

AGENDAS

FOR THE AMARILLO CITY COUNCIL WORK SESSION TO BE HELD ON TUESDAY, APRIL 26, 2016 AT 4:00 P.M. AND THE REGULAR MEETING OF THE AMARILLO CITY COUNCIL AT 5:00 P.M., CITY HALL, 509 SOUTHEAST 7th AVENUE, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

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

WORK SESSION

- A. City Council will discuss or receive reports on the following current matters or projects.
- (1) Review agenda items for regular meeting and attachments;
 - (2) Consider appointments to Boards and Commissions:
Board of Review-Landmarks & Historic District
Planning and Zoning Commission
Traffic Advisory Board
 - (3) Presentation on Mayor's Refugee Testimony;
 - (4) Discussion of City Council Appointment Process for Council Seat Place 2;
 - (5) Presentation and discussion regarding planning for programming of, and financing the Multi-Purpose Event Venue; and
 - (6) Consider future Agenda items and request reports from City Manager.
- B. City Council may convene in Executive Session to receive reports on or discuss any of the following pending projects or matters:
- (1) Discussion regarding appointment to vacancy on the City Council; discussion regarding process for identifying qualified applicants to consider for appointment; and discussion regarding qualifications, rights, duties and responsibilities of the Mayor and members of the City Council, in accordance with the Texas Open Meetings Act, Texas Government Code, Section 551.074; and
 - (2) Consult with Attorney about pending or contemplated litigation or settlement of same or, to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, in accordance with the Texas Open Meetings Act, Texas Government Code, Section 551.071.

REGULAR MEETING ITEMS

INVOCATION: Burt Palmer, Polk Street United Methodist Church

PROCLAMATIONS: "National Tourism Week"

1. **MINUTES:**
Approval of the City Council minutes of the regular meeting held on April 19, 2016.
2. **ORDINANCE NO. 7599:**
This is the second and final reading of an ordinance amending Chapter 8-2, Amarillo Municipal Code, to remove existing barriers that prevent owners from reclaiming their animals by eliminating the tiered reclaim fee schedule, strengthening definitions, creating definitions where needed, increasing public safety by facilitating the creation of a Dangerous Dog Database, strengthening penalties for those who do not surrender bite animals for observation, and correcting various grammatical errors that currently exist.

3. **ORDINANCE NO. 7600:**

This is the second and final reading of an ordinance rezoning of Lot 3 and 4, Block 2, Howell Addition, in Section 135, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Heavy Commercial to Heavy Commercial with Specific Use Permit 182 for placement of a Concrete Batching Plant.

4. **ORDINANCE NO. 7601:**

This is the second and final reading of an ordinance rezoning of Lot 22G, Block 23, Glendale Addition, in Section 5, Block 9, BS&F survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from General Retail District to Planned Development District for General Retail uses and specific Light Commercial use

5. **RESOLUTION – CITY COUNCIL APPOINTMENT PROCESS TO NAME A REPLACEMENT FOR COUNCIL SEAT PLACE 2:**

This resolution establishes the City Council Appointment process to name a qualified person to serve as a member of Council in Place 2.

6. **RESOLUTION – CALLING A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN CONDITIONS DESCRIBED HEREIN CONSTITUTE A PUBLIC NUISANCE AT THE LOCATION(S) STATED:**

This resolution sets the date and time for a public hearing on May 17, 2016, at 5:00 p.m. to determine if the property at 1107 North Bolton Street constitutes a public nuisance and thereby declared as a dangerous structure. A copy of this resolution will be mailed to all interested parties providing ten (10) days notice of public hearing.

7. **CONSENT AGENDA:**

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

A. **Award – Traffic Bead and Traffic Paint Supply Agreement:**

Potters Industries LLC	\$ 22,720.00
Ennis Paint Inc	\$ 8,800.00
Sherwin Williams Co.	\$ 89,760.00
Total	\$121,280.00

This award is to approve an annual contract for the purchase of Traffic Beads and Traffic Paint Supply agreement.

PUBLIC FORUM

Comments from interested citizens on matters pertaining to City policies, programs or services.

(This is the opportunity for visitors and guests to address the City Council on any issue. The City Council may not discuss any presented issue, nor may any action be taken on any issue at this time. Texas Attorney General Opinion JC-0169)

MISCELLANEOUS

1. Boards and Commissions – appointments as listed on attached.

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

Posted this 22nd day of April 2016.

Amarillo City Council meetings stream live on Cable Channel 110 and are available online at:
www.amarillo.gov/granicus
Archived meetings are also available.



STATE OF TEXAS
 COUNTIES OF POTTER
 AND RANDALL
 CITY OF AMARILLO

On the 19th day of April 2016, the Amarillo City Council met at 3:30 p.m. for a work session, executive session, and the regular session held at 5:00 p.m. in the Council Conference Room and Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

PAUL HARPOLE	MAYOR
ELISHA L. DEMERSON	COUNCILMEMBER NO. 1
BRIAN EADES	COUNCILMEMBER NO. 2
RANDY BURKETT	COUNCILMEMBER NO. 3
MARK NAIR	COUNCILMEMBER NO. 4

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

TERRY CHILDERS	INTERIM CITY MANAGER
CLAUD DRINNEN	DEPUTY CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by is Jeff Quinlin. Mayor Harpole led the audience in the Pledge of Allegiance.

Proclamations were presented for "Building Safety Month" and "Workers' Memorial Day 2016."

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

ITEM 1: Mayor Harpole presented the minutes for April 12, 2016. Motion was made by Councilmember Burkett to approve the minutes; motion was seconded by Councilmember Demerson, and unanimously carried to approve the minutes.

ITEM 2: Mayor Harpole presented an ordinance amending Chapter 8-2, Amarillo Municipal Code, to remove existing barriers that prevent owners from reclaiming their animals by eliminating the tiered reclaim fee schedule, strengthening definitions, creating definitions where needed, increasing public safety by facilitating the creation of a Dangerous Dog Database, strengthening penalties for those who do not surrender bite animals for observation, and correcting various grammatical errors that currently exist. Motion was made by Councilmember Nair, seconded by Councilmember Burkett, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7599

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-2, PROVIDING FOR AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 3: Mayor Harpole presented an ordinance rezoning of Lot 3 and 4, Block 2, Howell Addition, in Section 135, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Heavy Commercial to Heavy Commercial with Specific Use Permit 182 for placement of a Concrete Batching Plant. This item was recommended for approval by a 7:0 vote of the Planning and Zoning Commission. Motion was made by Councilmember Demerson,

seconded by Councilmember Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7600

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 FO SPECIFIED PROPERTYT IN THE VICINITY OF HASTINGS AVENUE AND GLENN DRIVE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 4: Mayor Harpole presented an ordinance rezoning of Lot 22G, Block 23, Glendale Addition, in Section 5, Block 9, BS&F survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from General Retail District to Planned Development District for General Retail uses and specific Light Commercial uses. This item was recommended for approval by a 7:0 vote of the Planning and Zoning Commission. Dick Ford, 105 West 5th Avenue, stated this would be a small business park development with no specific use at this time. Mr. Cowell stated the Planning and Zoning Department had received five phone calls but no one showed up at the meeting, and the recommendation was made by the Planning and Zoning Department. Motion was made by Councilmember Eades seconded by Councilmember Burkett, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7601

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 BELL ST AND HILLSIDE RD, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 5: Mayor Harpole presented a resolution conducts a public hearing on the FY 2016 Program of Projects and authorizes the City of Amarillo to submit a grant application to the Texas Department of Transportation (TXDOT) for fiscal year 2015-2016 operating and capital assistance for the Amarillo City Transit Department. The City will receive an allocation from both the Federal Transit Administration and the Texas Department of Transportation.

Federal Transit Administration Funds	\$3,230,194
TXDOT	\$390,094
Local Funds	\$1,908,249

Mayor Harpole opened the public hearing. Judy Phelps, Transit Manager, stated this funding would support the operations and capital for the year 2015-2016. The funding would also purchase hardware and software, and purchase an app called 'Where's My Bus,' it would also fund preventative maintenance, pay for mechanics, utility workers and vehicle repairs. The overall budget of the Transit system is \$5,528,537. Mr. Nair asked for clarification on losing funding after reaching a certain population. Ms. Phelps stated the rules have changed and populations over 200,000 but with less than 100 buses would still qualify for support of the operating systems. Cities with populations under 200,000 and under 100 operating buses would qualify for the 50/50 match.

Councilmember Demerson inquired about expanding bus services to those areas that use the services the most. Ms. Phelps stated they could run more buses, but that it would take away from the funds for preventive maintenance, bus stops, adding routes and more funds would be needed from the general fund to pay for the capital expenditures. Ms. Phelps stated those not able to ride the fix route buses could apply for para-transit curb-to-curb services.

Mr. Childers suggested the expansion of services be discussed through the budget process. Ms. Phelps stated the fare box produced \$195,000 per year. The 12 fixed route City buses serve a 100 square mile area. Ms. Phelps stated due to ADA regulations bus benches require a 8x5 concrete pad, and shelter pads require a 10x11 concrete pads.

Allen Finegold, 2601 North Grand Street, stated the need to get experts on bus maintenance, and the need to compare on-time and actual times. Jesse Pfrimmer, 5723 South Milam Street, stated the needs versus current routes. Mayor Harpole closed the public hearing. Motion was made by Councilmember Eades, seconded by Councilmember Burkett, that the following captioned resolution be passed:

RESOLUTION NO. 04-19-16-1

A RESOLUTION OF THE CITY COUNCIL OF AMARILLO, TEXAS CONDUCTING A PUBLIC HEARING ON THE AMARILLO CITY TRANSIT PROGRAM OF PROJECTS; AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 vote of the Council.

ITEM 6: Presentation by Rod Tweet, Director of Parks and Recreation, on Youth Athletic programs. Mr. Childers stated this process evaluated the youth athletic programs, supporting facilities, their needs and the next steps in identifying specific projects based on community engagement and the input captured. Councilmembers Eades stated that these types of amenities are a huge part of economic development. Councilmember Demerson inquired if staff was looking around the entire community and not at just one location.

ITEM 7: Mayor Harpole advised that appointments are needed for a certain board. Councilmember Burkett stated his concerns about not focusing on all the boards closer. Councilmember Eades stated this board was created when Northwest Texas Hospital stopped its ambulance service. Ambulance service is now provided by a private company by permit, monitoring compliance with charges, ensuring quality of care, working together with a medical director and on-going training of paramedics. The board representatives are from the hospitals ERs, VA hospital, and the Fire Chief. He further stated these positions were hard to fill and it would take a lot of time to bring someone up to speed. Motion was made by Councilmember Nair, seconded by Councilmember Demerson to reappoint Brian Eades, Jeff Greenlee, Robert Saunders and Roger Smalligan to the Emergency Care Advisory Board, such terms to expire April 21, 2019.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades and Nair; Voting NO was Councilmember Burkett; the motion carried by a 4:1 vote of the Council.

ITEM 8: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Motion was made by Councilmember Burkett to approve the consent agenda, seconded by Councilmember Demerson.

A.	<u>Award – Sacked Cement Supply Agreement:</u>	
	Tascosa Brick	\$77,772.80
	A-1 Building, Supply LLC	\$13,307.16
	Total	\$91,079.96

This award is to approve an annual contract for the purchase of Sacked Cement supply agreement.

B.	<u>Award – Automotive Filters Supply Agreement:</u>	
	A&I Drivetrain	\$36,922.50
	Midway Auto Supply	\$20,133.42
	Gillie Hyde Ford Lincoln Inc.	\$14,185.98

Total \$71,241.90

This award is to approve an annual contract for the purchase of City Fleet vehicles filter supply agreement.

C. Approval – Professional Services Agreement - Addendum #1 Engineering Services – Project #560020:

Martin Road Lake Improvements: Alan Plummer Associates, Inc.

This item approves Addendum #1 to a February 6, 2013 agreement for engineering services to perform additional engineering services. This addendum provides for the continuation of services by Alan Plummer Associates, Inc.

Voting AYE were Mayor Harpole, Councilmembers Demerson, Eades, Burkett and Nair; Voting NO were none; the motion carried by a 5:0 vote of the Council.

Mayor Harpole announced that this is the end of the regular agenda, but this time is reserved to hear from any citizen concerning matters pertaining to City policies, programs or services not on today's agenda. The public forum is set under the Open Meetings Act and that during the public forum the City Council can respond with a statement of fact, a statement of City policy or decide whether to place an item on a future agenda.

Andrew Holley, 4302 West 51st Avenue, stated there has been recent events in the state of Arizona concerning red light camera equipment and the City of Amarillo leases its equipment from ATS. Edna Neal, 2508 Orange Street, stated she is opposed to the recent \$100 million plans because the majority of the improvements are in south Amarillo and she considered this a demonstration of favoritism.

Councilmember Burkett left during this time.

Kidd Rudd, stated he would like the City to do away with the homeless ordinance. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

Frances Hibbs, City Secretary

Paul Harpole, Mayor



Amarillo City Council Agenda Transmittal Memo



Meeting Date	April 26, 2016	Council Priority	Community Appearance
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Department	Animal Management & Welfare
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Agenda Caption

ORDINANCE NO. 7599:

This is the second and final reading of an ordinance amending Chapter 8-2, Amarillo Municipal Code, to remove existing barriers that prevent owners from reclaiming their animals by eliminating the tiered reclaim fee schedule, strengthening definitions, creating definitions where needed, increasing public safety by facilitating the creation of a Dangerous Dog Database, strengthening penalties for those who do not surrender bite animals for observation, and correcting various grammatical errors that currently exist.

The Animal Management & Welfare Board has considered and unanimously approved this ordinance on Wednesday, December 16, 2015. All letter of support are attached.

Agenda Item Summary

The proposed changes would remove existing barriers that prevent owners from reclaiming their animals by eliminating the tiered reclaim fee schedule, strengthening definitions, creating definitions where needed, increasing public safety by facilitating the creation of a Dangerous Dog Database, strengthening penalties for those who do not surrender bite animals for observation, and correcting various grammatical errors that currently exist.

Requested Action

To take action on the Second and Final Reading.

Funding Summary

N/A

Amarillo City Council Agenda Transmittal Memo



Community Engagement Summary

The ordinance changes would be a Level 1 Impact and have been presented to all appropriate boards and parties.

- Community Engagement:
 - Community Animal Health Committee - December 10, 2015 - Support
 - Animal Management & Welfare Advisory Board – December 16, 2015 - Support
 - Amarillo Globe News – December 16, 2015 – Publication
 - Bi-County-City Health Board – January 12, 2016 - Support
 - Amarillo-Panhandle Humane Society – January 21, 2016 – Support
 - Sent letter to all Veterinarian Clinics in the City Limits of Amarillo – January 29, 2016 – No Comments have been received from the mailing.

Staff Recommendation

Staff's recommendation is to take the proposed ordinance changes to a Second and Final Reading.

3501 S. Osage • P.O. Box 30102
Amarillo, Texas 79120-0102



(806) 373-1716
aphs@amaonline.com

January 21, 2015

Animal Management & Welfare Board
Amarillo City Commission

To Whom It May Concern:

The Board of Directors of the Amarillo-Panhandle Humane Society fully supports the ordinance changes currently recommended by Richard Havens and the Department of Animal Management & Welfare. The direction Mr. Havens is taking the department is beneficial to both the animals and the community we live in.

We appreciate your consideration in passing the proposed ordinances.

Sincerely,

A handwritten signature in blue ink that reads "Carry Baker".

Carry Baker, President
Amarillo-Panhandle Humane Society Board of Directors

AMARILLO BI-CITY-COUNTY HEALTH DISTRICT
Amarillo, Canyon, Potter County, Randall County
CITY OF AMARILLO, P.O. Box 1971, Amarillo, TX 79105-1791

February 1, 2016

Honorable Council Members:

The Bi-City-County Health District Board of Health unanimously supports the following proposed revisions to Chapter 8 of the Amarillo Municipal Code. These proposed changes include:

- Removing barriers that may prevent owners from reclaiming their animals
- Raising the standard of care for animals within the community
- Increasing public safety by creating a "Dangerous Animal Database" which would be accessible to the public via website
- Creating a more substantial penalty for those animal owners who fail to surrender for quarantine any animal that has bitten a person.
- Adding additional definitions
- Correcting grammatical errors

The Board believes the passage of these proposed changes will foster a more positive animal environment within the City of Amarillo while also increasing public safety.

Please do not hesitate to contact me directly if you have any questions or concerns.

Sincerely,



Dr. Kenneth Crossland, D.D.S.
Chairman, Board of Health
Bi-City-County Health District

Andrea Slater Gulley

February 4, 2016

To the Honorable Amarillo City Council Members:

Thank you for your consideration of the proposed Chapter 8 ordinance changes presented by Animal Management & Welfare Director, Mr. Richard Havens. The proposed changes have been carefully thought through and considered by community and city partners, and were deliberated and unanimously approved by the City's Animal Management & Welfare Advisory Board.

The proposed Municipal Code changes will: improve the standard of care for animals in our community; increase the likelihood of animals being reclaimed by their owners when the animal ends up at the City shelter (decreasing the need for euthanasia); improve public safety by allowing the public to be aware (through the Internet) of the location of dangerous animals (information that, prior to this proposed change, was only available at our City shelter or by request); improve public safety by incentivizing people to surrender animals who have bitten humans (for quarantine and observation); and provide "clean up" language to ensure our Code is consistent and grammatically correct.

The Council has previously declared its support for improvement in the Department of Animal Management and Welfare. I am confident the proposed changes are taking us in the right direction.

I urge you to honor the commitment previously declared by the Council, not only in supporting these proposed ordinance changes, but also during the 2016-2017 budget process. The Animal Control Department was, in my opinion, underfunded for decades. Great strides have been made at the shelter over the past two years - all one has to do to see these strides is tour our shelter. The live release rate from our shelter continues to improve, arriving at the Amarillo City animal shelter is no longer a nearly automatic death sentence for an animal, and our shelter is clean. We have strong leaders (in Mr. Havens and Ms. Fischer, as well as others) who genuinely care about the animals in the City facility, public safety, and moving our city forward. Our Department leadership, the Advisory Board, and others committed to continuing with positive change cannot effectively do so without the Council's financial support.

Your leadership in matters related to animals sets the standard for the rest of our community. Thank you for your service to our City, and for the support you have shown for the quality of life and care for animals in our City.

Sincerely,



Andrea Slater Gulley
Chair, Animal Management & Welfare Advisory Board

ORDINANCE NO. 7599

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-2, PROVIDING FOR AMENDMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, Chapter 8-2 of the Amarillo Municipal Code provides for and prescribes local requirements for custody and control of animals found within the City Limits; and

WHEREAS, the City Council finds that procedures are necessary for the management, welfare and disposition of animals found within the City Limits upon a violation of the prescribed requirements, in order to promote public health, safety, welfare, and protection of property;

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

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

Sec. 8-2-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal: Any live, nonhuman, vertebrate creature, be it domestic, wild, Livestock, reptile, or other.

At Large: Any Animal not restrained, including without limitation Domestic, Wild, and Livestock Animals as defined herein and Estrays as defined in state law.

Adoption Program: A program in which permanent custody of an animal is transferred to a private individual, 501(c)(3) non-profit animal rescue organization, or placement in a temporary foster home pending transfer of permanent custody.

Animal Management & Welfare officer: (a) An employee of the City of Amarillo Animal Management & Welfare Department authorized to enforce all ordinances and state laws pertaining to the ownership, care, and management of Animals by exercising lawful authority to issue citations, notices of violation, and seizing Animals, and obtaining warrants or court orders pertaining to Animals; (b) any Texas peace officer acting to enforce this chapter or state laws pertaining to Animals.

Barnyard Fowl: Means and includes chickens, ducks, geese, peacocks, guineas, and turkeys.

Dangerous Animal: Any Animal shall be deemed dangerous upon the occurrence of any of the following events:

(1) An unprovoked attack on a person, Domestic Animal or Livestock, causing serious bodily injury, by an Animal outside a secure enclosure in which the attacking Animal is kept;

(2) An unprovoked act of aggression by an Animal outside a secure enclosure which causes a person to reasonably believe the Animal will attack and cause serious bodily injury to a human or to a Domestic Animal or Livestock:

(3) Certification by a Doctor of Veterinary Medicine that an Animal poses a danger to human life, Animal life, or property based on a reasonable medical probability after observation.

Domestic Animal: Those Animals which are naturally tame and gentle or which, by long association with man, have become thoroughly domesticated and are now reduced to such a state of subjection to his will that they no longer possess the disposition or inclination to escape. This definition specifically includes household pets, such as dogs and cats and pigeon, rabbit, other bird or fowl not regulated or defined elsewhere, and miniature Animals.

Kennel: Any place where five (5) or more Animals, not wild, livestock, or estray, over the age of four (4) months, are raised, trained, boarded, harbored or kept. A farm, ranch, horse lot private or commercial, private stable, veterinary clinic, Animal hospital and an Animal pound as defined in the Zoning Ordinance are specifically excluded from this definition.

Livestock: Any species or family of bovine, ox, cattle, swine, pig, horse, equine, tapir, elephant, deer, or antelope; other grass or plant-eating single or cloven-hooved mammals, (whether indigenous to this state or not): any species or family of emu, ostrich or any other Animal (not listed in this ordinance as Domestic, Wild, or Barnyard Fowl) which may be raised for human consumption in the United States of America; and, any Animal designated or defined by state law as an Estray when straying or at large.

Microchip: A passive electronic device that is injected into an Animal by means of a hypodermic-type device. Each microchip must contain a unique and original number that is readable by an electronic scanning device for purposes of Animal identification. The microchip shall be supplied with a tag that must be attached to the Animal's collar to notify others of the presence of the microchip.

Miniature Animals: Those Animals, not wild or livestock, which when fully grown do not exceed eighteen (18) inches in height at shoulder level and weight weigh no more than ninety (90) pounds are considered to be miniature.

Neutered: Means any Animal, male or female rendered incapable of breeding or being bred.

Owner: (1) A person who owns, keeps, harbors, controls (physically or by verbal or hand commands), feeds, shelters or aids any Animal; or (2) A person who is the Owner's agent left in charge of an Animal; or (3) A person who states that he or she will be responsible for an Animal. If the Owner of an Animal is under the age of seventeen (17) years, then the head of the household of such person under age seventeen (17) is deemed to be an Owner and responsible for the Animal. There is a rebuttable presumption that any person who owns, keeps, harbors, controls, feeds, shelters or aids any Animal for three (3) consecutive days or more is an Owner for purposes of this Article.

Restrain: Any Animal shall be deemed to be restrained when it is:

(1) Confined on the Premises of the Owner within a fenced enclosure, capable of confining the Animal;

(2) Fastened, tethered, or picketed by a lead, rope, cable, strap, or other non-chain material so as to keep the Animal on the Premises of the owner and at least three (3) feet from the edge of any public sidewalk street, alley, or sidewalk, as measured from the interior edge of the street, alley, or sidewalk, as applicable, being opposite from the curbside of the sidewalk, to the end of the lead, rope, or tether;

(3) Under the control of a person by a leash;

(4) Within a vehicle being driven or parked; or

(5) On the premises of the Owner or keeper and is obedient to and under control of oral command.

Serious bodily injury: Means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person or Animal Owner to seek treatment from a medical professional or veterinarian and would require hospitalization or clinic treatment without regard to whether the person actually sought medical treatment or veterinarian services.

Sterilized: See, *Neutered*.

Wild Animal: Those Animals of a wild nature or disposition so as to require to be reclaimed and made tame by art, industry or education, or else must be kept in confinement to be brought within the immediate control of the Owner. Without limiting the general definition just stated, this term specifically includes ~~poisonous~~ venomous reptiles, a wolf hybrid, or any non-Domestic Animal whose normal body weight at maturity is typically fifteen (15) pounds or more.

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

Sec. 8-2-4. - Fees.

- (a) *Impoundment fees.* Any Animal impounded under the provisions of this chapter may be reclaimed by the Owner or person taking custody of such Animal upon complying with section 8-2-54 of this chapter and payment of the following fees based upon ~~Owner impoundment records within a two-year period:~~
- (1) Impoundment of any Animal [~~except (2) and (3) below~~]:
 - a. ~~First-impoundment-\$50.00 intact; \$20.00 spayed/neutered.~~ This fee only shall be refunded upon satisfactory proof that the violating Animal is spayed/neutered within ~~thirty (30)~~ sixty (60) days after being reclaimed. Refund has no ~~effect~~ effect on any citation issued for violation.
 - b. ~~Second impoundment: \$80.00 intact; \$40.00 spayed/neutered.~~
 - c. ~~Third impoundment and thereafter: \$120.00 intact; \$60.00 spayed/neutered.~~
 - (2) Impoundment of livestock: Double the fees listed in (1), per head.
 - (3) Daily care fees (excluding first day of impoundment): \$5.00 per day.
 - (4) Microchip implant for animal not having one, upon redemption, transfer, adoption: labor \$5.00, plus market cost of chip.
- (b) *Humane society adoption fees.* For adoption of any Animal pursuant to section 8-2-55(a)(3) the society shall pay to the City the monthly fees required by contract with the City for this service.
- (c) *Other fees:*
- (1) Rabies or erysipelas vaccination fee, pursuant to section 8-2-8 (veterinarian receipt)\$15.00
 - (2) Registration of Dangerous Animal \$100.00
 - (3) Bite Animal, impoundment and observation, 10 days
\$200.00 intact;
\$100.00 spayed/neutered
 - (4) Dead Animal pickups, veterinary clinics:
 - a. Per first two (2) bags\$5.00
 - b. Each additional bag\$2.50
 - a. Per bagged animal that is less than 200 pounds \$2.50
 - b. Animals weighing more than 200 pounds will not be picked up by Animal Management & Welfare

[(5) – (8)] TEXT UNCHANGED

- (d) *Computation of boarding day:* For fee charge computation purposes, each boarding day shall begin at 12:01 p.m. The daily fee rate shall be applicable when an Animal is kept for any portion of a day.

SECTION 3. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-6 be and hereby is amended to now read as follows:

Sec. 8-2-6. - Inhumane treatment; unlawful restraint; statutes; presumptions; definitions, enforcement.

(a) *Inhumane treatment.*

- (1) The provisions of Texas Penal Code Sections 42.09, 42.091, and 42.092, 42.10, and 42.105 each as amended, are hereby incorporated into this article. Where any provision of this article conflicts with these incorporated state laws and cannot be harmonized, then state law shall prevail.
- (2) To supplement and aid the incorporated statutory provisions and definitions of state law, the following definitions are enacted to further inform and define such Penal Code offenses occurring within the City limits, when such is prosecuted pursuant to this article:
 - a. *Water.* Liquid water; reasonably free of algae blooms, dirt, and debris.
 - b. *Shelter.* Access to structure that is suitable for the species, age, condition, size, and type of each Animal; and, protects each Animal from rain, sleet, snow, hail, wind and direct sunlight; with no accumulation of excrement, wasted food, or other debris; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the Animal or Animals intended to occupy to be able to lie upon in a normal manner and can be maintained in a sanitary manner.
 - c. *Food.* Provision of such food as is appropriate in approximate quantity and type, suitable for the Animal's species, size, and age, as to sustain good health.
- (3) Presumptions. For violations arising under this section, there is a rebuttable presumption that:
 - a. Food that is inaccessible to the Animal's mouth is neither adequate nor the necessary food as required by the incorporated statute or this article.
 - b. Water that is either frozen, exhibits unreasonable algae bloom or dirt, contained within a hole in the earth, or is located so as to be inaccessible to the Animal's mouth is neither adequate nor necessary water as required by the incorporated statute or this article.
 - c. Shelters with wire, grid, or slat floors that: (i) permit the Animal's feet to pass through the openings; or (ii) sag under the Animal's weight; or (iii) otherwise do not protect the Animal's feet or toes from injury, is neither adequate nor necessary shelter as required by the incorporated statute or this article.
 - d. Care that confines an animal and exposes the animal to temperatures detrimental to the health of the animal is neither adequate nor necessary care as required by the incorporated statute or this article.

(4) TEXT UNCHANGED

[(b)-(d)] TEXT UNCHANGED

SECTION 4. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-7 be and hereby is amended to now read as follows:

Sec. 8-2-7. - Striking Animal with vehicle; setting traps; artificially coloring Animals.

- (a) Any person who, as the operator of a motor vehicle, strikes a Domestic Animal or Livestock shall immediately report such injury or death to the Animal's Owner. If the Owner is unavailable, then such report shall be made to either the Animal ~~control~~ Management & Welfare dDepartment, Amarillo police, or county sheriff. It is an offense to fail to immediately make the report required of this subsection. In a prosecution of an offense under this section, it is presumed that the registered owner of the motor vehicle that is the subject of the prosecution is the person who was driving the vehicle at the time and place the offense occurred.
- (b) No person shall expose an open trap or metal jaw trap that shall be liable to injure any Domestic Animal or person.
- (c) ~~No person shall dye, color or otherwise artificially color any rabbit, baby chick, duckling or Domestic Animal, or offer for sale any such dyed, colored or otherwise artificially colored Domestic Animal. No person shall dye, color or otherwise artificially color any rabbit, baby chick, duckling or Domestic Animal to enhance the likelihood of the animal being sold.~~
- (d) A rabbit, baby chick, duckling or Domestic Animal may be dyed utilizing a species specific, species approved, and species safe dye to enhance the appearance of the animal if ownership shall be retained until dye is no longer present.

SECTION 5. The Amarillo Municipal Code, Chapter 8-2, Article I, Section 8-2-10 be and hereby is amended to now read as follows:

Sec. 8-2-10. - Dangerous Animals.

[(a)-(f)] TEXT UNCHANGED

(g) Dangerous Animal Public Notification

(1)AM&W may keep a publicly accessible online database of Animals that have been deemed dangerous. Database may display:

- a) Picture of offending animal;
- b) Address where offending animal resides at;
- c) Date of Offense(s);
- d) Case Number

SECTION 6. The Amarillo Municipal Code, Chapter 8-2, Article II, Section 8-2-37 be and hereby is amended to now read as follows:

Sec. 8-2-37. – Redemption of impounded Animals after sale.

The Owner of any Animal impounded under the provisions of this article may redeem the Animal by reimbursing the purchaser for the ~~adoption~~ sales fee as well as the reasonable costs for keeping the Animal as determined by the Director of Animal Management & Welfare, or designee. The Owner must redeem the Animal within thirty (30) days after the date of the sale; otherwise, the Animal becomes the absolute property of the purchaser.

SECTION 7. The Amarillo Municipal Code, Chapter 8-2, Article III, Section 8-2-54 be and hereby is amended to now read as follows:

Sec. 8-2-54. – Redemption requirements.

- (a) Any Animal impounded under the provisions of this article may be reclaimed by the Owner upon the payment of required impoundment fees set forth in this chapter and based upon impoundment records maintained by the Animal Management & Welfare Department.
- (b) TEXT UNCHANGED.

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

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

(a) TEXT UNCHANGED

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

- (1) The Animal Management & Welfare Department may destroy any Animal by a humane method if the Animal is unweaned, so sick or injured that its cure is considered by the Animal Management & Welfare Department to be impracticable ~~on~~ or if death is imminent; in any of such events, such destruction may be done immediately without notice of any waiting period.
- (2) Animals ~~donated~~ surrendered for adoption may only be destroyed upon order of the Director of Animal Management & Welfare, or his designee, after taking into consideration the recommendation of the Humane Society representative.

SECTION 9. The Amarillo Municipal Code, Chapter 8-2, Article III, Section 8-2-56 be and hereby is amended to now read as follows:

Sec. 8-2-56. - Prohibited transactions.

It shall be unlawful for any person to sell, trade, lease, rent, giveaway or otherwise market a live Animal, fowl, reptile, or fish to the general public without utilizing a Fixed Business Location, unless the person obtains a ~~Transient Rental~~ Retail Business license in accordance with the requirements of Chapter 14-6, Article II, of this Code of Ordinances, as amended.

SECTION 10. The Amarillo Municipal Code, Chapter 8-2, Article III, adding Section 8-2-57 to read as follows:

Sec. 8-2-57 Redemption of impounded Animals after adoption.

Upon approval by the Director of Animal Management & Welfare, or designee, and the Executive Director of the Amarillo Panhandle Humane Society, or designee, the Owner of any Animal impounded under the provisions of this article may redeem the Animal by reimbursing the adopter for the adoption fee as well as the reasonable costs for keeping the Animal as determined by the Director of Animal Management & Welfare, or designee, and the Executive Director of the Amarillo Panhandle Humane Society, or designee. The Owner must redeem the Animal within fourteen (14) days after the date of the adoption; otherwise, the Animal becomes the absolute property of the adopter.

Secs. 8-2-57-8-2-70. Reserved.

SECTION 11. The Amarillo Municipal Code, Chapter 8-2, Article IV, Section 8-2-72 be and hereby is amended to now read as follows:

Sec. 8-2-72. - Report of bite cases.

(a) TEXT UNCHANGED

(b) It shall be the duty of every person owning or having custody of an Animal which has bitten a human being to report the same to the Animal Management & Welfare Department, and to confine it in an enclosure or to securely hold the Animal by the means of a ~~chain~~ tether or other device for observation and examination by the Animal Management & Welfare Department. No person having the custody or possession of such Animal shall fail, refuse or neglect to allow an

Animal Management & Welfare Officer to make an inspection or examination of such Animal for the purpose of determining whether such Animal has rabies.

SECTION 12. The Amarillo Municipal Code, Chapter 8-2, Article IV, Section 8-2-73 be and hereby is amended to now read as follows:

Sec. 8-2-73. - Quarantine regulations; pathological examination.

(a) TEXT UNCHANGED

(b) Quarantining shall be at the following places:

(1) – (2) TEXT UNCHANGED

(3) Home quarantine where all of the following requirements are met:

a. TEXT UNCHANGED

b. The Owner of the biting Animal agrees have the Animal inspected by a licensed veterinarian on the first day of isolation and on the day immediately following the ten-day isolation period. The Owner further agrees to furnish the Animal Management & Welfare Department with a certificate of health showing the Animal to be free of rabies. If the Owner of the biting Animal fails to have the Animal inspected on the first day of and on the day immediately following this ten-day observation period as required, an offense shall have been committed.

(c-d) TEXT UNCHANGED

(4) An Animal of unknown ownership will be quarantined at the Animal shelter.

(c) Upon the demand made by the Animal Management & Welfare Department, it shall be unlawful for the Owner to fail to surrender any Animal which has bitten a human ~~or another Animal~~, or which is suspected of having been exposed to rabies, for quarantine, which expense shall be borne by the Owner. Each day that the Owner fails to surrender, for quarantine, any Animal which has bitten a human, or which is suspected of having been exposed to rabies, for quarantine, shall constitute a separate violation.

(d) – (f) TEXT UNCHANGED.

SECTION 13. The Amarillo Municipal Code, Chapter 8-2, Article IV, Section 8-2-75 be and hereby is amended to now read as follows:

(a) It shall be unlawful for any person to kill, or cause to be killed, any rabid Animal, any Animal suspected of having been exposed to rabies or any Animal which has bitten a human or is suspected to have bitten a human, except as provided below, nor to remove same from the City limits without written permission from the Animal Management & Welfare Department.

(b) – (d) TEXT UNCHANGED

SECTION 14. 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 15. 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 and such prior law is continued in effect for purposes of such pending matter.

SECTION 16. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

SECTION 17. 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 _____, 2016; and PASSED on Second and Final Reading the _____ day of _____, 2016.

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William McKamie, City Attorney

DRAFT

Amarillo City Council Agenda Transmittal Memo



3

Meeting Date	4/26/2016	Council Priority	Community Appearance
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Department	Planning Department
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Agenda Caption

ORDINANCE NO. _____:

This is the second reading of an ordinance rezoning of Lot 3 and 4, Block 2, Howell Addition, in Section 135, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Heavy Commercial to Heavy Commercial with Specific Use Permit 182 for placement of a Concrete Batching Plant. This item was recommended for approval by a 7:0 vote of the Planning and Zoning Commission.

Agenda Item Summary

The proposed use is classified as a Concrete Batch Plant, and is allowed by right in a Heavy Industrial zoning district. This is due to the large scope of operations whereby concrete is mixed for the wholesale distribution of cement in the construction of commercial and residential projects. However a Concrete Batch Plant is allowed by a Specific Use Permit in Light Industrial District 1 and Heavy Commercial District. Such an operation creates a significant amount of commercial traffic (cement trucks), dust, and noise. Allowing the proposed use via a specific use permit (SUP) is based on the principle that it has similar characteristics to uses allowed outright in Heavy Commercial Zoning District (HC). Rezoning with a SUP allows staff to review the applicant's proposed site plan and set standards that ensure no detrimental impacts would result if allowed and that the proposed land use would be in character with other land uses allowed within an HC zoning district. Measures indicated on the submitted site plan consist of screening along the property line, controlled hours of operation (7am to 5pm, Monday through Saturday), and an increased landscaping. These appropriate measures will minimize any additional adverse effects than typically allowed in the current zoning district (Heavy Commercial).

As recommended by the City's Comprehensive Plan, the City of Amarillo utilizes the Neighborhood Unit Concept (NUC) of development whenever possible. A core concept of this policy is to have non-residential land uses develop at or near major section-line arterial intersections and transition to progressively more restrictive zoning towards mid-section single-family residential development. As shown by the attached sketch, the southern half of this section line does follow the intent of the NUC, but the northern half does not. Strip development of commercial and industrial use exists along the section line of E. Hastings Ave. The Comprehensive Plan's Future Land Use Map designates this particular area as being appropriate for both industrial and commercial uses.

When analyzing the surrounding development, the properties along E Hastings Ave have developed with both manufacturing and heavy commercial activities. However, many tracts in the area have developed with industrial type uses, such as a large sand storage facility to the west and multiple salvage yards within the block. As mentioned previously, the applicant tract is bounded by the City limits. The City does not enforce zoning in the Extraterritorial Junction (ETJ), therefore industrial uses are common in

Amarillo City Council

Agenda Transmittal Memo



this area.

Requested Action

The applicant is requesting a Specific Use Permit (SUP) in order to develop a concrete batch plant at the site.

Funding Summary

N/A

Community Engagement Summary

The item was distributed to all applicable internal and external entities. No objections were received. Notices have been sent out to property owners within 200 feet regarding this proposed rezoning. At the time of this writing, the Planning Department has not received any telephone calls regarding this request. An update will be provided at the Planning and Zoning Commission meeting should there be any change.

The item was recommended for approval by the Planning and Zoning Commission at its April 11, 2016 Public Meeting.

City Manager Recommendation

Planning and Legal Staff have reviewed the associated Ordinance and exhibit and recommends the City Council approve the item as submitted.

ORDINANCE NO. 7600

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 HASTING AVE & GLENN DRIVE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has held public hearings on proposed zoning changes on the property hereinafter described and has filed its final recommendation and report on such proposed zoning changes with the City Council; and,

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

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

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

Rezoning of Lot 3 and 4, Block 2, Howell Addition, in Section 135, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Heavy Commercial to Heavy Commercial with Specific Use Permit 182 for placement of a Concrete Batching Plant.

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

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

SECTION 4. 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 ____ day of April, 2016 and PASSED on Second and Final Reading on this the _____ day of April, 2016.

Paul Harpole, Mayor

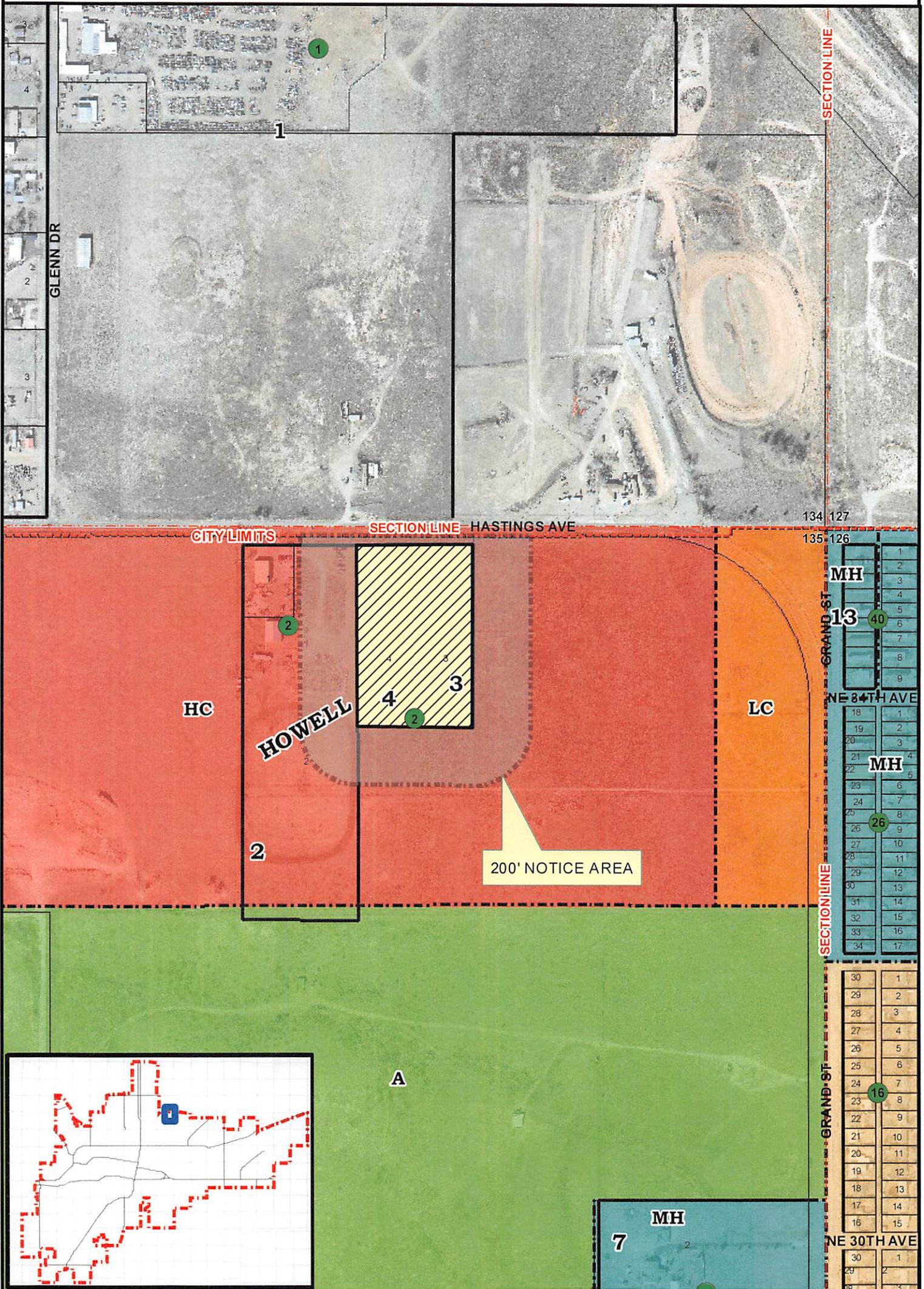
ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

REZONING FROM HC TO HC W/ SUP



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1" = 400'
Date: 3-18-16
Case No: Z-16-14



Z-16-14 Rezoning of Lot 3 and 4, Block 2, Howell Addition, in Section 135, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Heavy Commercial to Heavy Commercial with a specific use permit for placement of a Concrete Batching Plant.

Applicant: Genaro Chavez

Vicinity: Hasting Ave & Glenn Dr.

AP: P-9

Amarillo City Council Agenda Transmittal Memo



Meeting Date	4/26/2016	Council Priority	Community Appearance
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Department	Planning Department
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Agenda Caption

ORDINANCE NO. _____:

This is the second reading of an ordinance rezoning of Lot 22G, Block 23, Glendale Addition, in Section 5, Block 9, BS&F survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from General Retail District to Planned Development District for General Retail uses and specific Light Commercial uses. This item was recommended for approval by a 7:0 vote of the Planning and Zoning Commission.

Agenda Item Summary

The applicant is requesting Planned Development zoning in order to be allowed to develop the tract with uses allowed by the current GR zoning and other specific uses that are not allowed in GR zoning districts, but are allowed in Light Commercial (LC) zoned districts.

Below is a list of proposed Light Commercial uses to be allowed by the Planned Development:

- Automobile Repair Garage
- New or Used Auto Sales and Rental (Outdoor Lot)
- Motorcycle or Scooter Sales and Repair
- Tool and Light Vehicle Retail and Sales (Not Heavy Machinery)
- Animal Clinic or Hospital (No Outside Pens)
- Wholesale Bakery
- Cabinet and Upholstery Shop
- Laboratory Manufacturing
- Laboratory (Scientific or Research)
- Maintenance and Repair Service for Buildings
- Plumbing Shop
- Mini-Storage Warehouse
- New Building Material Sales and/or Storage
- Portable Building Sales

Other specific development standards:

- Outdoor storage will be allowed if deemed as an accessory use and must be screened according to Section 4-10-268 of the City of Amarillo's Zoning Ordinance.
 - Any development of the tract will be subject to the City's Landscape Ordinance. However, the location of any required landscaping will be subject to review and approval by City Staff through the Site Plan review process.
-

Amarillo City Council

Agenda Transmittal Memo



Requested Action

The applicant is requesting Planned Development zoning in order to be allowed to develop the tract with uses allowed by the current GR zoning and other specific uses that are not allowed in GR zoning districts, but are allowed in Light Commercial (LC) zoned districts.

Funding Summary

N/A

Community Engagement Summary

The item was distributed to all applicable internal and external entities. At the time of this report, the Planning Department has received five calls from area property owners. Once the details of the request were explained, all callers expressed opposition. Concerns cited include: Children sometime play in the alley and callers were afraid that a LC business would bring in large trucks and potential safety hazards. It was also expressed that a LC business located so closely to single-family homes may decrease property values and negatively impact the neighborhood.

The item was recommended for approval by the Planning and Zoning Commission at its April 11, 2016 Public Meeting. At this meeting, there were no negative comments received.

City Manager Recommendation

Planning and Legal Staff have reviewed the associated Ordinance and exhibit and recommends the City Council approve the item as submitted.

ORDINANCE NO. 7601

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 BELL ST AND HILLSIDE RD, RANDALL COUNTY, TEXAS;
PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has held public hearings on proposed zoning changes on the property hereinafter described and has filed its final recommendation and report on such proposed zoning changes with the City Council; and,

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

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

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

Rezoning of Lot 22G, Block 23, Glendale Addition, in Section 5, Block 9, BS&F survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from General Retail District to Planned Development District for General Retail uses and specific Light Commercial uses.

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

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

SECTION 4. 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 ____ day of April, 2016 and PASSED on Second and Final Reading on this the _____ day of April, 2016.

Paul Harpole, Mayor

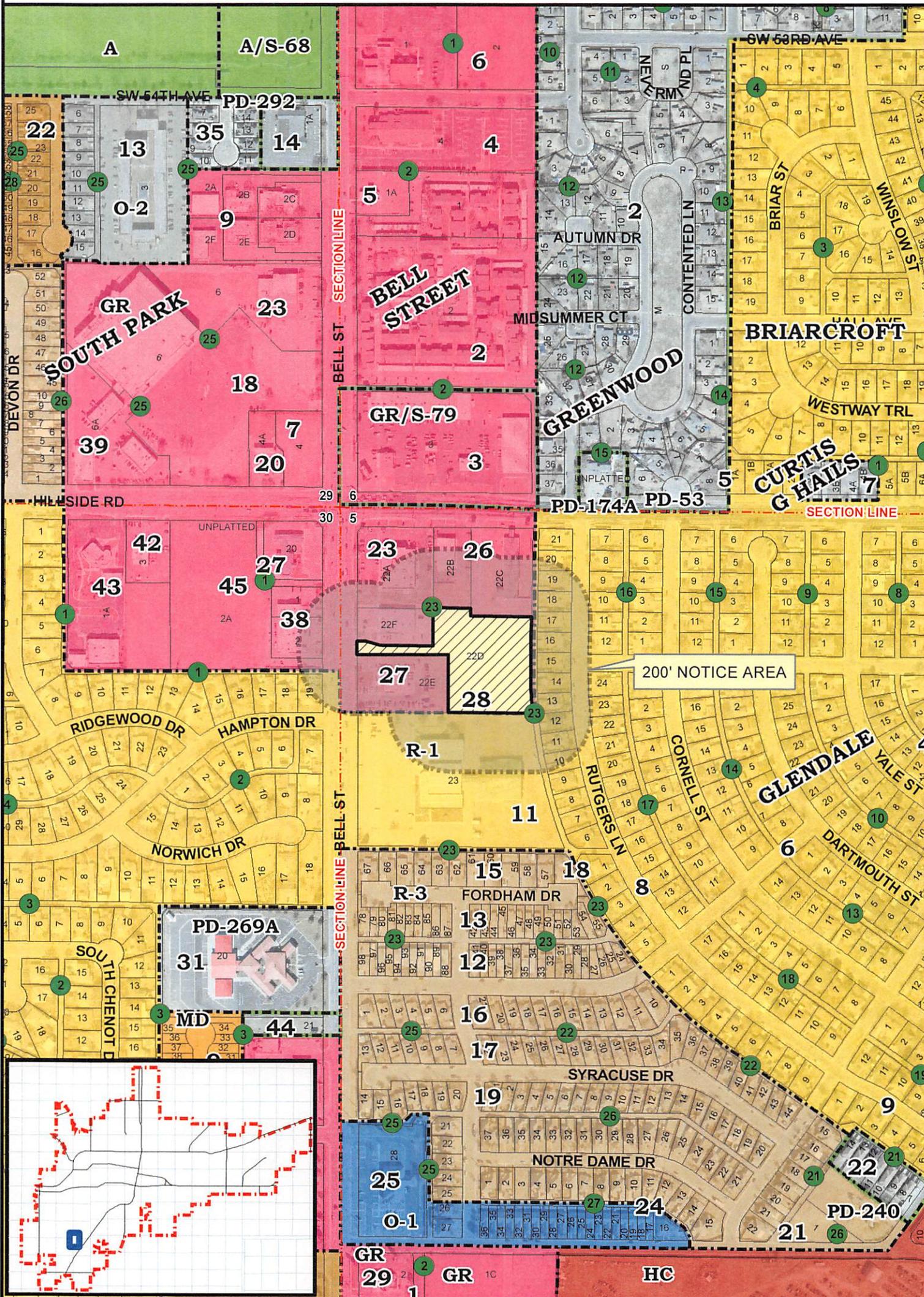
ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

REZONING FROM GR TO PD



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1" = 400'
 Date: 3-31-16
 Case No: Z-16-15



Z-16-15 Rezoning of Lot 22G, Block 23, Glendale Addition, in Section 5, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from General Retail District to planned development district for Light Commercial uses.

Developer: Dick Ford
 Surveyor: Bell St & Hillside Rd



RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO ESTABLISHING THE PROCESS AND PROCEDURE TO BE FOLLOWED TO APPOINT A MEMBER TO FILL A VACANCY IN PLACE 2 ON THE CITY COUNCIL

WHEREAS, upon the effective date of resignation of a member of the City Council, a vacancy will be created; and

WHEREAS, the Charter of the City of Amarillo provides that the remaining members of the Council are to select a member to serve the unexpired term of the vacant position; and

WHEREAS, the City Council deems it advisable to establish a process and procedure to be followed to appoint a member to fill the vacant position;

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

SECTION 1. Upon determination that a vacancy will occur in Place 2 on the City Council, the process and procedure described herein shall be employed by the City Council to fill the vacant position;

SECTION 2. The process and procedure is as follows:

1. The entire Council member appointment process will be conducted in open sessions of the City Council.
2. Individuals who wish to be considered for the Place 2 position on the Council must meet the requirements of Art. V, Sec. 4 of the Charter of the City of Amarillo. Generally, the Charter sets forth the following qualifications:
 - Resident of the city for at least twelve months prior to appointment.
 - Registered voter of the City of Amarillo.
 - Not indebted to the City.
 - Holds no other public office.
 - Not interested in a current contract with the City.
3. Interested individuals should submit to the City Secretary's Office the following information:
 - Cover letter expressing interest in the position.
 - Current resume identifying qualifications to serve as a member of the Council.
 - Completed City Council Place 2 Application Form. (copy attached)

The City Council Place 2 Appointment Form and other information regarding the appointment process can be found on the City website – www.amarillo.gov.

4. In order to be considered for appointment to the Place 2 City Council position, interested individuals must submit the requested information in paragraph 3, above. Incomplete applications will not be considered. No exceptions will be made.
5. The Application Process opens **May 4** and ends **May 31, 2016**.
6. All applications will be reviewed and vetted by the City Secretary for compliance with the City Charter requirements. Applicants who are indebted to the City will be notified of their indebtedness and provided an opportunity to resolve their debt prior to Council making a determination of finalists.
7. After the closing of the application period, the City Secretary will transmit all applications to members of the City Council in a notebook for their review and evaluation.

8. The City Council will select finalists to be interviewed in public during a Regular Meeting of the City Council, or upon such other day assigned for interviews by the entire Council. It is anticipated that three to five candidates will be selected for finalist interviews. The City Secretary will notify finalists of the date and time scheduled for interviews.
9. In the event a finalist fails to honor the public interview date and time, the applicant will be deemed to have withdrawn their application, and will not be eligible for further consideration by the Council.
10. Each of the remaining City Councilmembers shall provide two questions to be asked to each finalist. All questions will be made available to all finalists prior to the interviews.
11. Tentatively, the appointment to fill the vacant position on the City Council is scheduled to be voted upon at the Regular Meeting of the City Council on August 2, 2016.
12. Upon appointment, the new Councilmember will be administered the Oath of Office, and will assume the duties of the position at the next Regular Meeting of the City Council after the appointment is made.

SECTION 3. In accordance with the City Charter, the City Council position appointment is for the unexpired term of Place 2 on the Council. Place 2 is subject to election at the Officers' Election on May 6, 2017.

AND IT IS SO RESOLVED.

PASSED AND APPROVED THIS 26th DAY OF APRIL, 2016.

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

Amarillo City Council Appointment Process and Procedure

The following process will be used by the Amarillo City Council to name a replacement Council Member for Place 2 on the Amarillo City Council.

1. The entire Council member appointment process will be conducted in open sessions of the City Council.
2. Individuals who desire to be considered for the Place 2 seat on the Council must meet the requirements of Article V Section 4 – Qualifications of the Amarillo City Charter. Generally, the City Charter sets forth the following qualifications:
 - Resident of the City, for at least twelve months prior to appointment.
 - Registered voter.
 - Not indebted to the City.
 - Holds no other public office.
 - Not interested in current contract with the City.

Persons interested in the position should read Article V Section 4 – Qualifications before submitting the requested information.

3. In order to be considered for appointment to the Place 2 seat, interested individuals must submit the requested information in Item 4. No exceptions will be made.
4. Interested individuals should submit to the City Secretary’s Office the following information:
 - a. Cover letter expressing interest in the Council seat
 - b. Current resume identifying their qualifications to serve as a member of Council
 - c. Complete City Council Place 2 Appointment Form

City Council Place 2 Appointment Form and other essential information regarding the Appointment Process can be obtained from the City of Amarillo’s website www.amarillo.gov.

5. The Application Process opens **May 4, and ends May 31, 2016**.
6. All applications will be vetted by the City Secretary for compliance with Article V Section 4 – Qualifications. Individuals who are indebted to the City will be notified of their indebtedness and provided an opportunity to settle their debt prior to Council making a determination of finalists.
7. After the closing of the application period (May 31, 2016), the City Secretary will transmit all applications to members of Council in a notebook for Council review and evaluation.
8. The City Council will name **_____ ????** finalists to be interviewed by the Council at a public meeting of the Council. Finalists will be notified of the date and time for interviews by the City Secretary.
9. In the event a finalist fails to honor the public interview date and time, it will be deemed the applicant has withdrawn his/her application for further consideration by Council.

Amarillo City Council Appointment Process and Procedure

10. Should the finalist list be reduced from the original list established by Council due to withdrawal of an applicant, the next person on the prioritized list of candidates will be added to the finalist list by Council.
11. Each finalist will be provided a list of questions to be asked by Council during the public interview session.
12. Tentatively, the appointment to fill the vacant Council seat is scheduled to be voted on at the ? City Council meeting. (Subject to change).
13. The appointed Council member will take the oath of office and assume Place 2 position at the next regularly scheduled meeting of the City Council after the appointment is made.

Amarillo City Council Appointment Process and Procedure

CITY COUNCIL Place 2 Appointment City of Amarillo 509 Southeast 7th Avenue, Amarillo, TX 79105 (806) 378-3000 Main (806) 378-9394 Fax

Citizens interested in being considered for appointment to fill the vacancy on Place 2 of the Amarillo City Council may utilize this form or download the form at www.amarillo.gov, City Secretary, Volunteer forms. Applications for the City Council position will be accepted daily from **May 4, 2016 through May 31, 2016**. As provided in Article V Section 4 – Qualifications of the Amarillo City Charter and the Texas Election Code, each applicant:

1. Resident of the City, for at least twelve months prior to appointment.
2. Registered voter.
3. Not indebted to the City.
4. Holds no other public office.
5. Not interested in current contract with the City.

Cover letter and Resumes are required.

All information provided to the City is subject to the Open Records Act/Texas Public Information Act. If appointed, the applicant may elect to have home address, home telephone number and family member information excluded from disclosure requirements.

Name (Please print): _____ Phone (h): _____

Address: _____ Phone (work or cell): _____

Address: _____ E-Mail Address: _____

Resident of Amarillo since: _____ (mm/day/yy) FAX (h/w): _____

Voter Registration ID#: _____ DOB: _____

Occupation or area of expertise: (*Attach copy of resume or expertise summary*): _____

Previous public service and entity served: _____

Have you ever attended any public meeting of the City? (If yes, please state which meeting(s): _____

Previous civic involvement; position(s) held, if any: _____

Please sign and send this form to frances.hibbs@amarillo.gov or return this form by mail to to City Hall in a sealed envelope marked ATTN: Frances Hibbs, City Secretary.

As a registered voter in the City of Amarillo, I am interested in being considered for appointment to City Council, Place 2. I have read and understand the guidelines set out in this application. The foregoing statements are true, accurate, and complete. I agree that any misrepresentation or

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omission of facts may result in my disqualification for appointment or termination of the appointment.

Signature of Applicant

Date

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The following informational items are being provided to all applicants for Place 2 Council seat.

- 1) Texas statutes require all members of the City Council and key appointed officials of the City to complete financial disclosure statements. During the term of service as Place 2 Council member, the appointed member will be required to complete a financial disclosure statement as prescribed by law.
- 2) Council Seat, Place 2 is scheduled for election on **May 6, 2017**. *Filing information for places on the ballot will be available on our City's website at www.amarillo.gov beginning in December 2016 and throughout the election process.
- 3) The Amarillo City Council meets every Tuesday unless rescheduled by a majority vote of the Council. Council convenes in Worksession at 4 pm with its regular meeting beginning at 5 pm. Depending on the volume of Council business; the Council may convene its Worksessions at an earlier start time on Tuesdays.
- 4) Applicants may wish to contact the City Manager to receive a briefing on current issues of the City government. Depending on the number of requests, the City Manger may set briefings with several applicants simultaneously to accommodate schedules.
- 5) Once the City Council has made its appointment to Place 2, a mandatory (Adopted Council Policy and Procedures) Council Orientation will be conducted by the Mayor and City Manager.

Amarillo City Council Agenda Transmittal Memo



Meeting Date	April 26, 2016	Council Priority	Community Appearance & Address Disadvantaged Areas of the Community
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Department	Building Safety
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Agenda Caption

RESOLUTION – CALLING A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN CONDITIONS DESCRIBED HEREIN CONSTITUTE PUBLIC A NUISANCE AT THE LOCATION(S) STATED:

This resolution sets the date and time for a public hearing on May 17, 2016, at 5:00 p.m. to determine if the property at 1107 North Bolton Street constitutes a public nuisance and thereby declared as a dangerous structure and order the removal of such. A copy of this resolution will be mailed to all interested parties providing ten (10) days notice of public hearing.

Agenda Item Summary

This item sets the date for a public hearing to determine if the property at 1107 N Bolton Street which consists of a manufactured home constitutes a public nuisance and thereby declared as a dangerous structure and order the removal of such.

Requested Action

Adopt the resolution to establish the date for a public hearing.

Funding Summary

The property owner is responsible to pay all costs associated with the Dangerous Structure process and to abate any nuisances. The property owner will be billed for costs incurred. However, this property is in the Community Development Block Grant (CDBG) target area and if the owner qualifies, CDBG funding may be utilized to pay invoiced costs.

Community Engagement Summary

- A Building Safety Inspector identified the abandoned manufactured home while canvassing the neighborhood in the normal course of duties. Posted the property as unsafe. Initiated the Dangerous Structure process.
- This property is located next to a railroad track and is in close proximity to an Outreach Facility.
- Safety and aesthetics of the community as identified through public meetings in the development of Amarillo's Comprehensive Plan.

Staff Recommendation

It is the staff's recommendation to adopt the resolution setting the date for a public hearing.

RESOLUTION NO. _____

A RESOLUTION CALLING A PUBLIC HEARING TO DETERMINE WHETHER CERTAIN CONDITIONS DESCRIBED HEREIN CONSTITUTE A PUBLIC NUISANCE AT THE LOCATION(S) STATED; PROVIDING FOR NOTICE.

WHEREAS, the Building Official has determined that the conditions described below are unsafe and dangerous and must be abated by demolition and/or removal from the premises; and,

WHEREAS, the Building Official has given notice of the nuisance to the Interested Persons of each of the properties as required by the ordinances of the City; and,

WHEREAS, the Interested Persons whose name appear below in connection with the description of the various improvements and/or conditions have failed, neglected or refused to comply with such notice by the Building Official;

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

SECTION 1. This Council shall conduct a public hearing on the 17th day of May, 2016 at 5:00 o'clock p.m. in its Council Chambers in the Municipal Building in the City of Amarillo, Potter County, Texas, for the purpose of determining whether the conditions described below are a dangerous structure and/or a public nuisance, and the Interested Persons whose name appear below are hereby summoned to appear before this Council at such time and place and testify as to the issue to be decided.

Street Address, Legal Description, Interested Persons & Address and Nature of Nuisance

ADDRESS: 1107 N Bolton St

LEGAL: Lot: 15, Block: 36, East Amarillo #1 Addition to the City of Amarillo, Potter County, TX

INTERESTED PERSONS: Ruben Porras, 368 Callahan Rd SE, Dalton GA 30721-4901

NATURE OF NUISANCE: This property consists of a manufactured home. The structure is unsecured and open. The roof has partially blown off. Little effort has been made to remove or repair this structure. The structure is considered to be fire, health and safety hazard and an attractive nuisance to the community.

SECTION 2. A copy of this resolution shall be mailed to the Interested Persons of the premises described below at least ten (10) days prior to the date herein set for the public hearing, and notice of said hearing shall be published one (1) time in a newspaper of general circulation in the City of Amarillo, Texas.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on this ____ day of _____ 2016.

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

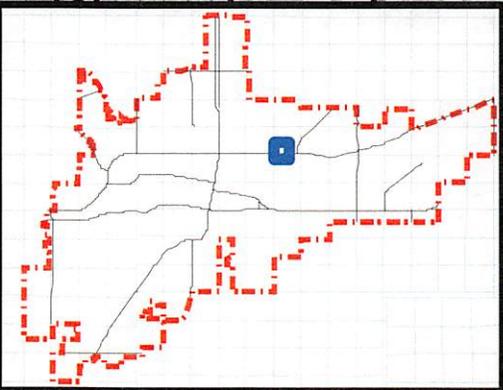
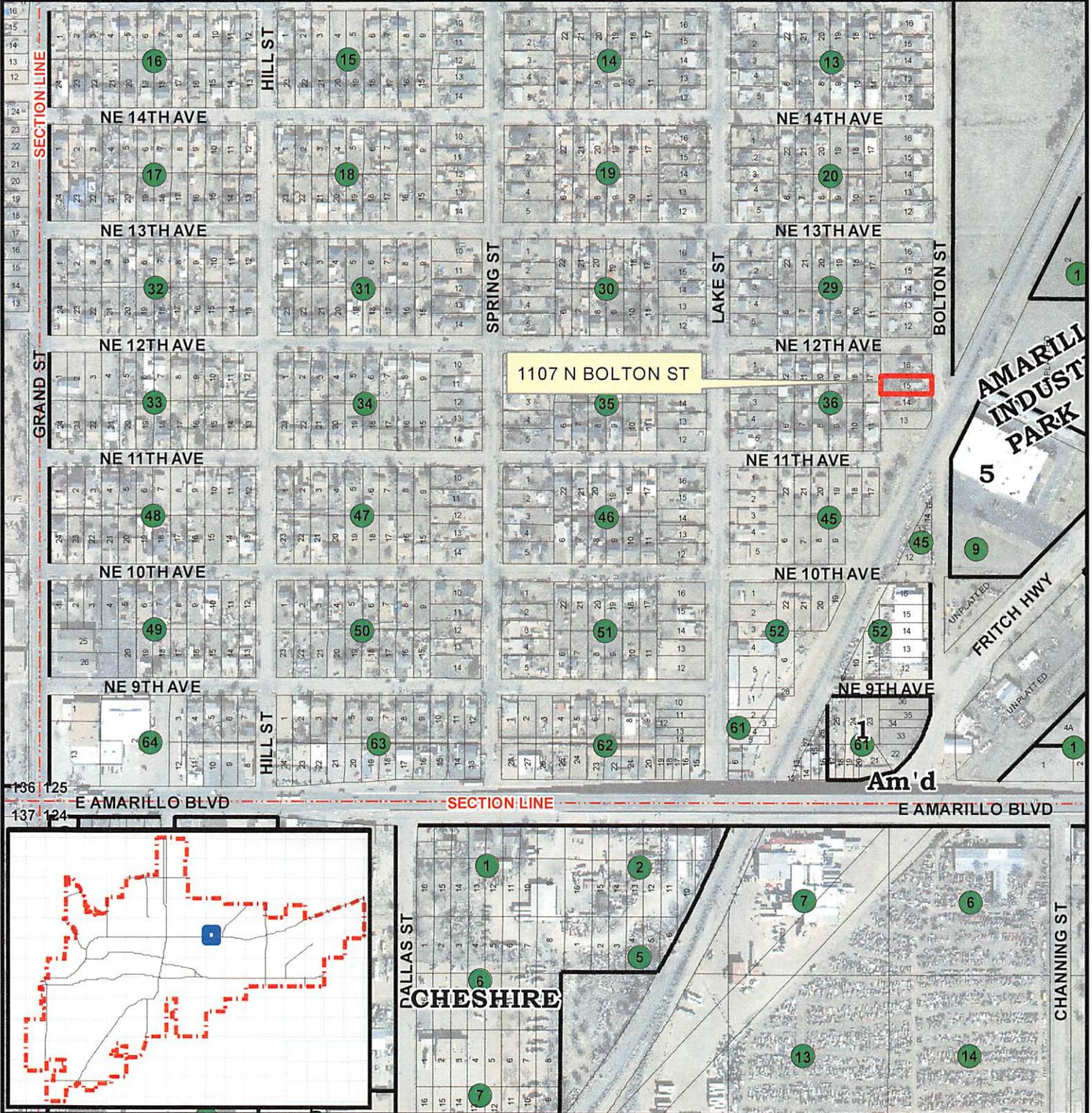


02 29 2016



02 29 2016

DANGEROUS STRUCTURE AT 1107 N BOLTON ST



**CITY OF AMARILLO
BUILDING SAFETY DEPARTMENT**

1107 N Bolton St - Lot 15, Block 36, East Amarillo Addition Unit No. 1, Section 125, Block 2, AB&M Survey, Potter County, Texas.

Parcel # 018-0100-2115

Scale: 1" = 400'
Date: 3-24-16
Vicinity: N Bolton St & NE 12th Ave



Amarillo City Council Agenda Transmittal Memo



Meeting Date	April 26, 2016	Council Priority	N/A
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Department	Central Stores
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Agenda Caption

Award – Traffic Bead and Traffic Paint Supply Agreement	
Potters Industries LLC	\$22,720.00
Ennis Paint Inc	\$ 8,800.00
Sherwin Williams Co.	<u>\$89,760.00</u>
Total	\$121,280.00

This award is to approve an annual contract for the purchase of Traffic Beads and Traffic Paint Supply agreement.

Agenda Item Summary

Award of Traffic Beads and Traffic Paint to be used by the Traffic Department.

Requested Action

Consider approval and award for the City Annual Supply Contract for Traffic Beads and Traffic Paint.

Funding Summary

Funding for this award is available in the Central Stores Inventory Account 1000.15400.

Community Engagement Summary

N/A

Staff Recommendation

City Staff is recommending approval and award of the contract.

To be awarded by line	POTTERS INDUSTRIES LLC	ENNIS PAINT INC	SHERWIN WILLIAMS COMPANY	SWARCO	ALLSTATES COATING COMPANY	OZARK MATERIALS LLC	CENTERLINE SUPPLY INC	AMERICAN TRAFFIC PRODUCTS	PATHMARK TRAFFIC PRODUCTS OF TEXAS
Line 1 Bead, drop on glass traffic dual coated, per specifications 1,600 ea									
Unit Price	\$14.200	\$19.75	\$47.500	\$15.50	\$0.00	\$0.00	\$18.35	\$30.50	\$22.00
Extended Price	22,720.00	25,200.00	76,000.00	24,800.00	-	-	29,360.00	48,800.00	35,200.00
Line 2 Traffic paint, white, 5 gallon bucket, per specifications 100 ea									
Unit Price	\$0.000	\$44.00	\$46.750	\$0.00	\$47.00	\$44.95	\$46.00	\$51.00	\$65.00
Extended Price	-	4,400.00	4,675.00	-	4,700.00	4,495.00	4,600.00	5,100.00	6,500.00
Line 3 Traffic paint, white, 55 gallon drum, per specifications 100 ea									
Unit Price	\$0.000	\$459.25	\$454.850	\$0.00	\$463.91	\$484.00	\$507.00	\$561.00	\$888.00
Extended Price	-	45,925.00	45,485.00	-	46,391.00	48,400.00	50,700.00	56,100.00	88,800.00
Line 4 Traffic paint, yellow, 5 gallon bucket, per specifications 100 ea									
Unit Price	\$0.000	\$44.00	\$45.850	\$0.00	\$48.38	\$48.70	\$46.00	\$50.50	\$65.00
Extended Price	-	4,400.00	4,585.00	-	4,838.00	4,870.00	4,600.00	5,050.00	6,500.00
Line 5 Traffic paint, yellow, 55 gallon drum, per specifications 100 ea									
Unit Price	\$0.000	\$459.25	\$442.750	\$0.00	\$467.12	\$504.90	\$507.00	\$555.50	\$888.00
Extended Price	-	45,925.00	44,275.00	-	46,712.00	50,490.00	50,700.00	55,550.00	88,800.00
Bid Total	22,720.00	125,850.00	175,020.00	24,800.00	102,641.00	108,255.00	139,960.00	170,600.00	225,800.00
Award by Vendor	22,720.00	8,800.00	89,760.00						

BOARDS AND COMMISSIONS – VACANCIES

Board of Review-Landmarks & Historic District (3-year terms)

06/19/2001	Carson Burgess	05/21/2015
08/27/2008	Kim Crawford	05/21/2016
11/27/2012	L.V. Perkins	05/21/2015
11/27/2012	Tom Thatcher	05/21/2015
07/13/2004	Mason Rogers	05/21/2016 (resigned)
09/23/2008	Howard Smith	05/21/2016 (resigned)

Planning and Zoning Commission (3-year terms)

06/28/2011	David Craig	05/15/2016
05/14/2014	Mark Rowh	05/15/2017 (resigned)

Traffic Advisory Board (3-year term)

04/27/2010	D.J. Stubben	05/07/2016
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