A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE HELD ON TUESDAY, MARCH 24, 2020 AT 1:00 P.M., CITY HALL, 601 SOUTH BUCHANAN STREET, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

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

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

INVOCATION: Rev. Steve Martin, Jenkins Chapel Baptist Church

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. Reports and updates from City Councilmembers serving on outside Boards:
   Beautification and Public Arts Advisory Board;
   C. Coronavirus Update;
   D. Amarillo Economic Development Corporation and Chamber business resources and assistance update;
   E. Discuss State guidance regarding the postponement or cancellation of May 2, 2020 uniform election; and
   F. 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**:
   Approval of the City Council minutes for the regular meeting held on March 10, 2020.

   B. **CONSIDERATION OF ORDINANCE NO. 7841**:
   (Contact: Cris Valverde - Assistant Director of Planning and Development Services)
   This item is the second and final reading of an ordinance rezoning a 0.30 acre tract of unplatted land in Section 31, 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 General Retail District. (Vicinity: Loop 335 and I-27.)

3. **NON-CONSENT ITEMS**:

   A. **CONSIDERATION OF ORDINANCE NO. 7842**:
   (Contact: Martin Birkenfeld, Assistant Police Chief)
   This is the first reading of an ordinance creating a civil violation for a responsible person to allow, suffer, permit, or host a gathering involving underage drinking at a premise under such person's ownership or control.

B. **CONSIDERATION OF ORDINANCE NO. 7843**:
(Contact: Marcus Norris, Deputy City Attorney)
This is the first reading of an ordinance expanding and further clarifying the duties of the Office of Civil Administrative Hearings in relation to civil penalties for violations of City ordinance.

C. **CONSIDERATION OF ORDINANCE NO. 7844**:
(Contact: Cris Valverde, Assistant Director of Planning and Development Services)
To participate in this public hearing please call 1-346-248-7799. When prompted for the meeting number dial: 431455131# and specify as to what ordinance you are referring to.
This item is the first reading and public hearing to consider an ordinance rezoning a 1.00 acre tract of unplatted land in Section 43, Block 9, B.S.&F. Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to Office District 2. (Vicinity: Coulter Street and Evans Drive.)

D. **CONSIDERATION OF ORDINANCE NO. 7845**:
(Contact: Cris Valverde, Assistant Director of Planning and Development Services)
To participate in this public hearing please call 1-346-248-7799. When prompted for the meeting number dial: 431455131# and specify as to what ordinance you are referring to.
This item is the first reading and public hearing to consider an ordinance rezoning a 6.47 acre tract of unplatted land in Section 64, Block 9, B.S.& F. Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Residential District 3 to Moderate Density District. (Vicinity: Nancy Ellen Street and Ellen Hope Street.)

E. **CONSIDERATION OF ORDINANCE NO. 7846**:
(Contact: Cris Valverde, Assistant Director of Planning and Development Services)
To participate in this public hearing please call 1-346-248-7799. When prompted for the meeting number dial: 431455131# and specify as to what ordinance you are referring to.
This item is the first reading and public hearing to consider an ordinance rezoning a 4.45 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 Residential District 3. (Vicinity: Farmers Avenue and Gemini Trail.)

F. **CONSIDER RESOLUTION – DECLARING THE EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT**:
(Contact: Laura Storrs, Finance Director)
Discussion and consideration of all matters incident and related to declaring expectation to reimburse expenditures for acquiring land at 503-509 South Johnson Street, Amarillo, Texas with proceeds of future debt, including the adoption of a resolution pertaining thereto.

G. **CONSIDER RESOLUTION – AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION**:
(Contact: Laura Storrs, Finance Director)
Discussion and consideration of all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation, including the adoption of a resolution pertaining thereto.

H. **PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION TO SUBMIT A COMPETITIVE BUS AND BUS FACILITIES (5339 PROGRAM) GRANT APPLICATION FOR FEDERAL AND STATE FUNDING OF AMARILLO CITY TRANSIT**:
(Contact: Marita Wellage-Reiley, Assistant Transit Director)
To participate in this public hearing please call 1-346-248-7799. When prompted for the meeting number dial: 431455131# and specify as to what ordinance you are referring to.

This item is a public hearing and resolution to submit a Bus and Bus Facilities (5339 Program) Competitive Grant Application to the U.S. Department of Transportation in the amount of $6,882,540 on behalf of the City of Amarillo.

I. **CONSIDER RESOLUTION – AUTHORIZING REFUNDING OF CANADIAN RIVER MUNICIPAL WATER AUTHORITY SUBORDINATE LIEN CONTRACT REVENUE BONDS, SERIES 2011**:
(Contact: Michelle Bonner, Deputy City Manager)
This resolution authorizes the Canadian River Municipal Water Authority to issue refunding bonds to refund all or a part of the outstanding Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Bonds, Series 2011 (Conjunctive Use Groundwater Supply Project) (the "Series 2011 Bonds").

J. **CONSIDER RESOLUTION – CONFIRMING AND CONTINUING THE MAYOR'S DECLARATION OF DISASTER**:
(Contact: Bryan McWilliams, City Attorney)
This resolution confirms and continues the Mayor's Declaration of Disaster which was declared on March 13, 2020 regarding the outbreak of COVID-19.

K. **CONSIDER AWARD – RESIDENTIAL SEAL COAT**:
(Contact: Matthew Thomas, City Engineer)
Intermountain Slurry Seal, Inc. -- $11,135,638.50
This item is to consider award of the construction contract for the maintenance of streets within Amarillo that have been identified as needing rehabilitation. This project includes the southeast quadrant residential seal coat, as well as arterial microsurfacing and cape sealing operations. This work is to be coordinated with similar work completed by the Street Department maintenance staff.

L. **CONSIDER AWARD – COMMUNITY INVESTMENT PROGRAM: OSAGE WATER TREATMENT PLANT BACKWASH WATER TANK REHABILITATION AND MODIFICATIONS**:
(Contact: Kyle Schniederjan, P.E., Director of Capital Projects & Development)
NG Painting, LP -- $472,000.00
This item is to consider award of the construction contract to rehabilitate the tank by applying a high-performance coating and modifying the tank to meet current code. The backwash water tank is integral to the water treatment process at the Osage Water Treatment Plant.

M. **CONSIDER APPROVAL – PROFESSIONAL SERVICES AGREEMENT**:
(Contact: Kyle Schniederjan, P.E., Director of Capital Projects & Development)
KSA Engineers, Inc. -- $447,200.00
This item is to consider approval of the professional services agreement for resident project representation for the Lift Station 32 project during the construction phase.

N. **CONSIDER APPROVAL – INFRASTRUCTURE IMPROVEMENT PROJECT IN NORTH CENTRAL AMARILLO**:
(Contact: Kevin Carter, Director Amarillo Economic Development Corporation)
This item considers approving funds for an infrastructure improvement project in North Central Amarillo. The project would include drainage, site improvements and any related improvements up to $1,582,000.00.

O. **EXECUTIVE SESSION**:

City Council may convene in Executive Session to receive reports on or discuss any of the following pending projects or matters:

1) Section 551.072 – Discuss the purchase, exchange, lease, sale, or value of real property and public discussion of such would not be in the best interests of the City's bargaining position:
   (a) Discuss property located within the Tax Increment Reinvestment Zone #1 Boundary.

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

Posted this 20th day of March 2020.

Regular meetings of the Amarillo City Council stream live on Cable Channel 10 and are available online at:
http://amarillo.gov/city-hall/city-government/view-city-council-meetings
Archived meetings are also available.

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 10th day of March 2020, the Amarillo City Council met at 1:00 p.m. for a regular meeting held in the Council Chamber located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

GINGER NELSON	MAYOR
ELAINE HAYS	COUNCILMEMBER NO. 1
FREDA POWELL	MAYOR PRO TEM/COUNCILMEMBER NO. 2
EDDY SAUER	COUNCILMEMBER NO. 3
HOWARD SMITH	COUNCILMEMBER NO. 4

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

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

The invocation was given by Gene Shelburne, Anna Street Church of Christ. Mayor Nelson led the Pledge of Allegiance.

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

PUBLIC ADDRESS
There were no comments.

ITEM 1:

A. Review agenda items for regular meeting and attachments;
B. Update on Point-in-Time (PIT) Count;
C. Coronavirus Update; and
D. Request future agenda items and reports from City Manager.

CONSENT ACTION ITEMS:

ITEM 2: Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Powell to approve the consent agenda as presented, seconded by Councilmember Smith:

A. **MINUTES**:
Approval of the City Council minutes for the regular meetings held on February 25, 2020 and work session held on March 3, 2020, respectively.

B. **CONSIDERATION OF ORDINANCE NO. 7840**:
(Contact: Cris Valverde, Assistant Director of Planning and Development)
This item is the second and final reading of an ordinance rezoning a 4.81 acre tract of unplatted land in Section 140, Block 2, A.B.&M. Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Heavy Commercial District and Residential District 1 to General Retail District. (Vicinity: Southeast 34th Avenue and Osage Street.)

C. **CONSIDER APPROVAL – GRANT APPLICATION FOR TEXAS DEPARTMENT OF AGRICULTURE SUMMER FOOD SERVICE PROGRAM**:
(Contact: Juliana Kitten, Community Development Director)
This item is consideration of the 2019/2020 application to the Texas Department of Agriculture for funding of the Summer Food Service Program.

D. **CONSIDER APPROVAL – AGREEMENT TO FURNISH FOOD BETWEEN AMARILLO INDEPENDENT SCHOOL DISTRICT AND THE CITY OF AMARILLO**:
(Contact: Juliana Kitten, Community Development Director)
This item is consideration of an agreement to furnish food between the Amarillo Independent School District (AISD) and the City of Amarillo as part of the Texas Department of Agriculture 2020 Summer Food Service Program.

E. **CONSIDER AWARD – MOTOR FUEL ANNUAL CONTRACT**:
(Contact: Trent Davis, Purchasing Director)
Award to Davidson Oil -- $540,799.80
This item is the motor fuel annual contract.

F. **CONSIDER AWARD – TRANSFORMER BASE POLES**:
(Contact: Trent Davis, Purchasing Agent)
Award to Wildcat Electric Supply, Inc. -- $51,270.00
This item is for replacement highway poles and arms that hold the luminaries for lights on I-40 and I-27.

G. **CONSIDER AWARD – PURCHASE OF BALLISTIC VESTS FOR POLICE DEPARTMENT**:
(Contact: Trent Davis, Purchasing Agent)
Award to Aspetto, Inc. -- $133,000.00
This award consists of the purchase of ballistic vests for the Amarillo Police Department Officers and Civilians, Amarillo Police Department Recruits, City of Amarillo Rick Husband International Airport Police.

H. **CONSIDER AWARD – POLY CARTS**:
(Contact: Raymond Lee, Public Works Director)
Award to Rehrig Pacific Company -- $92,670.90
This item is the purchase of curbside carts for the automated curbside collection program. It will enable the Solid Waste Division to provide collection of trash in those neighborhoods that are currently served by hand collection, unsafe or narrow alleyways, or by dumpsters set in streets or front yards.

I. **CONSIDER APPROVAL – WELL FIELD PUMPS, MOTORS AND CABLE CONTRACT**:
(Contact: Jonathan Gresham, Director of Utilities)
This item considers approval of purchase of Pumps, Motors, and Cable for the total of $483,870.29. This contract allows for the purchase of needed supplies to maintain the Carson, Potter, and SW well fields.

J. **CONSIDER APPROVAL – PROFESSIONAL SERVICES CONTRACT**:
(Contact: Jonathan Gresham, Director of Utilities)
Award to SL-serco, Inc. -- $265,964.00
This agreement is for Professional Services by SL-serco Inc., in the amount not to exceed $265,964 for the Design and Build phase of the Advanced Metering Infrastructure (AMI). In this phase SL-serco will finalize the processes for policies and integration to Tyler software. SL-serco will create a Management Plan for the change in operations to the AMI system. Working with City staff SL-serco will also develop requirements for the smart meters and their installation into the system.

K. **CONSIDER APPROVAL – LEASE AGREEMENT**:
(Contact: Jonathan Gresham, Director of Utilities)
This item considers acceptance of the lease in Section 37, Carson County dry land farming. Proposed bid is for $23,360.00 per year for five years to be awarded to Lacy John Kotara of Kotara Farms.

L. **CONSIDER PURCHASE – 4X4 PICKUPS**:
(Contact: Jason Jupe, Fleet Services Assistant Superintendent)
Award to Caldwell Country Chevrolet -- $90,133.00
This item is the scheduled replacement of unit 7326, 2011 Ford Expedition and unit 7598, 2013 Chevrolet Suburban. The new pickups will be used for the daily operational requirements of the Fire Marshalls Office and the Fire Department. Units 7326 and 7598 have reached or exceeded their usable life cycle.

M. **CONSIDER AWARD – PROFESSIONAL SERVICES AGREEMENT**:
(Contact: Rich Gagnon, Information Technology)
Award to Amarillo Media Systems, LLC -- $300,000.00
This three-year agreement will provide audio/video design and implementation services for City departments.

N. **CONSIDER AWARD – SELF-CONTAINED BREATHING APPARATUS (SCBA)**:
(Contacts: Sam Baucom, Deputy Fire Chief and Chief Price Robinson)
Award to Casco Industries -- $1,318,319.50
Consideration to authorize the purchase of Certified NFPA 1981 Compliant Firefighter Self-Contained Breathing Apparatus (SCBA) to replace air-supplying respirator equipment used during fires and other hazardous atmosphere events.

O. **CONSIDER AWARD – LANDFILL ENGINEERING PROFESSIONAL SERVICES AGREEMENT**:
(Contact: Raymond Lee, Public Works Director)
Award to Parkhill, Smith & Cooper and HDR -- $383,855.00
This item is for the approval of an agreement with Parkhill, Smith & Cooper for Landfill Professional Services and Operational Review. Services include: Groundwater Monitoring & Reporting, Landfill Gas Reporting & Oversight, Airspace Calculations and Long Term Landfill Development Planning, Texas Commission on Environmental Quality Reporting, and other miscellaneous on-call services.

P. **CONSIDER SALE – PROPERTY**:
(Contact: Michelle Bonner, Deputy City Manager)
Sheriff Sale properties located in Potter County.

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

NON-CONSENT ITEMS:

ITEM 3A: Mayor Nelson presented the first reading of an ordinance rezoning a 0.30 acre tract of unplatted land in Section 31, 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 General Retail District. (Vicinity: Loop 335 and I-27.) This item was presented by Cris Valverde, Assistant Director of Planning and Development Services. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. Motion was made that the following captioned ordinance be passed on first reading by Councilmember Powell, seconded by Councilmember Smith:

ORDINANCE NO. 7841

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 LOOP 335 AND INTERSECTION 27, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 3B: Mayor Nelson presented an item which considers approval of a resolution authorizing the City to seek and distribute State funds, pursuant to article 5190.14, Section 5C of the Texas Revised Civil Statutes for the qualifying event. This item was presented by Sherman Bass, Civic Center Manager. Motion was made that the following captioned resolution be passed by Councilmember Powell, seconded by Councilmember Hays:

RESOLUTION NO. 03-10-20-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO: AUTHORIZING THE CITY MANAGER TO SEEK AND DISTRIBUTE STATE FUNDS, PURSUANT TO ARTICLE 5190.14, SECTION 5C OF THE TEXAS REVISED CIVIL STATUTES, A QUALIFYING EVENT; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

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

ITEM 3C: Mayor Nelson presented an item which considers approval of a resolution authorizing the City Manager to apply for FY2021 PSN grant funds to implement projects to improve shooting investigations and reduce gun violence in the city. This item was presented by Assistant Chief Ken Funtek. Motion was made that the following captioned resolution be passed by Councilmember Powell, seconded by Councilmember Smith:

RESOLUTION NO. 03-10-20-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS ("CITY") AUTHORIZING THE SUBMISSION OF AN FY2021 APPLICATION TO THE GOVERNOR'S CRIMINAL JUSTICE DIVISION (CJD); AND DESIGNATING THE CITY MANAGER TO ACT AS THE CITY'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS PERTAINING TO CITY'S PARTICIPATION IN THE CJD GRANT PROGRAM; AND PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

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

ITEM 3D: Mayor Nelson presented an item approving the Revised Agreement for Sale and Purchase of Water between the City of Amarillo and Southwestern Public Service Company. This item was presented by Floyd Hartman, Assistant City Manager. Motion was made to approve this item by Councilmember Powell, seconded by Councilmember Hays.

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

ITEM 3E: Mr. McWilliams advised at 2:24 p.m. that the City Council would convene in Executive Session per Texas Government Code: 1) Section 551.074 – Discuss the appointment, employment, evaluation, reassignment, duties, and qualifications of a public officer or employee, in accordance with the Texas Open Meetings Act. (a) Discussion of Municipal Court Judge Laura Hamilton's performance evaluation. 2) Section 551.072 – Discuss the purchase, exchange, lease, sale, or value of real property and public discussion of such would not be in the best interests of the City's bargaining position: (a) Discuss property located within the Tax Increment Reinvestment Zone #1 Boundary.

Mr. McWilliams announced that the Executive Session was adjourned at 3:22 p.m. and recessed the Regular Meeting.

ATTEST:

Frances Hibbs, City Secretary	Ginger Nelson, Mayor

B

Amarillo City Council
Agenda Transmittal Memo

CITY OF AMARILLO
CITY MANAGER

Meeting Date	March 24, 2020	Council Priority	Consent Agenda

Department	Planning and Development Services Cris Valverde - Assistant Director of Planning and Development Services

Agenda Caption

Second and final reading of an ordinance rezoning a 0.30 acre tract of unplatted land in Section 31, 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 General Retail District. (VICINITY: Loop 335 and I-27)

Agenda Item Summary

Area Characteristics

The adjacent zoning consists of Light Commercial Zoning District to the south and Agricultural Zoning District in all other directions.

Adjacent land uses consist of a movie theatre and a hotel to the south and undeveloped land in all other directions.

Analysis

Analysis begins with referring to the Comprehensive Plan's Future Land Use and Character Map, which identifies recommended future land uses. Additionally, consideration as to what impact a particular request may have on area zoning and development patterns as well as conformity to the Neighborhood Unit Concept (NUC) of development.

The Future Land Use and Character Map's recommended development type is General Commercial (GC). This development type calls for a wide range of commercial retail and service related uses. General Retail zoning is an appropriate zoning designation for such recommended uses. It is worth noting that the surrounding area, currently zoned Agricultural District, is also recommended for General Commercial.

With regards to 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 intersections of highly travelled thoroughfares with the intensity of use and/or zoning decreasing inward towards the center/middle of a section. With this site being located adjacent to a major highway intersection, it was the Planning Commission's opinion that the proposed General Retail zoning is appropriate.

Considering the request conforms to the above-mentioned development concept and that retail zoning will allow for recommended development types, Planning Commissioners are the opinion that if approved, the requested zoning designation will not create any negative impacts on surrounding zoning and/or development patterns.

Requested Action/Recommendation

Notices have been sent to all property owners within 200 feet regarding this proposed rezoning. As of this writing, one property owner has contacted staff regarding this rezoning request. The adjacent property owner owns the surrounding land currently zoned Agricultural District and was in favor of the request.

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

ORDINANCE NO. 7841

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 LOOP 335 AND INTERSTATE 27, 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 0.308 acre tract of unplatted land in Section 31, 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 (A) to General Retail District (GR). Further described in Exhibit A.

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 10th day of March, 2020 and PASSED on Second and Final Reading on this the 24th day of March, 2020.

_____
Ginger Nelson, Mayor

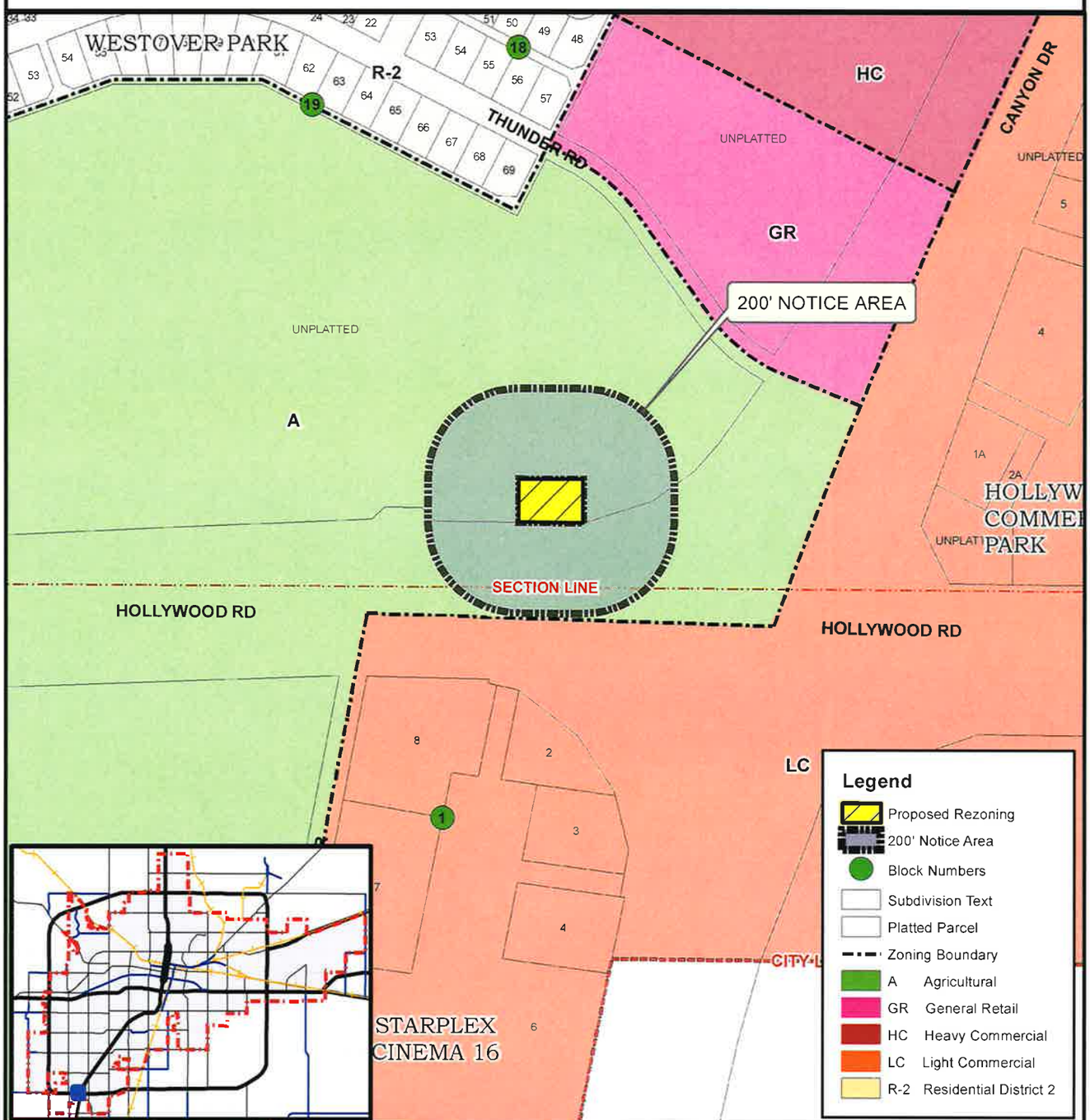
ATTEST:

_____
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

_____
Bryan McWilliams,
City Attorney

Exhibit A



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 300 feet
Date: 2/11/2020
Case No: Z-20-02

Rezoning of a .308 acre tract of uplatted land in Section 31, Block 9, BS&F Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to General Retail District (GR) (Vicinty: Loop 335 & and I-27)

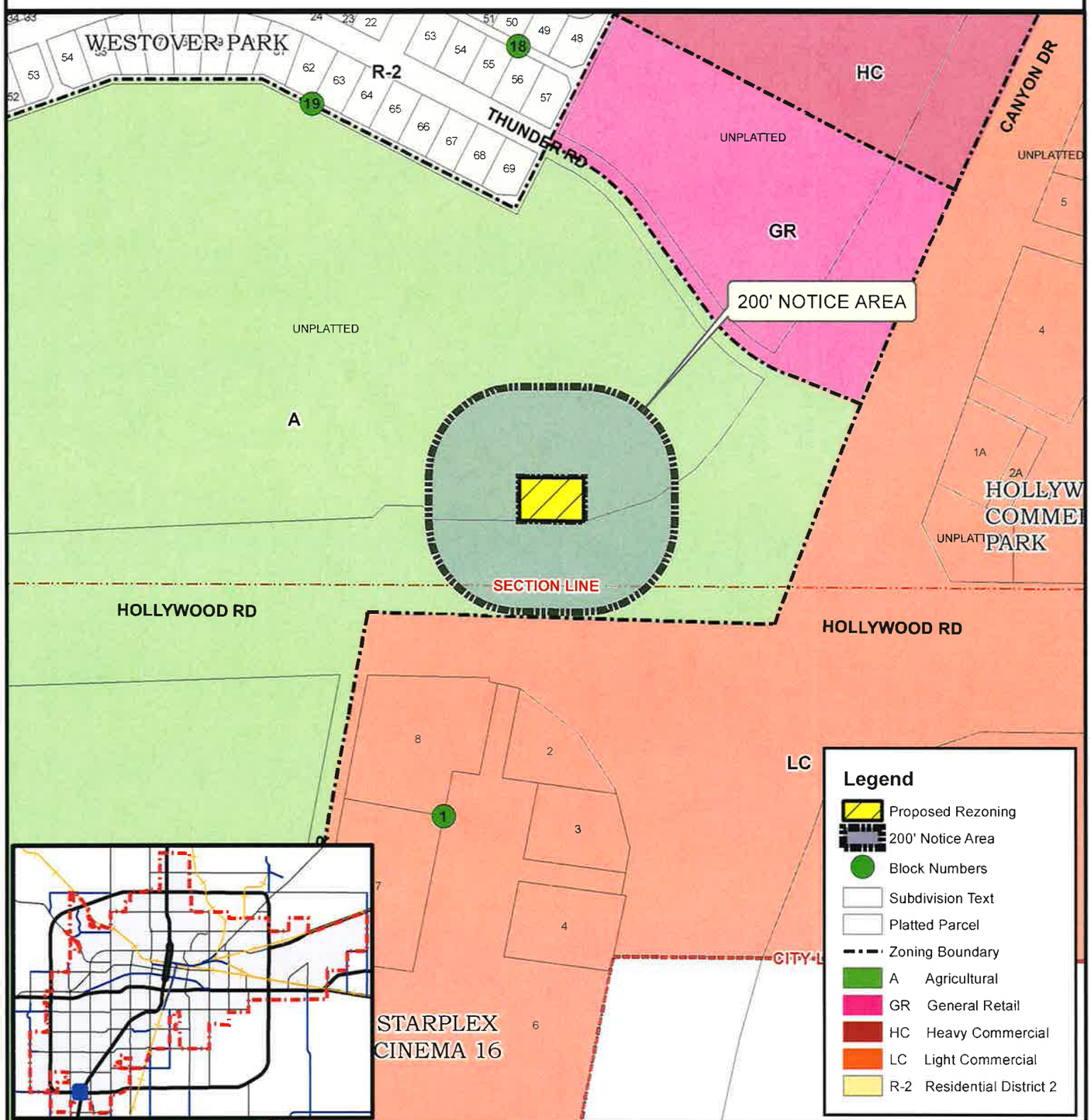
Applicant: Randy Burkett

Vicinity: Loop 335 & I-27

AP: J-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.

REZONING FROM A TO GR



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 300 feet
Date: 2/11/2020
Case No: Z-20-02

N W E S

Rezoning of a .308 acre tract of uplatted land in Section 31, Block 9, BS&F Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to General Retail District (GR) (Vicinty: Loop 335 & and I-27)

Applicant: Randy Burkett

Vicinity: Loop 335 & I-27

AP: J-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.

A

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Public Safety
Department	Amarillo Police Department		
Contact	Asst. Chief Martin Birkenfeld		

Agenda Caption

ORDINANCE 10-3-80, HOST LIABILITY FOR UNDERAGE DRINKING
Contact: Asst. Chief Martin Birkenfeld
This is the first reading of an ordinance creating a civil violation for a responsible person to allow, suffer, permit, or host a gathering involving underage drinking at a premises under such person's ownership or control.

Agenda Item Summary

This ordinance will create a civil violation for a responsible person to allow, suffer, permit, or host a gathering involving underage drinking at a premises under such person's ownership or control. This ordinance supplements existing legislation that prohibits a person from providing alcohol to a minor. A responsible person older than 16 can be held accountable for allowing a gathering at which minors are drinking alcohol.

Requested Action

Consider approval of ORDINANCE 10-3-80, Host Liability for Underage Drinking.

Funding Summary

No Additional funding is required for enforcement of this ordinance.

Community Engagement Summary

The police department has engaged in public seminars related to preventing underage drinking at gatherings and in public places.

Pending approval of the ordinance the Police Department will:

- Engage in a public information campaign (60 days) to highlight the problem of underage drinking and inform the residents of Amarillo the consequences under the ordinance and other applicable legislation.
- Engage in additional; public school education through existing school liaison relationships in order to inform school age youth the da

Staff Recommendation

Staff recommends that City Council approve the ordinance as presented.

3/09/20 mwn _____

ORDINANCE NO. 7842

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-3, ARTICLE VI, TO CREATE THEREUNDER A DIVISION 1, FOR EXISTING SECTIONS 10-3-71 TO 10-3-75 (CURFEW REGUALTIONS), WITHOUT SUBSTANTIVE AMENDMENT; AND TO PROVIDE A NEW DIVISION 2, WITH NEW SECTIONS 10-3-80 TO 10-3-86 PROVIDING FOR SOCIAL HOST LIBAILITY FOR UNDERAGE DRINKING, A CIVIL PENALTY, ASSESSMENT OF EMERGENCY RESPONDER COSTS; PROVIDING DEFENSES, RIGHT TO A CIVIL ADMINISTRATIVE HEARING, AND RELATED PROVISIONS AND PROCEDURES; PROVIDING CLAUSES FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, PENALTY, PUBLICATION AND EFFECTIVE DATE.

WHEREAS, underage drinking (Minor in Consumption or Minor in Possession) is a class C misdemeanor crime, but beyond that, it poses a serious threat to the health and well-being of the minor, and it poses a substantial threat to public health, safety, and welfare by minors driving under the influence, and alcohol-fueled teen violence; moreover, gatherings involving underage drinking generate other negative secondary effects such as noise, trash, and other nuisances; and

WHEREAS, local taxpayers bear significant financial costs and endure the loss of ready-availability of first responders (police, fire, and EMS) for gatherings involving underage drinking of alcohol, and such costs cannot presently be assessed against the property owner, person in charge of the premises, or other responsible persons; and

WHEREAS, the City Council now determines that it is in the best interests of public health, safety, and welfare to hold accountable those persons who allow a gathering involving underage drinking to occur on property which those persons, own, occupy, or control by a civil penalty and response cost recovery assessment, as further stated in this ordinance;

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

SECTION 1. The Amarillo Municipal Code, Chapter 10-3, Article VI, be and hereby is amended to rename the Article and to create a new Division 1 for certain existing sections without amendment, and a change to the reserved sections, as follows:

ARTICLE VI. ~~CURFEW HOURS FOR~~ VIOLATIONS PERTAINING TO MINORS

Division 1. Curfew

Sec. 10-3-71. to 10-3-75. [NO TEXT CHANGETO THESE SECTIONS.]

Secs. 10-3-76—10-3-~~99~~ 79. Reserved.

SECTION 2. The Amarillo Municipal Code, Chapter 10-3, Article VI, be and hereby is amended to add a new Division 2, and new Sections 10-3-80 to 10-3-86, to read as follows:

Division 2. Host Liability for Underage Drinking

Sec. 10-3-80. Definitions.

The following words, terms and phrases, when used in this article, shall have the

meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic Beverage, has the meaning provided in the Texas Alcoholic Beverage Code.

Gathering involving underage drinking (or, *"gathering," "occurrence"*), means a gathering of two (2) or more persons at which two or more underage persons possess or consumes an alcoholic beverage.

Premises means the place, property, location, or structure upon which or in which a gathering involving underage drinking occurs. The term includes but is not limited to a residence; a business; property used for any commercial, industrial, or agricultural purpose; abandoned, vacant, or occupied property; it may be a place licensed or permitted or not for the service, sell or distribution of an alcoholic beverage. For purposes of this Division, it is immaterial that the Premises was or was not used by invitation or for a fee, rent, license, or other consideration or token. The term "Premises" does not include property owned by a governmental entity.

Public safety services and/or response costs (or *cost recovery*), means the reasonable costs arising out of the response by law enforcement, fire and other emergency response providers to a gathering involving underage drinking. This amount includes but is not limited to: (a) The portion of the cost of salaries and benefits of law enforcement, fire or other emergency response personnel for the amount of time spent responding to, remaining at, transporting a person(s) away, or otherwise incurred in dealing with the gathering involving underage drinking, and the administrative costs, meaning call-taker and dispatch personnel which is attributable to such response. This may be an average or blended rate for administrative convenience so long as it fairly approximates the cost of response; and, (b) The cost of medical treatment to or for any law enforcement, fire or other emergency response personnel injured while responding to, at, or transporting a person(s) away from the scene of a gathering involving underage drinking; and (c) a reasonable cost for each vehicle used for the response plus the cost of repairing any damage to same, incurred while responding to, remaining at, or transporting away of a person(s) from the scene of a gathering involving underage drinking.

Parent, means a person who is a natural parent, adoptive parent, or step-parent of an underage person. This term includes a Guardian (whether by that title or any other title), which is: (a) a person who, by court order, is designated as the guardian of the person of a minor; or (b) a public or private agency with whom a minor has been placed by a court.

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Responsible Person means (whether one or more) a person that is at least 18 years old and is the owner, tenant, occupant, or a person in charge of a Premises, or any combination of such parties, regardless of whether or not such party was present at the occurrence involving underage drinking. All parties described in this definition are jointly and severally liable for each occurrence of a gathering involving underage drinking at the Premises.

Underage person, means a person under twenty one (21) years of age.

Sec. 10-3-81. Prohibition and Civil Offense; Defenses.

a. *Prohibition and Offense*: Except as provided by subsection b, it is prohibited within the city limits and an offense (civil violation) for a Responsible Person to allow, suffer, permit, or host a gathering involving underage drinking at a Premises under such person's ownership or control.

b. *Defenses*: It shall be a defense to the offense stated in sub section a., above, that:

(1) an event, activity or occurrence is lawfully licensed or permitted by a state or local government for the purpose of underage drinking to occur;

(2) an event, activity, or occurrence is one for which a court of competent jurisdiction or the Legislature have declared to involve protected by the First or Fourteenth Amendments to the United States Constitution, thereby specifically mandating the allowance of underage drinking; or

(3) every underage person present during the gathering involving underage drinking is either (i) accompanied by his or her parent, guardian, or spouse, or (ii) has had the disability of minority removed in accordance with Texas law, thereby rendering it lawful for the minor to possess or consume an alcoholic beverage.

Sec. 10-3-82. Civil citation or notice of violation; warning not required.

a. There is no requirement of a warning by a peace officer prior to the issuance of the civil citation or a complaint and summons. If a Responsible Person for the Premises is present at the time of a violation described in Section 10-3-81, then a peace officer may issue a civil citation to such person for the violation described in that section. If a Responsible Person is not present or cannot be identified at the time of the gathering, then the law enforcement officer may later issue a civil citation to any and all Responsible Persons who may be identified by law enforcement within thirty (30) days after the date of the occurrence. Each notice of violation may be delivered in person or by certified mail.

b. Every notice of civil violation shall include:

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1) The name(s) of each person alleged to be an owner, tenant, occupant, or person in charge of the Premises at the time of the occurrence involving underage drinking. The citation need not specify any particular capacity of a Responsible Person as to the Premises.

2) The location of the Premises and the date and time of the alleged civil violation;

3) A description of the violation by name of the civil offense and reference to this Code of ordinances;

4) The range of possible civil penalties for which the person may be liable plus the potential addition of public safety cost recovery, with a City invoice to follow by regular mail;

5) Notice of the right to contest the violation and have a hearing before the City's Office of Civil Administrative Hearings; and

6) Notice that failure to either timely contest or pay the civil penalty is deemed to be an admission of liability and a waiver of the right to challenge or appeal the imposition of the civil penalty.

Sec. 10-3-83. Civil penalty; Assessment for Recovery of Public Safety Response Costs.

a. *Civil penalty.* The Responsible person identified by the police shall be assessed and invoiced for a civil penalty of $300.00 for a first violation of Sec. 10-3-81. For each subsequent violation of that section, the defendant shall be assessed a civil penalty of $500.00 per violation. The civil penalty prescribed by this section is separate from any civil cost recovery fee which may also be assessed.

b. *Civil Cost Recovery.* The Responsible Person identified by the police may also be assessed and invoiced for the costs for the public safety response to the gathering involving underage drinking as provided in this subsection.

1) The amount of public service response cost recovery shall be the response costs as defined in Sec. 10-3-80, as calculated and shown in a charge-out rate chart to be calculated annually by the Finance Director or designee in coordination with the police chief, fire chief, and EMS chief or their respective designees. This chart of costs shall be used for determining the public safety response costs which may be assessed as cost recovery for an occurrence.

2) Provided however, there shall not be assessed any public safety response cost recovery when any of the following conditions exist. It is the responsibility of the

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police department to promptly inform the Finance Director when these exclusionary conditions exist:

(a) a peace officer uses discretion to issue a warning at a gathering involving underage drinking and upon issuance of any such warning the gathering immediately disbands and disperses without further law enforcement action, fire response, or medical response; or

(b) for the costs of fire or medical response, when a person at the gathering calls for such emergency services for an actual or perceived emergency at the Premises, prior to the time of police first arriving at the scene of the gathering involving underage drinking.

3) If there is more than one Responsible Person for the Premises at which the gathering involving underage drinking occurs, then each such person or defendant is jointly and severally liable for the total assessed amount of the civil penalty and any assessed public safety response costs.

Sec. 10-8-84. Invoicing.

a. The amount of a civil penalty and any assessed civil cost recovery for public safety response shall be a debt owed to the City by the Responsible Person(s). Multiple Responsible Persons cited or noticed for a violation are jointly and severally liable for the total amount of the civil penalty and any assessed cost recovery.

b. The Finance Director or designee shall mail notice via certified mail within twenty (20) days after the date of the occurrence or the date the police provide Responsible Person information, whichever is later. The notice shall contain the following information:

1) The name(s) of the Responsible Person(s) alleged to be liable for the payment of such costs under the provisions of this Division;

2) The date, time, and address of the location where the gathering occurred;

3) The number of personnel and vehicles of each law enforcement, fire and/or emergency service agency which responded to the occurrence with an itemized list of the response costs for which the person(s) is liable (to facilitate proper allocation of cost recovery revenues to those respective entities);

4) The date and time of a previous warning, if any, concerning this or a similar gathering;

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5) The date by which the recipient must either pay the penalty and any assessed cost recovery, or make written request for an administrative hearing to challenge the liability for the occurrence or imposition of response costs or civil penalty; and

6) A statement that failure or refusal to timely pay or contest the civil penalty or recovery costs is deemed to be an admission of liability, and a waiver of the right to challenge or appeal the imposition of the civil penalty and any assessed cost recovery.

c. The responsible person shall either remit payment of the noticed amount of civil penalty and any assessed cost recovery or make written request for an administrative hearing, no later than thirty-five (35) days after the date of the invoice. Payment shall be stayed upon a timely request for an administrative hearing.

Sec.10-3-85. Timely payment or request for a Hearing.

A Responsible Person receiving a civil citation or notice of violation pursuant to this Division, shall either timely pay the penalty and any assessed cost recovery or contest the violation by requesting a hearing before the City's Office of Civil Administrative Hearings per Article VI of Chapter 2-8 of this Code of Ordinances. For purposes of this Division, an action is "timely" if the payment or request for hearing is received by the City within 30 days after the date of the invoice for penalty and any cost recovery. The obligation to pay shall be stayed upon a timely request for an administrative hearing. Upon notice and conducting a hearing, the hearing officer may affirm or reverse the finding of civil liability for the alleged occurrence, and thereupon either affirm, reverse, or modify the invoiced amounts as supported by the evidence, findings, and interests of justice.

Sec. 10-3-86. Remedies cumulative; relationship to other laws.

(a) Delinquent payments past due under this Division may be collected by the City through any lawful means, including but not limited to, collection agent or suit by the City Attorney or designee for amounts owed plus costs, interest, and attorney fees, followed by post-judgment remedies in accordance with law. The remedies provided under this article are cumulative and shall not restrict the City to any other remedy to which it is entitled under law or equity, whether civil, criminal, or administrative in nature.

(b) Nothing in this Division shall be deemed to preclude the imposition of any criminal penalty under state law or other ordinance for a separate criminal offense arising out of the gathering involving underage drinking.

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(c) Nothing in this Division shall be construed so as to conflict with any provision of state law or to prohibit or penalize conduct authorized or privileged by the state or federal constitutions.

Secs. 10-3-87- 10-3-99. Reserved.

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

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

SECTION 4. Continuation. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5. Penalty. A violation of this ordinance is a civil offense violation punishable by the civil penalty described herein, plus any assessed public service response cost recovery that may be assessed.

SECTION 6. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

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

_____
Ginger Nelson, Mayor

ATTEST:

_____
Frances Hibbs, City Secretary

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APPROVED AS TO FORM:

_____

Bryan S. McWilliams City Attorney

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Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 10, 2020	Council Priority	Public Safety

Department	Legal	Contact Person	Marcus Norris, Deputy City Attorney

Agenda Caption

CONSIDERATION OF ORDINANCE NO._____

This is the first reading of an ordinance expanding and further clarifying the duties of the Office of Civil Administrative Hearings in relation to civil penalties for violations of City ordinance.

Agenda Item Summary

This ordinance allows the Amarillo City Council to delegate city ordinance violations to the Office of Administrative Hearings for adjudication.

This change addresses the present and future need for increased usage of civil penalties for violations of city ordinances and to accommodate all types of civil matters which may be assigned to the Office. A civil process of administering certain city ordinance violations is a much more expeditious way to achieve a final resolution to matters that would be considered a nuisance under state law.

Requested Action

Approval of Ordinance on First Reading

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval as presented

2/12/20 mwn _____

ORDINANCE NO. 7843

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 2-8 (MUNICIPAL COURT TO RE-TITLE SUCH CHAPTER; CHAPTER 2-8, ARTICLE VI (CIVIL ADMINISTRATIVE HEARINGS) TO MAKE VARIOUS AMENDMENTS TO CONFORM TO CHANGES MADE ELSEWHERE IN THE CODE; AND, TO CLARIFY COLLECTIONS; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Office of Civil Administrative Hearings (hereafter "Office") was first created to administer civil penalties for photographic traffic signal enforcement (also known as red light cameras), and last year, the jurisdiction of the Office was expanded to administer civil parking, stopping, standing penalties; and,

WHEREAS, the trend for increased usage of civil penalties is expected to continue, it is prudent to revise the jurisdiction and procedures of the Office in broader terms to accommodate all types of civil matters which may be assigned to the Office, and thereby avoid piecemeal amendments; and

WHEREAS, there is a need to clarify the billing and collection process for the civil penalties and other sums that may be assessed by the Office or the Municipal Court after a civil appeal.

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

SECTION 1. The title for chapter 2-8 of the Amarillo Municipal Code be and hereby is amended to read as follows:

CHAPTER 2-8. MUNICIPAL COURT <u>AND</u>
<u>OFFICE OF CIVIL ADMINISTRATIVE HEARINGS</u>

SECTION 2. The Amarillo Municipal Code, Chapter 2-8, Article VI, be and hereby is amended to read as follows:

ARTICLE VI. - CIVIL ADMINISTRATIVE HEARINGS

Sec. 2-8-200. - Administrative adjudication; evidence; penalty; appeal; <u>etc.</u> ~~other procedures~~.

<u>(a) *Creation of Office.* The City of Amarillo hereby creates the Office of Civil Administrative Hearings (hereafter, "Office"). The purpose of the Office is to provide civil administrative hearings and adjudications of such civil matters as may be assigned to the Office for disposition. For administrative, budgetary, and managerial purposes the City Manager may attach the Office of Civil Hearings to any City department, but oversight and supervision of the appointed hearing offices shall remain in the City Manager or designee.</u>

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~~(a)~~ (b) *Establishment of administrative civil adjudication.* For ~~accused violators~~ persons desiring to contest a notice of civil violation, civil citation or other civil process of any other name issued by the City, this Article provides for a system of civil administrative hearings for ~~the following~~

(1) such motor vehicle violations~~,~~ which are deemed to be civil nuisances and not criminal offenses~~:~~ which includes but is not limited to: ~~(1)~~ All stopping, standing, and parking violations, except any identified as criminal offenses in Section 1-1-5(e)(1) of this Code of Ordinances; and ~~(2)~~ All traffic signal photographic enforcement cases, as provided for in Article XII of Chapter 16-3 of this Code of Ordinances~~.~~ ~~;~~ and,

(2) Each and every other type or class of civil action, cause, penalty, assessment, or adjudication, whether as an original hearing or as an appeal from the decision of another official, which the Amarillo City Council may delegate to the Office by a separate ordinance so delegating a type or class of civil matter to this Office for hearing and determination.

~~(b)~~ (c) *Hearing officers*. A sufficient number of hearing officers shall be appointed by the city manager. Such officers shall have authority to administer oaths and to issue orders compelling the attendance of witnesses and the production of documents, such orders to be enforced by the municipal court. ~~For budgeting purposes or administrative convenience, the city manager may assign the Office of Civil Hearings to a City department, but oversight of these appointees shall remain in the city manager or designee.~~ A Hearing officer is disqualified and shall not preside over any case in which the officer has a business relationship; a familial relationship within the third degree by blood or second degree by marriage; or, is otherwise unable to render a fair and unbiased opinion. In such a case, the hearing officers may exchange cases to avoid the conflict or bias if possible, or a special hearing officer to hear such case, as designated by the City Manager.

~~(c)~~ (d) *Notice of right to hearing; notice of time and place of scheduled hearings.*

(1) Notice of a civil parking violation pursuant to Section 1-1-5(e) may be affixed to the vehicle in a manner reasonably assured that it will be seen by the operator, or handed to the operator, if present.

(2) A notice of violation for a traffic signal photographic enforcement system shall be mailed to the registered owner as provided in Chapter 16-3, Article XII.

(3) All other civil citations or notices of violation shall be served by handing to the defendant if present at the time and place of the alleged violation or by certified mail if not present at the time of the alleged civil offense, or in any other reasonable manner calculated to provide actual notice, as prescribed in an ordinance that creates a civil violation.

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Upon receipt of a notice of violation, the named ~~owner~~ person (being the defendant) ~~receiving a notice of violation~~ must either timely pay the civil penalty or, alternatively, timely appear at the place, time, and day indicated in the notice of violation for an administrative hearing or as stated in any subsequent notice to appear mailed to the defendant's last known address. ~~address on the State's vehicle title registration records or operator's driver's license address, if allowed for the type of violation being noticed~~.

Sec. 2-8-201. - Hearing procedures.

(a) *Right to hearing*. A person who receives a notice of civil violation advising the violator of a right to a civil administrative hearing may contest the imposition of the civil penalty ~~for the violation~~ by timely appearing or making a written request for administrative hearing as specified in the notice of violation. If neither the ordinance creating the civil offense, the notice of violation, nor citation specify an appearance date, then the defendant shall either pay the civil penalty or request a hearing within 30 days after receiving the notice or citation.

(b) *Evidence*. In a civil administrative hearing, the issues must be proved by a preponderance of the evidence. In addition to any other competent evidence offered at the hearing, the hearing officer is authorized to accept the following presumptive and prima facie evidence:

(1) Presumption. It is presumed that the registered title owner of ~~the~~ a vehicle that is the subject of ~~the~~ a hearing is the person who parked or stopped the vehicle, or other civil violation, at the time and place of the offense charged, if the actual operator is not known.

(2) Prima facie evidence. (i) A computer generated record of the State of Texas vehicle title data base indicating the registered vehicle owner is prima facie evidence of the facts stated therein; (ii) The original or copy of the summons or citation is prima facie evidence of the facts stated therein; and (iii) The failure or refusal of a person charged with a violation to appear at the hearing shall be deemed an admission of liability for the charged civil ~~nuisance~~ violation whereupon the officer may proceed to assess the penalty and any other sum authorized by ordinance.

(c) *Affirmative defenses*. The defendant shall have the burden to prove an affirmative defense by the preponderance of the evidence. It shall be an affirmative defense to the imposition of civil liability under this Article~~, to be proven by a preponderance of the evidence~~, that:

(1) ~~The~~ A motor vehicle was a stolen vehicle being operated by a person without the effective consent of the Owner;

(2) ~~The~~ A vehicle in violation was, at the time of violation, either stolen or was displaying a stolen license plate. To establish that the vehicle was a stolen vehicle or the license plate displayed on the motor vehicle was a stolen plate at the time of the violation, the Owner must submit proof acceptable to the hearing officer that the theft of the vehicle or license plate had been promptly and previous to the violation reported to an appropriate law enforcement agency.

(3) The presence of ice, snow, unusual amounts of rain or other extenuating condition prevented strict compliance with a parking or stopping ordinance or law; or

(4) The person who received ~~the~~ a notice of violation was not the Owner of ~~the~~ a motor-vehicle at the time of the violation, as evidenced by a bill of sale or prior transfer or assignment of the State certificate of title for that motor vehicle.

(5) Any other affirmative defense that may be specifically provided for by a separate ordinance that creates a civil violation, cause, claim, or penalty.

(d) *Record of hearing.* ~~; other procedures~~. The record of witness testimony shall be preserved by ~~the use of~~ an audio ~~tape~~ recording, ~~or a video tape recording~~ court reporter or stenographer, or such other recording technology available to the City ~~for appellant review~~. ~~Other procedures for conducting a hearing under this Article shall be as stated in Chapter 16-3, Article XII. To the extent of any conflict or inconsistency between that Article XII and this Article, this Article shall prevail for hearings conducted pursuant to Section 1-1-5(e)(3).~~

(e) *Other procedures.* The provisions of this Article shall apply to all matters heard by the Office, except to the extent that an ordinance creating a civil violation may explicitly states a further or different procedural requirement, deadline, amount of penalty, or other provision to be observed by the Office in managing hearings for such violation, such as but not limited to, provisions of Chapter 16-3, Section 16-3-82 for photographic traffic signal hearings or Chapter 1-1, Section 1-1-5(e)(3) for stopping, standing, parking civil violations specified therein.

~~(e)~~ (f) *Entry of Order*. At the conclusion of the hearing, the hearing officer shall issue a signed and dated order stating whether the person charged with the civil violation is liable for the violation and if so, shall ~~re~~-state the civil penalty amount and any other sum assessed pursuant to ordinance or law. The order shall also describe the right to appeal to municipal court in accordance with other provisions of this Article.

~~(f)~~ (g) *Retention of records*. The orders issued under this section together with any affidavits and other documents associated with each hearing or appeal shall be filed with and maintained by the

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Office of Civil Hearings, in a separate index and file for each hearing, either in hardcopy or electronic form. Such information shall be retained for the period specified by State law.

Sec. 2-8-202. - Appeal.

(a) A person who is found liable after an administrative hearing may appeal that determination of civil liability to the municipal court, by filing ~~both~~ the following items: (1) a written notice of appeal with the clerk of the municipal court not later than the 31st day after the date on which the administrative hearing officer entered the written finding of civil liability, stating each separate alleged error made during the administrative hearing; ~~and~~ (2) either a bond, or a promissory note (that is immediately due and payable upon entry of a judgment of liability by the municipal court and providing for recovery of the City's reasonable attorney fees and court costs for collection of the note, and providing for waiver of notice, presentment, and demand) or a notarized statement of personal financial obligation, ~~(that is, either post a bond or sign a promissory note that is immediately due and payable upon entry of a judgment of liability by the municipal court and providing for recovery of the City's reasonable attorney fees and court costs for collection of the note, and providing for waiver of notice, presentment, and demand)~~ any of which must be in the amount of the civil penalty plus any other assessed amount; and, (3) paying the applicable civil court appeal fee of twenty-seven dollars ($27.00).

(b) Collection or enforcement of the civil penalty and any other assessed amount is stayed during the period allowed for perfecting an appeal and during the pendency of the appeal.

(c) The clerk of the municipal court shall set the ~~matter~~ appeal for a trial-by judge as expeditiously as possible on the court's docket and issue notice of the date, time and place of the trial to the appellant and the City attorney's office. ~~The appeal shall be conducted as a civil trial de novo and all issues determined by the judge upon a preponderance of the evidence. The municipal judge shall allow into evidence all affidavits, prima facie evidence, or presumptions which were filed or allowed in the administrative hearing, subject to such evidence being further challenged or rebutted in the municipal court trial.~~

(d) The appeal shall be conducted as a civil bench trial de novo with all issues determined by the judge upon a preponderance of the evidence. The municipal judge shall consider allowing all affidavits, relevant and material evidence, defenses, and presumptions as were filed or allowed by ordinance for the particular civil violation, subject to such evidence being further challenged or rebutted during the municipal court trial.

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~~(d)~~ (e) At the conclusion of the trail, the trial judge shall enter a written judgment declaring whether the person is liable for the nuisance, civil offense, and civil penalty stated in this Article or is not liable for same. A person found liable in the municipal court trial shall immediately pay the civil penalty, any other assessed amount allowed by an ordinance or law, and any outstanding costs prescribed by this ~~Article~~ Code of Ordinances or law. The court is authorized to immediately collect the civil penalty by cash, credit card, a payment plan arrangement for an indigent person, or by immediately proceeding against any bond, ~~or~~ note, or other security posted by the person. If the person is exonerated, then the statement of personal financial obligation, bond, note or other security required to perfect the appeal shall be immediately released.

Sec. 2-8-203. - Nature of liability; collection.

(a) *Nature of liability*. The imposition of a civil penalty as well as any other authorized assessment against the Defendant ~~under this Article~~ is not a criminal conviction for any purpose and the matter shall not be reported to any insurance company or state agency ~~that issues driver licenses or maintains driving records~~. However, a failure to pay the civil penalty or a late fee may be enforced or collected as follows:

(b) *Vehicle impoundment*. (a) If a vehicle has been the subject of six (6) or more civil nuisance violations ~~(that is, a civil stopping, standing, or parking offense pursuant to section 1-1-5(e); a red light camera violation; or, a combination of those violations)~~ within the prior twelve (12) months, or a sum of three hundred dollar ($300.00) or more is then past due for unpaid civil penalties or costs, and that vehicle is again found parked on a public street, alley, right-of-way, easement, or government owned property, then the police may impound the vehicle in accordance with the procedures then in place for non-consent towing (see, Chapter 10-3, Article VII). The vehicle owner is then liable for payment of outstanding parking penalties, any costs that have been assessed by a hearing officer, and the fees owed to the towing company, all of which must be paid before the vehicle will be released. In accordance with Texas Occupation Code, Chapter 2308, Subchapter J, a person who believes his/her vehicle was towed without probable cause is entitled to a hearing in justice of the peace court, upon timely request for a hearing on that issue.

(b) ~~*Hold on vehicle registration.*~~ *Registration Hold.* ~~Hold on vehicle registration~~. As provided by Texas Transportation Code § 702.003 reporting to the Texas Department of Transportation an outstanding and unpaid penalty and costs assessed against ~~that~~ a vehicle, by a hearing officer or municipal judge. A county may thereafter refuse to re-register the vehicle until the amount is paid to the City.

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(c) *Collection*. The City's finance director or designee shall invoice amounts due as civil penalty, plus any other authorized assessment or cost, to the last known address of each responsible person or defendant as their interests may appear. If the sum due is neither timely paid nor a timely payment plan arranged by the defendant, then the matter may be placed for collection by any commercially reasonable means or contractor used by the City for that purpose.

~~(c)~~ (d) *Other civil action*. Unless prohibited by other law, the city attorney or designee is authorized to file suit to seek recovery of principal amount due, all forms of interest, court costs, and reasonable attorney fees in accordance with law, and to take other reasonable steps to collect the civil penalty and any fees imposed.

Sec. 2-8-204. - No double ~~violations~~ charges.

A civil citation, notice of violation, or penalty may not be imposed ~~under this Article on the Owner of a vehicle~~ if the ~~operator of the vehicle~~ defendant was arrested or was issued a criminal citation or summons to appear in ~~municipal~~ court for the same violation of law for which a civil penalty is to be imposed. However, a civil penalty may be imposed on the ~~vehicle Owner for the violation~~ defendant if the criminal arrest, citation, or summons ~~of the vehicle operator~~ is for a different violation of law than that for which the notice of civil violation ~~of a civil nuisance as defined in this Code of Ordinances~~ was issued, even if arising out of the same conduct, occurrence, event, facts, or transaction.

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

SECTION 5. Continuation. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court or administrative tribunal, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance; nor shall any vested legal right or remedy of any character be lost, impaired or affected by this ordinance.

DRAFT

SECTION 6. Effective Date. This ordinance shall be published and become effective according to law.

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

_____
Ginger Nelson, Mayor

ATTEST:

_____
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

_____
Scott S. McWilliams, City Attorney

DRAFT

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Regular Agenda Item – Public Hearing

Department	Planning and Development Services Cris Valverde - Assistant Director of Planning and Development Services

Agenda Caption

Public hearing to consider an ordinance rezoning a 1.00 acre tract of unplatted land in Section 43, Block 9, B.S.&F. Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to Office District 2. (Vicinity: Coulter St. and Evans Dr.)

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Office District 2 to the east and Agricultural District in all other directions.

Adjacent land uses consist of the Texas Oncology-Amarillo Cancer Center to the east and undeveloped land in all other directions.

Analysis

The applicant is requesting a change in zoning in order to expand off-street parking for the Texas Oncology-Amarillo Cancer Center immediately east of this tract. Because the tract on which the proposed parking lot is planned for is zoned inappropriately for office related land uses, rezoning must occur.

Analysis of a zoning change begins with referring to the Comprehensive Plan's Future Land Use and Character Map and conformance to the Comprehensive Plan's recommended Neighborhood Unit Concept (NUC) of development. Additionally, analyzing what impact a proposed change in zoning will have on area zoning and development patterns is considered.

Considering this is merely an expansion of existing office zoning for an existing office land use that has previously been deemed to be in conformance with both the Future Land Use and Character Map and the NUC and that the proposal also conforms to the just mentioned map and concept, the Planning and Zoning Commission is of the opinion that the proposed rezoning will not have any negative impacts on area zoning and/or development patterns.

Requested Action/Recommendation

Notices have been sent to all property owners within 200 feet regarding this proposed rezoning. As of this writing, no calls have been received regarding this rezoning request.

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

ORDINANCE NO. 7844

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 EVANS DRIVE AND COULTER STREET, 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 1.00 acre tract of unplatted land in Section 43, Block 9, B.S.&F. Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change <u>from Agricultural District to Office District 2 and being further described below:</u>

A 1.00 acre tract of land situated in the Northeast quarter (NE/4) of Section 43, Block 9, B.S. & F. Survey, Potter County, Texas, and being a portion of a tract of land as described in that certain instrument of conveyance recorded in Volume 1323, Page 17 (Tract 2) of the Deed Records of Potter County, Texas. Said 1.00 acre tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. on October 30, 2019 and being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8 inch iron rod with cap stamped "HBD" found at the Southwest corner of Block 6, Ridgeview Medical Center Unit No. 24, an addition to the City of Amarillo being a replat of Lot 1, Block 6, Ridgeview Medical Center Unit No. 13, in Section 43, Block 9, B.S. & F. Survey, Potter County, Texas, according to the map or plat thereof recorded under Clerk's File No. 1302504 of the Official Public Records of Potter County, Texas, same point being the Southeast corner of the herein described tract of land, from whence a 1/2 inch iron rod found at the Southeast corner of said

Ridgeview Medical Center Unit No. 24 bears South 89° 46' 54" East (base line), 500.00 feet;

THENCE North 89° 46' 54" West along the North right-of-way line of Evans Drive (as dedicated by plat recorded in Volume 2635, Page 655, Official Public Records, Potter County, Texas), a distance of 90.75 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set at the Southwest corner of this tract of land, from whence a 3/8 inch iron rod with cap stamped "RPLS 4664" found at the Northwest corner of said Evans Drive bears North 89° 46' 54" West, 439.68 feet;

THENCE North 00° 24' 31" West, at 90.75 feet from and parallel with the West line of said Ridgeview Medical Center Unit No. 24, a distance of 480.00 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set at the Northwest corner of this tract of land;

THENCE South 89° 46' 54" East, 90.75 feet to a 3/8 inch iron rod with cap stamped "RPLS 4664" found at the Northwest corner of said Ridgeview Medical Center Unit No. 24, same point being the Northeast corner of this tract of land, from whence a 3/8 inch iron rod with cap stamped "RPLS 4664" found at the Northeast corner of said Ridgeview Medical Center Unit No. 24 bears South 89° 46' 54" East, 500.00 feet;

THENCE South 00° 24' 31" East along the West line of said Ridgeview Medical Center Unit No. 24, a distance of 480.00 feet to the PLACE OF BEGINNING and containing a computed area of 1.00 acre of land, more or less.

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 24th day of March, 2020 and PASSED on Second and Final Reading on this the 14th day of April, 2020.

_____
Ginger Nelson, Mayor

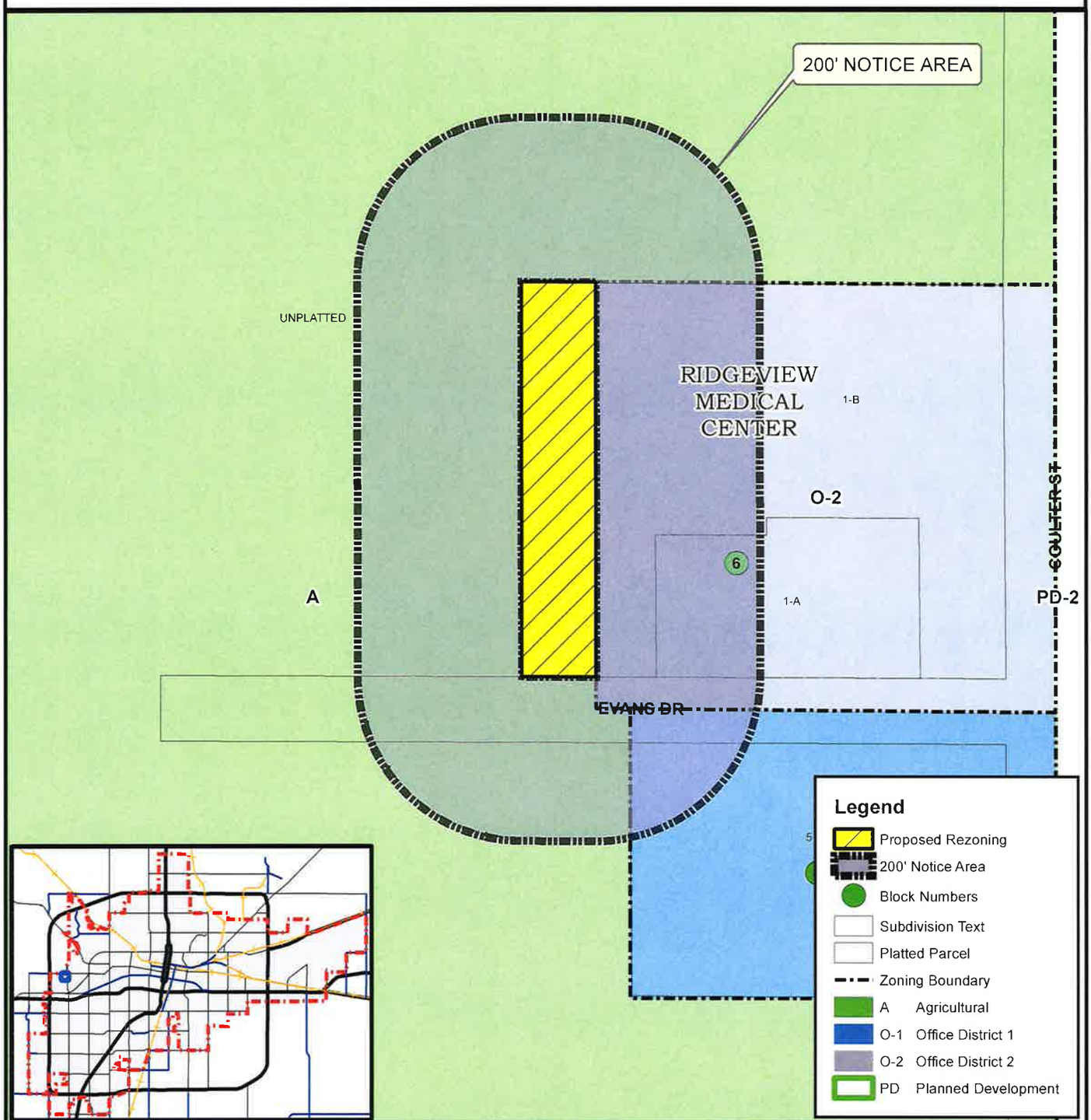
ATTEST:

_____
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

_____
Bryan McWilliams,
City Attorney

REZONING FROM A TO O-2



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 167 feet
Date: 2/17/2020
Case No: Z-20-03

N W E S

Rezoning of a 1.00 acre tract of unplatted land in Section 43, Block 9, B.S.&F. Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District (A) to Office District 2 (O-2).

Applicant: Mike Hughes for FMC Services, LLC

Vicinity Evans Drive & South Coulter Street

AP: I-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.

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Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Regular Agenda Item – Public Hearing

Department	Planning and Development Services Cris Valverde - Assistant Director of Planning and Development Services

Agenda Caption

Public hearing to consider an ordinance rezoning a 6.47 acre tract of unplatted land in Section 64, Block 9, B.S.& F. Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Residential District 3 to Moderate Density District. (Vicinity: Nancy Ellen St. & Ellen Hope St.)

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Residential District 3 to the north, west, and south and Residential District 1 and 2 to the east.

Adjacent land uses consist of single-family detached homes to the west and vacant land in all other directions.

Analysis

Analysis of a zoning change begins with referring to the Comprehensive Plan's Future Land Use and Character Map and conformance to the Comprehensive Plan's recommended Neighborhood Unit Concept (NUC) of development. Additionally, analyzing what impact a proposed change in zoning will have on area zoning and development patterns is considered.

Although this particular area and the entire section for that matter, is designated as Suburban Residential by the Future Land Use and Character Map, much of the Hillside Terrace Residential Subdivision has developed with General Residential development types. So in terms of strict compliance with the above, it does not match the recommended type of development. That said, the proposed zoning designation is in line with General Residential development types that have long been established for this subdivision in that it allows for more dense residential product.

Regarding the Neighborhood Unit Concept of Development, this concept calls for more intensive uses such as retail, office, multi-family development, or high density residential to be located at or near Section Line Arterial Intersections, adjacent to major thoroughfares, or periphery of the section.

Because a higher density residential zoning is being proposed at the periphery of the subdivision and adjacent to the new Loop 335, Planning Commissioners are of the opinion that the request is consistent with the Neighborhood Unit Concept of Development in that a more dense residential development will act as a buffer to the less dense residential areas inward of the section.

Considering the above, Planning Commissioners believe that if approved, the applicant's request will not create any negative impacts on the surrounding zoning and/or development patterns in the area.

Requested Action/Recommendation

Notices have been sent to all property owners within 200 feet regarding this proposed rezoning. As of this writing, two calls have been received regarding this request. Both callers sought clarification as to development intended for the area. Staff provided the information given by the developer, in that one-family detached/ attached residential units are to be built. Upon being informed of the developer's plans, the callers expressed no opposition to the request.

Considering the above, staff recommends APPROVAL as presented.

ORDINANCE NO. 7845

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 NANCY ELLEN STREET AND ELLEN HOPE STREET, 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 6.47 acre tract of unplatted land in Section 64, Block 9, B.S.&F. Survey, Randall County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Residential District 3 to Moderate Density District and being further described below:

A 6.47+/- acre tract of land situated in Section 64, Block 9, B.S. & F. Survey, Randall County, Texas and being a portion of a 545.99+/- acre tract as described in that certain instrument recorded under Clerk's File No. 2006009301 of the Official Public Records of Randall County, Texas, said 6.47+/- acre tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. and being further described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod with cap (FURMAN) found in the East line of that certain 39.676+/- acre tract of land described in that certain instrument recorded under Clerk's File No.

2018002438 of the Official Public Records of Randall County for the most West Northwest corner of a 13.72+/- acre tract of land to be filed with the Randall County Clerk as Hillside Terrace Estates Unit No. 28, from whence the most West Southwest corner of said future Hillside Terrace Estates Unit No. 28 bears S. 00° 13' 27" E. (Base line) 1087.50;

THENCE N. 00° 13' 27" W. 177.24 feet along the East line of said 39.676+/- acre tract to a 5/8 inch iron rod with aluminum cap (TxDOT) found;

THENCE N. 05° 39' 38" E. 462.81 feet along the East line of said 39.676+/- acre tract to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the Northwest corner of this tract of land;

THENCE N. 89° 38' 18" E. 426.76 feet to a 1/2 inch iron rod with cap (FURMAN) found for the most North Northwest corner of said future Hillside Terrace Estates Unit No. 28, same being the Northeast corner of this tract of land;

THENCE S. 00° 21' 42" E. 60.00 feet to a 1/2 inch iron rod with cap (FURMAN) found;

THENCE S. 45° 21' 42" E. 7.07 feet to a 1/2 inch iron rod with cap (FURMAN) found;

THENCE S. 00° 21' 42" E. 240.00 feet to a 1/2 inch iron rod with cap (FURMAN) found;

THENCE S. 44° 38' 18" W. 7.07 feet to a 1/2 inch iron rod with cap (FURMAN) found;

THENCE S. 00° 21' 42" E. 55.00 feet to a 1/2 inch iron rod with cap (FURMAN) found;

THENCE S. 45° 21' 42" E. 7.07 feet to a 1/2 inch iron rod with cap (FURMAN) found;

THENCE S. 00° 21' 42" E. 240.00 feet to a 1/2 inch iron rod with cap (FURMAN) found for the most East Southeast corner of this tract of land;

THENCE S. 44° 38' 18" W. 7.07 feet to a 1/2 inch iron rod with cap (FURMAN) found for the most South Southeast corner of this tract of land;

THENCE S. 89° 38' 18" W. 321.55 feet to a 1/2 inch iron rod with cap (FURMAN) found for the beginning of a curve to the right whose center bears N. 00° 21' 42" W. 37.00 feet;

THENCE Northwesterly 31.20 feet along said curve to the right with a long chord of N. 66° 12' 03" W. 30.29 feet to a 1/2 inch iron rod with cap (FURMAN) found for the end of said curve, same being the beginning of a curve to the left whose center bears S. 47° 57' 36" W. 60.00 feet;

THENCE Southwesterly 139.84 feet along said cure to the left with a long chord of S. 71° 11' 22" W. 110.27 feet to a 1/2 inch iron rod with cap (FURMAN) found for the end of said curve;

THENCE S. 89° 38' 18" W. 21.95 feet to the POINT OF BEGINNING and containing 6.47 acres of land, more or less.

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 24th day of March, 2020 and PASSED on Second and Final Reading on this the 14th day of April, 2020.

_____
Ginger Nelson, Mayor

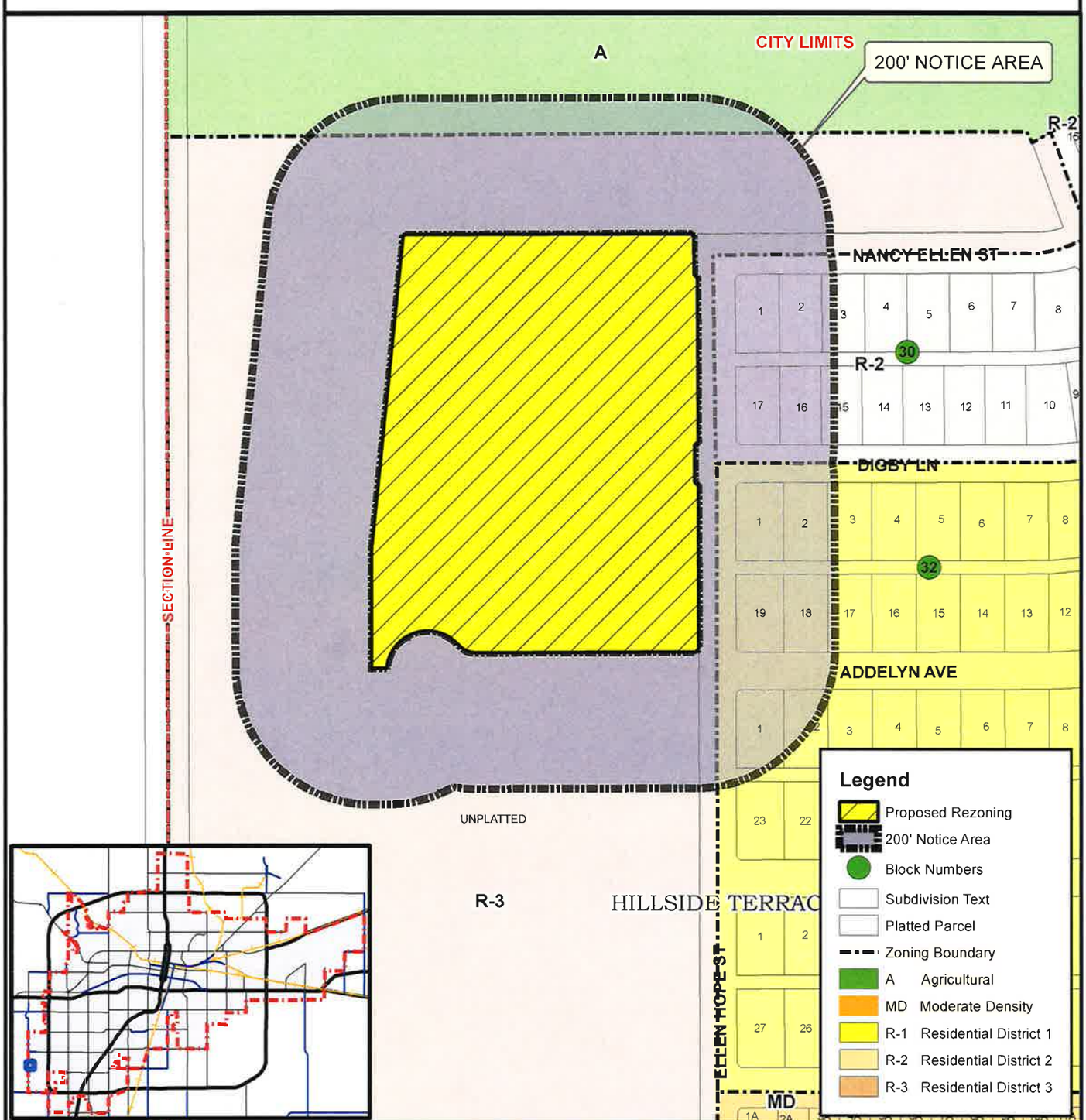
ATTEST:

_____
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

_____
Bryan McWilliams,
City Attorney

REZONING FROM R-3 TO MD



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 200 feet
Date: 2/17/2020
Case No: Z-20-04

N W E S

Rezoning of a 6.47 acre tract of unplatted land in Section 64, Block 9, B.S.&F. Survey, Randall County, Texas plus one-half of al bounding streets, alleys, and public ways to change from Residential District 3 (R-3) to Moderate Density District (MD).

Applicant: Seth Williams for PDUB Investments, LTD

Vicinity: Nancy Ellen Street and Ellen Hope Street

AP: H-16

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

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Regular Agenda Item – Public Hearing

Department	Planning and Development Services Cris Valverde - Assistant Director of Planning and Development Services

Agenda Caption

Public hearing to consider an ordinance rezoning a 4.45 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 Residential District 3.
(Vicinity: Farmers Ave. and Gemini Trl.)

Agenda Item Summary

Adjacent land use and zoning

Adjacent zoning consists of Residential District 3 to the west, land outside the City Limits to the south, and Agricultural District to the north and east.

Adjacent land uses consist of single family detached homes to the west, a manufacturing facility outside of the City Limits to the south (Eaton Crouse-Hinds), and undeveloped land in all other directions.

Analysis

The applicant is requesting a change in zoning in order to continue development of single-family detached homes with the next phase of the South Georgia Place Subdivision.

Analysis of a zoning change begins with referring to the Comprehensive Plan's Future Land Use and Character Map and conformance to the Comprehensive Plan's recommended Neighborhood Unit Concept (NUC) of development. Additionally, analyzing what impact a proposed change in zoning will have on area zoning and development patterns is considered.

Although this particular area and the entire section for that matter, is designated as Suburban Residential by the Future Land Use and Character Map, all of the South Georgia Place Subdivision has developed with General Residential development types. So in terms of strict compliance with the above, it does not match the recommended type of development. That said, it is the Planning and Zoning Commission's opinion that the request is in line with General Residential development types that have long been established for this subdivision and section.

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 while residential be located mid-section.

With the proposed single-family detached zoning being located mid-section as recommended by the NUC, the Planning and Zoning Commission is of the opinion that the request is consistent with the just mentioned concept of development.

Considering the above, the Planning and Zoning Commission believes that if approved, the applicant's request will not create any negative impacts on the surrounding zoning and/or development patterns in the area and is a logical continuation of the adjacent residential product and Residential District 3 zoning.

Requested Action/Recommendation

Notices have been sent to all property owners within 200 feet regarding this proposed rezoning. As of this writing, no calls have been received regarding this rezoning request. Considering the above, the Planning and Zoning Commission recommends APPROVAL as presented.

ORDINANCE NO. 7846

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 FARMERS AVENUE AND GEMINI TRAIL, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

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

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

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

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

Rezoning of a 4.45 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 (A) to Residential District 3 (R-3) and being further described below:

4.45 acre tract of land situated in Section 183, Block 2, A.B. & M. Survey, Randall County, Texas and being the remaining portion of a 52.516 acre tract of land as described in that certain instrument of conveyance recorded under Clerk's File No. 2006021200 of the Official Public Records of Randall County, Texas. Said 4.45 acre tract of land having been surveyed on the ground by Furman Land Surveyors, Inc. on January 30, 2020 and being more particularly described by metes and bounds as follows:

COMMENCING at a railroad spike found as called for in the South line of said Section 183 at the Southeast corner of a 2.18 acre tract of land as described in that certain instrument of conveyance recorded under Clerk's File No. 2016014173 of the Official Public Records of Randall County, Texas, from whence a railroad spike found as called for at the Southwest corner of said Section 183 bears North 89° 59' 53" West (base line), 2662.03 feet;

THENCE North 00° 03' 23" West, 63.75 feet to a 1/2 inch iron rod found at the Northeast corner of said 2.18 acre tract of land, same point being the Southeast corner of said 52.516 acre tract of land and also being the Southeast and BEGINNING CORNER of the herein described tract of land;

THENCE South 89° 56' 30" West along the South line of said 52.516 acre tract of land, same being the North line of said 2.18 acre tract of land, a distance of 157.32 feet to a 5/8 inch iron rod with cap stamped "RPLS 5437" found as called for at the Southeast corner of South Georgia Place Unit No. 32, an addition to the City of Amarillo, Randall County, Texas, according to the map or plat thereof recorded under Clerk's File No. 2017019332 of the Official Public Records of Randall County, Texas, same point being the Southwest corner of this tract of land, from whence a 1/2 inch iron rod found as called for at the Southwest corner of said 52.516 acre tract of land bears South 89° 56' 30" West, 752.50 feet;

THENCE North 00° 03' 23" West, 30.00 feet to an "X" cut in concrete found at a corner of this tract of land, same point being a corner of said South Georgia Place Unit No. 32 and also being the beginning of a curve to the left whose center point bears North 00° 03' 12" West, 50.00 feet;

THENCE Northeasterly along said curve to the left an arc distance of 124.91 feet with a long chord bearing North 18° 22' 43" East, 94.87 feet to a 5/8 inch iron rod with cap stamped "RPLS 5437" found as called for at the end of said curve;

THENCE North 00° 03' 23" West, 1250.00 feet to a 5/8 inch iron rod with cap stamped "RPLS 5437" found as called for at a corner of said South Georgia Place Unit No. 32, same point being a corner of this tract of land and also being the beginning of a curve to the left whose center point bears North 36° 55' 13" West, 50.00 feet;

THENCE Northwesterly along said curve to the left an arc distance of 119.91 feet with a long chord bearing North 15° 37' 18" West, 93.17 feet to an "X" cut in concrete found at the end of said curve;

THENCE North 00° 03' 23" West, 60.25 feet to a 5/8 inch iron rod with cap stamped "RPLS 5437" found as called for at the Northeast corner of said South Georgia Place Unit No. 32, same point being the Northwest corner of this tract of land, from whence a 1/2 inch iron rod found as called for at the Northwest corner of said 52.516 acre tract of land bears South 89° 56' 30" West, 1352.68 feet;

THENCE North 89° 56' 30" East, 152.32 feet to a 1/2 inch iron rod found as called for at the Northeast corner of said 52.516 acre tract of land, same point being the Northeast corner of this tract of land;

THENCE South 00° 03' 23" East along the East line of said 52.516 acre tract of land a distance of 1520.00 feet to the PLACE OF BEGINNING and containing a computed area of 4.45 acres of land, more or less.

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 24th day of March, 2020 and PASSED on Second and Final Reading on this the 14th day of April, 2020.

_____
Ginger Nelson, Mayor

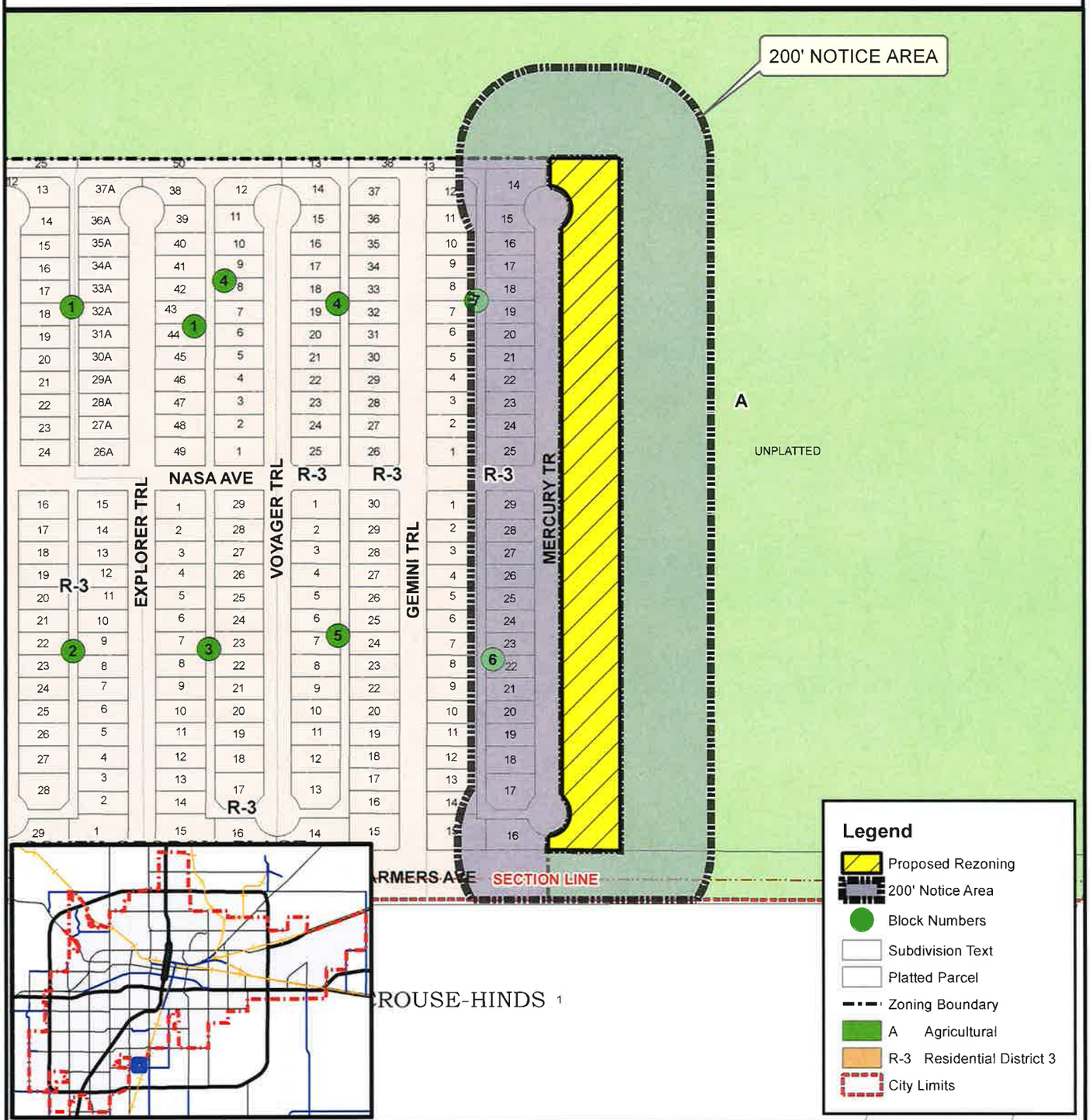
ATTEST:

_____
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

_____
Bryan McWilliams,
City Attorney

REZONING FROM A TO R-3



CITY OF AMARILLO
PLANNING DEPARTMENT

Scale: 1 inch = 300 feet
Date: 2/24/2020
Case No: Z-20-05

N W E S

Rezoning of a 4.45 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 (A) to Residential District 3 (R-3).

Applicant: Royce Barnett for Amarillo Willow Grove Development, LTD

Vicinity: Vicinity: Farmers Avenue and Gemini Trail

AP: M-16

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

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Fiscal Responsibility
Department	Finance		
Contact	Laura Storrs, Finance Director		

Agenda Caption

RESOLUTION – DECLARING THE EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT
(Contact: Laura Storrs, Finance Director)
Discussion and consideration of all matters incident and related to declaring expectation to reimburse expenditures for acquiring land at 503-509 S. Johnson Street, Amarillo, Texas with proceeds of future debt, including the adoption of a resolution pertaining thereto.

Agenda Item Summary

This resolution declares the expectation to reimburse expenditures for acquiring land at 503-509 S. Johnson Street, Amarillo, Texas with proceeds of future debt. This resolution authorizes the City to reimburse from bond proceeds amounts spent on the purchase of 503-509 S. Johnson Street bond issue.

Requested Action

Council consideration and approval of the resolution declaring the expectation to reimburse expenditures with proceeds of future debt.

Funding Summary

N/A

Community Engagement Summary

At January 28, 2020 City Council meeting, Council authorized the purchase of 503-509 S. Johnson Street.

Staff Recommendation

Staff recommendations Council consideration and approval of the resolution declaring the expectation to reimburse expenditures with proceeds of future debt.

RESOLUTION NO. 03-24-20-___

A RESOLUTION OF THE AMARILLO CITY COUNCIL, DECLARING EXPECTATION TO REIMBURSE EXPENDITURES WITH PROCEEDS OF FUTURE DEBT.

WHEREAS, the City of Amarillo, Texas (the "Issuer") intends to issue debt for the acquisition of land at 503 – 509 S. Johnson Street, Amarillo, Texas (the "Project") and further intends to make certain capital expenditures with respect to the Project and currently desires and expects to reimburse the capital expenditures with proceeds of such debt;

WHEREAS, under Treas. Reg. § 1.150-2 (the "Regulation"), to fund such reimbursement with proceeds of tax-exempt obligations, the Issuer must declare its expectation to make such reimbursement; and

WHEREAS, the Issuer desires to preserve its ability to reimburse the capital expenditures with proceeds of tax-exempt obligations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE ISSUER THAT the Issuer reasonably expects to reimburse capital expenditures with respect to the Project with proceeds of debt hereafter to be incurred by the Issuer, and that this resolution shall constitute a declaration of official intent under the Regulation. The maximum principal amount of obligations expected to be issued for the Project is $3,900,000.

PASSED AND APPROVED this the 24th day of March, 2020.

CITY OF AMARILLO, TEXAS

_____
Ginger Nelson, Mayor

ATTEST:

_____
Frances Hibbs, City Secretary

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Pillar**	Fiscal Responsibility
Department	Finance		
Contact	Laura Storrs, Finance Director		

Agenda Caption

RESOLUTION –AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.
(Contact: Laura Storrs, Finance Director)

Discussion and consideration of all matters incident and related to approving and authorizing publication of notice of intention to issue certificates of obligation, including the adoption of a resolution pertaining thereto.

Agenda Item Summary

This resolution authorizes the City of Amarillo to publish notification of the City's intention to issue certificates of obligation not to exceed $8,150,000. The proceeds will be used for costs incurred for acquiring, construction, improving and equipping park facilities.

Requested Action

Council consideration and approval of the resolution.

Funding Summary

N/A

Community Engagement Summary

12/18/2018 – Council Presentation on the Closure of Thompson Pool
1/8/2019 – Council Update (additional information requested by Council from the 12/18/2019 presentation)
4/23/2019 – Council Update (presentation on Comparable Swimming Pool/Aqua Park facilities)
8/6/2019 – Council Update (Thompson Park Pool Survey Results and Discussion about the next steps for a replacement facility)
9/24/2019 – Council considers award of a Professional Services Agreement with PSC for design of an aquatic facility.
12/17/2019 – Council Update (Conceptual Design Options)
1/9/2020 – Community Forum at Warford Activity Center
2/4/2020 – Council Update
3/24/2020 – Council Update – Design Development Package

Staff Recommendation

Staff recommendation is to approve the resolution authorizing the publication of a notification of the City's intention to issue certificates of obligation.

RESOLUTION NO. 03-24-20-___

A RESOLUTION OF THE AMARILLO CITY COUNCIL, APPROVING AND AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION.

WHEREAS, the City Council of the City of Amarillo, Texas (the "City"), has determined that certificates of obligation (the "Certificates") should be issued under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended, and in one or more series for the purpose of paying contractual obligations to be incurred for (i) acquiring, constructing, improving, renovating, expanding and equipping park and recreation facilities including the acquisition of land therefor and (ii) professional services rendered in connection therewith; and

WHEREAS, prior to the issuance of such Certificates, the City Council is required to publish notice of its intention to issue the same in a newspaper of general circulation in the City, said notice stating (i) the time and place the City Council tentatively proposes to pass the ordinance authorizing the issuance of the Certificates, (ii) the maximum amount proposed to be issued, (iii) the purposes for which the Certificates are to be issued and (iv) the manner in which the City Council proposes to pay the Certificates; now, therefore,

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

SECTION 1. The City Secretary is hereby authorized and directed to cause notice to be published of the City Council's intention to issue certificates of obligation, in one or more series, in the principal amount not to exceed $8,150,000 for the purpose of paying contractual obligations to be incurred for (i) acquiring, constructing, improving, renovating, expanding and equipping park and recreation facilities including the acquisition of land therefor and (ii) professional services rendered in connection therewith; such certificates to be payable from ad valorem taxes and a limited pledge of the City's Waterworks and Sewer System. The notice hereby approved and authorized to be published shall read substantially in the form and content of **Exhibit A** hereto attached and incorporated herein by reference as a part of this resolution for all purposes.

SECTION 2: The City Secretary shall cause the aforesaid notice to be (i) published in a newspaper of general circulation in the City, once a week for two consecutive weeks, the date of the first publication to be at least forty-six (46) days prior to the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation and (ii) posted continuously on the City's website for at least forty-five (45) days before the date stated therein for the passage of the ordinance authorizing the issuance of the certificates of obligation. By consideration of this Resolution and the publication of the aforesaid notice, the City expresses its intention, but not an obligation, to issue the certificates of obligation.

SECTION 3: It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Texas Government Code, Chapter 551, as amended.

PASSED AND ADOPTED, this the 24th day of March, 2020.

_____
Mayor, City of Amarillo, Texas

ATTEST:

_____
City Secretary, City of Amarillo, Texas

(City Seal)

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CITY OF AMARILLO, TEXAS
CERTIFICATES OF OBLIGATION

TAKE NOTICE that the City Council of the City of Amarillo, Texas, shall convene at 3:00 o'clock P.M. on May 12, 2020, at its regular meeting place in the City Hall located at 601 S. Buchanan, Amarillo, Texas, and, during such meeting, the City Council will consider the passage of one or more ordinances authorizing the issuance of certificates of obligation, in one or more series, in an amount not to exceed EIGHT MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS ($8,150,000) for the purpose of paying contractual obligations to be incurred for (i) acquiring, constructing, improving, renovating, expanding and equipping park and recreation facilities including the acquisition of land therefor and (ii) professional services rendered in connection therewith; such certificates to be payable from ad valorem taxes and a limited pledge of the City's Waterworks and Sewer System. In accordance with Texas Local Government Code Section 271.049, (i) the current principal amount of all of the City's outstanding public securities secured by and payable from ad valorem taxes is $138,776,460; (ii) the current combined principal and interest required to pay all of the City's outstanding public securities secured by and payable from ad valorem taxes on time and in full is $172,435,093; (iii) the estimated combined principal and interest required to pay the certificates of obligation to be authorized on time and in full is $18,497,696.22; (iv) the maximum interest rate for the certificates may not exceed the maximum legal interest rate; and (v) the maximum maturity date of the certificates to be authorized is February 15, 2050. The certificates are to be issued, and this notice is given, under and pursuant to the provisions of Texas Local Government Code, Subchapter C of Chapter 271, as amended.

Frances Hibbs
City Secretary, City of Amarillo, Texas

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Transportation Systems
Department	Amarillo City Transit (ACT)		
Contact	Marita Wellage-Reiley/Christopher Quigley		

Agenda Caption

PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION TO SUBMIT A COMPETITIVE BUS AND BUS FACILITIES (5339 PROGRAM) GRANT APPLICATION FOR FEDERAL AND STATE FUNDING OF AMARILLO CITY TRANSIT
(Contact: Marita Wellage-Reiley, Assistant Transit Director)
This item is a public hearing and resolution to submit a Bus and Bus Facilities (5339 Program) Competitive Grant Application to the U.S. Department of Transportation in the amount of $6,882,540 on behalf of the City of Amarillo.

Agenda Item Summary

This item is a public hearing and resolution authorizing the City Manager to submit a Bus and Bus Facilities (5339 Program) Competitive Grant Application to the U.S. Department of Transportation in the amount of $6,882,540 on behalf of the City of Amarillo. Local matching funds will be provided by the Amarillo Economic Development Corporation. These funds will be used to construct a new Multimodal Terminal for Amarillo City Transit and other transportation providers in the Panhandle. In January 2020, the Council approved the use of federal and local Capital Improvement Program funds to design, engineer, and satisfy federal funding requirements. If Amarillo is awarded this grant construction of a Multimodal Terminal for Amarillo City Transit and other service providers will be able to move forward with completion in late 2021 or early 2022.

Requested Action

- Conduct a public hearing on the consideration of the resolution.
- Approve the resolution authorizing the City Manager to submit a Bus and Bus Facilities (5339 Program) Competitive Grant Application to the U.S. Department of Transportation in the amount of $6,882,540 on behalf of the City of Amarillo.

Funding Summary

Funding for the capital project will come from a federal a grant and local matching funds.

Community Engagement Summary

Amarillo City Transit published a notice of the public hearing and made information regarding this application for review on line and at the Transit Operations Facility located at 801 S.E. 23rd Ave. on the ACT Route 33. The public will have multiple opportunities to participate in the design of the facility this summer.

Staff Recommendation

Staff recommends approval of the resolution authorizing the City Manager to submit the grant applications to the Federal Transit Administration.

3/13/20-mwn

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF AMARILLO, TEXAS: CONDUCTING A PUBLIC HEARING ON THE AMARILLO CITY TRANSIT REQUEST FOR FUNDING TO CONSTRUCT A MULTIMODAL TERMINAL; AUTHORIZING THE FILING OF A GRANT APPLICATION AUTHORIZING WITH THE FEDERAL TRANSIT ADMINISTRATION FOR A COMPETITIVE GRANT FOR FISCAL YEAR 2020 BUS AND BUS FACILITIES 5339 PROGRAM GRANT; DESIGNATING AN AUTHORIZED AGENT; PROVIDING SEVERABILITY CLAUSE; REPEALER CLAUSE; AN EFFECTIVE DATE

WHEREAS, the Secretary of Transportation is authorized to award competitive grants for mass transportation program of projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program; and

WHEREAS, it is required by the U.S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Fixing America's Surface Transportation Act of 2015, the application gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements there under; and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that disadvantaged businesses shall have the maximum feasible opportunity to compete when the applicant procures construction contracts, supplies, equipment contracts, or consultant and other services; and,

WHEREAS, the Amarillo City Council has on this date conducted a public hearing, after advertising same, on the operation of the Amarillo transit system and its proposed Program of Projects;

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

SECTION 1. That the City Council has conducted and now concludes the public hearing, and finds a continuing need and necessity for public mass transportation in Amarillo, Texas that will be met by the proposed Competitive 5339 Bus and Bus Facilities Grant Program;

SECTION 2. That the City Manager is authorized to execute and file an application for the amount of SIX MILLION, EIGHT HUNDRED, EIGTHY-TWO THOUSAND, FIVE HUNDRED AND FORTY DOLLARS ($6,882,540.00) with the U.S. Department of Transportation to aid in the financing of Bus and Bus Facilities capital project to construct a Multimodal Facility and provide for the local match of ONE MILLION, FIVE HUNDRED EIGHTY-TWO THOUSAND DOLLARS, ($1,582,000.00) on behalf of the City of Amarillo, Texas.

SECTION 3. That the City Manager is authorized to furnish such additional information as the Federal Transit Administration may require in connection with the application or project.

SECTION 4. That the City Manager is authorized to execute all necessary grant contract agreements and other forms on behalf of the City of Amarillo, Texas, with the Federal Transit for aid in the financing of the capital construction project.

SECTION 5. That to the extent that this resolution or any part of it conflicts with a prior resolution, then such prior resolution is repealed to the extent of such conflict.

SECTION 6. If any part of this resolution is determined to be invalid, such invalidity shall not affect any other part(s) of this resolution.

SECTION 7. This resolution is effective on and from the date of adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on this _____ day of _____ 2020.

_____
Ginger Nelson, Mayor

ATTEST:

_____
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

_____
Bryan S. McWilliams, City Attorney

I

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Pillar**	
Department	City Manager		
Contact	Michelle Bonner, Deputy City Manager		

Agenda Caption

RESOLUTION – AUTHORIZING REFUNDING OF CANADIAN RIVER MUNICIPAL WATER AUTHORITY SUBORDINATE LIEN CONTRACT REVENUE BONDS, SERIES 2011:
(Contact: Michelle Bonner, Deputy City Manager)

This resolution authorizes the Canadian River Municipal Water Authority to issue refunding bonds to refund all or a part of the outstanding Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Bonds, Series 2011 (Conjunctive Use Groundwater Supply Project) (the "Series 2011 Bonds").

Agenda Item Summary

The Canadian River Municipal Water Authority has identified savings associated with the Series 2011 Bonds. As one of the member cities the City of Amarillo has been asked to authorize the refunding of the bond issue. City staff has met with CRMWA staff and reviewed the potential savings associated with the refunding and is recommending approval of the refunding.

Requested Action

Council consideration authorizing refunding of Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Bonds, Series 2011.

Funding Summary

N/A

Community Engagement Summary

N/A

Staff Recommendation

Staff recommendation is to authorizing refunding of Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Bonds, Series 2011.

RESOLUTION NO. 03-24-20-_____

A RESOLUTION BY THE CITY OF AMARILLO, TEXAS, AUTHORIZING REFUNDING OF CANADIAN RIVER MUNICIPAL WATER AUTHORITY SUBORDINATE LIEN CONTRACT REVENUE BONDS, SERIES 2011 (CONJUNCTIVE USE GROUNDWATER SUPPLY PROJECT)

WHEREAS, the City of Amarillo, Texas (the "City") has entered into that certain Agreement for the Purchase and Acquisition of Conjunctive Use Groundwater Supply (the "Agreement") entered into as of May 15, 1996, as amended, with the Canadian River Municipal Water Authority (the "Authority"); and

WHEREAS, the Authority has entered similar agreements with each of the other cities that are members of the Authority (the "Member Cities"); and

WHEREAS, the Authority issued and has outstanding its Canadian River Municipal Water Authority Contract Revenue Refunding Bonds, Series 2010 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Bonds, Series 2011 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Refunding Bonds, Series 2012 (Conjunctive Use Groundwater Supply Project); Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Refunding Bonds, Series 2014 (Conjunctive Use Groundwater Supply Project) and Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Refunding Bonds, Series 2017 (Conjunctive Use Groundwater Supply Project); and

WHEREAS, at the present time the Authority desires to issue refunding bonds to refund all or a part of the outstanding Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Bonds, Series 2011 (Conjunctive Use Groundwater Supply Project) (the "Series 2011 Bonds") if market conditions justify refunding all, or a part of, the Series 2011 Bonds; and

WHEREAS, the Agreement provides for certain notice requirements before the Authority may issue Additional Bonds, as defined in the Agreement; and

WHEREAS, the refunding bonds are Additional Bonds under the Agreement; and

WHEREAS, timing constraints in the meeting schedules of the governing bodies of all Member Cities of the Authority to consider and approve refunding bonds may prevent the Authority from issuing refunding bonds in a timely manner to provide savings to the Member Cities; and

WHEREAS, if the market is such that the Series 2011 Bonds can be refunded, it is in the best interest of the City to waive certain notice requirements under the Agreement and consent to the issuance of the bonds to permit the Authority to refund all

or a part of the outstanding Series 2011 Bonds if a present value savings of at least 6.5% can be achieved; and

WHEREAS, if the market conditions justify the refunding of the Series 2011 Bonds, then the Authority desires to issue refunding bonds in a principal amount not to exceed $53,500,000 to refund all or a part of the outstanding Series 2011 Bonds; and

WHEREAS the City consents to the Authority's issuance of bonds solely as a current refunding; and

WHEREAS the City agrees to the Authority's issuance of bonds as subordinate lien bonds to eliminate the need of a reserve fund.

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

SECTION 1. Should market conditions during calendar year 2020 justify the refunding of the Series 2011 Bonds, the City waives the notice requirements of Section 4.1(a) of the Agreement, and consents to the issuance of the Canadian River Municipal Water Authority Subordinate Lien Contract Revenue Refunding Bonds, Series 2020 in a principal amount not to exceed $53,500,000 to refund all or a part of the outstanding Series 2011 Bonds, subject to the requirement that the refunding bonds for the Series 2011 Bonds be issued solely as a current refunding and provide a present value debt service savings of at least 6.5%.

SECTION 2. That the City Secretary be and is hereby authorized to deliver certified copies of this Resolution and minutes pertaining to its adoption to the Authority in such numbers as may be requested for the Authority's records and proceedings.

PASSED, APPROVED AND ENACTED this____ day of March, 2020.

_____
Ginger Nelson, Mayor, City of Amarillo, Texas

ATTEST:

_____
Frances Hibbs, City Secretary
City of Amarillo, Texas

[City Seal]

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Public Safety
Department	Legal Department		
Contact	Bryan McWilliams, City Attorney		

Agenda Caption

Consider Resolution – Confirming and Continuing the Mayor's Declaration of Disaster:
(Contact: Bryan McWilliams, City Attorney)
This resolution confirms and continues the Mayor's Declaration of Disaster which was declared on March 13, 2020 regarding the outbreak of COVID-19.

Agenda Item Summary

This resolution consents to an extension of the Mayor's Declaration of Disaster for the City of Amarillo.

Requested Action

Consider approval of extension.

Funding Summary

No funding is required.

Community Engagement Summary

This declaration is in response to the Governor's Executive Order signed on March 19, 2020 relating to COVID-19 preparedness and mitigation.

Staff Recommendation

Approval of resolution.

RESOLUTION NO. 03-24-20-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO CONFIRMING AND CONTINUING THE MAYOR'S DECLARATION OF DISASTER; PROVIDING A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in December 2019, a novel coronavirus, now designated COVID-19, was detected in Wuhan, China; and

WHEREAS, Symptoms of COVID-19 include fever, cough and shortness of breath, and can range from mild to severe illness; and

WHEREAS, on March 13, 2020, the President of the United States declared a state of emergency related to the outbreak of COVID-19 and urged citizens to practice social distancing protocols; and

WHEREAS, on March 13, 2020, Texas Governor Greg Abbot declared a state of emergency related to the outbreak of COVID-19 and suspended multiple state statutes and rules to promote social distancing protocols; and

WHEREAS, on March 18, 2020, the Local Health Authority and the City of Amarillo Public Health Department received confirmation of two cases of COVID-19 in the City of Amarillo; and

WHEREAS, on March 18, 2020 at 7:15 PM the Mayor of the City of Amarillo issued a Declaration of Disaster, pursuant to her authority under Section 418.108(a) of the Texas Government Code; and

WHEREAS, the state of local disaster declared by the Mayor may continue for a period of not more than seven days from the date of the declaration unless continued or renewed by the Amarillo City Council; and

WHEREAS, the Amarillo City Council has determined that it is necessary to renew and continue the state of local disaster to promote and protect the public health, safety, and welfare of citizens.

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

SECTION 1. (i) That the City Council consents to the Mayor's Declaration of Disaster for the City of Amarillo, Texas and hereby renews and continues the local state of disaster pursuant to Section 418.108(b) of the Texas Government Code; and

(ii) Pursuant to Section 418.108(c) of the Government Code, this renewal and continuation of the declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary; and

(iii) Pursuant to Section 418.108(d) of the Government Code, this renewal and continuation of the declaration of a local state of disaster continues the activation of the city emergency operations plan and that the furnishing of aid and assistance under the declaration is hereby authorized and that all appropriate preparedness and response aspects of the plan are continued; and

(iv) That the use of all available resources of the City of Amarillo that are reasonably necessary to cope with the disaster are hereby authorized; and

(v) To the extent permitted by law, any local ordinance or administrative rule prescribing the procedures for conduct of City business or any local ordinance or administrative rule that would in any way prevent, hinder, or delay necessary action in coping with this disaster, including any local ordinance or administrative rule regarding contracting or procurement which would impede the City's emergency response necessary to cope with this declared disaster, are hereby suspended, but only for the duration of this declared disaster and only for that limited purposes; and

(vi) That pursuant to Section 418.108(g) of the Government Code, the Mayor of the City of Amarillo may control ingress to and egress from a disaster area within the incorporated limits of the City of Amarillo and control the movement of persons and occupancy of premises in that area; and

(vii) Pursuant to Section 122.006 of the Health and Safety Code, the City of Amarillo may adopt rules to protect the health and safety of persons in the municipality, including quarantine rules to protect residents against communicable disease.

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

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

INTRODUCED AND PASSED this 24th day of March 2020

_____
Ginger Nelson, Mayor

ATTEST:

_____
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

_____
Bryan McWIlliams, City Attorney

K

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Transportation
Department	Capital Projects & Development Engineering		
Contact	Matthew Thomas		

Agenda Caption

CONSIDER AWARD – Bid #6718/Project #462086 – FY 19/20 Street Maintenance Community Investment Program, Proposition 1

Intermountain Slurry Seal Inc. – $11,135,638.50

Agenda Item Summary

This item is to consider award of the construction contract for the maintenance of streets within Amarillo that have been identified as needing rehabilitation. This project includes the southeast quadrant residential seal coat, as well as arterial microsurfacing and cape sealing operations. This work is to be coordinated with similar work completed by the Street Department maintenance staff.

Requested Action

Consider approval and award to Intermountain Slurry Seal Inc. - $11,135,638.50

Funding Summary

Funding for this project will be available in the Project Budget Numbers 462086. Funding for this project was approved in the FY 16/17 – FY 20/21 Community Investment Program Budget. The construction expenses for this project are funded from the Proposition 1 Bonds.

Community Engagement Summary

This project will have an impact on a sizeable portion of the community; however, the impact of this project during construction at any one residential location will be modest and brief. There will also be a greater impact during construction due to temporary closures of several arterials. City staff will update the public with a public meeting, as well as press releases, public announcements, and an interactive web based project status page before and during the project. Additional public notification and engagement are part of the contract requirements of the project, particularly in the southeast quadrant for the residential seal coat portion of the project.

Staff Recommendation

City Staff is recommending approval and award of the contract.

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Infrastructure Initiative
Department	Capital Projects & Development Engineering		
Contact	Matthew Thomas		

Agenda Caption

CONSIDER AWARD– Bid No. 6702/Project No. 530029 – FY2017-2021 Community Investment Program: Osage Water Treatment Plant Backwash Water Tank Rehabilitation and Modifications

NG Painting, LP - $472,000.00

Agenda Item Summary

This item is to consider award of the construction contract to rehabilitate the tank by applying a high-performance coating and modifying the tank to meet current code. The backwash water tank is integral to the water treatment process at the Osage Water Treatment Plant.

Requested Action

Consider approval and award to NG Painting, LP in the amount of $472,000.00.

Funding Summary

Funding for this project is available in the Project Budget Number 530029.17400.2040. This project was approved in the FY 17/18 and FY 18/19 Community Investment Program Budgets.

Community Engagement Summary

The backwash tank is located within the Osage Water Treatment Plant. As the project progresses through construction, coordination will occur with Osage WTP personnel. Construction of the project is not anticipated to have physical impact on the general public.

Staff Recommendation

City Staff is recommending approval and award of the contract.

Amarillo City Council
Agenda Transmittal Memo

Meeting Date	March 24, 2020	**Council Priority**	Infrastructure Initiative
Department	Capital Projects & Development Engineering		
Contact	Matthew Thomas		

Agenda Caption

CONSIDER– Professional Services Agreement with KSA Engineers, Inc – Resident Project Representative for Lift Station 32 – Project No. 521805, RFQ #03-20 in the amount of $447,200.00.

Agenda Item Summary

This item is to consider approval of the professional services agreement for resident project representation for the Lift Station 32 project during the construction phase.

Requested Action

Consider approval of agreement with KSA Engineers, Inc. in the amount of $447,200.00 for execution by the City Manager.

Funding Summary

Funding for this project is available in the Project Budget Number 521805.17400.1040.

Community Engagement Summary

Award for professional services will not impact the community. The resident project representative will facilitate coordination with the contractor, engineer, and the City during the construction phase of the project.

Staff Recommendation

City Staff is recommending approval of the contract.

AGREEMENT FOR PROFESSIONAL SERVICES

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

OWNER hereby engages CONSULTANT to perform the professional services for Project No. 521805 Lift Station 32 (the "Services"):

The Services are more particularly set forth in the documents dated February 14, 2020, from CONSULTANT and attached as Exhibit "A" to this Agreement and by this reference made a part of the Agreement. CONSULTANT accepts this engagement on the terms and conditions hereinafter set forth. In the event of any conflict between Exhibit "A" and this Agreement, the terms of this Agreement will govern.

I.

CONSULTANT agrees to accept as payment for the completion of the Services a maximum fee, inclusive of expenses, of $447,200.00. Additional services outside the Scope of Work will require prior written approval by OWNER.

II.

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

III.

CONSULTANT will confer with representatives of OWNER to take such steps as necessary to keep the Services on schedule. OWNER'S representative for purposes of this Agreement shall be Matthew Thomas, City Engineer, or his designee. CONSULTANT will begin work on the Services within 5 days after receipt of written notification to proceed from OWNER.

IV.

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

V.

CONSULTANT agrees neither it nor its employees or subcontractors or agents will, during or after the term of this Agreement, disclose proprietary or confidential information of OWNER unless

required to do so by court order or similar valid legal means. Such proprietary and confidential information received by CONSULTANT or its employees and agents shall be used by CONSULTANT or its employees and agents solely and exclusively in connection with the performance of the Scope of Work.

VI.

CONSULTANT agrees that OWNER or its duly authorized representatives will, until the expiration of 3 years after final payment under this Agreement, have access to and the right to examine, audit, and copy pertinent books, documents, papers, invoices and records of CONSULTANT involving transactions related to this Agreement, which books, documents, papers, invoices and records CONSULTANT agrees to maintain for said time period.

VII.

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

VIII.

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

IX.

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

X.

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

XI.

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

XII.

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

XIII.

Either party shall have the right to terminate this Agreement by giving the non-terminating party 7 days prior written notice. Upon receipt of notice of termination, CONSULTANT will cease any further work under this Agreement and OWNER will only pay for work performed prior to the termination date set forth in the notice. All finished and unfinished Work Product prepared by CONSULTANT pursuant to this Agreement will be the property of OWNER.

XIV.

In the event OWNER finds that any of the Work Product produced by CONSULTANT under this Agreement does not conform to the Scope of Work, then CONSULTANT will be given 30 days after written notice of the nonconformity to make any and all corrections to remedy the non-conformance. If after these 30 days CONSULTANT has failed to make any Work Product conform to the specifications, OWNER may terminate this Agreement and will only owe for work done prior to termination and accepted by OWNER. All finished or unfinished Work Product prepared by CONSULTANT pursuant to this Agreement will be the property of OWNER.

XV.

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

XVI.

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

KSA Engineers, Inc.
Attention: Clayton A. Scales, P.E.
600 South Tyler, Suite 1403
Amarillo, Texas 79109
Telephone: 806-335-1600
E-Mail: cscales@ksaeng.com

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

City of Amarillo
Attention: Matthew Thomas, P.E.
PO Box 1971
Amarillo, Texas 79105-1971
Telephone: (806) 378-9334
Fax: (806) 378-3024
E-Mail: matthew.thomas@amarillo.gov

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

XVII.

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

XVIII.

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

XIX.

CONSULTANT will perform the services to be provided under this Agreement with the professional skill and care ordinarily provided by program management professionals practicing in the same or similar locality and under the same or similar circumstances and professional license and as expeditiously as is prudent considering the ordinary professional skill and care of consulting professionals.

XX.

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

XXI.

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

XXII.

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

XXIII.

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

XXIV.

This Agreement is entered into and is to be performed in the State of Texas. OWNER and CONSULTANT agree that the law of the State of Texas shall govern the rights, obligations, duties and liabilities of the parties to this Agreement and shall govern the interruption of this Agreement. All

litigation arising out of this Agreement shall be brought in courts sitting in Texas with a venue in Potter County.

XXV.

In no event shall the making by the OWNER of any payment to CONSULTANT constitute or be construed as a waiver by the OWNER of any breach of the Agreement, or any default which may then exist, nor shall it in any way impair or prejudice any right or remedy available to the OWNER in respect to such breach or default.

XXVI.

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

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

ATTEST:

_____
Frances Hibbs, City Secretary

CITY OF AMARILLO
(OWNER)

By: _____
Jared Miller, City Manager

Date: _____

KSA ENGINEERS, INC.
(CONSULTANT)

By: _____

Printed Name: Joncie H. Young, P.E.

Title: Director of Municipal Services

Date: 3/2/2020