ iron rod found with a yellow cap on said north right-of-way line at the beginning of a curve to the left for a corner of this tract.

THENCE in a southwesterly direction continuing along said north right-of-way line and along said curve with a radius equal to 677.23 feet, a long chord bearing of S. 78° 25′ 14″ W. and a long chord distance of 274.06 feet, a curve length of 275.97 feet to a 1/2″ iron rod found with a yellow cap at the end of said curve on said north right-of-way line for a corner of this tract.

THENCE S. 66° 44′ 49″ W., continuing along said north right-of-way line, a distance of 977.39 feet to a 1/2″ iron rod found with a yellow cap on said north right-of-way line at the beginning of a curve to the right for a corner of this tract.

THENCE in a southwesterly direction continuing along said north right-of-way line and along said curve with a radius equal to 2460.00 feet, a long chord bearing of S. 70° 36′ 15″ W. and a long chord distance of 330.98 feet, a curve length of 331.23 feet to a 1/2″ iron rod found with a yellow cap on said north right-of-way line on said curve for the southwest corner of this tract.

THENCE N. 00° 08′ 25″ E. a distance of 2092.73 feet to a 1/2″ iron rod found with a yellow cap on said south right-of-way line of said N.E. 24th Ave. for the northwest corner of this tract.

THENCE S. 89° 49′ 24″ E., along said south right-of-way line, a distance of 743.38 feet to a concrete monument found with a brass cap on said south right-of-way line for a corner of this tract.

THENCE S. 89° 51′ 06″ E., continuing along said south right-of-way line, a distance of 1156.86 feet to the place of BEGINNING and containing 77.10 acres (3,358,613 square feet) of land.