

## AGENDAS

FOR THE AMARILLO CITY COUNCIL WORK SESSION TO BE HELD ON TUESDAY, FEBRUARY 20, 2018 THE AMARILLO CITY COUNCIL WILL DEPART FROM CITY HALL, 509 SOUTHEAST 7<sup>TH</sup> AVENUE AT 1:00 P.M. FOR A TOUR OF VARIOUS CITY FACILITIES (WITH THE PUBLIC PORTION OF THE TOUR COMMENCING AT APPROXIMATELY 1:30 P.M. AT THE CHARLES E. WARFORD ACTIVITY CENTER) AND RETURNING TO CITY HALL AT APPROXIMATELY 3:30 P.M. (NO VOTE OR DECISIONS WILL BE MADE BY THE AMARILLO CITY COUNCIL DURING THE TOUR) AND THE REGULAR MEETING OF THE AMARILLO CITY COUNCIL AT 5:00 P.M., CITY HALL, 509 SOUTHEAST 7<sup>TH</sup> AVENUE, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

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*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) City Council Tour of Various City Facilities;
  - (2) Review agenda items for regular meeting and attachments;
  - (3) Update on Prescribed Burn – Fire Department;
  - (4) Update from Environmental Task Force – Recycling;
  - (5) MPEV Construction and Construction Manager at Risk process update;
  - (6) Discuss Other Potential Council Policies; and
  - (7) Consider future Agenda items and request reports from City Manager.
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### REGULAR MEETING ITEMS

**INVOCATION:** Pam Beckham

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

1. **CONSENT AGENDA:**

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

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

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting held on February 13, 2018.

- B. **CONSIDER – TUBERCULOSIS STATE GRANT:**  
 (Contact: Casie Stoughton, Director of Public Health)  
 Grant Amount -- \$60,224  
 Grantor: Texas Department of State Health Services  
 This item accepts the award from the Texas Department of State Health Services from September 1, 2018 thru August 31, 2019 to continue funding to prevent and control the transmission of active and latent tuberculosis.
- C. **CONSIDER – AWARD A CONTRACT TO ASCENT HEALTH CONSULTING TO CONDUCT COMMUNITY HEALTH ASSESSMENT:**  
 (Contact: Casie Stoughton, Director of Public Health)  
 Contract to Ascent Health Consulting in the amount of \$83,395  
 This item awards the contract to Ascent Health Consulting to conduct a comprehensive Community Health Assessment to fully understand the health needs of the citizens of the Bi-City County Health District. The Community Health Assessment will include telephone survey, focus groups, and key informant survey.
- D. **CONSIDERATION OF PROFESSIONAL SERVICES TO CONDUCT RADIO SYSTEM COVERAGE TESTING:**  
 (Contact: Kevin Starbuck, Assistant City Manager)  
 Award to AECOM Technical Services, Inc.  
 Original Consulting Services Agreement: \$540,244.00  
 Previous Change Order: \$6,015.00  
 (Frequency Coordination)  
 Current Change Order: \$177,668.00  
 (RaCE Coverage Testing)  
 Total Consulting Services Agreement: \$723,927.00  
 As part of the final acceptance testing of the Motorola P25 Phase II 700/800 MHz radio communications system, the City of Amarillo has required an independent evaluation of radio system coverage to ensure compliance with system specifications. AECOM Technical Services, Inc. has provided consulting services for the project and is selected to conduct the Radio Coverage Evaluator or RaCE coverage testing to verify system performance.
- E. **APPROVAL – AVIATION CLEAR ZONE EASEMENT:**  
 (Contact: AJ Fawver, Planning and Zoning Director)  
 Aviation Clear Zone Easement, being 4,550 feet above mean sea level above the plat of Arrowhead Addition Unit No. 10, an addition to the City of Amarillo, being an unplatted tract of land in Section 149, Block 2, AB&M Survey, Randall County, Texas.

## REGULAR AGENDA

2. **DISCUSSION AND CONSIDERATION OF ORDINANCE NO. 7711:**  
 (Contact: Michelle Bonner, Deputy City Manager)  
 This is the first and final reading of an ordinance to discuss and consider all matters incident and related to the issuance and sale of "City of Amarillo, Texas, Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018," including the adoption of an ordinance authorizing the issuance of such bonds.
3. **RESOLUTION – AUTHORIZING THE CITY TO REIMBURSE EXPENDITURES WITH PROCEEDS FROM FUTURE DEBT:**  
 (Contact: Michelle Bonner, Deputy City Manager)  
 This resolution preserves the City's ability to reimburse capital expenditures from the "City of Amarillo, Texas, Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018."
4. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7712:**  
 (Contact: Michael W. Conner, Director of Aviation)  
 This is a public hearing and first reading of an ordinance for commercial ground vehicle operators at the Rick Husband Amarillo International Airport (Airport). The City of Amarillo and Department of Aviation propose this ordinance as

authorized through the Texas Legislature, Texas Occupations Code Chapter 2402. The proposed ordinance authorizes reasonable fees and regulation on commercial ground vehicle operators, to include Transportation Network Companies (TNCs), e.g., Uber and Lyft. As proposed in the ordinance, the funding mechanism and regulatory operating standards are focused to accomplish the following objectives: establish uniform commercial ground vehicle operating standards, provide revenues to maintain airport systems that support commercial ground vehicle traffic on the airport, and to compensate the airport for administration and enforcement of the operating standards. The Airport's Rules and Regulations document shall be the guiding standard for commercial ground vehicle operations at the Rick Husband Amarillo International Airport.

5. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7713:**

(Contact: AJ Fawver, Planning and Zoning Director)

This is the first reading of an ordinance considering possible approval of the vacation of 80' ROW known as South Monroe Street between Block 192 and Block 193 in Plemons Unit No. 1 and the southern 14' of 80' ROW known as Southwest 14th Avenue located along Block 192 in Plemons Unit No. 1, both in Section 170, Block 2, AB&M Survey, Potter County, Texas. This vacation was reviewed and recommended for approval by a 5:0 vote from the Planning and Zoning Commission. (Vicinity: South Monroe Street and Southwest 14th Avenue.)

6. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7714:**

(Contact: AJ Fawver, Planning and Zoning Director)

This is a public hearing and first reading of an ordinance rezoning a portion of Lot 3, Block 186; Lots 2, 3, and portion of Lot 1 in Block 192; and all of Block 193 in Plemons Unit No.1, in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 120 and 130 (PD-120 and PD-130) to Multiple Family District 2 (MF-2). (Vicinity: Southwest 15<sup>th</sup> Avenue and South Monroe Street.)

7. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7715:**

(Contact: AJ Fawver, Planning and Zoning Director)

This is a public hearing and first reading of an ordinance rezoning Lot 1, Block 27, Lawrence Park Unit No. 16, in Section 227, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 354 (PD-354) to Light Commercial (LC). (Vicinity: Southwest 27<sup>TH</sup> Avenue and Britain Drive.)

8. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7716:**

(Contact: AJ Fawver, Planning and Zoning Director)

This is a public hearing and first reading of an ordinance rezoning of a 31,500 +/- square foot tract of land out of Section 43, Block 9 BS&F Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural (A) to Office 2 (O2). (Vicinity: South Coulter and Outlook Drive.)

9. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7717:**

(Contact: AJ Fawver, Planning and Zoning Director)

This is a first reading to consider providing a variance to distance regulations prohibiting the sale or alcoholic beverages within 300 feet of a public school. The City Council, as the governing board of the City of Amarillo, Texas, and pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, may grant a variance to Section 14-3-5 of the City of Amarillo Municipal Code (enacted pursuant to Section 109.33(a)(1) of the Texas Alcoholic Beverage Code) for off-premise consumption at the following location: Lot 1, Block 4, Western Express Unit No. 1, in Section 229, Block 2, AB&M Survey, Randall County, Texas.

10. **RESOLUTION – AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2018 WORKING RANCH COWBOYS ASSOCIATION’S WORLD CHAMPIONSHIP RANCH RODEO:**  
(Contact: Sherman Bass, Civic Center Manager)  
This resolution authorizes 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.
11. **RESOLUTION – AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2018 AMERICAN QUARTER HORSE ASSOCIATION’S ADEQUAN SELECT WORLD CHAMPIONSHIP SHOW EVENT:**  
(Contact: Michelle Bonner, Deputy City Manager)  
This resolution authorizes the City to seek and distribute State funds, pursuant to article 5190.14, Section 5C of the Texas Revised Civil Statutes, in cooperation with the Amarillo-Potter Event Venue District, for the qualifying event.
12. **RESOLUTION – ESTABLISHING CITY OF AMARILLO BUDGET POLICIES:**  
(Contact: Michelle Bonner, Deputy City Manager)  
This resolution establishes the City Council Budget Policy document.
13. **CONSIDER AUTHORIZATION –TO ENTER INTO A PARTICIPATION AGREEMENT BETWEEN CITY OF AMARILLO AND 79101 PROPERTIES, LP FOR POLK STREET STREETScape IMPROVEMENTS:**  
(Contact: Kyle Schniederjan, City Engineer)  
This item is to authorize the City Manager to enter into a participation agreement with 79101 Properties, LP for the construction of Streetscape Improvements to Polk Street adjacent to newly re-developed property at 626 South Polk Street. (The Streetscape Improvements are required under downtown urban design standards.) These same streetscape improvements are part of the Proposition 1 projects included in the 2019 Community Investment Program to be built with city funds. The agreement authorizes 79101 Properties, LP to construct the streetscape improvements now (in the public right of way) instead of waiting until 2019 as proposed in the Community Investment Program. Approval will result in cost savings for the city. 79101 Properties, LP will be reimbursed from funds dedicated to that same right of way in the voter approved Proposition 1 projects included in the 2019 Community Investment Program. All public improvements will be constructed in accordance with approved permits and applicable Municipal Code. Approval will authorize the City to participate at 30% of the total cost of public infrastructure improvements in accordance Texas Local Government Code 212.071.

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (Southeast 7<sup>th</sup> 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 16th day of February 2018.

Amarillo City Council meetings stream live on Cable Channel 10 and are available online at:  
[www.amarillo.gov/granicus](http://www.amarillo.gov/granicus)  
*Archived meetings are also available.*

A



STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 13th day of February 2018, the Amarillo City Council met at 4:00 p.m. for a work session, and the regular session was held at 5:00 p.m. in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

GINGER NELSON  
ELAINE HAYS  
FREDA POWELL  
EDDY SAUER  
HOWARD SMITH

MAYOR  
COUNCILMEMBER NO. 1  
COUNCILMEMBER NO. 2  
COUNCILMEMBER NO. 3  
COUNCILMEMBER NO. 4

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

JARED MILLER  
MICHELLE BONNER  
MICK MCKAMIE  
ANDREW FREEMAN  
FRANCES HIBBS

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

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

**PUBLIC COMMENT:**

James Schenck, 6216 Gainsborough Street, stated the job fair received a good response. He stated he has been involved with the design of baseball fields and he was concerned about the dugout suites because fans would sit further from the game. He also inquired if all the suites were purchased. There were no further comments.

**ITEM 1:** Mayor Pro Tem Sauer 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 Items A-B and D-E of the consent agenda, seconded by Councilmember Smith.

Voting AYE were Mayor Pro Tem Sauer, Councilmembers Hays, Powell and Smith; voting NO were none; the motion carried by a 4:0 vote of the Council.

Sherman Bass, Civic Center Manager, spoke on Item 1C. He stated the digital sign would be replaced but the structure would remain the same. Motion was made by Councilmember Powell to approve Item 1C, seconded by Councilmember Hays.

Voting AYE were Mayor Pro Tem Sauer, Councilmembers Hays, Powell and Smith; voting NO were none; the motion carried by a 4:0 vote of the Council.

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting and special meeting held on February 6, 2018.

B. **ORDINANCE NO. 7710:**

(Contact: Jared Miller, City Manager)

This is the second and final reading of an ordinance to consider amending Ordinance No. 7700 to revise the guidelines for appointments to the Beautification and Public Arts Advisory Board.

- C. **CONSIDER AWARD -- PURCHASE OF REPLACEMENT LED MARQUEE FOR CIVIC CENTER COMPLEX:**  
(Contact: Bo Fowlkes, Assistant General Manager)  
Award to Wellborn Sign Company/Daktronics -- \$83,492.50  
This is a replacement of the digital marquee sign included in the outdoor monument at the Civic Center Complex located on Buchanan Street. Funding for this award is available in the FY 2016 Capital Improvement Fund for the Civic Center Complex.
- D. **CONSIDER APPLICATION FOR A TXDOT GRANT TO CONDUCT PLANNING FOR DEVELOPMENT OF A MULTIMODAL TRANSIT FACILITY:**  
(Contact: Marita Wellage-Reiley, Transit Director)  
This item is for the authorization to make application to the Texas Department of Transportation (TxDOT) for a \$300,000 competitive grant to conduct planning for the development of a multimodal transit center (80/20 matching grant, City portion is \$60,000). If approved, the City of Amarillo will conduct a needs analysis, site search, preliminary design, appraisal, and preparation of federally required paperwork to begin land acquisition and construction of a multimodal transit facility. The study will consider and expand upon the recommendations of the Transit Master Plan and incorporate consideration of intercity transit services provided by Greyhound.
- E. **AMENDMENT -- PROFESSIONAL SERVICES AGREEMENT:**  
(Contact: Jared Miller, City Manager)  
Blackridge -- \$120,000  
The item amends the existing professional services agreement with Blackridge extending the existing agreement for one-year and provides for a one-year renewal. Blackridge provides the City of Amarillo representation before the Texas Legislature and other State agencies.

## **REGULAR AGENDA**

Items taken out of order.

**ITEM 2:** Mayor Pro Tem Sauer opened a public hearing to gather comments for and against the annexation of a 91.334 acre property situated south of the city limits, and located near the southwest corner of the intersection of South Georgia Street and West Loop 335, and extending west/southwest along West Loop 335. This item was presented by Cody Balzen, Planner I. Mayor Pro Tem Sauer opened this item for public comment. There were no further comments. Mayor Pro Tem Sauer closed the public hearing.

**ITEM 3:** Mayor Pro Tem Sauer presented an item to construct the site grading, surface drainage, and concrete flat work in anticipation of new play equipment, swings, and splash pad. Electrical upgrades are also included to provide additional lighting for the parking lot and for the walking path around the park. A multi-purpose court with fencing, shade structures, picnic tables and benches are part of this bid package. This item was presented by Rod Tweet, Parks & Recreation Director. Motion was made by Councilmember Powell to approve this award, seconded by Councilmember Smith.

Voting AYE were Mayor Pro Tem Sauer, Councilmembers Hays, Powell and Smith; voting NO were none; the motion carried by a 4:0 vote of the Council.

**ITEM 4:** Mayor Pro Tem Sauer presented an item awarding the installation of the play structure, splash pad and adult exercise stations for Gene Howe Neighborhood Park area. The improvements will consist of a drain away splash pad with 10-spray features. The splash pad will be 1,257 square feet circular concrete pad with a color safety surface. Utility hook-ups will be provided as part of the project. The play area equipment will be a newly designed marsh theme with cattails, log steps and frog themed play panels. Both the play area and the splash pad are themed together. The adult fitness equipment will include a 4-person lower body combo and a 4-person pendulum and dip station upper body combo. Motion was made by Councilmember Powell to approve this award, seconded by Councilmember Hays.

Voting AYE were Mayor Pro Tem Sauer, Councilmembers Hays, Powell and Smith; voting NO were none; the motion carried by a 4:0 vote of the Council.

Item taken out of order (first).

ITEM 5: Mayor Nelson stated appointments were needed to the First Responders Excellence and Innovation Fund Board. Motion was made by Councilmember Powell to appoint Mayor Ginger Nelson and Councilmember Howard Smith, seconded by Councilmember Sauer.

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

Mayor Nelson stated that two citizens at-large were also needed to be appointed to this board. She suggested two individuals with the 100 Club, current President Brian Fleming and President-elect Suzanne Talley. Councilmember Hays stated she wished to appoint only one representative from the 100 Club. Mayor Nelson suggested the position be filled with the 100 Club President. Motion was made by Councilmember Powell to appoint the President of the 100 Club and Melynn Huntley, seconded by Councilmember Sauer.

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

Mayor Nelson stated an appointment was needed to the Amarillo Firemen's Relief and Retirement Fund Board of Trustees. Motion was made by Councilmember Powell to appoint Councilmember Howard Smith, 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.

Mayor Nelson left after this item.

ATTEST:

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Frances Hibbs, City Secretary

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Ginger Nelson, Mayor



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Priority</b>	Civic Pride
<b>Department</b>	Public Health		
<b>Contact</b>	Casie Stoughton, Director of Public Health		

**Agenda Caption**

Consider – Tuberculosis State Grant  
Grant Amount : \$60,224  
Grantor: Texas Department of State Health Services

This item accepts the award from the Texas Department of State Health Services from September 1, 2018 thru August 31, 2018 to continue funding to prevent and control the transmission of active and latent tuberculosis.

**Agenda Item Summary**

The public health department will continue tuberculosis prevention and control activities including screening, testing, treatment, management of active cases and contacts, and community education.

**Requested Action**

Accept grant award.

**Funding Summary**

This grant is provided by the Texas Department of State Health Services, 20% match provided by the public health department.

**Community Engagement Summary**

None.

**Staff Recommendation**

Staff recommend acceptance of this grant.





**Inter-Local  
Application  
For  
Tuberculosis Prevention and  
Control for FY 2019  
State Funds**

*<http://www.dshs.state.tx.us/idcu/disease/tb>*

**TB Services Branch**

1100 W. 49<sup>th</sup> Street  
P. O. Box 149347, MS 1990  
Austin, Texas 78714

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## **TABLE OF CONTENTS**

- A. FACE PAGE/INSTRUCTIONS – Inter-Local Application for Financial Assistance**
- B. APPLICATION TABLE OF CONTENTS AND CHECKLIST**
- C. CONTACT PERSON INFORMATION**
- D. ADMINISTRATIVE INFORMATION (with supplemental documentation attached if required)**
- E. ORGANIZATION, RESOURCES AND CAPACITY**
- F. PERFORMANCE MEASURES**

**Department of State Health Services  
Form A Face Page – Tuberculosis (TB) Funding**

<b>RESPONDENT INFORMATION</b>																			
1) <b>LEGAL BUSINESS NAME:</b> City of Amarillo																			
2) <b>MAILING Address Information</b> (include mailing address, street, city, county, state and 9-digit zip code): <span style="float: right;"><b>Check if address change</b> <input type="checkbox"/></span> P.O. Box 1971; Amarillo, Texas 79105-1971																			
3) <b>PAYEE Name and Mailing Address, including 9-digit zip code</b> (if different from above): <span style="float: right;"><b>Check if address change</b> <input type="checkbox"/></span> Same as above																			
4) <b>DUNS Number (9-digit) required if receiving federal funds:</b> 065032807																			
5) <b>Federal Tax ID No. (9-digit), State of Texas Comptroller Vendor ID Number (14-digit) or Social Security Number (9-digit):</b> 75-6000444 <i>*The respondent acknowledges, understands and agrees that the respondent's choice to use a social security number as the vendor identification number for the contract, may result in the social security number being made public via state open records requests.</i>																			
6) <b>TYPE OF ENTITY</b> (check all that apply): <table style="width:100%; border: none;"> <tr> <td style="width: 33%;"><input checked="" type="checkbox"/> City</td> <td style="width: 33%;"><input type="checkbox"/> Nonprofit Organization*</td> <td style="width: 33%;"><input type="checkbox"/> Individual</td> </tr> <tr> <td><input type="checkbox"/> County</td> <td><input type="checkbox"/> For Profit Organization*</td> <td><input type="checkbox"/> Federally Qualified Health Centers</td> </tr> <tr> <td><input type="checkbox"/> Other Political Subdivision</td> <td><input type="checkbox"/> HUB Certified</td> <td><input type="checkbox"/> State Controlled Institution of Higher Learning</td> </tr> <tr> <td><input type="checkbox"/> State Agency</td> <td><input type="checkbox"/> Community-Based Organization</td> <td><input type="checkbox"/> Hospital</td> </tr> <tr> <td><input type="checkbox"/> Indian Tribe</td> <td><input type="checkbox"/> Minority Organization</td> <td><input type="checkbox"/> Private</td> </tr> <tr> <td></td> <td><input type="checkbox"/> Faith Based (Nonprofit Org)</td> <td><input type="checkbox"/> Other (specify): _____</td> </tr> </table>		<input checked="" type="checkbox"/> City	<input type="checkbox"/> Nonprofit Organization*	<input type="checkbox"/> Individual	<input type="checkbox"/> County	<input type="checkbox"/> For Profit Organization*	<input type="checkbox"/> Federally Qualified Health Centers	<input type="checkbox"/> Other Political Subdivision	<input type="checkbox"/> HUB Certified	<input type="checkbox"/> State Controlled Institution of Higher Learning	<input type="checkbox"/> State Agency	<input type="checkbox"/> Community-Based Organization	<input type="checkbox"/> Hospital	<input type="checkbox"/> Indian Tribe	<input type="checkbox"/> Minority Organization	<input type="checkbox"/> Private		<input type="checkbox"/> Faith Based (Nonprofit Org)	<input type="checkbox"/> Other (specify): _____
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	<input type="checkbox"/> Faith Based (Nonprofit Org)	<input type="checkbox"/> Other (specify): _____																	
<i>*If incorporated, provide 10-digit charter number assigned by Secretary of State:</i>																			
7) <b>PROPOSED BUDGET PERIOD:</b> <span style="margin-left: 100px;"><b>Start Date:</b> 09/01/2018</span> <span style="margin-left: 100px;"><b>End Date:</b> 08/31/2019</span>																			
8) <b>COUNTIES SERVED BY PROJECT:</b> Potter/Randall																			
9) <b>AMOUNT OF FUNDING REQUESTED:</b> \$50,187	11) <b>PROJECT CONTACT PERSON</b> Name: Casie Stoughton Phone: 806.378.6321 Fax: 806.378.6307 Email: casie.stoughton@amarillo.gov																		
10) <b>PROJECTED EXPENDITURES</b> Does respondent's projected federal expenditures exceed \$500,000, or its projected state expenditures exceed \$500,000, for respondent's <u>current fiscal year</u> (excluding amount requested in line 9 above)? **  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  <i>**Projected expenditures should include anticipated expenditures under all federal grants including "pass through" federal funds from all state agencies, or all anticipated expenditures under state grants, as applicable.</i>	12) <b>FINANCIAL OFFICER</b> Name: Michelle Bonner Phone: 806.378.3040 Fax: Email: michelle.bonner@amarillo.gov																		
The facts affirmed by me in this proposal are truthful and I warrant the respondent is in compliance with the assurances and certifications contained in <b>APPENDIX B: DSHS Assurances and Certifications</b> . I understand the truthfulness of the facts affirmed herein and the continuing compliance with these requirements are conditions precedent to the award of a contract. This document has been duly authorized by the governing body of the respondent and I (the person signing below) am authorized to represent the respondent.																			
13) <b>AUTHORIZED REPRESENTATIVE</b> <span style="float: right;"><b>Check if change</b> <input type="checkbox"/></span> Name: Kevin Starbuck Title: Assistant City Manager Phone: 806.378.3077 Fax: Email: kevin.starbuck@amarillo.gov	14) <b>DATE</b>																		

**DOCUSIGN SIGNATURE INFORMATION**

**15) DOCUSIGN - SIGNATURE AUTHORITY**

Name: Kevin Starbuck, Assistant City Manager

Email Address: kevin.starbuck@amarillo.gov

Documents to Sign:  
Signature Page x  
Data Use Agreement x

**16) DOCUSIGN - SECONDARY SIGNATURE AUTHORITY**

Name: Michelle Bonner, Deputy City Manager

Email Address: michelle.bonner@amarillo.gov

Documents to Sign:  
Signature Page x  
Data Use Agreement x

## FORM A: FACE PAGE INSTRUCTIONS

This form provides basic information about the respondent and the proposed project with the Department of State Health Services (DSHS), including the signature of the authorized representative. It is the cover page of the proposal and is required to be completed. Signature affirms the facts contained in the respondent's response are truthful and the respondent is in compliance with the assurances and certifications contained in **APPENDIX B: DSHS Assurances and Certifications** and acknowledges that continued compliance is a condition for the award of a contract. Please follow the instructions below to complete the face page form and return with the respondent's proposal.

- 1) **LEGAL BUSINESS NAME** - Enter the legal name of the respondent.
- 2) **MAILING ADDRESS INFORMATION** - Enter the respondent's complete physical address and mailing address, city, county, state, and 9-digit zip code.
- 3) **PAYEE NAME AND MAILING ADDRESS** - Payee – Entity involved in a contractual relationship with respondent to receive payment for services rendered by respondent and to maintain the accounting records for the contract; i.e., fiscal agent. Enter the PAYEE's name and mailing address, including 9-digit zip code, if PAYEE is different from the respondent. The PAYEE is the corporation, entity or vendor who will be receiving payments.
- 4) **DUNS Number** – 9- digit Dun and Bradstreet Data Universal Numbering System (DUNS) number. . This number is required if receiving **ANY** federal funds and can be obtained at: <http://fedgov.dnb.com/webform>
- 5) **FEDERAL TAX ID or STATE OF TEXAS COMPTROLLER VENDOR ID NUMBER OR SOCIAL SECURITY NUMBER** - Enter the Federal Tax Identification Number (9-digit) or the Texas Vendor Identification Number assigned by the Texas State Comptroller (14-digit). \*The respondent acknowledges, understands and agrees the respondent's choice to use a social security number as its vendor identification number for the contract, may result in the social security number being made public via state open records requests.
- 6) **TYPE OF ENTITY** - Check the type of entity as defined by the Secretary of State at <http://www.sos.state.tx.us/corp/businessstructure.shtml> and/or the Texas State Comptroller at [https://fmx.cpa.state.tx.us/fmx/pubs/tins/tinsguide/2009-04/TINS\\_Guide\\_0409.pdf](https://fmx.cpa.state.tx.us/fmx/pubs/tins/tinsguide/2009-04/TINS_Guide_0409.pdf) and check all other boxes that describe the entity.

Historically Underutilized Business: A minority or women-owned business as defined by Texas Government Code, Title 10, Subtitle D, Chapter 2161. (<http://www.window.state.tx.us/procurement/prog/hub/>)

State Agency: an agency of the State of Texas as defined in Texas Government Code §2056.001.ii

Institutions of higher education as defined by §61.003 of the Education Code.

MINORITY ORGANIZATION is defined as an organization in which the Board of Directors is made up of 50% racial or ethnic minority members.

If a Non-Profit Corporation or For-Profit Corporation, provide the 10-digit charter number assigned by the Secretary of State.

- 7) **PROPOSED BUDGET PERIOD** - Enter the budget period for this proposal. Budget period is defined in the RFP.
- 8) **COUNTIES SERVED BY PROJECT** - Enter the proposed counties served by the project.
- 9) **AMOUNT OF FUNDING REQUESTED** - Enter the amount of funding requested from DSHS for proposed project activities (not including possible renewals). This amount must match column (1) row K from the BUDGET SUMMARY used for cost reimbursement budgets.
- 10) **PROJECTED EXPENDITURES** - If respondent's projected federal expenditures exceed \$500,000 or its projected state expenditures exceed \$500,000 for respondent's current fiscal year, respondent must arrange for a financial compliance audit (Single Audit).
- 11) **PROJECT CONTACT PERSON** - Enter the name, phone, fax, and email address of the person responsible for the proposed project.
- 12) **FINANCIAL OFFICER** - Enter the name, phone, fax, and email address of the person responsible for the financial aspects of the proposed project.
- 13) **AUTHORIZED REPRESENTATIVE** - Enter the name, title, phone, fax, and email address of the person authorized to represent the respondent. Check the "Check if change" box if the authorized representative is different from previous submission to DSHS.
- 14) **DATE** - Enter the date the authorized representative signed this form.
- 15) **DOCUSIGN SIGNATURE AUTHORITY** – Enter the name, email address, and list the contract documents of the person authorized to sign the contract via DocuSign.
- 16) **DOCUSIGN SECONDARY SIGNATURE AUTHORITY** – If a Secondary Signature Authority exists, enter the name, email address, and list the contract documents of the person authorized to sign via DocuSign. Please ensure the email address listed for the Secondary Signature Authority is different from the email address for the Signature Authority in Box # 16.

## FORM B: Inter-Local APPLICATION CHECKLIST

**Legal Name of applicant:** City of Amarillo

*This form is provided to ensure that the application is complete, proper signatures are included, and the required assurances, certifications, and attachments have been submitted.*

---

FORM	DESCRIPTION	Included
A	Face Page completed, and proper signatures and date included	X
B	Application Checklist completed and included	X
C	Contact Person Information completed and included	X
D	Administrative Information completed and included (with supplemental documentation attached if required)	X
E	Organization, Resources and Capacity included	X
F	Performance Measures included	X

## FORM C: CONTACT PERSON INFORMATION

**Legal Business Name of**

**Contractor:**

City of Amarillo

*This form provides information about the appropriate contacts in the contractor's organization in addition to those on FORM A: FACE PAGE. If any of the following information changes during the term of the contract, please send written notification to the **Contract Management Unit**.*

<p><b>Contact:</b> <u>Casie Stoughton</u></p> <p><b>Title:</b> <u>Director, Public Health</u></p> <p><b>Phone:</b> <u>806.378.6320</u>    <u>806.378.6320</u></p> <p><b>Fax:</b> <u>806.378.6306</u></p> <p><b>E-mail:</b> <u>casie.stoughton@amarillo.gov</u></p>	<p><b>Mailing Address (incl. street, city, county, state, &amp; zip):</b></p> <p><u>P.O. Box 1971</u></p> <p><u>Amarillo, TX 79105</u></p>
<p><b>Contact:</b> <u>Laci Scott</u></p> <p><b>Title:</b> <u>Program Manager</u></p> <p><b>Phone:</b> <u>806.378.6339</u>    <u>806.378.6339</u></p> <p><b>Fax:</b> <u>806.378.6306</u></p> <p><b>E-mail:</b> <u>laci.scott@amarillo.gov</u></p>	<p><b>Mailing Address (incl. street, city, county, state, &amp; zip):</b></p> <p><u>P.O. Box 1971</u></p> <p><u>Amarillo, TX 79105</u></p>
<p><b>Contact:</b> <u>Matthew Poston</u></p> <p><b>Title:</b> <u>Grants Manager</u></p> <p><b>Phone:</b> <u>806.378.6209</u>    <u>806.378.6209</u></p> <p><b>Fax:</b> <u>806.378.3039</u></p> <p><b>E-mail:</b> <u>matthew.poston@amarillo.gov</u></p>	<p><b>Mailing Address (incl. street, city, county, state, &amp; zip):</b></p> <p><u>P.O. Box 1971</u></p> <p><u>Amarillo, TX 79105</u></p>

## FORM D: ADMINISTRATIVE INFORMATION - ILA

*This form provides information regarding identification and contract history on the applicant, executive management, project management, governing board members, and/or principal officers. Respond to each request for information or provide the required supplemental document behind this form. If responses require multiple pages, identify the supporting pages/documentation with the applicable request.*

**Legal Name of Applicant:** City of Amarillo

**Identifying Information**

**The applicant shall complete the following information:**

- Names (last, first, middle) and addresses for the officials who are authorized to enter into a contract on behalf of the applicant.

<b>Last Name:</b>	<u>Starbuck</u>	<b>Mailing Address (incl. street, city, county, state, &amp; zip):</b>
<b>First Name:</b>	<u>Kevin</u>	<u>P.O. Box 1971</u>
<b>Middle Name:</b>	<u></u>	<u>Amarillo, TX 79105</u>
<b>Last Name:</b>	<u>Bonner</u>	<b>Mailing Address (incl. street, city, county, state, &amp; zip):</b>
<b>First Name:</b>	<u>Michelle</u>	<u>P.O. Box 1971</u>
<b>Middle Name:</b>	<u></u>	<u>Amarillo, TX 79105</u>

**Conflict of Interest and Contract History**

The applicant shall disclose any existing or potential conflict of interest relative to the performance of the requirements of this Application for Funding. Examples of potential conflicts may include an existing business or personal relationship between the applicant, its principal, or any affiliate or subcontractor, with DSHS, the participating agencies, or any other entity or person involved in any way in any project that is the subject of this Application for Funding. Similarly, any personal or business relationship between the applicant, the principals, or any affiliate or subcontractor, with any employee of DSHS, a participating agency, or their respective suppliers, must be disclosed. Any such relationship that might be perceived or represented as a conflict shall be disclosed. Failure to disclose any such relationship may be cause for contract termination or disqualification of the proposal. If, following a review of this information, it is determined by DSHS that a conflict of interest exists, the applicant may be disqualified from further consideration for the award of a contract.

- 1. Does anyone in the applicant organization have an existing or potential conflict of interest relative to the performance of the requirements of this Application for Funding?**

YES                      NO       X

*If YES, detail any such relationship(s) that might be perceived or represented as a conflict. (Attach no more than one additional page.)*

- 2. Has any member of applicant’s executive management, project management, governing board or principal officers been employed by the State of Texas 24 months prior to the application due date?**

YES                      NO       X

*If YES, indicate his/her name, social security number, job title, agency employed by, separation date, and reason for separation.*



**FORM D: ADMINISTRATIVE INFORMATION – ILA - continued**

3. Has applicant had a contract with DSHS within the past 24 months?

YES     NO

If YES, indicate the contract number(s):

Contract Number(s)	
Contract Number	Grant
DCPS-2016-IDCU/SUREB-00005	Epidemiology
537-18-0308-00001	Epidemiology
2016-001158-02	PHEP Supplemental
537-18-0125-00001	PHEP
RLHS-2016-CPS/HAZARD-00011	PHEP
2016-001198C	HIV Prevention
2016-001198-02	HIV Prevention
2106-001037-01	Immunizations
537-18-0070-00001	Immunizations
DCPS-2016-REFUGEE-00005	Refugee
DCPS-2016-TB/PC-FED 00008	TB- Fed
HHS000046600001	TB- Fed
DCPS-2016-TB/PC-ST-00008	TB- State
537-18-0027-00001	TB- State
RLHS-2016-RLSS/LPHS-00003	Local Public Health Services
537-18-0183-00001	Local Public Health Services

If NO, applicant must be able to demonstrate fiscal solvency. Submit a copy of the organization’s most recently audited balance sheet, statement of income and expenses and accompanying financial footnotes DSHS will evaluate the documents that are submitted and may, at its sole discretion, reject the proposal on the grounds of the applicant’s financial capability.

4. Is applicant or any member of applicant’s executive management, project management, board members or principal officers:

- Delinquent on any state, federal or other debt;
- Affiliated with an organization which is delinquent on any state, federal or other debt; or
- In default on an agreed repayment schedule with any funding organization?

YES             NO    x

If YES, please explain. (Attach no more than one additional page.)

**FORM E: ORGANIZATION, RESOURCES AND CAPACITY  
(Organizational Chart)**

See attached

## FORM F: PERFORMANCE MEASURES

*In the event a contract is awarded, applicant agrees that performance measures will be used to assess, in part, the applicant's effectiveness in providing the services described.*

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Please refer to the work plan located at the following web link:  
<http://www.dshs.texas.gov/idcu/disease/tb/policies/>

Contractor shall maintain documentation used to calculate performance measures as required by General Provisions Article VIII "Records Retention" and by Texas Administrative Code Title 22, Part 9 Chapter 165, §165.1 regarding retention of medical records.

All reporting to DSHS shall be completed as described in Section I, "D. Reporting" and submitted by the deadlines given.

If Contractor fails to meet any of the performance measures, Contractor shall furnish in the Annual Progress Report, **due April 10, 2019**, a written narrative explaining the barriers and the plan to address those barriers. This requirement does not excuse any violation of this Contract, nor does it limit DSHS as to any options available under the contract regarding breach.

# FORM I: BUDGET SUMMARY (REQUIRED)

Legal Name of Respondent: City of Amarillo

Budget Categories	Total Budget (1)	DSHS Funds Requested (2)	Direct Federal Funds (3)	Other State Agency Funds* (4)	Local Funding (Match) (5)	Other Funds (6)
A. Personnel	\$41,367	\$34,588			\$6,779	
B. Fringe Benefits	\$17,735	\$14,537			\$3,198	
C. Travel	\$0	\$0			\$0	
D. Equipment	\$0	\$0			\$0	
E. Supplies	\$1,122	\$1,062			\$60	
F. Contractual	\$0	\$0			\$0	
G. Other	\$0	\$0			\$0	
H. Total Direct Costs	\$60,224	\$50,187	\$0	\$0	\$10,037	\$0
I. Indirect Costs	\$0	\$0				
J. Total (Sum of H and I)	\$60,224	\$50,187	\$0	\$0	\$10,037	\$0
K. Program Income - Projected Earnings	\$0	\$0	\$0	\$0	\$0	\$0

**NOTE:** The "Total Budget" amount for each Budget Category will have to be populated among the funding sources. Enter amounts in whole dollars for (3), (4), & (6), if applicable. After amounts have been entered for each funding source, verify that the "Distribution Total" below equals the respective amount under the "Total Budget" from column (1).

	Budget Category	Distribution Total	Budget Total	Budget Category	Distribution Total	Budget Total
<b>Check Totals For:</b>	Personnel	\$41,367	\$41,367	Fringe Benefits	\$17,735	\$17,735
	Travel	\$0	\$0	Equipment	\$0	\$0
	Supplies	\$1,122	\$1,122	Contractual	\$0	\$0
	Other	\$0	\$0	Indirect Costs	\$0	\$0
<b>TOTAL FOR:</b>	<b>Distribution Totals</b>		<b>\$60,224</b>	<b>Budget Total</b>		<b>\$60,224</b>

\*Letter(s) of good standing that validate the respondent's programmatic, administrative, and financial capability must be placed after this form if respondent receives any funding from state agencies other than DSHS related to this project. If the respondent is a state agency or institution of higher education, letter(s) of good standing are not required. DO NOT include funding from other state agencies in column 4 or Federal sources in column 3 that is not related to activities being funded by this DSHS project.

C



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Priority</b>	Highly Educated Population
<b>Department</b>	Public Health		
<b>Contact</b>	Casie Stoughton		

### Agenda Caption

Consider – Award a contract to Ascent Health Consulting to conduct Community Health Assessment  
Contract Amount: \$83,395

This item awards the contract to Ascent Health Consulting to conduct a comprehensive Community Health Assessment to fully understand the health needs of the citizens of the Bi-City County Health District. The Community Health Assessment will include telephone survey, focus groups, and key informant survey.

### Agenda Item Summary

Contractor shall conduct telephone survey, focus groups and key informant survey to assess the health of the citizens of the Bi-City County Health District. Focus will be specifically placed in the overall health trends and community health indicators, community access to primary care and preventative health services, and measures gauging access for uninsured/underserved populations.

### Requested Action

Award contract.

### Funding Summary

Funding provided by the public health department through proceeds earned from DSRIP projects.

### Community Engagement Summary

None.

### Staff Recommendation

Staff recommend award of this contract.

**INSTRUCTIONS FOR COMPLETING THE  
BID EVALUATION AND RECOMMENDATION FORM**

**THIS FORM MUST BE FILLED OUT AND SUBMITTED ON ALL BIDS OVER \$10,000.00**

Please review the bid documents submitted on non-routine items. Bid folders may be reviewed in the Purchasing Department.

Analyze all aspects of the bid and provide data to support your recommendation. Please note the terms on the bid and evaluate accordingly, **included how it is to be awarded (By Lot or By Item)**. **Your recommendation must include the following information or it will be returned.**

Please type your recommendation.

1. **ITEM USE; PROJECT DESCRIPTION:**
  - A. Provide sufficient detailed information summarizing the use of the item or service, and the general program or project involved.
  - B. Is this purchase an addition or replacement? If this is a replacement please include a description of what are you replacing.
  - C. Provide a color copy of drawings, sketches, or photos of the items you are recommending. (Capital, equipment, utilities, public works, etc).
2. **BID EVALUATION; RECOMMENDATION:**
  - A. Identify the recommended vendor by name and total dollar amount.
  - B. If not recommending the low bidder, please submit a detailed justification. You may use a separate sheet of paper if necessary.
  - C. State whether or not specifications have been met, and, if not met, describe in detail **specific** areas of failure when recommending acceptance of next low bid meeting bid specifications. This applies **to each** item on which the low bid is not accepted. This may be done on this form or on an attached sheet.
  - D. State specifically if the item is vendor proprietary, and provide a detailed justification. State why proprietary item is necessary or advantageous.
  - E. State the last procurement date for this item, if applicable, and indicate the total average percentage of increase or decrease in price since the last purchase was made.
  - F. If this is being purchased on any type of contract, (HGAC, Buyboard, etc.), please state why this would be advantageous to the City of Amarillo.
3. **FUNDING SOURCE:**
  - A. Identify the budgeted account number(s) including description; job(s), grants or other funding source and indicate if state and/or federal funds will be utilized for this purchase.
  - B. Provide budget account balance. For all job or grant expenditures, state the completion status of the job or grant; show **remaining balance of job, grant or capital code account**.
  - C. Provide a comparison of the actual recommended bid price vs. budgeted estimate if applicable.
  - D. For job or grant accounts, provide original date that it was set up.

**PURCHASING DEPARTMENT**

**BID EVALUATION AND RECOMMENDATION FORM**

City Departments **must complete** this form for all bids over \$10,000.00.

DATE February 8 2018

Bid recommendations properly completed with all of the questions answered and submitted to the Purchasing Department will be presented to the City Manager's office for consideration of placement on the City Council Agenda. When submitting your recommendation, remember to send to Purchasing a copy of your transmittal memo.

BID ITEM \_\_\_\_\_ BID NO. \_\_\_\_\_

DEPARTMENT Public Health

DEPARTMENT DIRECTOR APPROVAL Casie Stoughton DATE February 8, 2018

**REFER TO INSTRUCTIONS ABOVE FOR ASSISTANCE IN COMPLETING THE ITEMS BELOW:**

**1. ITEM USE; PROJECT DESCRIPTION:**

A. Please state what is being purchased and give a detailed project description.

Community Health Assessment

B. Is this purchase an addition, replacement or a one-time purchase? If this is a replacement, please include a description of what is being replaced.

A community health assessment is conducted on a three-five year cycle. Our last community health assessment was conducted in 2013.

C. Provide a color copy of drawings, sketches, or photos of the items you are recommending. (Capital, equipment, utilities, public works, etc).

**2. BID EVALUATION; RECOMMENDATION:**

A. Vendor name and total dollar amount to be awarded.

Ascent Health Consulting

B. Is it being awarded to the low bidder? If not, why?

Yes

C. Were specifications met? If not met, what exceptions were taken and accepted?

Yes

D. Is this vendor proprietary? If item is proprietary, include a detailed justification. At a minimum, state how and why proprietary item is necessary or advantageous.

No

E. State the last procurement date for this item, if applicable, and indicate the total average percentage of increase or decrease in price since last purchase.

2013. -

F. If this is being purchased on any type of contract, (HGAC, Buyboard, etc.), please state why this would be advantageous to the City of Amarillo.

No

**3. FUNDING SOURCE:**

A. Identify budgeted account; job or grant number(s) including description(s) and indicate if state and/or federal funds will be utilized for this purchase.

25011.62000 from the public health fund balance.

B. Provide budget account balance. Provide completion status of all job or grant expenditures **showing remaining balance** of job, grant or capital account.

\$117,198

C. Provide a comparison of the actual bid price vs. budget estimate if applicable

Budget \$85,000 vs actual bid price \$83,395

D. For job or grant accounts, provide original date that it was set up

10.1.17

D



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Priority</b>	Public Safety
<b>Department</b>	Radio Communications – NEXGEN Radio Communications System Project		
<b>Contact</b>	Kevin Starbuck, Assistant City Manager		

### Agenda Caption

CONSIDERATION OF PROFESSIONAL SERVICES TO CONDUCT RADIO SYSTEM COVERAGE TESTING

### Agenda Item Summary

Award to AECOM Technical Services, Inc.

Original Consulting Services Agreement:	\$540,244.00
Previous Change Order:	\$6,015.00 (Frequency Coordination)
<u>Current Change Order:</u>	<u>\$177,668.00 (RaCE Coverage Testing)</u>
Total Consulting Services Agreement:	\$723,927.00

As part of the final acceptance testing of the Motorola P25 Phase II 700/800 MHz radio communications system, the City of Amarillo has required an independent evaluation of radio system coverage to ensure compliance with system specifications. AECOM Technical Services, Inc. has provided consulting services for the project and is selected to conduct the Radio Coverage Evaluator or RaCE coverage testing to verify system performance.

### Requested Action

Request approval of the Change Order in the amount of \$177,668.00 to AECOM Technical Services, Inc. to provide RaCE coverage testing for the City of Amarillo. AECOM Technical Services, Inc. was selected to provide consulting services to the City of Amarillo through a RFQ process completed in February 2016. Coverage testing services was included as an alternate item in the RFQ, but was not executed at award pending selection of a radio system vendor.

### Funding Summary

CIP Project 410795 – NEXGEN Radio Communications System Project: The City has budgeted \$200,000 in 410795.17400.1160, Coverage Testing to complete the activity.

### Community Engagement Summary

N/A

### Staff Recommendation

Staff recommends approval of the Change Order in the amount of \$177,668.00 to AECOM Technical Services, Inc. to provide RaCE coverage testing for the City of Amarillo.



**PURCHASING DEPARTMENT****BID EVALUATION AND RECOMMENDATION FORM**

City Departments **must complete** this form for all bids over \$10,000.00.

DATE: February 8, 2018

Bid recommendations properly completed with all of the questions answered and submitted to the Purchasing Department will be presented to the City Manager's office for consideration of placement on the City Council Agenda. When submitting your recommendation, remember to send to Purchasing a copy of your transmittal memo.

BID ITEM: Change Order to Provide Radio Coverage Testing BID NO. \_\_\_\_\_

DEPARTMENT: CIP Project 410795, NEXGEN Radio Communications System

DEPARTMENT DIRECTOR APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_

**REFER TO INSTRUCTIONS ABOVE FOR ASSISTANCE IN COMPLETING THE ITEMS BELOW:**

**1. ITEM USE; PROJECT DESCRIPTION:**

- A. Please state what is being purchased and give a detailed project description.

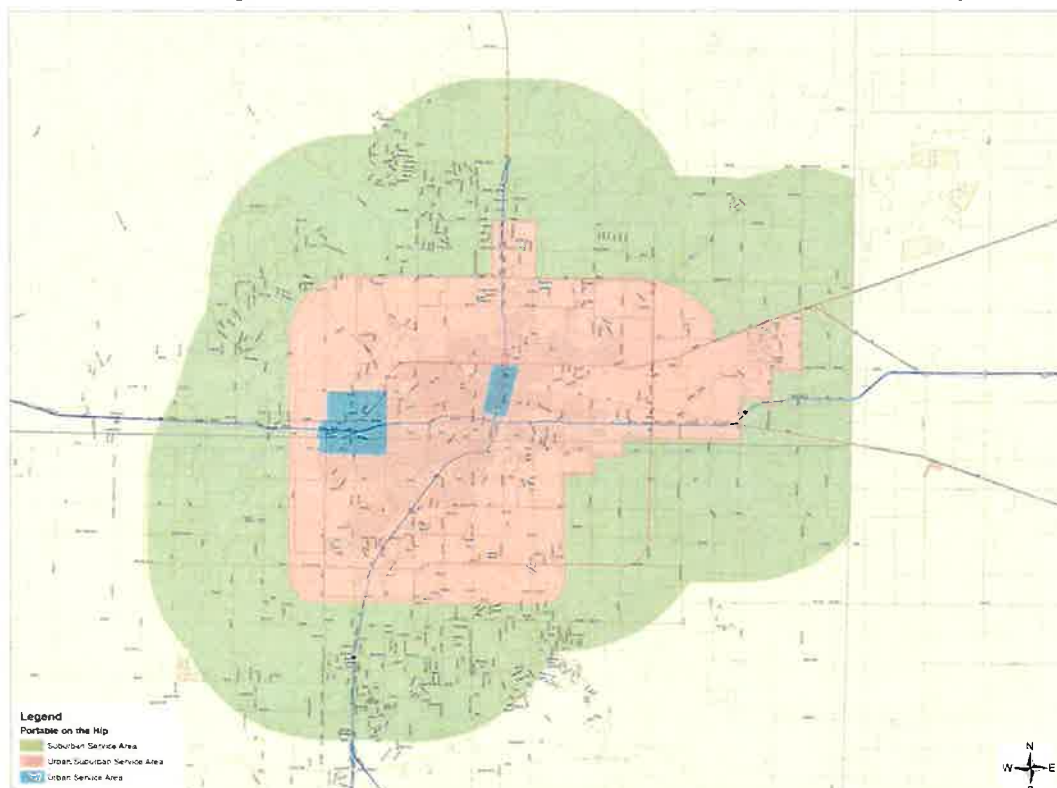
As part of the final acceptance testing of the Motorola P25 Phase II 700/800 MHz radio communications system, the City of Amarillo has required an independent evaluation of radio system coverage to ensure compliance with system specifications. Consultant will provide a coverage test plan, coverage test report of results, and recorded audio files of coverage testing to ensure compliance with system specifications over the entirety of the specified system coverage area.

- B. Is this purchase an addition, replacement or a one-time purchase? If this is a replacement, please include a description of what is being replaced.

This is a one-time purchase associated with implementation of the NEXGEN Radio Communications System.

- C. Provide a color copy of drawings, sketches, or photos of the items you are recommending. (Capital, equipment, utilities, public works, etc).

Specified coverage area for the NEXGEN Radio Communications System.



2. **BID EVALUATION; RECOMMENDATION:**

A. Vendor name and total dollar amount to be awarded.

Award to AECOM Technical Services, Inc. (Change Order)	
Original Consulting Services Agreement:	\$540,244.00
Previous Change Order:	\$6,015.00 (Frequency Coordination)
<b>Current Change Order:</b>	<b>\$177,668.00 (RaCE Coverage Testing)</b>
Total Consulting Services Agreement:	\$723,927.00

B. Is it being awarded to the low bidder? If not, why?

Original award to AECOM Technical Services, Inc. was based on most qualified respondent to the City's request for qualifications to provide consulting and engineering services for this project. AECOM Technical Services, Inc. has performed above expectations throughout the project and is uniquely positioned to conduct the radios system coverage testing.

C. Were specifications met? If not met, what exceptions were taken and accepted?

AECOM Technical Services, Inc. change order proposal meets or exceeds all specifications related to providing radio system coverage testing.

D. Is this vendor proprietary? If item is proprietary, include a detailed justification. At a minimum, state how and why proprietary item is necessary or advantageous.

N/A

E. State the last procurement date for this item, if applicable, and indicate the total average percentage of increase or decrease in price since last purchase.

This is a one-time purchase related final acceptance testing of the NEXGEN Radio Communications System Project. No comparison to previous activities is available.

F. If this is being purchased on any type of contract, (HGAC, Buyboard, etc.), please state why this would be advantageous to the City of Amarillo.

Original selection of AECOM Technical Services, Inc. was through a Request for Qualification process. AECOM Technical Services, Inc. was selected as the most qualified respondent.

3. **FUNDING SOURCE:**

A. Identify budgeted account; job or grant number(s) including description(s) and indicate if state and/or federal funds will be utilized for this purchase.

CIP Job 410795.17400.1160, Coverage Testing

B. Provide budget account balance. Provide completion status of all job or grant expenditures **showing remaining balance** of job, grant or capital account.

Account 410795.17400.1160 – Budget \$200,000; Change Order \$177,668

C. Provide a comparison of the actual bid price vs. budget estimate if applicable

Service cost is consistent with budget estimate

D. For job or grant accounts, provide original date that it was set up

CIP Job 410795, NEXGEN Radio Communications Project was established in 2011.



## EXHIBIT C

### CHANGE ORDER FORM

In accordance with the Consulting Services Agreement dated February 17, 2016 between the City of Amarillo ("Client"), and AECOM Technical Services, Inc., a California corporation, ("AECOM"), this Change Order, with an effective date of January 29, 2018 modifies that Agreement as follows:

#### 1. Changes to the Services:

##### **RaCE Coverage Testing**

AECOM will use our patented Radio Coverage Evaluator or RaCE<sup>SM</sup> to provide the Client with an independent, non-invasive, end-to-end, two-way coverage evaluation of the City's new 800 MHz radio communications system, using human voice to measure DAQ (Delivered Audio Quality).

AECOM will test three Service Areas representing the specified Building Characterizations within the City and the surrounding ETJ utilizing two test teams.

The City of Amarillo will provide 2 vehicles along with 2 drivers. AECOM will need to access the vehicles before testing begins to install testing equipment. AECOM will also need access to the vehicles before testing commences each day to verify setup of the testing equipment.

The service areas will be divided into a grid of test tiles. Based on Motorola's input, tiles will be sized to ensure that a statistically valid number of test tiles are tested (ref. TIA TSB-88.1-D).

Tests will be performed while in motion. At each test tile, a single attempt shall be made to access the system by activating the push-to-talk of the radio. If the test radio does not receive a channel grant tone in that tile, the access test for that location has failed.

Tests will be performed in both the talk-in and talk-out directions. Testing will be performed using 5 mobile radios (4 radios + 1 spare radio) provided by Motorola. For each of the Service Areas, attenuators and circulators will be used to emulate portable radio communications for a portable radio mounted at waist level.

AECOM's method for scoring audio quality will be performed using an impartial automated method that reduces the number of personnel and the time required to perform the tests. Audio recordings of all tests, together with location information, will be retained as part of the permanent file to the City. These audio recordings will be available for review and may be used in any appeal that may arise if the system fails to meet the coverage guarantee.

Motorola Solutions will be invited to witness the tests.

Motorola Solutions may request that failed test tiles in the deficient service area be re-scored "manually" by representatives. This re-scoring shall be conducted as a blind test, with the audio recordings replayed for a voting committee consisting of one representative each from the City of Amarillo, AECOM, and Motorola Solutions. The three voting representatives will each listen to the recordings separately. The representatives must not be together during the replay, and they may not discuss their votes with one another. The scoring sessions may include other test tiles, both unchallenged failed tiles and tiles that were originally scored as a pass. The sequence of the

replay will be randomized and unique for each voting member of the committee. Two out of three votes shall determine whether a test tile is a pass or a fail.

Accessible Test Tiles  
Test vehicles will use publicly accessible roads and should not require 4-wheeled drive vehicles to navigate. There should be no special permission required from entities (other than the City of Amarillo) to enter a tile, and the test team will determine if it is safe to enter the tile.

Inaccessible Test Tiles  
Inaccessible test tiles will not be included in the calculations of system performance.

Tile Retries  
Tiles that fail the initial talk-in or talk-out test may be retried. The number of tiles that are deemed passing as a result of a retest shall not exceed 5% of the total tiles test for the service area.

Retry Location  
A best effort will be made to test any retries at the same point within the tile as the original test attempt.

Coverage Retesting  
Test procedures do not call for re-visiting tiles that have already been tested. In the event the coverage test fails to meet the coverage guarantees, Motorola may request a re-test. All costs for retesting are considered additional services and should be the responsibility of Motorola.

**2. Change to Deliverables:**

Coverage Test Plan  
Coverage Test Report of Results  
Recorded Audio Files of Coverage Testing

**3. Change in Project Schedule (attach schedule if appropriate):**

This service will be performed at a time agreeable between the City of Amarillo and AECOM.

**4. Change in CONSULTANT's Compensation:**

The Services set forth in this Change Order will be compensated on the following basis:

- No change to Compensation
- Time & Material (See **Exhibit B** for the Hourly Labor Rate Schedule)
- Time and Materials with a Not-to-Exceed amount of (\$ ). The Hourly Labor Rate Schedule is set forth in **EXHIBIT B** (if applicable). Reimbursable expenses are included in the overall Not to Exceed cap.
- Lump Sum \$177,668.00

Milestone/Deliverable	Payment Amount
Coverage Test Planning & Preparation	\$49,727
On-Site Coverage Testing	\$89,438
Coverage Testing Analysis & Test Report	\$38,503

- Cost Plus Fixed Fee:** [Cost \$ and Fee \$ ]



Therefore, the total authorized Compensation, inclusive of this Change Order is \$723,927.00.

5. **Project Impact:**

N/A

6. **Other Changes (including terms and conditions):**

N/A

7. All other terms and conditions of the Agreement remain unchanged.

8. Each Party represents that the person executing this Change Order has the necessary legal authority to do so on behalf of the respective Party.

**AECOM Technical Services, Inc.**

**CLIENT: City of Amarillo**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

Bill Sewell  
\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

Vice President  
\_\_\_\_\_  
Printed Title

\_\_\_\_\_  
Printed Title

Address  
20715 Timberlake Road, Suite 106  
\_\_\_\_\_  
Lynchburg, VA 24502  
\_\_\_\_\_

Address  
509 W. 7<sup>th</sup> Avenue  
\_\_\_\_\_  
Amarillo, TX 79101  
\_\_\_\_\_

[End of Agreement]

E



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Priority</b>	Community Appearance
<b>Department</b>	Planning		
<b>Contact</b>	AJ Fawver		

## Agenda Caption

Aviation Clear Zone Easement, being 4,550 feet above mean sea level above the plat of Arrowhead Addition Unit No. 10, an addition to the City of Amarillo, being an unplatted tract of land in Section 149, Block 2, AB&M Survey, Randall County, Texas.

## Agenda Item Summary

The above referenced Aviation Clear Zone (ACZ) Easement is being requested by the City of Amarillo and is associated with the plat Arrowhead Addition Unit No. 10

To ensure safety of operation and protection of air traffic operating into and out of the airport, future physical development around the airport needs to be regulated. In 1981, the Texas Legislature enacted the Airport Zoning Act, cited as Chapter 241 of the Local Government Code, which authorized cities in the state to establish and administer regulations pertaining to the height of structures and compatible land uses in the vicinity of the airport. One of the tools established in the Amarillo Code of Ordinances that allows the City of Amarillo to regulate this type of development is the Airport Height Hazard and Zoning Regulations (Chapter 4-9) which establishes minimum requirements to control the height and use of structures that may develop in the vicinity of the airport.

The ACZ Easement document is established during the platting of a tract of land to set the height regulations for noting on the associated plat, and the legal document is signed by the owner/developer of the tract. The placement of the note on the plat ensures that the height regulation is easily found by any future owner of the tract of land. Each ACZ Easement has an associated height regulation that is determined by the tract's proximity and location around the airport. For example, areas at the end of the runway will likely have a lower height regulation that ones at the same distance that are located adjacent to the length of the runway. The reason for this is because aircraft taking off or landing will need to be at a lower altitude during its approach or departure portion of the traffic pattern for the each associated runway.

This ACZ Easement is establishing a height regulation of 4,550 feet above mean sea level for the plat of Arrowhead Addition Unit No. 10.

## Requested Action

Planning Staff have reviewed the associated Aviation Clear Zone Easement and the item is ready for City Council Consideration as a consent agenda item.

# Amarillo City Council Agenda Transmittal Memo



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## Funding Summary

The Easement is being granted to the City at no cost.

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## Community Engagement Summary

N/A

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## Staff Recommendation

Staff recommends approval of this Aviation Clear Zone 17-11.

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COPY

AVIATION CLEAR ZONE EASEMENT

THE STATE OF TEXAS    §  
                                  §       KNOW ALL MEN BY THESE PRESENTS:  
COUNTY OF RANDALL   §

WHEREAS, David Wiggains, hereinafter called "GRANTOR," whether one or more, individual or corporate, partnership or association, is the owner in fee of that certain parcel or parcels of land being described as follows:

Aviation Clear Zone Easement, being 4,550 feet above mean sea level above the plat of Arrowhead Addition Unit No. 10, an addition to the City of Amarillo, being an unplatted tract of land in Section 149, Block 2, AB&M Survey, Randall County, Texas.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, GRANTOR does for himself, his successors and assigns, GRANT, BARGAIN, SELL AND CONVEY unto the City of Amarillo, Texas, hereinafter called GRANTEE, its successors and assigned, for the use and benefit of the public, and easement and right-of-way appurtenant to Rick Husband Amarillo International Airport for the unobstructed passage of all aircraft, "aircraft" being defined for the purpose of this instrument as any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, by whomsoever owned or operated, in the airspace above GRANTOR'S above-described property; together with the right to cause in all airspace such noise, vibration, fumes, dust, fuel particulates and all other effects that may be caused by the operation of aircraft landing at, or taking off from, or operating at, on, over the above described property; and GRANTOR, his successors, executors, heirs or assigns, does hereby fully waive, remise and release any right, cause of action, and damage which it may now have or which it may have in the future against GRANTEE, its successors and assigns, due to such noise, vibrations, fumes, dust, fuel particulates and all other effects that may be caused or may have been caused by the operation of aircraft landing at, or taking off from, or operating near or on Rick Husband Amarillo International Airport or over the described property.

GRANTOR, for itself, its successors and assigned, does hereby covenant and agree that it will not hereafter erect, or permit the erection or growth of, any structure, tree or other object on the above described property to any height in excess of 4,550 feet above mean sea level. GRANTOR does hereby GRANT and CONVEY to GRANTEE a continuing right of ingress and egress via passage easement on and across the above-described property for the purpose of taking any action necessary to remove any structure, tree or other object in the airspace to any elevation greater than 4,550 feet above mean sea level.

TO HAVE AND TO HOLD said aviation clear zone easement, passage easement, and rights-of-way, and all rights appertaining thereto unto the GRANTEE, its successors and assigns, until Rick Husband Amarillo International Airport shall be abandoned and shall cease to be used for public airport purposes.

IT IS UNDERSTOOD AND AGREED that these covenants and agreements shall be binding upon the heirs, administrators, executors, successors and assigns of the GRANTOR and that these covenants and agreements shall run with the land, and that for the purposes of this



instrument, this easement shall be considered the dominant estate on the above-referenced property.

IN WITNESS WHEREOF, the GRANTOR, whether one or more, individual or corporate, has hereunto set its hand on this the 6<sup>th</sup> day of February, 2018.

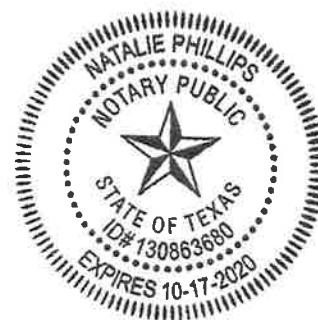
David Wiggains  
David Wiggains

THE STATE OF TEXAS §

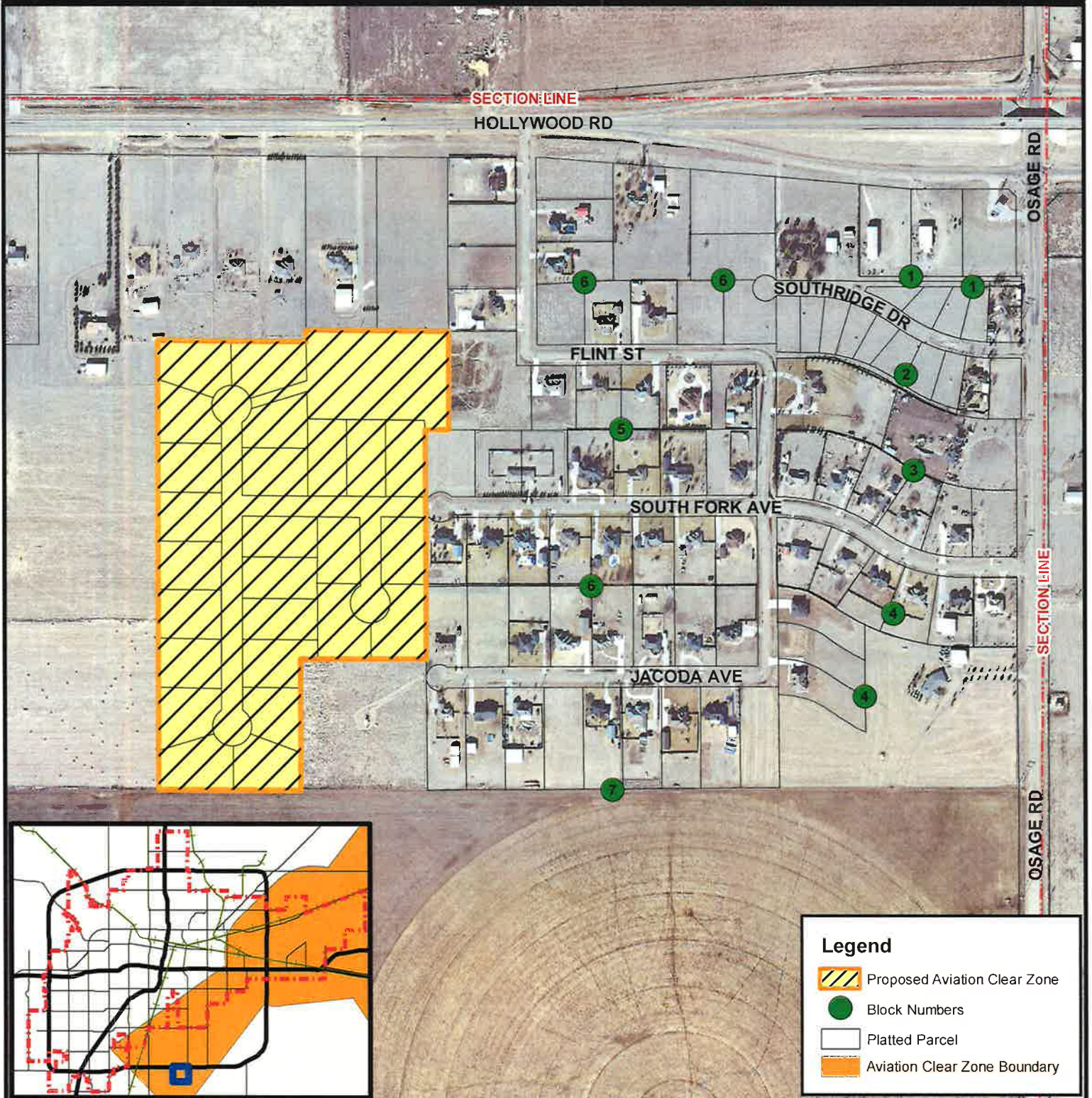
COUNTY OF POTTER §

This instrument was acknowledged before me on this the 6<sup>th</sup> day of February, 2018, by David Wiggains.

Natalie Phillips  
Notary Public, State of Texas



# CASE ACZ-17-11 AVIATION CLEAR ZONE EASEMENT



**Legend**

- Proposed Aviation Clear Zone
- Block Numbers
- Platted Parcel
- Aviation Clear Zone Boundary

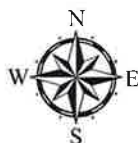
**CITY OF AMARILLO  
PLANNING DEPARTMENT**

Aviation Clear Zone Easement, being 4,550 feet above mean sea level above the plat of Arrowhead Addition Unit No. 10, an addition to the City of Amarillo, being an unplatted tract of land in Section 149, Block 2, AB&M Survey, Randall County, Texas.

Developer: David Wiggains

Vicinity: South Fork Ave. & Flint St.

**Scale: 1 inch = 532 feet**  
**Date: 2/13/2018**



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



<b>Meeting Date</b>	February 13, 2018	<b>Council Pillar</b>	Economic Development
<b>Department</b>	City Manager		
<b>Contact</b>	Michelle Bonner, Deputy City Manager		

### Agenda Caption

#### DISCUSSION AND CONSIDERATION OF ORDINANCE

(Contact: Michelle Bonner)

Discussion and consideration of all matters incident and related to the issuance and sale of “City of Amarillo, Texas, Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018”, including the adoption of an ordinance authorizing the issuance of such bonds.

### Agenda Item Summary

This ordinance authorizes the City to issue Hotel Occupancy Tax Revenue Bonds (bonds) to be used for the construction, improvement enlarging, equipping, operation and maintenance of municipal buildings, specifically a multiuse facility. The \$37.2 million proceeds associated with this bond issue combined with cash of \$8.3 million will fund the \$45.5 million multipurpose event venue facility.

### Requested Action

Adopt the Ordinance authorizing the issuance of the Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018

### Funding Summary

N/A

### Community Engagement Summary

On January 30, 2018 Specialized Public Finance presented the bond financing proposal to the City Council.

### Staff Recommendation

City staff is recommending approval of the Ordinance.

ORDINANCE NO. 1711

AN ORDINANCE authorizing the issuance of "CITY OF AMARILLO, TEXAS, HOTEL OCCUPANCY TAX REVENUE BONDS, TAXABLE SERIES 2018"; prescribing the forms, terms, and provisions of said bonds; pledging hotel occupancy tax revenues to the payment of the principal of and interest on said bonds; enacting provisions incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and execution of a Paying Agent/Registrar Agreement and a Purchase Agreement, and the approval and distribution of an Official Statement pertaining thereto; and providing an effective date.

WHEREAS, under the provisions of Chapter 351, Texas Tax Code, as amended and Chapters 1371 and 1504, Texas Government Code, as amended, the City Council of the City of Amarillo, Texas (the "City"), is authorized to issue hotel occupancy tax revenue bonds for the construction, improvements, enlarging, equipping, repairing, operation and maintenance of municipal buildings;

WHEREAS, the City Council further finds and determines that it is necessary and in the best interests of the City and its citizens that it issue such bonds authorized by this Ordinance, and that the proceeds of such bonds are to be used solely for the purposes specified in this Ordinance, which the City Council hereby determines to be necessary and economically feasible; and

WHEREAS, the bonds to be issued pursuant to the terms and provisions of this Ordinance will be secured by a pledge of and lien on the Pledged Revenues (as hereinafter defined); and

WHEREAS, this City Council is now authorized and empowered to proceed with the issuance of said bonds; now, therefore,

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

SECTION 1: Authorization - Designation - Principal Amount - Purpose. Hotel occupancy tax revenue bonds of the City shall be and are hereby authorized to be issued in the aggregate principal amount of \$\_\_\_\_\_ to be designated and bear the title "City of Amarillo, Texas, Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018" (hereinafter referred to as the "Bonds"), for the construction, improvement, enlarging, equipping, operation and maintenance of municipal buildings, to wit: a multiuse facility, funding a reserve fund and to pay costs of issuance, in conformity with the Constitution and laws of the State of Texas, including particularly Chapters 1371 and 1504, Texas Government Code, as amended and Chapter 351, Texas Tax Code, as amended.

SECTION 2: Fully Registered Obligations - Authorized Denominations - Stated Maturities - Interest Rates - Date. The Bonds are issuable in fully registered form only; shall be dated February 15, 2018 (the "Bond Date") and shall be in denominations of \$5,000 or any integral multiple thereof (within a Stated Maturity) and the Bonds shall become due and payable

on August 15 in each of the years and in principal amounts (the "Stated Maturities") and bear interest at per annum rates in accordance with the following schedule:

Year of Stated Maturity	Principal Amount	Interest Rate
2019	\$ _____	_____ %
2020		
2021		
2022		
2023		
2024		
2025		
2026		
2027		
2028		
2029		
2030		
2031		
2032		
2033		
2034		
2035		
2036		
2037		
2038		
2039		
2040		
2041		
2042		
2043		
2044		
2045		
2046		
2047		
2048		

The Bonds shall bear interest on the unpaid principal amounts from the date of initial delivery of the Bonds at the rate(s) per annum shown above in this Section (calculated on the basis of a 360-day year of twelve 30-day months). Interest on the Bonds shall be payable on February 15 and August 15 in each year, commencing August 15, 2018, until maturity or prior redemption.

SECTION 3: Terms of Payment-Paying Agent/Registrar. The principal of, premium, if any, and the interest on the Bonds, due and payable by reason of maturity or otherwise, shall be payable only to the registered owners or holders of the Bonds (hereinafter called the "Holders") appearing on the registration and transfer books (the "Security Register") maintained by the Paying Agent/Registrar and the payment thereof shall be in any coin or currency of the United States of America, which at the time of payment is legal tender for the payment of public and private debts, and shall be without exchange or collection charges to the Holders.

The selection and appointment of ZB, National Association dba Amegy Bank, Houston, Texas, to serve as the Paying Agent/Registrar for the Bonds is hereby approved and confirmed. The City agrees and covenants to cause to be kept and maintained at the principal office of the Paying Agent/Registrar, and at a location within the State of Texas, books and records for the registration, payment and transfer of the Bonds (the "Security Register"), all as provided herein, in accordance with the terms and provisions of a "Paying Agent/Registrar Agreement" substantially in the form of attached hereto as **Exhibit A** and such reasonable rules and regulations as the Paying Agent/Registrar and the City may prescribe; and the Mayor or Mayor Pro Tem and City Secretary of the City are authorized to execute and deliver such Agreement in connection with the delivery of the Bonds. The City covenants to maintain and provide a Paying Agent/Registrar at all times until the Bonds are paid and discharged, and any successor Paying Agent/Registrar shall be a commercial bank, trust company, financial institution or other entity qualified and authorized to serve in such capacity and perform the duties and services of Paying Agent/Registrar. Upon any change in the Paying Agent/Registrar for the Bonds, the City agrees to promptly cause a written notice thereof to be sent to each Holder by United States mail, first class postage prepaid, which notice shall also give the address of the new Paying Agent/Registrar.

Principal of and premium, if any, on the Bonds shall be payable at the Stated Maturities thereof only upon presentation and surrender of the Bonds to the Paying Agent/Registrar at its principal office. Interest on the Bonds shall be paid to the Holder whose name appears in the Security Register at the close of business on the Record Date (the last business day of the month next preceding each interest payment date) and shall be paid by the Paying Agent/Registrar (i) by check sent United States mail, first class postage prepaid, to the address of the Holder recorded in the Security Register or (ii) by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the Holder. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

In the event of a nonpayment of interest on a scheduled payment date, and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each Holder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

#### SECTION 4: Redemption.

(a) Optional Redemption. The Bonds having Stated Maturities on and after August 15, 20\_\_\_\_, shall be subject to redemption prior to maturity, at the option of the City, on August 15, 20\_\_\_\_ or on any date thereafter, in whole or in part, in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity by lot by the Paying Agent/Registrar), at the redemption price of par plus accrued interest to the date of redemption.

At least forty-five (45) days prior to a date set for the optional redemption of Bonds (unless a shorter notification period shall be satisfactory to the Paying Agent/Registrar), the City shall notify the Paying Agent/Registrar of its decision to exercise the right to redeem Bonds, the principal amount of each Stated Maturity to be redeemed, and the date set for the redemption thereof. The decision of the City to exercise the right to redeem Bonds shall be entered in the minutes of the governing body of the City.

(b) Mandatory Redemption. The Bonds having Stated Maturities of August 15 in each of the years 20\_\_, 20\_\_ and 20\_\_ (collectively, the "Term Bonds") shall be subject to mandatory redemption in part prior to maturity at the redemption price of par and accrued interest to the date of redemption on the respective dates and in principal amounts as follows:

<u>Term Bonds due August 15, 20__</u>		<u>Term Bonds Due August 15, 20__</u>	
<u>Redemption Date</u>	<u>Principal Amount</u>	<u>Redemption Date</u>	<u>Principal Amount</u>
August 15, 20__	\$____	August 15, 20__	\$____
August 15, 20__		August 15, 20__	
August 15, 20__		August 15, 20__	
August 15, 20__*		August 15, 20__*	
<u>Term Bonds due August 15, 20__</u>		<u>Term Bonds due August 15, 20__</u>	
<u>Redemption Date</u>	<u>Principal Amount</u>	<u>Redemption Date</u>	<u>Principal Amount</u>
August 15, 20__	\$____	August 15, 20__	\$____
August 15, 20__		August 15, 20__	
August 15, 20__		August 15, 20__	
August 15, 20__*		August 15, 20__*	

\* maturity

At least forty-five (45) days prior to each mandatory redemption date for the Term Bonds, the Paying Agent/Registrar shall select by lot the numbers of the Term Bonds within the applicable Stated Maturity to be redeemed on the next following August 15 from moneys set aside for that purpose in the Interest and Redemption Fund (as hereinafter defined). Any Term Bond not selected for prior redemption shall be paid on the date of its Stated Maturity.

The principal amount of the Term Bonds for a Stated Maturity required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Term Bonds of like Stated Maturity which, at least fifty (50) days prior to the mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions set forth in paragraph (a) of this Section and not theretofore credited against a mandatory redemption requirement.

(c) Selection of Bonds for Redemption. If less than all Outstanding Bonds of the same Stated Maturity are to be redeemed on a redemption date, the Paying Agent/Registrar shall select by lot the Bonds to be redeemed, provided that if less than the entire principal amount of a Bond is to be redeemed, the Paying Agent/Registrar shall treat such Bond then

subject to redemption as representing the number of Bonds Outstanding which is obtained by dividing the principal amount of such Bond by \$5,000.

(d) Notice of Redemption. Not less than thirty (30) days prior to a redemption date for the Bonds, a notice of redemption shall be sent by United States mail, first class postage prepaid, in the name of the City and at the City's expense, to each Bondholder of a Bond to be redeemed in whole or in part at the address of the Bondholder appearing on the Security Register at the close of business on the business day next preceding the date of mailing such notice, and any notice of redemption so mailed shall be conclusively presumed to have been duly given irrespective of whether received by the Bondholder.

All notices of redemption shall (i) specify the date of redemption for the Bonds, (ii) identify the Bonds to be redeemed and, in the case of a portion of the principal amount to be redeemed, the principal amount thereof to be redeemed, (iii) the redemption price, (iv) state that the Bonds, or the portion of the principal amount thereof to be redeemed, shall become due and payable on the redemption date specified, and the interest thereon, or on the portion of the principal amount thereof to be redeemed, shall cease to accrue from and after the redemption date, and (v) specify that payment of the redemption price for the Bonds, or the principal amount thereof to be redeemed, shall be made at the principal office of the Paying Agent/Registrar only upon presentation and surrender thereof by the Bondholder. If a Bond is subject by its terms to prior redemption and has been called for redemption and notice of redemption thereof has been duly given or waived as herein provided, such Bond (or the principal amount thereof to be redeemed) shall become due and payable, and interest thereon shall cease to accrue from and after the redemption date therefor, provided moneys sufficient for the payment of such Bonds (or of the principal amount thereof to be redeemed) at the then applicable redemption price are held for the purpose of such payment by the Paying Agent/Registrar.

(e) Conditional Notice of Redemption. With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

SECTION 5: Registration - Transfer - Exchange of Bonds - Predecessor Bonds. A Security Register relating to the registration, payment, and transfer or exchange of the Bonds shall at all times be kept and maintained by the City at the principal office of the Paying Agent/Registrar, and the Paying Agent/Registrar shall obtain, record, and maintain in the Security Register the name and address of each registered owner of the Bonds issued under and pursuant to the provisions of this Ordinance. Any Bond may, in accordance with its terms and the terms hereof, be transferred or exchanged for Bonds of other authorized denominations upon the Security Register by the Bondholder, in person or by his duly authorized agent, upon surrender of such Bond to the Paying Agent/Registrar for cancellation, accompanied by a written instrument of transfer or request for exchange duly executed by the Bondholder or by his duly authorized agent, in form satisfactory to the Paying Agent/Registrar.



Upon surrender for transfer of any Bond at the principal office of the Paying Agent/Registrar, the Paying Agent/Registrar shall register and deliver, in the name of the designated transferee or transferees, one or more new Bonds executed on behalf of, and furnished by, the City of authorized denominations and having the same Stated Maturity and of a like aggregate principal amount as the Bond or Bonds surrendered for transfer.

At the option of the Bondholder, Bonds may be exchanged for other Bonds of authorized denominations and having the same Stated Maturity, bearing the same rate of interest and of like aggregate principal amount as the Bonds surrendered for exchange, upon surrender of the Bonds to be exchanged at the principal office of the Paying Agent/Registrar. Whenever any Bonds are so surrendered for exchange, the Paying Agent/Registrar shall register and deliver new Bonds executed on behalf of, and furnished by, the City to the Bondholder requesting the exchange.

All Bonds issued upon any transfer or exchange of Bonds shall be delivered at the principal office of the Paying Agent/Registrar, or sent by United States mail, first class postage prepaid, to the Bondholder at his request, risk, and expense and, upon the delivery thereof, the same shall be valid obligations of the City, evidencing the same obligation to pay, and entitled to the same benefits under this Ordinance, as the Bonds surrendered in such transfer or exchange.

All transfers or exchanges of Bonds pursuant to this Section shall be made without expense or service charge to the Bondholder, except as otherwise herein provided, and except that the Paying Agent/Registrar shall require payment by the Bondholder requesting such transfer or exchange of any tax or other governmental charges required to be paid with respect to such transfer or exchange.

Bonds canceled by reason of an exchange or transfer pursuant to the provisions hereof are hereby defined to be "Predecessor Bonds," evidencing all or a portion, as the case may be, of the same obligation to pay evidenced by the new Bond or Bonds registered and delivered in the exchange or transfer therefor. Additionally, the term "Predecessor Bonds" shall include any Bond registered and delivered pursuant to Section 26 hereof in lieu of a mutilated, lost, destroyed, or stolen Bond which shall be deemed to evidence the same obligation as the mutilated, lost, destroyed, or stolen Bond.

Neither the City nor the Paying Agent/Registrar shall be required to transfer or exchange any Bond called for redemption, in whole or in part, within 30 days of the date fixed for redemption of such Bond; provided, however, that such limitation of transfer shall not be applicable to an exchange by the Bondholder of an unredeemed balance of a Bond called for redemption in part.

SECTION 6: Book-Entry-Only Transfers and Transactions. Notwithstanding the provisions contained herein relating to the payment, redemption and transfer/exchange of the Bonds, the City hereby approves and authorizes the use of "Book-Entry-Only" securities clearance, settlement and transfer system provided by The Depository Trust Company ("DTC"), a limited purpose trust company organized under the laws of the State of New York, in accordance with the requirements and procedures identified in the current DTC Operational Arrangements memorandum as amended, the Blanket Issuer Letter of Representations, by and between the City and DTC, and the Letter of Representation from the Paying Agent/Registrar to DTC (collectively, the "Depository Agreement").

Pursuant to the Depository Agreement and the rules of DTC, the Bonds shall be deposited with DTC who shall hold said Bonds for its participants (the "DTC Participants"). While the Bonds are held by DTC under the Depository Agreement, the Holder of the Bonds on the Security Register for all purposes, including payment and notices, shall be Cede & Co., as nominee of DTC, notwithstanding the ownership of each actual purchaser or owner of each Bond (the "Beneficial Owners") being recorded in the records of DTC and DTC Participants.

In the event DTC determines to discontinue serving as securities depository for the Bonds or otherwise ceases to provide book-entry clearance and settlement of securities transactions in general or the City determines that DTC is incapable of properly discharging its duties as securities depository for the Bonds, the City covenants and agrees with the Holders of the Bonds to cause Bonds to be printed in definitive form and provide for the Bond certificates to be issued and delivered to DTC Participants and Beneficial Owners, as the case may be. Thereafter, the Bonds in definitive form shall be assigned, transferred and exchanged on the Security Register maintained by the Paying Agent/Registrar and payment of such Bonds shall be made in accordance with the provisions of Sections 3, 4 and 5 hereof.

SECTION 7: Execution - Registration. The Bonds shall be executed on behalf of the City by the Mayor under its seal reproduced or impressed thereon and attested by the City Secretary. The signature of said officers on the Bonds may be manual or facsimile. Bonds bearing the manual or facsimile signatures of individuals who are or were the proper officers of the City on the Bond Date shall be deemed to be duly executed on behalf of the City, notwithstanding that such individuals or either of them shall cease to hold such offices at the time of delivery of the Bonds to the initial purchaser(s) and with respect to Bonds delivered in subsequent exchanges and transfers, all as authorized and provided in the V.T.C.A., Government Code, Chapter 1201.

No Bond shall be entitled to any right or benefit under this Ordinance, or be valid or obligatory for any purpose, unless there appears on such Bond either a certificate of registration substantially in the form provided in Section 9C, manually executed by the Comptroller of Public Accounts of the State of Texas, or his duly authorized agent, or a certificate of registration substantially in the form provided in Section 9D, manually executed by an authorized officer, employee or representative of the Paying Agent/Registrar, and either such certificate duly signed upon any Bond shall be conclusive evidence, and the only evidence, that such Bond has been duly certified, registered and delivered.

SECTION 8: Initial Bond(s). The Bonds herein authorized shall be initially issued as a single fully registered bond in the total principal amount of this series with principal installments to become due and payable as provided in Section 2 hereof and numbered T-1, or (ii) as one bond for each year of maturity in the applicable principal amount and denomination as referenced in Section 2 hereof and to be numbered consecutively from T-1 and upward (hereinafter called the "Initial Bond(s)") and, in either case, the Initial Bond(s) shall be registered in the name of the initial purchaser(s) or the designee thereof. The Initial Bond(s) shall be the Bonds submitted to the Office of the Attorney General of the State of Texas for approval, certified and registered by the Office of the Comptroller of Public Accounts of the State of Texas and delivered to the initial purchaser(s). Any time after the delivery of the Initial Bond(s), the Paying Agent/Registrar, pursuant to written instructions from the purchaser(s), or the designee thereof, shall cancel the Initial Bond(s) delivered hereunder and exchange therefor definitive Bonds of authorized denominations, Stated Maturities, principal amounts, and bearing applicable interest rates for transfer and delivery to the Bondholders named at the addresses identified therefor; all pursuant to and in accordance with such written instructions from the initial

purchaser(s), or the designee thereof, and such other information and documentation as the Paying Agent/Registrar may reasonably require.

SECTION 9: Forms

A. Forms Generally. The Bonds, the Registration Certificate of the Comptroller of Public Accounts of the State of Texas, the Certificate of Registration, and the form of Assignment to be printed on each of the Bonds, shall be substantially in the forms set forth in this Section with such appropriate insertions, omissions, substitutions, and other variations as are permitted or required by this Ordinance and may have such letters, numbers, or other marks of identification (including identifying numbers and letters of the Committee on Uniform Securities Identification Procedures of the American Bankers Association) and such legends and endorsements (including insurance legends in the event the Bonds, or any maturities thereof, are purchased with insurance and any reproduction of an opinion of counsel) thereon as may, consistently herewith, be established by the City or determined by the officers executing such Bonds as evidenced by their execution thereof. Any portion of the text of any Bonds may be set forth on the reverse thereof, with an appropriate reference thereto on the face of the Bond.

The definitive Bonds shall be printed, typed, lithographed, or engraved or produced in any other similar manner, all as determined by the officers executing such Bonds as evidenced by their execution thereof, but the Initial Bond(s) submitted to the Attorney General of Texas may be typewritten or photocopied or otherwise reproduced.

The City may provide for registration of the Bonds in the name of a securities depository, or the nominee thereof. While any Bond is registered in the name of a securities depository or its nominee, references herein and in the Bonds to the holder or owner of such Bond shall mean the securities depository or its nominee and shall not mean any other person.

B. Form of Definitive Bond.

REGISTERED  
NO. \_\_\_\_\_

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF AMARILLO, TEXAS  
HOTEL OCCUPANCY TAX REVENUE BOND  
TAXABLE SERIES 2018

Bond Date: February 15, 2018      Interest Rate: \_\_\_\_\_      Stated Maturity: \_\_\_\_\_      CUSIP NO: \_\_\_\_\_

Registered Owner: \_\_\_\_\_

Principal Amount: \_\_\_\_\_ DOLLARS

The City of Amarillo, Texas (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Potter and Randall, State of Texas, for value received, hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, solely from the revenues hereinafter defined, on the Stated Maturity date specified

above, the Principal Amount stated above (or so much thereof as shall not have been paid upon prior redemption) and to pay interest on the unpaid Principal Amount thereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the date of initial delivery of the Bonds) at the per annum rate of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 of each year commencing August 15, 2018, until maturity or prior redemption. Principal of this Bond shall be payable to the registered owner hereof, upon presentation and surrender, at the principal office in Salt Lake City, Utah of the Paying Agent/Registrar executing the registration certificate appearing hereon, or its successor. Interest shall be payable to the registered owner of this Bond (or one or more Predecessor Bonds, as defined in the Ordinance hereinafter referenced) whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the last business day of the month next preceding each interest payment date. All payments of principal of, premium, if any, and interest on this Bond shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts and shall be made by the Paying Agent/Registrar by check sent on or prior to the appropriate date of payment by United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register on the Record Date or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

This Bond is one of the series specified in its title issued in the aggregate principal amount of \$\_\_\_\_\_ (herein referred to as the "Bonds") for the construction, improvement, enlarging, equipping, operation and maintenance of municipal buildings, to wit: a multiuse facility, funding a reserve fund and paying costs of issuance, under and in strict conformity with the Constitution and laws of the State of Texas, including Chapters 1371 and 1504, Texas Government Code, as amended and Chapter 351, Texas Tax Code, as amended.

[The Bonds maturing on the dates hereinafter identified (collectively, the "Term Bonds") are subject to mandatory redemption prior to maturity with funds on deposit in the Interest and Redemption Fund established and maintained for the payment thereof in the Ordinance, and shall be redeemed in part prior to maturity at the price of par and accrued interest thereon to the mandatory redemption date on the respective dates and in principal amounts as follows:

<u>Term Bonds due August 15, 20</u>		<u>Term Bonds Due August 15, 20</u>	
<u>Redemption Date</u>	<u>Principal Amount</u>	<u>Redemption Date</u>	<u>Principal Amount</u>
August 15, 20__	\$ _____	August 15, 20__	\$ _____
August 15, 20__		August 15, 20__	
August 15, 20__		August 15, 20__	
August 15, 20__*		August 15, 20__*	
<u>Term Bonds due August 15, 20</u>		<u>Term Bonds due August 15, 20</u>	

<u>Redemption Date</u>	<u>Principal Amount</u>	<u>Redemption Date</u>	<u>Principal Amount</u>
August 15, 20__	\$ _____	August 15, 20__	\$ _____
August 15, 20__		August 15, 20__	
August 15, 20__		August 15, 20__	
August 15, 20__*		August 15, 20__*	

\* maturity

The particular Term Bonds of a stated maturity to be redeemed on each redemption date shall be chosen by lot by the Paying Agent/Registrar; provided, however, that the principal amount of Term Bonds for a stated maturity required to be redeemed on a mandatory redemption date may be reduced, at the option of the City, by the principal amount of Term Bonds of like stated maturity which, at least fifty (50) days prior to the mandatory redemption date, (1) shall have been acquired by the City at a price not exceeding the principal amount of such Term Bonds plus accrued interest to the date of purchase thereof, and delivered to the Paying Agent/Registrar for cancellation or (2) shall have been redeemed pursuant to the optional redemption provisions appearing below and not theretofore credited against a mandatory redemption requirement.]

The Bonds maturing on and after August 15, 20\_\_, may be redeemed prior to their Stated Maturities, at the option of the City, in whole or in part in principal amounts of \$5,000 or any integral multiple thereof (and if within a Stated Maturity selected by lot by the Paying Agent/Registrar), on August 15, 20\_\_ or on any date thereafter at the redemption price of par plus accrued interest to the date of redemption.

At least thirty days prior to a redemption date, the City shall cause a written notice of such redemption to be sent by United States Mail, first class postage prepaid, to the registered owners of each Bond to be redeemed at the address shown on the Security Register and subject to the terms and provisions relating thereto contained in the Ordinance. If this Bond (or any portion of the principal sum hereof) shall have been duly called for redemption and notice of such redemption duly given, then upon such redemption date this Bond (or the portion of the principal sum hereof to be redeemed) shall become due and payable, and, if moneys for the payment of the redemption price and the interest accrued on the principal amount to be redeemed to the date of redemption are held for the purpose of such payment by the Paying Agent/Registrar, interest shall cease to accrue and be payable from and after the redemption date on the principal amount hereof redeemed.

In the event of a partial redemption of the principal amount of this Bond, payment of the redemption price of such principal amount shall be made to the registered owner only upon presentation and surrender of this Bond to the Paying Agent/Registrar at its principal office and, there shall be issued, without charge therefor, to the registered owner hereof, a new Bond or Bonds of like maturity and interest rate in any authorized denominations provided in the Ordinance for the then unredeemed balance of the principal sum hereof. If this Bond is called for redemption, in whole or in part, the City or the Paying Agent/Registrar shall not be required to transfer this Bond to an assignee of the Bondholder within 45 days of the redemption date therefor; provided, however, such limitation on transferability shall not be applicable to an exchange by the Bondholder of the unredeemed balance hereof in the event of its redemption in part.

With respect to any optional redemption of the Bonds, unless moneys sufficient to pay the principal of and premium, if any, and interest on the Bonds to be redeemed shall have been received by the Paying Agent/Registrar prior to the giving of such notice of redemption, such notice may state that said redemption is conditional upon the receipt of such moneys by the Paying Agent/Registrar on or prior to the date fixed for such redemption, or upon the satisfaction of any prerequisites set forth in such notice of redemption; and, if sufficient moneys are not received, such notice shall be of no force and effect, the City shall not redeem such Bonds and the Paying Agent/Registrar shall give notice, in the manner in which the notice of redemption was given, to the effect that the Bonds have not been redeemed.

The Bonds are special obligations of the City and, together with any Parity Bonds (as defined in the Ordinance authorizing the issuance of the Bonds) that may be outstanding, are payable solely from and secured by a lien on and pledge of the Pledged Revenues (as defined in the Ordinance). The Bonds do not constitute a legal or equitable pledge, charge, lien or encumbrance upon any property of the City, except with respect to the Pledged Revenues. The holder hereof shall never have the right to demand payment of this obligation out of any funds raised or to be raised by taxation.

Subject to satisfying the terms and conditions prescribed therefor, the City has reserved the right to issue additional revenue obligations payable from and equally and ratably secured by a parity lien on and pledge of the Pledged Revenues, in the same manner and to the same extent as the Bonds.

Reference is hereby made to the Ordinance, a copy of which is on file in the principal office of the Paying Agent/Registrar, and to all of the provisions of which the Bondholder by his acceptance hereof hereby assents, for definitions of terms; the description of and the nature and extent of the security for the Bonds; the Pledged Revenues pledged to the payment of the principal of and interest on the Bonds; the nature and extent and manner of enforcement of the lien and pledge securing the payment of the Bonds; the terms and conditions for the issuance of additional hotel occupancy tax revenue obligations; the terms and conditions relating to the transfer or exchange of this Bond; the conditions upon which the Ordinance may be amended or supplemented with or without the consent of the Bondholders; the rights, duties, and obligations of the City and the Paying Agent/Registrar; the terms and provisions upon which the liens, pledges, charges and covenants made therein may be discharged at or prior to the maturity or redemption of this Bond, and this Bond deemed to be no longer Outstanding thereunder; and for the other terms and provisions thereof. Capitalized terms used herein have the same meanings assigned in the Ordinance.

This Bond, subject to certain limitations contained in the Ordinance, may be transferred on the Security Register only upon its presentation and surrender at the principal office of the Paying Agent/Registrar, with the Assignment hereon duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar duly executed by, the registered owner hereof, or his duly authorized agent. When a transfer on the Security Register occurs, one or more new fully registered Bonds of the same Stated Maturity, of authorized denominations, bearing the same rate of interest, and of the same aggregate principal amount will be issued by the Paying Agent/Registrar to the designated transferee or transferees.

The City and the Paying Agent/Registrar, and any agent of either, may treat the registered owner hereof whose name appears on the Security Register (i) on the Record Date as the owner entitled to payment of interest hereon, (ii) on the date of surrender of this Bond as

the owner entitled to payment of principal hereof at its Stated Maturity or its redemption, in whole or in part, and (iii) on any other date as the owner for all other purposes, and neither the City nor the Paying Agent/Registrar, or any agent of either, shall be affected by notice to the contrary. In the event of non-payment of interest on a scheduled payment date and for thirty (30) days thereafter, a new record date for such interest payment (a "Special Record Date") will be established by the Paying Agent/Registrar, if and when funds for the payment of such interest have been received from the City. Notice of the Special Record Date and of the scheduled payment date of the past due interest (which shall be 15 days after the Special Record Date) shall be sent at least five (5) business days prior to the Special Record Date by United States mail, first class postage prepaid, to the address of each Bondholder appearing on the Security Register at the close of business on the last business day next preceding the date of mailing of such notice.

It is hereby certified, recited and represented and covenanted that the City is a duly organized and legally existing municipal corporation under and by virtue of the Constitution and laws of the State of Texas; that the issuance of the Bonds is duly authorized by law; that all acts, conditions and things required to exist and be done precedent to and in the issuance of the Bonds to render the same lawful and valid special obligations of the City have been properly done, have happened and have been performed in regular and due time, form and manner as required by the Constitution and laws of the State of Texas, and the Ordinance; that the Bonds do not exceed any constitutional or statutory limitation; and that due provision has been made for the payment of the principal of and interest on the Bonds by a pledge of the Pledged Revenues as aforestated. In case any provision in this Bond or any application thereof shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions and applications shall not in any way be affected or impaired thereby. The terms and provisions of this Bond and the Ordinance shall be construed in accordance with and shall be governed by the laws of the State of Texas.

IN WITNESS WHEREOF, the City Council of the City has caused this Bond to be duly executed under the official seal of the City as of the Bond Date.

CITY OF AMARILLO, TEXAS

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Mayor

COUNTERSIGNED:

---

City Secretary

(City Seal)

C. Form of Registration Certificate of Comptroller of Public Accounts, to appear on Initial Bond only.

REGISTRATION CERTIFICATE OF  
COMPTROLLER OF PUBLIC ACCOUNTS

OFFICE OF THE COMPTROLLER )  
)  
)  
OF PUBLIC ACCOUNTS )  
)  
THE STATE OF TEXAS )

REGISTER NO. \_\_\_\_\_

I HEREBY CERTIFY that this Bond has been examined, certified as to validity and approved by the Attorney General of the State of Texas, and duly registered by the Comptroller of Public Accounts of the State of Texas.

WITNESS my signature and seal of office this \_\_\_\_\_.

\_\_\_\_\_  
Comptroller of Public Accounts  
of the State of Texas

(SEAL)

D. Form of Certificate of Paying Agent/Registrar to appear on Definitive Bonds only.

REGISTRATION CERTIFICATE OF PAYING AGENT/REGISTRAR

This Bond has been duly issued and registered under the provisions of the within-mentioned Ordinance; the bond or bonds of the above entitled and designated series originally delivered having been approved by the Attorney General of the State of Texas and registered by the Comptroller of Public Accounts, as shown by the records of the Paying Agent/Registrar.

ZB, NATIONAL ASSOCIATION dba AMEGY BANK,  
Houston, Texas, as Paying Agent/Registrar

Registration date:

\_\_\_\_\_

By \_\_\_\_\_  
Authorized Signature

E. Form of Assignment.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns, and transfers unto  
(Print or typewrite name, address, and zip code of transferee:)

\_\_\_\_\_  
\_\_\_\_\_

(Social Security or other identifying number \_\_\_\_\_) the within  
Bond and all rights thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_



attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

DATED:

\_\_\_\_\_  
Signature guaranteed:

\_\_\_\_\_  
NOTICE: The signature on this assignment must correspond with the name of the registered owner as it appears on the face of the within Bond in every particular.

F. The Initial Bond(s) shall be substantially in the form set forth in paragraph B of this Section, except that the form of a single fully registered Initial Bond shall be modified as follows:

REGISTERED  
NO. T-1

REGISTERED  
\$ \_\_\_\_\_

UNITED STATES OF AMERICA  
STATE OF TEXAS  
CITY OF AMARILLO, TEXAS  
HOTEL OCCUPANCY TAX REVENUE BOND  
TAXABLE SERIES 2018

Bond Date: February 15, 2018

Registered Owner: RAYMOND JAMES & ASSOCIATES, INC.

Principal Amount: \_\_\_\_\_ MILLION \_\_\_\_\_ HUNDRED \_\_\_\_\_ THOUSAND DOLLARS

The City of Amarillo (hereinafter referred to as the "City"), a body corporate and municipal corporation in the Counties of Potter and Randall, State of Texas, for value received, hereby promises to pay to the Registered Owner named above, or the registered assigns thereof, solely from the revenues hereinafter identified, on the 15<sup>th</sup> day of August in each of the years and in principal amounts and bearing interest at per annum rates in accordance with the following schedule:

<u>Year of Stated Maturity</u>	<u>Principal Amount</u>	<u>Interest Rate</u>
--------------------------------	-------------------------	----------------------

(Information to be inserted from schedule in Section 2 hereof).

(or so much thereof as shall not have been prepaid prior to maturity) and to pay interest on the unpaid principal amounts hereof from the interest payment date next preceding the "Registration Date" of this Bond appearing below (unless this Bond bears a "Registration Date" as of an interest payment date, in which case it shall bear interest from such date, or unless the "Registration Date" of this Bond is prior to the initial interest payment date in which case it shall bear interest from the date of the initial delivery of the Bonds) at the per annum rates of interest specified above computed on the basis of a 360-day year of twelve 30-day months; such interest being payable on February 15 and August 15 of each year, commencing August 15, 2018, until maturity or prior redemption. Principal of this Bond shall be payable to the registered owner hereof, upon presentation and surrender, at the principal office of ZB, National

Association dba Amegy Bank, Houston, Texas (the "Paying Agent/Registrar") in Salt Lake City, Utah. Interest shall be payable to the registered owner of this Bond whose name appears on the "Security Register" maintained by the Paying Agent/Registrar at the close of business on the "Record Date," which is the last business day of the month next preceding each interest payment date. All payments of principal of, premium, if any, and interest on this Bond shall be in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts and interest shall be paid by the Paying Agent/Registrar by check sent United States Mail, first class postage prepaid, to the address of the registered owner recorded in the Security Register on the Record Date or by such other method, acceptable to the Paying Agent/Registrar, requested by, and at the risk and expense of, the registered owner. If the date for the payment of the principal of or interest on the Bonds shall be a Saturday, Sunday, a legal holiday, or a day when banking institutions in the city where the Paying Agent/Registrar is located are authorized by law or executive order to close, then the date for such payment shall be the next succeeding day which is not such a Saturday, Sunday, legal holiday, or day when banking institutions are authorized to close; and payment on such date shall have the same force and effect as if made on the original date payment was due.

SECTION 10: Definitions. That for all purposes of this ordinance and in particular for clarity with respect to the issuance of the Bonds herein authorized and the pledge and appropriation of revenues therefor, the following definitions are provided:

(a) The term "Additional Bonds" shall mean the additional parity hotel occupancy tax revenue bonds which the City reserves the right to issue in the future, as provided in this Ordinance, as may be outstanding from time to time.

(b) The term "Bonds" shall mean the "City of Amarillo, Texas Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018", authorized by this Ordinance, as may be outstanding from time to time.

(c) The term "City" shall mean the City of Amarillo, in Potter and Randall Counties, Texas.

(d) The term "Hotel Occupancy Tax" means the tax, levied by the City pursuant to the Tax Act, on the cost of occupancy of any sleeping room furnished by any hotel located within the corporate limits of the City, in which the cost of occupancy is \$2.00 or more each day, which tax is currently levied at a rate of 7% of the consideration paid by the occupant of the sleeping room to the hotel.

(e) The terms "Outstanding" and "outstanding" when used in this Ordinance with respect to Bonds means, as of the date of determination, all Bonds theretofore issued and delivered under this Ordinance, except:

(1) those Bonds theretofore canceled by the Paying Agent/Registrar or delivered to the Paying Agent/Registrar for cancellation;

(2) those Bonds for which payment has been duly provided by the City by the irrevocable deposit with the Paying Agent/Registrar of money in the amount necessary to fully pay the principal of, premium, if any, and interest thereon to maturity or redemption, as the case may be, provided that, if such Bonds are to be redeemed, notice of redemption thereof shall have been duly given pursuant to this Ordinance or

irrevocably provided to be given to the satisfaction of the Paying Agent/Registrar, or waived;

(3) those Bonds that have been mutilated, destroyed, lost or stolen and replacement Bonds have been registered and delivered in lieu thereof as provided in Section 26 hereof; and

(4) those Bonds for which the payment of the principal of, premium, if any, and interest on which has been duly provided for by the City in accordance with law.

(f) The term "Pledged Revenues" shall mean (i) the Hotel Occupancy Tax, plus (ii) interest and other income realized from the investment of amounts on deposit in the funds and accounts to be maintained pursuant to this Ordinance to the extent such interest and other income are required to be transferred and credited to the Tax Fund.

(g) The term "Parity Bonds" means the Bonds, the Previously Issued Bonds and Additional Bonds secured by a lien on Pledged Revenues on a parity with the Bonds.

(h) The term "Previously Issued Bonds" means the Outstanding "City of Amarillo, Texas Hotel Occupancy Tax Revenue Bonds, Taxable Series 2016," dated March 15, 2016.

(i) The term "Reserve Fund" means the Fund referenced in Section 14 of this Ordinance to provide a reserve amount for the payment of any Parity Bonds.

(j) The term "Reserve Fund Requirement" means, to the extent applicable to a series of Parity Bonds, the total amount to be accumulated and maintained in the Reserve Fund pursuant to Section 14 hereof, which total shall equal the amount specified in the ordinance or pricing certificate related to that issue of Parity Bonds.

(k) The term "Reserve Fund Surety Bond" means any surety bond, insurance policy, letter of credit or other guaranty issued to the City for the benefit of the Holders of the Parity Bonds to satisfy any part of the Reserve Fund Requirement as provided in Section 14 of this Ordinance.

(l) The term "Tax Act" means Texas Tax Code, Chapter 351.

(m) The term "Tax Fund" means the fund so designated in Section 12 of this Ordinance.

(n) The term "year" shall mean the regular fiscal year used by the City, which may be any twelve consecutive months period established by the City.

SECTION 11: Pledge. That the City hereby covenants and agrees that, it shall continue to levy a Hotel Occupancy Tax at a rate of at least 7% of the consideration paid by the occupant of the sleeping room to the hotel, all as authorized by the Tax Act and that pertaining to their authorization, the Pledged Revenues, with the exception of those in excess of the amounts required for the payment and security of the Parity Bonds, are hereby irrevocably pledged to the payment and security of the Parity Bonds, and the Pledged Revenues are further pledged irrevocably to the establishment and maintenance of the Interest and Redemption Fund and the Reserve Fund as hereinafter provided. The City further covenants that it shall enforce the provisions of this Ordinance, or any other ordinance levying the Hotel Occupancy Tax,

concerning the collection, remittance and payment of the Hotel Occupancy Tax. The Parity Bonds are and will be secured by and payable only from the Pledged Revenues, and are not secured by or payable from a mortgage or deed of trust on any real, personal, or mixed properties of the City.

Such lien on and pledge of the Pledged Revenues shall be valid and binding and fully perfected from and after the date of adoption of this Ordinance without physical delivery or transfer of control of the Pledged Revenues, the filing of this Ordinance or any other act; all as provided in Texas Government Code, Chapter 1208, as amended. Texas Government Code, Chapter 1208, as amended, applies to the issuance of the Bonds and the pledge of the Pledged Revenues granted by the City under this Section 11, and such pledge is therefore valid, effective and perfected. If Texas law is amended at any time while the Bonds are Outstanding such that the pledge of the Pledged Revenues granted by the City under this Section 11 is to be subject to the filing requirements of Texas Business and Commerce Code, Chapter 9, as amended, then in order to preserve to the registered owners of the Bonds the perfection of the security interest in said pledge, the City agrees to take such measures as it determines are reasonable and necessary under Texas law to comply with the applicable provisions of Texas Business and Commerce Code, Chapter 9, as amended, and enable a filing to perfect the security interest in said pledge to occur.

SECTION 12: Tax Fund. There is hereby created and established and shall be maintained on the books of the City, and accounted for separate and apart from all other funds of the City, a special fund entitled the "City of Amarillo Hotel Occupancy Tax Revenue Bonds Revenue Fund" (hereinafter called the "Tax Fund"). All Hotel Occupancy Tax revenues received by the City shall be credited to the Tax Fund immediately upon receipt and revenues deposited to said Tax Fund shall be pledged and appropriated to the following uses and in the priority shown below:

- First: To the payment, equally and ratably, of the amounts required to be deposited in the Interest and Redemption Fund created and established for the payment of principal of and interest on the Parity Bonds as the same becomes due and payable.
- Second: To the payment of any other indebtedness payable from and secured, in whole or in part, by a lien on and claim against the Pledge Revenues.
- Third: Any revenues remaining in the Tax Fund after satisfying the foregoing payments, or making adequate and sufficient provisions for the payment thereof, may be appropriated and used for any other purpose now Hotel Occupancy Tax or hereafter permitted by law for use of Pledge Revenues.

SECTION 13: Interest and Redemption Fund. That for the sole purpose of paying the principal of and interest on all Outstanding Parity Bonds, as the same come due, there is hereby created and established and shall be maintained at any official depository bank of the City a separate fund entitled the "City of Amarillo Hotel Occupancy Tax Revenue Bonds Interest and Redemption Fund" (hereinafter called the "Interest and Redemption Fund").

SECTION 14: Reserve Fund.

(a) The Reserve Fund is established for the benefit of the Parity Bonds. The amount to be accumulated in the Reserve Fund shall be equal to not less than the lesser of (i) the

maximum annual debt service requirement on all outstanding Parity Bonds, (ii) the average annual debt service requirements on all outstanding Parity Bonds, or (iii) 10% of the stated principal amount of the outstanding Parity Bonds (the "Reserve Fund Requirement"). The City reserves the right, in connection with the issuance of a series of Parity Bonds, to establish within the Reserve Fund an account to provide additional security for holders of that series of Parity Bonds. If an account within the Reserve Fund is established for the benefit of Holders of a series of Parity Bonds, the Required Reserve Requirement for a series of Parity Bonds will be funded either with cash or with a Reserve Fund Surety Bond issued by an insurance company or other entity that is rated as of the date of acquisition of the Reserve Fund Surety Bond (either for the long term unsecured debt of the issuer of such Reserve Fund Surety Bond or for obligations insured, secured or guaranteed by such issuer) no lower than A- or its equivalent by at least one major municipal securities credit rating service (a "Surety Bond Provider"). In connection with a Reserve Fund Surety Bond, the City Manager or an assistant City Manager may approve the terms and form of the Reserve Fund Surety Bond and of a guaranty or other agreement pursuant to which the City is obligated to pay premiums, fees, and reimbursement obligations owing to the Surety Bond Provider (a "Guaranty Agreement")

(b) With respect to the Bonds, the City shall establish within the Reserve Fund a "Taxable Series 2018 Reserve Account" and maintain a balance in the Taxable Series 2018 Reserve Account equal to the Reserve Fund Requirement for the Bonds. A Reserve Fund Surety Bond in the amount of the Reserve Fund Requirement for the Bonds will be issued by the Surety Bond Provider and shall be deposited to the credit of the Taxable Series 2018 Reserve Account of the Reserve Fund to fully fund the Reserve Fund Requirement for the Bonds. The Reserve Fund Requirement for the Bonds is an amount equal to \$\_\_\_\_\_.

(c) Any draws on the Reserve Fund Surety Bond or other credit agreements funding the Reserve Fund Requirement for a series of Parity Bonds on which there is available coverage shall be made on a pro rata basis (calculated by reference to coverage then available under each applicable surety bond or credit agreement) after applying available cash and investments in the Reserve Fund.

(d) If the Reserve Fund contains less than the Reserve Fund Requirement, the City is obligated to repay or reimburse any issuer of a Reserve Fund Surety Bond (in the event a Reserve Fund Surety Bond is drawn upon), then after making all required transfers to the Interest and Redemption Fund, there shall be transferred into the Reserve Fund from the available Pledged Revenues on or before the first day of each month an amount necessary to reestablish the Reserve Fund Requirements within twelve (12) months and to satisfy any repayment obligations to the issuer of any Reserve Fund Surety Bond. After the Reserve Fund Requirement has been accumulated in the Reserve Fund and after satisfying any repayment obligation to any issuer of a Reserve Fund Surety Bond and so long thereafter as the applicable account within the Reserve Fund contains such amount and all such repayment obligations have been satisfied, no further transfers shall be required to be made, and any excess amounts on deposit may be transferred to the Interest and Redemption Fund or used for any lawful purpose for which the Pledged Revenues may be used. But, if and whenever the balance in the Reserve Fund is reduced below the Reserve Fund Requirement, or any Reserve Fund Surety Bond repayment obligations arise, transfers to the Reserve Fund shall be resumed and continued in the manner stated above to restore the Reserve Fund Requirement and to pay any reimbursement obligations.

(e) The Reserve Fund shall be used to pay the principal of and interest on a series of Parity Bonds for which an account within the Reserve Fund is established at any time when

there is not sufficient money available in the Interest and Redemption Fund for such purpose and to make any payments required to satisfy repayment obligations to issuers of Reserve Fund Surety Bonds, and may also be used to make the final payments for the retirement or defeasance on a series of Parity Bonds for which an account within the Reserve Fund is established.

(f) When and if a series of Additional Bonds is issued, the City Council shall determine whether a reserve account shall be created and a Reserve Fund Requirement maintained for the payment and security of the series of Additional Bonds then being issued. To the extent a reserve account is created for a series of Additional Bonds, the Reserve Fund Requirement may be funded wholly or partly in cash or by a Reserve Fund Surety Bond as provided in the ordinance authorizing the issuance of the Additional Bonds.

(g) Provisions Related to Reserve Policy. The Reserve Fund Requirement for the Bonds will be funded with a Municipal Bond Debt Service Reserve Insurance Policy (the "Reserve Policy") provided by Assured Guaranty Municipal Corp. (the "Insurer") and the City agrees to the provisions set forth below and in the event of any conflict or any inconsistency with other provisions of this Ordinance, the provisions in this subsection shall control:

(i) The City shall repay, solely from Pledged Revenues, any draws under the Reserve Policy and pay all related reasonable expenses incurred by the Insurer and shall pay interest thereon from the date of payment by the Insurer at the Late Payment Rate. "Late Payment Rate" means the lesser of (x) the greater of (i) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in the City of New York, as its prime or base lending rate ("Prime Rate") (any change in such Prime Rate to be effective on the date such change is announced by JPMorgan Chase Bank) plus 3%, and (ii) the then applicable highest rate of interest on the Bonds and (y) the maximum rate permissible under applicable usury or similar laws limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days. In the event JPMorgan Chase Bank ceases to announce its Prime Rate publicly, Prime Rate shall be the publicly announced prime or base lending rate of such national bank as the Insurer shall specify. If the interest provisions of this subparagraph (a) shall result in an effective rate of interest which, for any period, exceeds the limit of the usury or any other laws applicable to the indebtedness created herein, then all sums in excess of those lawfully collectible as interest for the period in question shall, without further agreement or notice between or by any party hereto, be applied as additional interest for any later periods of time when amounts are outstanding hereunder to the extent that interest otherwise due hereunder for such periods plus such additional interest would not exceed the limit of the usury or such other laws, and any excess shall be applied upon principal immediately upon receipt of such moneys by the Insurer, with the same force and effect as if the City had specifically designated such extra sums to be so applied and the Insurer had agreed to accept such extra payment(s) as additional interest for such later periods. In no event shall any agreed-to or actual exaction as consideration for the indebtedness created herein exceed the limits imposed or provided by the law applicable to this transaction for the use or detention of money or for forbearance in seeking its collection.

Repayment of draws and payment of expenses and accrued interest thereon at the Late Payment Rate (collectively, "Policy Costs") shall commence in the first month following each draw, and each such monthly payment shall be in an amount at least equal to 1/12 of the aggregate of Policy Costs related to such draw.

Amounts in respect of Policy Costs paid to the Insurer shall be credited first to interest due, then to the expenses due and then to principal due. As and to the extent that payments are made to the Insurer on account of principal due, the coverage under the Reserve Policy will be increased by a like amount, subject to the terms of the Reserve Policy. The obligation to pay Policy Costs shall be secured by a valid lien on the Pledged Revenues (subject only to the priority of payment provisions set forth under the Ordinance).

All cash and investments in the Taxable Series 2018 Reserve Account of the Reserve Fund established for the Bonds shall be transferred to the Interest and Redemption Fund for payment of debt service on Bonds before any drawing may be made on the Reserve Policy or any other Reserve Fund Surety Bond credited to the Taxable Series 2018 Reserve Account of the Reserve Fund in lieu of cash ("Credit Facility"). Payment of any Policy Costs shall be made prior to replenishment of any such cash amounts. Draws on all Credit Facilities (including the Reserve Policy) on which there is available coverage shall be made on a pro-rata basis (calculated by reference to the coverage then available thereunder) after applying all available cash and investments in the Taxable Series 2018 Reserve Account of the Reserve Fund. Payment of Policy Costs and reimbursement of amounts with respect to other Credit Facilities shall be made on a pro-rata basis prior to replenishment of any cash drawn from the Taxable Series 2018 Reserve Account of the Reserve Fund. For the avoidance of doubt, "available coverage" means the coverage then available for disbursement pursuant to the terms of the applicable alternative credit instrument without regard to the legal or financial ability or willingness of the provider of such instrument to honor a claim or draw thereon or the failure of such provider to honor any such claim or draw.

(ii) If the City shall fail to pay any Policy Costs in accordance with the requirements of subparagraph (a) hereof, the Insurer shall be entitled to exercise any and all legal and equitable remedies available to it, including those provided under the Ordinance other than remedies which would adversely affect owners of the Bonds.

(iii) The Ordinance shall not be discharged until all Policy Costs owing to the Insurer shall have been paid in full. The City's obligation to pay such amounts shall expressly survive payment in full of the Bonds.

(iv) The City shall include any Policy Costs then due and owing the Insurer in the calculation of the Additional Bonds test in the Ordinance.

(v) The Paying Agent/Registrar shall ascertain the necessity for a claim upon the Reserve Policy in accordance with the provisions of subparagraph (a) hereof and provide notice to the Insurer in accordance with the terms of the Reserve Policy at least five business days prior to each date upon which interest or principal is due on the Bonds. Where deposits are required to be made by the City with the Paying Agent/Registrar to the Interest and Redemption Fund for the Bonds more often than semi-annually, the Paying Agent/Registrar shall be instructed to give notice to the Insurer of any failure of the City to make timely payment in full of such deposits within two business days of the date due.

SECTION 15: Deposits of Pledged Revenues; Investments.

(a) The Pledged Revenues shall be deposited into the Interest and Redemption Fund and the Reserve Fund when and as required by this Ordinance.

(b) To the extent permitted by law, money in any Fund mentioned in this Ordinance may, at the option of the City, be invested in investments authorized by the Public Funds Investment Act, Texas Government Code, Chapter 2256, as amended, and the City's investment policy; provided that all such deposits and investments shall be made in such manner that the money required to be expended from any Fund will be available at the proper time or times. All interest and income derived from such deposits and investments immediately shall be credited to, and any losses debited to, the Fund from which the deposit or investment was made, and surpluses in any Fund shall or may be disposed of as hereinafter provided. Such investments shall be sold promptly when necessary to prevent any default in connection with the Parity Bonds.

SECTION 16: Funds Secured. Money in all Funds mentioned in this Ordinance, to the extent not invested, shall be secured in the manner prescribed by law for securing funds of the City.

SECTION 17: Debt Service Requirements.

(a) Promptly after the delivery of the Bonds the City shall cause to be deposited to the credit of the Interest and Redemption Fund any accrued interest received from the sale and delivery of the Bonds, and any such deposit shall be used to pay part of the interest next coming due on the Bonds.

(b) The City shall transfer from the Pledged Revenues and deposit to the credit of the Interest and Redemption Fund the amounts, at the times, as follows:

(1) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Redemption Fund and available for such purpose, to pay the interest scheduled to accrue and come due on the Bonds and any Additional Bonds on the next succeeding interest payment date; and

(2) such amounts, deposited in approximately equal monthly installments on or before the 25th day of each month hereafter, commencing with the month during which the Bonds are delivered, or the month thereafter if delivery is made after the 25th day thereof, as will be sufficient, together with other amounts, if any, then on hand in the Interest and Redemption Fund and available for such purpose, to pay the principal scheduled to mature and come due on the Bonds and any Additional Bonds on the next succeeding principal payment date.

(c) After making the monthly payments described above, the City may use the Hotel Occupancy Tax revenues for any lawful purpose for which the Hotel Occupancy Tax revenues may be used.



SECTION 18: Deficiencies; Excess Pledged Revenues.

(a) If on any occasion there shall not be sufficient Pledged Revenues to make the required deposits into the Interest and Redemption Fund and the Reserve Fund, then such deficiency shall be made up as soon as possible from the next available Pledged Revenues, or from any other sources available for such purpose.

(b) Subject to making the required deposits to the credit of the Interest and Redemption Fund and the Reserve Fund when and as required by this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, the excess Pledged Revenues may be used by the City for any lawful purpose for which Hotel Occupancy Tax revenues may be used..

SECTION 19: Final Deposits, Governmental Obligations.

(a) Any Parity Bonds shall be deemed to be paid, retired, and no longer Outstanding within the meaning of this Ordinance when payment of the principal of, redemption premium, if any, on such Parity Bond, plus interest thereon to the due date thereof (whether such due date be by reason of maturity, upon redemption, or otherwise) either (i) shall have been made or caused to be made in accordance with the terms thereof (including the giving of any required notice of redemption), or (ii) shall have been provided by irrevocably depositing with, or making available to, the Paying Agent/Registrar therefor, in trust and irrevocably set aside exclusively for such payment, (1) money sufficient to make such payment or (2) Governmental Obligations, as hereinafter defined in this Section, certified by an independent public accounting firm of national reputation to mature as to principal and interest in such amounts and at such times as will insure the availability, without reinvestment, or sufficient money to make such payment, and all necessary and proper fees, compensation, and expenses of such paying agent pertaining to the Parity Bonds with respect to which such deposit is made shall have been paid or the payment thereof provided for to the satisfaction of such Paying Agent/Registrar. At such time as a Parity Bond shall be deemed to be paid hereunder, as aforesaid, it shall no longer be secured by or entitled to the benefit of this Ordinance or a lien on and pledge of the Pledged Revenues, and shall be entitled to payment solely from such money or Government Obligations.

(b) Any moneys so deposited with a paying agent may at the direction of the City also be invested in Government Obligations, maturing in the amounts and times as hereinbefore set forth, and all income from all Government Obligations in the hands of the paying agent pursuant to this Section which is not required for the payment of the Parity Bonds, the redemption premium, if any, and interest thereon, with respect to which such money has been so deposited, shall be turned over to the City or deposited as directed by the City.

(c) For the purpose of this Section, the term "Government Obligations" shall mean (i) direct noncallable obligations of the United States of America, including obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, (ii) noncallable obligations of an agency or instrumentality of the United States, including obligations unconditionally guaranteed or insured by the agency or instrumentality and on the date of their acquisition or purchase by the City are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent, (iii) noncallable obligations of a state or an agency or a county, municipality, or other political subdivision of a state that have been refunded and on the date of their acquisition or purchase by the City, are rated as to investment quality by a nationally recognized investment rating firm not less than AAA or its equivalent and (iv) any other then authorized securities or obligations that may be

used to defease obligations such as the Bonds under the then applicable laws of the State of Texas.

(d) Notwithstanding any other provisions of this Ordinance, all money or Government Obligations set aside and held in trust pursuant to the provisions of this Section for the payment of the Parity Bonds, the redemption premium, if any, and interest thereon, shall be applied to and used for the payment of such Parity Bonds, the redemption premium, if any, and interest thereon.

SECTION 20: Additional Bonds.

(a) The City shall have the right and power at any time and from time to time and in one or more series or issues, to authorize, issue, and deliver additional parity revenue bonds (herein called "Additional Bonds"), in accordance with law, in any amounts, for any lawful purpose, including the refunding of any Parity Bonds. Such Additional Bonds, if and when authorized, issued, and delivered in accordance with this Ordinance, shall be secured by and made payable equally and ratably on a parity with the Bonds, and all other outstanding Additional Bonds from an irrevocable lien on and pledge of the Pledged Revenues.

(b) The Interest and Redemption Fund mentioned in this Ordinance shall secure and be used to pay all Parity Bonds. However, each ordinance under which Additional Bonds are issued shall provide and require that, in addition to the amounts required by the provisions of this Ordinance and the provisions of any other ordinance or ordinances authorizing Additional Bonds to be deposited to the credit of the Interest and Redemption Fund, the City shall deposit to the credit of the Interest and Redemption Fund at least such amounts as are required for the payment of all principal of and interest on said Additional Bonds then being issued, as the same come due.

(c) That all calculations of maximum annual principal and interest requirements made pursuant to Section 21 shall be made as of and from the date of the Additional Bonds then proposed to be issued.

(d) That the principal of all Additional Bonds must be scheduled to be paid or mature on August 15 or February 15, or both, of the years in which such principal is scheduled to be paid or mature; and all interest thereon must be payable on August 15 and February 15.

SECTION 21: Further Requirements for Additional Bonds. Additional Bonds shall be issued only in accordance with this Ordinance, but notwithstanding any provisions of this Ordinance to the contrary, no installment, series, or issue of Additional Bonds shall be issued or delivered unless:

(a) The Mayor and the City Secretary of the City sign a written certificate to the effect that the City is not in default as to any covenant, condition, or obligation in connection with Parity Bonds, and the ordinances authorizing same, and that the Interest and Redemption Fund and the Reserve Fund each contain the amount then required to be therein.

(b) An certified public accountant, or a firm of certified public accountants, signs a written certificate to the effect that, during either the immediately preceding fiscal year, or any twelve consecutive calendar month period ending not more than ninety days prior to the passage of the ordinance authorizing the issuance of the then proposed Additional Bonds, the Pledged Hotel Occupancy Tax Revenues were, in his or its opinion, at least equal to 1.40 times

the maximum annual principal and interest requirements of all Parity Bonds to be Outstanding after the issuance of the then proposed Additional Bonds.

SECTION 22: General Covenants. The City further covenants and agrees that in accordance with and to the extent required or permitted by law:

(a) Performance. It will faithfully perform at all times any and all covenants, undertakings, stipulations, and provisions contained in this Ordinance, and each ordinance authorizing the issuance of Additional Bonds, and in each and every Parity Bond; that it will promptly pay or cause to be paid the principal of and interest on every Parity Bond, on the dates and in the places and manner prescribed in such ordinances and Parity Bonds; and that it will, at the times and in the manner prescribed, deposit or cause to be deposited the amounts required to be deposited into the Interest and Redemption Fund and the Reserve Fund; and any holder of the Parity Bonds may require the City, its officials, and employees, to carry out, respect, or enforce the covenants and obligations of this Ordinance, or any ordinance authorizing the issuance of Additional Bonds, by all legal and equitable means, including specifically, but without limitation, the use and filing of mandamus proceedings, in any court of competent jurisdiction, against the City, its officials, and employees.

(b) City's Legal Authority. It is a duly created and existing home rule city of the State of Texas, and is duly authorized under the laws of the State of Texas to create and issue the Bonds; that all action on its part for the creation and issuance of the Bonds has been duly and effectively taken, and that the Bonds registered in the names of the registered owners thereof are and will be valid and enforceable special obligations of the City in accordance with their terms.

(c) Further Encumbrance. While the Parity Bonds are Outstanding and unpaid, the City shall not additionally encumber the Pledged Revenues in any manner, except as permitted in this Ordinance in connection with Additional Bonds, unless said encumbrance is made junior and subordinate in all respects to the liens, pledges, covenants, and agreements of this Ordinance; but the right of the City to issue bonds or other obligations payable from a subordinate lien on the Pledged Revenues is specifically recognized and retained.

(d) Records. It will keep proper books of record and account in which full, true, and correct entries will be made of all dealings, activities, and transactions relating to the System, the Pledged Revenues, and the Funds mentioned in this Ordinance, and all books, documents, and vouchers relating thereto shall at all reasonable times be made available for inspection upon request of any owner of a Bond.

(e) Audits. After the close of each year while any of the Bonds are Outstanding, an audit will be made of the books and accounts relating to the Pledged Revenues by an independent certified public accountant, or an independent firm of certified public accountants. As soon as practicable after the close of each such year, and when said audit has been completed and made available to the City, a copy of such audit for the preceding year shall be mailed to the Municipal Advisory Council of Texas and to any holder of 5% or more in aggregate principal amount of then Outstanding Bonds who shall so request in writing. Such annual audit reports shall be open to the inspection of the owners of the Bonds and their agents and representatives at all reasonable times.

SECTION 23: Amendment of Ordinance.

(a) The owners of Parity Bonds aggregating in principal amount of 51% of the aggregate principal amount of then Outstanding Parity Bonds shall have the right from time to time to approve any amendment to this Ordinance which may be deemed necessary or desirable by the City, provided, however, that nothing herein contained shall permit or be construed to permit the amendment of the terms and conditions in this Ordinance or in the Parity Bonds so as to:

- (1) Make any change in the maturity of the Parity Bonds;
- (2) Reduce the rate of interest borne by any of the Parity Bonds;
- (3) Reduce the amount of the principal payable on the Parity Bonds;
- (4) Modify the terms of payment of principal of or interest on the Parity Bonds, or impose any conditions with respect to such payment;
- (5) Affect the rights of the owners of less than all of the Parity Bonds then Outstanding; or
- (6) Change the minimum percentage of the principal amount of Parity Bonds necessary for consent to such amendment;

without the consent of the owners of the Parity Bonds directly affected by such amendment.

(b) If at any time the City shall desire to amend the Ordinance under this Section, the City shall cause notice of the proposed amendment to be published in a financial newspaper or journal published in the City of New York, New York, once during each calendar week for at least two successive calendar weeks. Such notice shall briefly set forth the nature of the proposed amendment and shall state that a copy thereof is on file at the principal office of the Paying Agent/Registrar for inspection by all owners of Parity Bonds. Such publication is not required, however, if notice in writing is given to each registered owner of Parity Bonds.

(c) Whenever at any time not less than thirty days, and within one year, from the date of the first publication of said notice or other service of written notice the City shall receive an instrument or instruments executed by the owner of at least 51% in aggregate principal amount of all Parity Bonds then outstanding, which instrument or instruments shall refer to the proposed amendment described in said notice and which specifically consent to and approve such amendment in substantially the form of the copy thereof on file with the Paying Agent/Registrar, the City Council may pass the amendatory ordinance in substantially the same form.

(d) Upon the passage of any amendatory ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be amended in accordance with such amendatory ordinance, and the respective rights, duties, and obligations under this Ordinance of the City and all the owners of then Parity Bonds and all future Parity Bonds shall thereafter be determined, exercised, and enforced hereunder, subject in all respects to such amendments.

(e) Any consent given by the owner of a Parity Bonds pursuant to the provisions of this Section shall be irrevocable for a period of six months from the date of the first publication

of the notice provided for in this Section, and shall be conclusive and binding upon all future owners of the same Parity Bonds during such period. Such consent may be revoked at any time after six months from the date of the first publication of notice by the owner who gave such consent, or by a successor in title, by filing notice thereof with the Paying Agent/Registrar and the City, but such revocation shall not be effective if the owners of 51% in aggregate principal amount of the then Outstanding Parity Bonds as in this Section defined have, prior to the attempted revocation, consented to and approved the amendment.

(f) For the purpose of this Section, the fact of the holding of Parity Bonds, which are not required to be in registered form, by any bondholder and the amount and numbers of such Parity Bonds and the date of their holding same, may be proved by the affidavit of the person claiming to be such holder, or by a certificate executed by any trust company, bank, banker, or any other depository wherever situated showing that at the date therein mentioned such person had on deposit with such trust company, bank, banker, or other depository, the Parity Bonds described in such certificate. The City may conclusively assume that such ownership continues until written notice to the contrary is served upon the City.

SECTION 24: Remedies in Event of Default. In addition to all the rights and remedies provided by the laws of the State of Texas, the City covenants and agrees particularly that in the event the City (a) defaults in payments to be made to the Interest and Redemption Fund as required by this Ordinance or (b) defaults in the observance or performance of any other of the covenants, conditions or obligations set forth in this Ordinance, the registered owner of any of the Bonds shall be entitled to a writ of mandamus issued by a court of proper jurisdiction compelling and requiring the City Council and other officers of the City to observe and perform any covenant, condition or obligation prescribed in this Ordinance.

No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, or shall be construed to be a waiver of any such default or acquiescence therein, and every such right or power may be exercised from time to time and as often as may be deemed expedient. The specific remedies herein provided shall be cumulative of all other existing remedies and the specifications of such remedies shall not be deemed to be exclusive.

SECTION 25: Notices to Holders-Waiver. Wherever this Ordinance provides for notice to Bondholders of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and sent by United States mail, first class postage prepaid, to the address of each Bondholder as it appears in the Security Register.

In any case where notice to Bondholders is given by mail, neither the failure to mail such notice to any particular Bondholders, nor any defect in any notice so mailed, shall affect the sufficiency of such notice with respect to all other Bonds. Where this Ordinance provides for notice in any manner, such notice may be waived in writing by the Bondholder entitled to receive such notice, either before or after the event with respect to which such notice is given, and such waiver shall be the equivalent of such notice. Waivers of notice by Bondholders shall be filed with the Paying Agent/Registrar, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 26: Damaged, Mutilated, Lost, Stolen, or Destroyed Bonds.

(a) Replacement Bonds. In the event any outstanding Bond is damaged, mutilated, lost, stolen, or destroyed, the Paying Agent/Registrar shall cause to be printed, executed and

delivered, a new bond of the same principal amount, Stated Maturity, and interest rate, as the damaged, mutilated, lost, stolen or destroyed Bond, in replacement for such Bond in the manner hereinafter provided.

(b) Application for Replacement Bonds. Application for replacement of damaged, mutilated, lost, stolen or destroyed Bonds shall be made to the Paying Agent/Registrar. In every case of loss, theft, or destruction of a Bond, the applicant for a replacement bond shall furnish to the City and to the Paying Agent/Registrar such security or indemnity as may be required by them to save each of them harmless from any loss or damage with respect thereto. Also, in every case of loss, theft, or destruction of a Bond, the applicant shall furnish to the City and to the Paying Agent/Registrar evidence to their satisfaction of the loss, theft, or destruction of such Bond, as the case may be. In every cause of damage or mutilation of a Bond, the applicant shall surrender to the Paying Agent/Registrar for cancellation the Bond so damaged or mutilated.

(c) No Default Occurred. Notwithstanding the foregoing provisions of this Section, in the event any such Bond shall have matured, and no default has occurred which is then continuing in the payment of the principal of or interest on the Bond, the City may authorize the payment of the same (without surrender thereof except in the case of a damaged or mutilated Bond) instead of issuing replacement bond, provided security or indemnity is furnished as above provided in this Section.

(d) Charge for Issuing Replacement Bonds. Prior to the issuance of any replacement bond, the Paying Agent/Registrar shall charge the registered owner of such Bond with all legal, printing and other expenses in connection therewith. Every replacement bond issued pursuant to the provisions of this Section by virtue of the fact that any Bond is lost, stolen or destroyed shall constitute a contractual obligation of the City whether or not the lost, stolen, or destroyed Bond shall be found at any time, or be enforceable by anyone, and shall be entitled to all the benefits of this Ordinance equally and proportionately with any and all other Bonds duly issued under this Ordinance.

(e) Authority for Issuing Replacement Bonds. In accordance with Chapter 1201, Texas Government Code, as amended, this Section of the Ordinance shall constitute authority for the issuance of any such replacement bond without necessity of further action by the governing body of the City or any other body or person, and the duty of the replacement of such bonds is hereby authorized and imposed upon the Paying Agent/Registrar, and the Paying Agent/Registrar shall authenticate and deliver such bonds in the form and manner and with the effect, as provided in the Ordinance for Bonds issued in conversion and exchange for other Bonds.

SECTION 27: Cancellation. All Bonds surrendered for payment, redemption, transfer, exchange, or replacement, if surrendered to the Paying Agent/Registrar, shall be promptly canceled by it and, if surrendered to the City, shall be delivered to the Paying Agent/Registrar and, if not already canceled, shall be promptly canceled by the Paying Agent/Registrar. The City may at any time deliver to the Paying Agent/Registrar for cancellation any Bonds previously certified or registered and delivered which the City may have acquired in any manner whatsoever, and all Bonds so delivered shall be promptly canceled by the Paying Agent/Registrar. All canceled Bonds held by the Paying Agent/Registrar shall be disposed of as directed by the City.

SECTION 28: Sale of the Bonds - Official Statement Approval. The Bonds authorized by this Ordinance are hereby sold by the City to Raymond James & Associates, Inc., Hutchinson, Shockey, Erley & Co. and Stifel, Nicolaus & Company, Incorporated (herein referred to collectively as the "Purchasers") in accordance with the Bond Purchase Agreement, dated February 20, 2018 (the "Purchase Agreement"), attached hereto as **Exhibit B** and incorporated herein by reference as a part of this Ordinance for all purposes. The Mayor or Mayor Pro Tem is hereby authorized and directed to execute said Purchase Agreement for and on behalf of the City and as the act and deed of this City Council, and in regard to the approval and execution of the Purchase Agreement, the City Council hereby finds, determines and declares that the terms of the sale are in the best interests of the City and the representations, warranties and agreements of the City contained in the Purchase Agreement are true and correct in all material respects and shall be honored and performed by the City.

Furthermore, the use of the Preliminary Official Statement, in connection with the public offering and sale of the Bonds is hereby ratified, confirmed and approved in all respects. The final Official Statement reflecting the terms of sale (together with changes approved by the Mayor, City Manager, any Assistant City Manager or the Director of Finance, any one or more of said officials), shall be and is hereby in all respects approved and the Purchasers are hereby authorized to use and distribute said final Official Statement dated February 20, 2018, in the reoffering, sale and delivery of the Bonds to the public. The Mayor and City Secretary are further authorized and directed to manually execute and deliver for and on behalf of the City copies of said Official Statement in final form as may be required by the Purchasers, and such Official Statement in the final form and content manually executed by said officials shall be deemed to be approved by the City Council and constitute the Official Statement authorized for distribution and use by the Purchasers.

SECTION 29: Control and Custody of Bonds. The Mayor of the City is hereby authorized to take and have charge of all necessary orders and records pending investigation by the Attorney General of the State of Texas, including the printing and supply of definitive Bonds, and shall take and have charge and control of the Initial Bond(s) pending the approval thereof by the Attorney General, the registration thereof by the Comptroller of Public Accounts and the delivery thereof to the Purchasers.

Furthermore, the Mayor, Mayor Pro Tem, City Secretary, City Manager, any Assistant City Manager and the Director of Finance, any one or more of said officials, are hereby authorized and directed to furnish and execute such documents and certifications relating to the City and the issuance of the Bonds, including certifications as to facts, estimates, circumstances and reasonable expectations pertaining to the use, expenditure and investment of the proceeds of the Bonds, as may be necessary for the approval of the Attorney General, the registration by the Comptroller of Public Accounts and the delivery of the Bonds to the purchasers and, together with the City's financial advisor, bond counsel and the Paying Agent/Registrar, make the necessary arrangements for the delivery of the Initial Bond(s) to the Purchasers and the initial exchange thereof for definitive Bonds.

SECTION 30: Proceeds of Sale. Immediately following the delivery of the Bonds, the proceeds of sale of the Bonds shall be deposited for the payment of costs of issuance, to finance the permanent public improvements referenced in Section 1 hereof and to fund the Reserve Fund. Any investment earnings realized shall be expended for such authorized projects and purposes or deposited in the Interest and Redemption Fund. All surplus proceeds of sale of the Bonds, including investment earnings, remaining after completion of all authorized

projects or purposes shall be deposited to the credit of the Interest and Redemption Fund or to another fund created for the payment of any Bond.

SECTION 31: Legal Opinion. The Purchasers' obligation to accept delivery of the Bonds herein authorized is subject to their being furnished a final legal opinion of Norton Rose Fulbright US LLP, Attorneys, Dallas, Texas, approving such Bonds as to their validity, said opinion to be dated and delivered as of the date of delivery and payable for the Bonds.

SECTION 32: CUSIP Numbers. CUSIP numbers may be printed on the Bonds. It is expressly provided, however, that the presence or absence of CUSIP numbers on the Bonds shall be of no significance or effect as regards the legality thereof and neither the City nor the attorneys approving said Bonds as to legality are to be held responsible for CUSIP numbers incorrectly printed on the Bonds.

SECTION 33: Continuing Disclosure Undertaking.

(a) Definitions.

As used in this Section, the following terms have the meanings ascribed to such terms below:

"MSRB" means the Municipal Securities Rulemaking Board.

"Rule" means SEC Rule 15c2-12, as amended from time to time.

"SEC" means the United States Securities and Exchange Commission.

(b) Annual Reports.

The City shall provide annually to the MSRB (1) within six months after the end of each fiscal year ending in or after 2017, financial information and operating data with respect to the City of the general type of information contained in Tables 1 through 5 in the Official Statement, and (2) within twelve months after the end of each fiscal year ending in or after 2017, audited financial statements of the City. Any financial statements so provided shall be prepared in accordance with the accounting principles described in described in Appendix B to the Official Statement, or such other accounting principles as the City may be required to employ from time to time pursuant to state law or regulation. If audited financial statements are not available within 12 months after the end of any fiscal year, the City will provide unaudited financial statements by the required time, and audited financial statements when and if such audited financial statements become available.

If the City changes its fiscal year, it will notify the MSRB of the change (and of the date of the new fiscal year end) prior to the next date by which the City otherwise would be required to provide financial information and operating data pursuant to this Section.

The financial information and operating data to be provided pursuant to this Section may be set forth in full in one or more documents or may be included by specific reference to any document available to the public on the MSRB's Internet Web site or filed with the SEC.



(c) Material Event Notices. The City shall provide notice of any of the following events with respect to the Bonds to the MSRB in a timely manner and not more than ten (10) business days after occurrence of the event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB), or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
7. Modifications to rights of holders of the Bonds, if material;
8. Bond calls, if material, and tender offers;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds, if material;
11. Rating changes;
12. Bankruptcy, insolvency, receivership, or similar event of the City, which shall occur as described below;
13. The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of its assets, other than in the ordinary course of business, the entry into of a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

For these purposes, any event described in the immediately preceding Subsection (c)12 is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent, or similar officer for the City in a proceeding under the United States Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the City, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement, or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the City.

The City shall notify the MSRB, in a timely manner, of any failure by the City to provide financial information or operating data in accordance with Subsection (b) of this Section by the time required by such Section.

(d) Filings with the MSRB.

All financial information, operating data, financial statements, notices and other documents provided to the MSRB in accordance with this Section shall be provided in an electronic format prescribed by the MSRB and shall be accompanied by identifying information as prescribed by the MSRB.

(e) Limitations, Disclaimers, and Amendments.

The City shall be obligated to observe and perform the covenants specified in this Section for so long as, but only for so long as, the City remains an "obligated person" with respect to the Bonds within the meaning of the Rule, except that the City in any event will give the notice required by Subsection (c) of this Section of any Bond calls and defeasance that cause the City to be no longer such an "obligated person."

The provisions of this Section are for the sole benefit of the Holders and beneficial owners of the Bonds; and, nothing in this Section, express or implied, shall give any benefit or any legal or equitable right, remedy, or claim hereunder to any other person. The City undertakes to provide only the financial information, operating data, financial statements, and notices which it has expressly agreed to provide pursuant to this Section. Except as expressly provided within this Section, the City does not undertake to provide any other information, whether or not it may be relevant or material to a complete presentation of the City's financial results, condition, or prospects; nor does the City undertake to update any information provided in accordance with this Section or otherwise. Furthermore, the City does not make any representation or warranty concerning such information or its usefulness to a decision to invest in or sell Bonds at any future date.

**UNDER NO CIRCUMSTANCES SHALL THE CITY BE LIABLE TO THE HOLDER OR BENEFICIAL OWNER OF ANY BOND OR ANY OTHER PERSON, IN CONTRACT OR TORT, FOR DAMAGES RESULTING IN WHOLE OR IN PART FROM ANY BREACH BY THE CITY, WHETHER NEGLIGENT OR WITHOUT FAULT ON ITS PART, OF ANY COVENANT SPECIFIED IN THIS SECTION, BUT EVERY RIGHT AND REMEDY OF ANY SUCH PERSON, IN CONTRACT OR TORT, FOR OR ON ACCOUNT OF ANY SUCH BREACH SHALL BE LIMITED TO AN ACTION FOR MANDAMUS OR SPECIFIC PERFORMANCE.**

No default by the City in observing or performing its obligations under this Section shall constitute a breach of or default under this Ordinance for purposes of any other provision of this Ordinance.

Nothing in this Section is intended or shall act to disclaim, waive, or otherwise limit the duties of the City under federal and state securities laws.

Notwithstanding anything herein to the contrary, the provisions of this Section may be amended by the City from time to time to adapt to changed circumstances resulting from a change in legal requirements, a change in law, or a change in the identity, nature, status, or type of operations of the City, but only if (1) the provisions of this Section, as so amended, would have permitted an underwriter to purchase or sell Bonds in the primary offering of the

Bonds in compliance with the Rule, taking into account any amendments or interpretations of the Rule to the date of such amendment, as well as such changed circumstances, and (2) either (a) the Holders of a majority in aggregate principal amount (or any greater amount required by any other provision of this Ordinance that authorizes such an amendment) of the Outstanding Bonds consent to such amendment or (b) a Person that is unaffiliated with the City (such as nationally recognized bond counsel) determines that such amendment will not materially impair the interests of the Holders and beneficial owners of the Bonds. The provisions of this Section may also be amended from time to time or repealed by the City if the SEC amends or repeals the applicable provisions of the Rule or a court of final jurisdiction determines that such provisions are invalid, but only if and to the extent that reservation of the City's right to do so would not prevent underwriters of the initial public offering of the Bonds from lawfully purchasing or selling Bonds in such offering. If the City so amends the provisions of this Section, it shall include with any amended financial information or operating data next provided pursuant to Subsection (b) of this Section an explanation, in narrative form, of the reasons for the amendment and of the impact of any change in the type of financial information or operating data so provided.

SECTION 34: Provisions Relating to Bond Insurance. The Bonds have been sold with the principal of and interest thereon being insured by Assured Guaranty Municipal Corp. (the "Insurer") pursuant to an Insurance Policy (as defined below) and the City agrees to the provisions set forth below and in the event of any conflict or any inconsistency with other provisions of this Ordinance, the provisions in this section shall control:

(a) "Insurance Policy" shall be defined as follows: "the insurance policy issued by the Insurer guaranteeing the scheduled payment of principal of and interest on the Bonds when due". "Insurer" shall be defined as follows: "Assured Guaranty Municipal Corp., a New York stock insurance company, or any successor thereto or assignee thereof".

(b) The prior written consent of the Insurer shall be a condition precedent to the deposit of any Reserve Fund Surety Bond provided in lieu of a cash deposit into the Taxable Series 2018 Reserve Account of the Reserve Fund. Notwithstanding anything to the contrary set forth in this Ordinance, amounts on deposit in the Taxable Series 2018 Reserve Account of the Reserve Fund shall be applied solely to the payment of debt service due on the Bonds.

(c) The Insurer shall be deemed to be the sole holder of the Bonds for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that Bondholders are entitled to take pursuant to the Ordinance pertaining to (i) defaults and remedies and (ii) the duties and obligations of the Paying Agent/Registrar. In furtherance thereof and as a term of the Ordinance and each Bond, the Paying Agent/Registrar and each Bondholder appoint the Insurer as their agent and attorney-in-fact with respect to the Bonds and agree that the Insurer may at any time during the continuation of any proceeding by or against the City under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding") direct all matters relating to such Insolvency Proceeding, including without limitation, (A) all matters relating to any claim or enforcement proceeding in connection with an Insolvency Proceeding (a "Claim"), (B) the direction of any appeal of any order relating to any Claim, (C) the posting of any surety, supersedeas or performance bond pending any such appeal, and (D) the right to vote to accept or reject any plan of adjustment. In addition, the Paying Agent/Registrar and each Bondholder delegate and assign to the Insurer, to the fullest extent permitted by law, the rights of the Paying Agent/Registrar and each Bondholder with respect to the Bonds in the conduct of any Insolvency Proceeding, including, without limitation, all rights of any party to an

adversary proceeding or action with respect to any court order issued in connection with any such Insolvency Proceeding. Remedies granted to the Bondholders shall expressly include mandamus.

(d) No grace period for a covenant default shall exceed 30 days or be extended for more than 60 days, without the prior written consent of the Insurer. No grace period shall be permitted for payment defaults.

(e) The Insurer is a third party beneficiary to the Ordinance.

(f) Upon the occurrence of an extraordinary optional, special or extraordinary mandatory redemption in part, the selection of Bonds to be redeemed shall be subject to the approval of the Insurer. The exercise of any provision of the Ordinance which permits the purchase of Bonds in lieu of redemption shall require the prior written approval of the Insurer if any Bond so purchased is not cancelled upon purchase.

(g) Any amendment, supplement, modification to, or waiver of, the Ordinance or any other transaction document, including any underlying security agreement (each a "Related Document"), that requires the consent of Bondholders or adversely affects the rights and interests of the Insurer shall be subject to the prior written consent of the Insurer.

(h) The rights granted to the Insurer under the Ordinance or any other Related Document to request, consent to or direct any action are rights granted to the Insurer in consideration of its issuance of the Insurance Policy. Any exercise by the Insurer of such rights is merely an exercise of the Insurer's contractual rights and shall not be construed or deemed to be taken for the benefit, or on behalf, of the Bondholders and such action does not evidence any position of the Insurer, affirmative or negative, as to whether the consent of the Bondholders or any other person is required in addition to the consent of the Insurer.

(i) Only (1) cash, (2) non-callable direct obligations of the United States of America ("Treasuries"), (3) evidences of ownership of proportionate interests in future interest and principal payments on Treasuries held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor and the underlying Treasuries are not available to any person claiming through the custodian or to whom the custodian may be obligated, (4) subject to the prior written consent of the Insurer, pre-refunded municipal obligations rated "AAA" and "Aaa" by S&P and Moody's, respectively, or (5) subject to the prior written consent of the Insurer, securities eligible for "AAA" defeasance under then existing criteria of S&P or any combination thereof, shall be used to effect defeasance of the Bonds unless the Insurer otherwise approves.

To accomplish defeasance of the Bonds, the City shall cause to be delivered (i) a report of an independent firm of nationally recognized certified public accountants or such other accountant as shall be acceptable to the Insurer ("Accountant") verifying the sufficiency of the escrow established to pay the Bonds in full on the maturity or redemption date ("Verification"), (ii) an Escrow Deposit Agreement (which shall be acceptable in form and substance to the Insurer), (iii) an opinion of nationally recognized bond counsel to the effect that the Bonds are no longer "Outstanding" under the Ordinance and (iv) a certificate of discharge of the Paying Agent/Registrar with respect to the Bonds; each Verification and defeasance opinion shall be acceptable in form and substance, and addressed, to the City, the Paying Agent/Registrar and the Insurer. The Insurer shall be provided with final drafts of the above referenced documentation not less than five business days prior to the funding of the escrow.

Bonds shall be deemed "Outstanding" under the Ordinance unless and until they are in fact paid and retired or the above criteria are met.

(j) Amounts paid by the Insurer under the Insurance Policy shall not be deemed paid for purposes of the Ordinance and the Bonds relating to such payments shall remain Outstanding and continue to be due and owing until paid by the City in accordance with the Ordinance. The Ordinance shall not be discharged unless all amounts due or to become due to the Insurer have been paid in full or duly provided for.

(k) The City covenants and agrees to take such action (including, as applicable, filing of UCC financing statements and continuations thereof) as is necessary from time to time to preserve the priority of the pledge of the Pledged Revenues under applicable law.

(l) Claims Upon the Insurance Policy and Payments by and to the Insurer.

If, on the third Business Day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the Paying Agent/Registrar, after making all transfers and deposits required under the Ordinance, moneys sufficient to pay the principal of and interest on the Bonds due on such Payment Date, the Paying Agent/Registrar shall give notice to the Insurer and to its designated agent (if any) (the "Insurer's Fiscal Agent") by telephone or telecopy of the amount of such deficiency by 12:00 noon, New York City time, on such Business Day. If, on the second Business Day prior to the related Payment Date, there continues to be a deficiency in the amount available to pay the principal of and interest on the Bonds due on such Payment Date, the Paying Agent/Registrar shall make a claim under the Insurance Policy and give notice to the Insurer and the Insurer's Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Bonds and the amount required to pay principal of the Bonds, confirmed in writing to the Insurer and the Insurer's Fiscal Agent by 12:00 noon, New York City time, on such second Business Day by filling in the form of Notice of Claim and Certificate delivered with the Insurance Policy.

The Paying Agent/Registrar shall designate any portion of payment of principal on Bonds paid by the Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Bond to the Insurer, registered in the name of Assured Guaranty Municipal Corp., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Paying Agent/Registrar's failure to so designate any payment or issue any replacement Bond shall have no effect on the amount of principal or interest payable by the City on any Bond or the subrogation rights of the Insurer.

The Paying Agent/Registrar shall keep a complete and accurate record of all funds deposited by the Insurer into the Policy Payments Account (defined below) and the allocation of such funds to payment of interest on and principal of any Bond. The Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Paying Agent/Registrar.

Upon payment of a claim under the Insurance Policy, the Paying Agent/Registrar shall establish a separate special purpose trust account for the benefit of Bondholders referred to herein as the "Policy Payments Account" and over which the Paying Agent/Registrar shall have exclusive control and sole right of withdrawal. The Paying Agent/Registrar shall receive any

amount paid under the Insurance Policy in trust on behalf of Bondholders and shall deposit any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Paying Agent/Registrar to Bondholders in the same manner as principal and interest payments are to be made with respect to the Bonds under the sections of the Ordinance regarding payment of Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments. Notwithstanding anything in the Ordinance to the contrary, the City agrees to pay to the Insurer, solely from the Pledged Revenues, (i) a sum equal to the total of all amounts paid by the Insurer under the Insurance Policy (the "Insurer Advances"); and (ii) to the extent permitted by law, interest on such Insurer Advances from the date paid by the Insurer until payment thereof in full, payable to the Insurer at the Late Payment Rate per annum (collectively, the "Insurer Reimbursement Amounts"). "Late Payment Rate" means the lesser of (a) the greater of (i) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in The City of New York, as its prime or base lending rate (any change in such rate of interest to be effective on the date such change is announced by JPMorgan Chase Bank) plus 3%, and (ii) the then applicable highest rate of interest on the Bonds and (b) the maximum rate permissible under applicable usury or similar laws limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days. The City hereby covenants and agrees that the Insurer Reimbursement Amounts are secured by a lien on and pledge of the Pledged Revenues and payable from such Pledged Revenues on a parity with debt service due on the Bonds.

Funds held in the Policy Payments Account shall not be invested by the Paying Agent/Registrar and may not be applied to satisfy any costs, expenses or liabilities of the Paying Agent/Registrar. Any funds remaining in the Policy Payments Account following a Payment Date shall promptly be remitted to the Insurer.

(m) The Insurer shall, to the extent it makes any payment of principal of or interest on the Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Insurance Policy (which subrogation rights shall also include the rights of any such recipients in connection with any Insolvency Proceeding). Each obligation of the City to the Insurer under the Related Documents shall survive discharge or termination of such Related Documents.

(n) The City shall pay or reimburse the Insurer, solely from the Pledged Revenues and to the extent permitted by law, any and all charges, fees, costs and expenses that the Insurer may reasonably pay or incur in connection with (i) the administration, enforcement, defense or preservation of any rights or security in any Related Document; (ii) the pursuit of any remedies under the Ordinance or any other Related Document or otherwise afforded by law or equity, (iii) any amendment, waiver or other action with respect to, or related to, the Ordinance or any other Related Document whether or not executed or completed, or (iv) any litigation or other dispute in connection with the Ordinance or any other Related Document or the transactions contemplated thereby, other than costs resulting from the failure of the Insurer to honor its obligations under the Insurance Policy. The Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of the Ordinance or any other Related Document.

(o) After payment of reasonable expenses of the Paying Agent/Registrar, the application of funds realized upon default shall be applied to the payment of expenses of the

City or rebate only after the payment of past due and current debt service on the Bonds and amounts required to restore the Taxable Series 2018 Reserve Account of the Reserve Fund to the Reserve Fund Requirement.

(p) The Insurer shall be entitled to pay principal or interest on the Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the City (as such terms are defined in the Insurance Policy), whether or not the Insurer has received a Notice of Nonpayment (as such terms are defined in the Insurance Policy) or a claim upon the Insurance Policy.

(q) The notice address of the Insurer is: Assured Guaranty Municipal Corp., 31 West 52nd Street, New York, New York 10019, Attention: Managing Director – Surveillance, Re: Policy No. 217479-N, Telephone: (212) 974-0100; Telecopier: (212) 339 3556. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of the General Counsel and shall be marked to indicate "URGENT MATERIAL ENCLOSED."

(r) The Insurer shall be provided with the following information by the City or the Paying Agent/Registrar, as the case may be:

(i) Annual audited financial statements within 180 days after the end of the City's fiscal year (together with a certification of the City that it is not aware of any default or Event of Default under the Ordinance), and the City's annual budget within 30 days after the approval thereof together with such other information, data or reports as the Insurer shall reasonably request from time to time;

(ii) Notice of any draw upon the Taxable Series 2018 Reserve Account of the Debt Service Reserve Fund within two Business Days after knowledge thereof other than (i) withdrawals of amounts in excess of the Reserve Fund Requirement and (ii) withdrawals in connection with a refunding of Bonds;

(iii) Notice of any default known to the Paying Agent/Registrar or City within five Business Days after knowledge thereof;

(iv) Prior notice of the advance refunding or redemption of any of the Bonds, including the principal amount, maturities and CUSIP numbers thereof;

(v) Notice of the resignation or removal of the Paying Agent/Registrar and Bond Registrar and the appointment of, and acceptance of duties by, any successor thereto;

(vi) Notice of the commencement of any proceeding by or against the City commenced under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding");

(vii) Notice of the making of any claim in connection with any Insolvency Proceeding seeking the avoidance as a preferential transfer of any payment of principal of, or interest on, the Bonds;

(viii) A full original transcript of all proceedings relating to the execution of any amendment, supplement, or waiver to the Related Documents; and

(ix) All reports, notices and correspondence to be delivered to Bondholders under the terms of the Related Documents.

In addition, to the extent that the City has entered into a continuing disclosure agreement, covenant or undertaking with respect to the Bonds, all information furnished pursuant to such agreements shall also be provided to the Insurer, simultaneously with the furnishing of such information.

(s) The Insurer shall have the right to receive such additional information as it may reasonably request.

(t) The City will permit the Insurer to discuss the affairs, finances and accounts of the City or any information the Insurer may reasonably request regarding the security for the Bonds with appropriate officers of the City and will use commercially reasonable efforts to enable the Insurer to have access to the facilities, books and records of the City on any business day upon reasonable prior notice.

(u) Notwithstanding satisfaction of the other conditions to the issuance of Additional Bonds set forth in the Ordinance, no such issuance may occur (1) if an Event of Default (or any event which, once all notice or grace periods have passed, would constitute an Event of Default) exists unless such default shall be cured upon such issuance and (2) unless the Taxable Series 2018 Reserve Account of the Debt Service Reserve Fund is fully funded at the Reserve Fund Requirement upon the issuance of such Additional Bonds, in either case unless otherwise permitted by the Insurer.

(v) In determining whether any amendment, consent, waiver or other action to be taken, or any failure to take action, under the Ordinance would adversely affect the security for the Bonds or the rights of the Bondholders, the Paying Agent/Registrar shall consider the effect of any such amendment, consent, waiver, action or inaction as if there were no Insurance Policy.

(w) No contract shall be entered into or any action taken by which the rights of the Insurer or security for or sources of payment of the Bonds may be impaired or prejudiced in any material respect except upon obtaining the prior written consent of the Insurer.

(x) The City shall not enter into an interest rate exchange agreement or any other interest rate maintenance agreement secured by and payable from the Pledged Revenues without the prior written consent of the Insurer.]

SECTION 35:Further Procedures. Any one or more of the Mayor, Mayor Pro Tem, City Manager, any Assistant City Manager, Director of Finance and City Secretary are hereby expressly authorized, empowered and directed from time to time and at any time to do and perform all such acts and things and to execute, acknowledge and deliver in the name and on behalf of the City all agreements, instruments, certificates or other documents, whether mentioned herein or not, as may be necessary or desirable in order to carry out the terms and provisions of this Ordinance and the issuance of the Bonds. In addition, prior to the initial delivery of the Bonds, the Mayor, City Manager, any Assistant City Manager, Director of Finance or Bond Counsel to the City are each hereby authorized and directed to approve any



changes or corrections to this Ordinance or to any of the documents authorized and approved by this Ordinance: (i) in order to cure any ambiguity, formal defect or omission in the Ordinance or such other document; or (ii) as requested by the Attorney General of the State of Texas or his representative to obtain the approval of the Bonds by the Attorney General and if such officer or counsel determines that such changes are consistent with the intent and purpose of the Ordinance, which determination shall be final. In the event that any officer of the City whose signature shall appear on any document shall cease to be such officer before the delivery of such document, such signature nevertheless shall be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery.

SECTION 36: Benefits of Ordinance. Nothing in this Ordinance, expressed or implied, is intended or shall be construed to confer upon any person other than the City, the Paying Agent/Registrar, Bond Counsel for the City and the Bondholders, any right, remedy, or claim, legal or equitable, under or by reason of this Ordinance or any provision hereof, this Ordinance and all its provisions being intended to be and being for the sole and exclusive benefit of the City, the Paying Agent/Registrar, Bond Counsel for the City and the Bondholders.

SECTION 37: Inconsistent Provisions. All ordinances, orders or resolutions, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict and the provisions of this Ordinance shall be and remain controlling as to the matters contained herein.

SECTION 38: Governing Law. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

SECTION 39: Severability. If any provision of this Ordinance or the application thereof to any circumstance shall be held to be invalid, the remainder of this Ordinance and the application thereof to other circumstances shall nevertheless be valid, and this governing body hereby declares that this Ordinance would have been enacted without such invalid provision.

SECTION 40: Public Meeting. It is officially found, determined, and declared that the meeting at which this Ordinance 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 Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

SECTION 41: Effective Date. In accordance with the provisions of Section 1201.028, Texas Government Code, as amended, this Ordinance shall take effect and be in full force immediately from and after its date of adoption shown below.

[Remainder of page intentionally left blank]

FINALLY PASSED AND ADOPTED, this February 20, 2018.

CITY OF AMARILLO, TEXAS

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary



(CITY SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
William M. McKamie, City Attorney

EXHIBIT A  
PAYING AGENT/REGISTRAR AGREEMENT

EXHIBIT B  
PURCHASE AGREEMENT



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Pillar</b>	Economic Development
<b>Department</b>	City Manager		
<b>Contact</b>	Michelle Bonner, Deputy City Manager		

### Agenda Caption

RESOLUTION – AUTHORIZING THE CITY TO REIMBURSE EXPENDITURES WITH PROCEEDS FROM FUTURE DEBT:

(Contact: Michelle Bonner, Deputy City Manager)

This resolution preserves the City’s ability to reimburse capital expenditures from the “City of Amarillo, Texas, Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018”.

### Agenda Item Summary

This Resolution declares the City’s expectation to reimburse expenditures from the Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018. The City has begun the construction of the multipurpose event venue facility (Project) and intends to use bond proceeds for reimbursement of capital expenditures associated with the Project. The City Council will consider an ordinance on February 20, 2018 authorizing the issuance for the Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018, however the closing date for this bond issue is scheduled for March 20, 2018 which is the date that the bond proceeds will be deposited with the City and available for reimbursement purposes.

### Requested Action

Council consideration and approval of the resolution.

### Funding Summary

N/A

### Community Engagement Summary

On January 30, 2018 Specialized Public Finance presented the bond financing proposal to the City Council. On February 20, 2018 the City Council will review an ordinance authorizing the issuance of the Hotel Occupancy Tax Revenue Bonds, Taxable Series 2018.

### Staff Recommendation

Staff recommendation is to approve the resolution declaring the expectation to reimburse Project expenditures with bond proceeds.

RESOLUTION NO. \_\_\_\_ - \_\_\_\_ -18- \_\_\_\_

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

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WHEREAS, the City of Amarillo, Texas (the "Issuer") intends to issue debt for construction, improvement, enlarging, equipping, operation and maintenance of municipal buildings, to wit: a multiuse facility (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, the Issuer desires to preserve its ability to reimburse the capital expenditures with proceeds of taxable or 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. The maximum principal amount of obligations expected to be issued for the Project is \$40,000,000.

**INTRODUCED AND PASSED** by the City Council of the City of Amarillo, Texas, this \_\_\_\_ day of February 2018.

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Ginger Nelson, Mayor

**ATTEST:**

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Frances Hibbs, City Secretary



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	02/20/2018	<b>Council Priority</b>	Best Practices
<b>Department</b>	Department of Aviation		
<b>Contact</b>	Michael W. Conner: Director of Aviation		

### Agenda Caption

Public Hearing: First reading of the proposed draft Commercial Ground Vehicle Ordinance for the Rick Husband Amarillo International Airport (Airport).

### Agenda Item Summary

The City of Amarillo and Department of Aviation propose an Ordinance, as authorized through the Texas Legislature, Texas Occupations Code Chapter 2402. The proposed Ordinance authorizes reasonable fees and regulation on commercial ground vehicle operators, to include Transportation Network Companies (TNCs), e.g., Uber and Lyft. As proposed in the Ordinance, the funding mechanism and regulatory operating standards are focused to accomplish the following objectives: establish uniform commercial ground vehicle operating standards, provide revenues to maintain airport systems that support commercial ground vehicle traffic on the airport, and to compensate the airport for administration and enforcement of the operating standards. The Airport’s Rules and Regulations document shall be the guiding standard for commercial ground vehicle operations at the Rick Husband Amarillo International Airport.

### Requested Action

To complete the first reading of the Commercial Ground Vehicle Ordinance and receive continued public input and open dialog on the proposed Ordinance.

### Funding Summary

Upon adoption of the Ordinance, the Department of Aviation will propose an industry standard fee to be applied to any fare originating from the Rick Husband Amarillo International Airport.

There is no cost to the City for adopting this Ordinance.

### Community Engagement Summary

Level 3- High impact on selected area and/or community group. Airport staff provided a stakeholder invitation using the most current Vehicle for Hire Permit information, maintained by Amarillo Police Department for the City of Amarillo. This stakeholder invitation was postmarked Friday, December 29, 2017 ahead of the general press release published Friday, January 12, 2018 and concluded with a public meeting held on Thursday, January 18, 2018. Upon the conclusion of the public meeting, the Airport provided formal written response to each question submitted. Written responses to questions received were completed Monday, January 29, 2018 and emailed using the contact information provided on the Public Meeting Sign-In sheet.

# Amarillo City Council Agenda Transmittal Memo

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**Staff Recommendation**

Airport staff recommends proceeding with the first reading of the proposed Commercial Ground Vehicle Ordinance for the Rick Husband Amarillo International Airport.

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMRILLO MUNICIPAL CODE, CHAPTER 16-2, ARTICLE IV, ADDING SECTION 16-2-69 CONCERNING TRANSPORTATION NETWORK COMPANIES; SETTING RULES, REGULATIONS, FEES, AND PENALTIES FOR GROUND TRANSPORTATION COMPANIES AND TRANSPORTATION NETWORK COMPANIES OPERATING AT THE RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVINDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Texas Legislature recently amended the Texas Occupations Code adding Chapter 2402 authorizing an airport owner to impose regulations, including reasonable fees, on transportation network companies (that provide digitally prearranged rides to or from the airport) that operate ground transportation businesses on an airport; and

WHEREAS, the City of Amarillo owns and operates Rick Husband Amarillo International Airport; and

WHEREAS, the City of Amarillo desires to regulate ground transportation at the Rick Husband Amarillo International Airport for the purpose of ensuring commercial ground vehicle operating standards for airport customers, to provide revenues to maintain airport systems that support commercial ground vehicle traffic on the airport, and to compensate the airport for administration and enforcement of the operating standards; and

WHEREAS, the City Council finds that ensuring commercial ground vehicle operating standards, providing for revenues to maintain airport systems that support commercial ground vehicle traffic, and providing for the compensation for the airport to administer and enforce the operating standards at the airport are in the best interest of the City.

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

SECTION 1. That Chapter 16-2, Article IV, Section 16-2-69 is hereby added to read as follows:

**Sec. 16-2-69. – Airport Ground Transportation Regulations and Fees.**

The City hereby adopts the following regulations to apply to any and all commercial ground transportation operators operating at the Rick Husband Amarillo International Airport:

- (a) The City of Amarillo shall have the right and authority to impose fees upon taxi cab company operators, limousine company operators, and any other commercial ground transportation company operators for the right to operate at the Rick Husband Amarillo International Airport.
- (b) The City of Amarillo shall have the right and authority to impose fees upon off-airport hotel shuttle bus operators and off-airport rental car shuttle bus operators for the right to operate at the Rick Husband Amarillo International Airport.

(c) All fees imposed on Transportation Network Companies, taxi cab company operators, limousine company operators, other commercial ground transportation company operators, off-airport hotel shuttle bus operators, or off-airport rental car shuttle bus operators shall be approved by the Amarillo City Council.

(d) Except as directed under Texas State Law, the established Airport Rules and Regulations shall govern the administration, enforcement, and operating standards for Commercial Ground Vehicle Operators.

**Secs. 16-2-6970—16-2-80. - 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 and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. Continuation. That nothing in this ordinance or any code hereby adopted shall be construed to affect any suit or proceeding ending in any court or an administrative proceeding, 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.

SECTION 5. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances, except as provided in Section 1 [Sec. 8-2-9 (e)(3)] and Section 6.

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 \_\_\_\_\_, 2018; and PASSED on Second and Final Reading the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ginger Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Frances Hibbs, City Secretary

APPROVED AS TO FORM

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William M. McKamie, City Attorney



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# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Priority</b>	Community Appearance
<b>Department</b>	Planning		
<b>Contact</b>	AJ Fawver		

### Agenda Caption

Vicinity: S Monroe St. & SW 14<sup>th</sup> Ave.

Consideration and possible action on an ordinance approving the vacation of 80' ROW known as South Monroe Street between Block 192 and Block 193 in Plemons Unit No. 1 and the southern 14' of 80' ROW known as Southwest 14th Avenue located along Block 192 in Plemons Unit No. 1, both in Section 170, Block 2, AB&M Survey, Potter County, Texas. This vacation was reviewed and recommended for approval by a 5:0 vote from the Planning and Zoning Commission.

### Agenda Item Summary

This requested vacation is for the purpose of removing the right of way to make way for the church building expansion that will be eventually encroaching that right of way if it were still there in the future. This vacation also makes way to creating a unified building site so that the rezoning, Downtown Urban Design Standard (DAUDS) process, and site plan review easier. Construction plans have been approved and surety provided to relocate utilities at the cost of the developer.

Planning, Utilities, and Engineering Departments have reviewed the vacation and associated dedication to conclude that a later proposed dedication would suffice for proper utility services and maintenance.

Per Section 12, "Dedications and Vacations" of the City of Amarillo's Development Policy Manual, the developer is required to pay the fair market value of the "use" of the land, since the ownership still resides with the city, the applicant paid the valuation of \$8,800 to the city. The bricks in the street are to be recycled through the city's Street Department.

### Requested Action

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

### Funding Summary

N/A

### Community Engagement Summary

No notices were required. Street signs were posted at the north and south bound entrances to this segment of S Monroe Street per Section 12 policy guidelines. The item was considered by the Planning and Zoning Commission in a public hearing on February 12<sup>th</sup> at which there were no public comments.

# Amarillo City Council Agenda Transmittal Memo



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**Staff Recommendation**

Staff recommends approval of this Resolution.

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AN ORDINANCE OF THE CITY OF AMARILLO DETERMINING LACK OF PUBLIC NECESSITY FOR RIGHT-OF-WAY IN THE VICINITY OF SOUTHWEST 14<sup>TH</sup> AVENUE AND SOUTH MONROE STREET, POTTER COUNTY, TEXAS; VACATING AND ABANDONING THE HEREIN-DESCRIBED RIGHT-OF-WAY; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE.

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WHEREAS, the Planning and Zoning Commission of the City of Amarillo has recommended to the City Council that there is no public necessity for the following-described RIGHT-OF-WAY; and

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

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

SECTION 1: That the herein-described RIGHT-OF-WAY segment be vacated and abandoned for public purposes:

Vacation of 80' ROW known as South Monroe Street between Block 192 and Block 193 in Plemons Unit No. 1 and the southern 14' of 80' ROW known as Southwest 14th Avenue located along Block 192 in Plemons Unit No. 1, both in Section 170, Block 2, AB&M Survey, Potter County, Texas.

FIELD NOTES for a 0.67 acre tract of land being a portion of S. Monroe St. and S.W. 14th Ave., in the Plemons Addition, City of Amarillo, Potter County, Texas, and more particularly described as follows:

BEGINNING at 1/2" iron rod found with a Furman Cap at the intersection of the east right-of-way line of said S. Monroe St. and the north right-of-way line of S. W. 15th Ave. same being the southwest corner of Block 193, Plemons Addition, for the southeast corner of this tract.

THENCE N. 80 ° 38' 05" W. a distance of 79.96 feet to a 1/2" iron rod found with a Furman Cap at the intersection of the west right-of-way line of said S. Monroe St. and said north right-of-way line of said S. W. 15th Ave. same being the southeast corner of Block 192, Plemons Addition, for the most southerly southwest corner of this tract.

THENCE N. 09 ° 25' 48" E., along said west right-of-way line, a distance of 300.06 feet to a 1/2" iron rod found with a Furman Cap at the intersection of said west right-of-way line and the south right-of-way line of S.W. 14th Ave. same being the northeast corner of said Block 192 for an ell corner of this tract.

THENCE N. 80 ° 34' 46" W., along said south right-of-way line, a distance of 299.89 feet to a 1/2" iron rod found with a Furman Cap at the intersection of said south right-of-way line and the east right-of-way line of S. Madison St. same being the northwest corner of said Block 192 for the most westerly southwest corner of this tract.

THENCE N. 09 ° 25' 14" E. a distance of 14.00 feet to the northwest corner of this tract.

THENCE S. 80 ° 34' 46" E. a distance of 379.79 feet to the northeast corner of this tract.

THENCE S. 09 ° 25' 07" W., at a distance of 14.07 feet pass the intersection of said south right-of-way line of said S. W. 14th Ave. and said east right-of-way line of said S. Monroe St. same being at an "X" etched in concrete found, a total distance of 313.98 feet to the place of BEGINNING and containing 0.67 acres (29,299 square feet) of land.

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

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

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

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

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the \_\_\_\_ day of February 2018; and PASSED on Second and Final Reading this the \_\_\_\_ day of February 2018.

\_\_\_\_\_  
Ginger Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Frances Hibbs, City Secretary

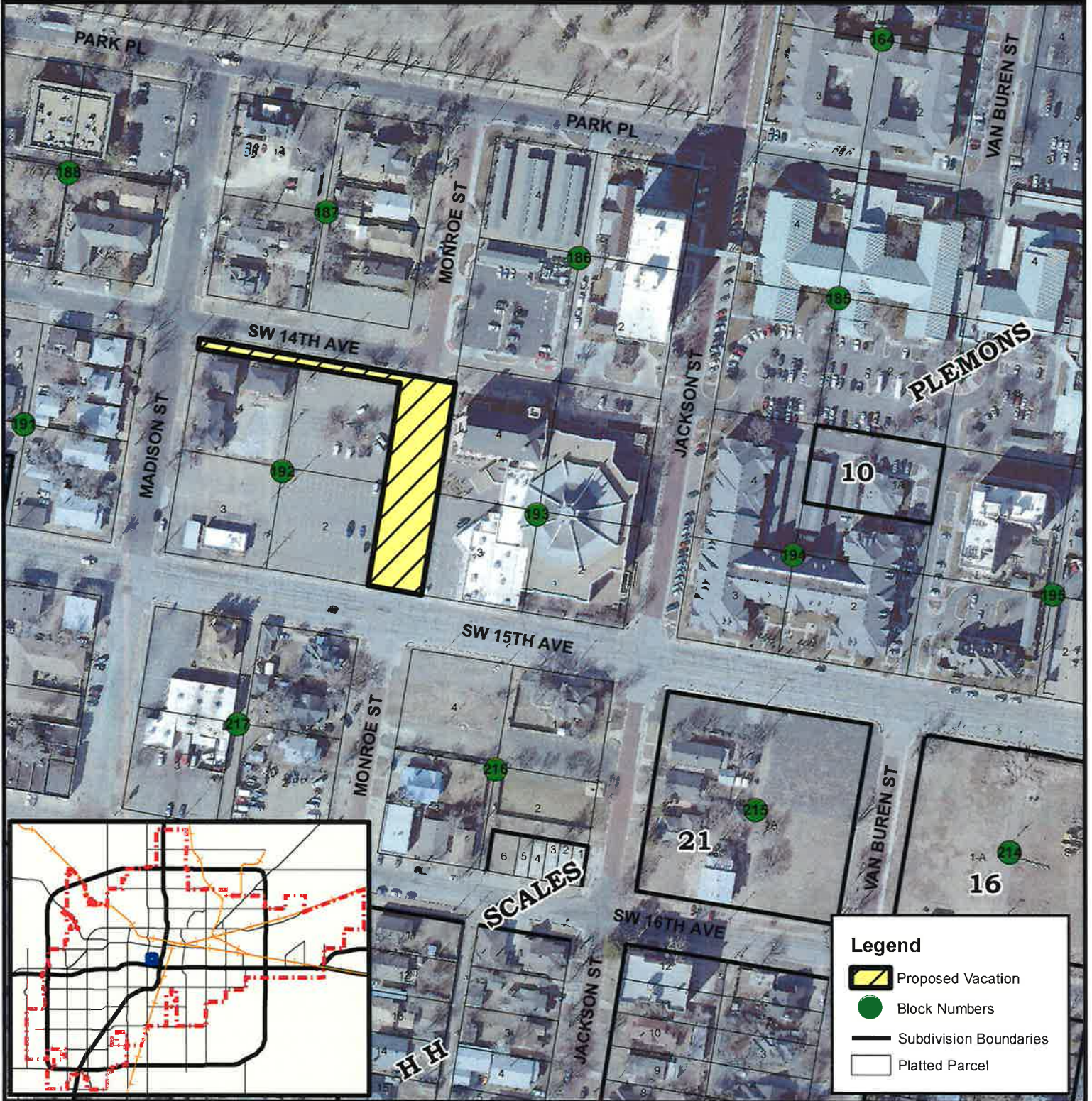
**ACKNOWLEDGEMENT**

THE STATE OF TEXAS     §  
                                      §  
COUNTY OF POTTER     §

This instrument was acknowledged before me on the \_\_\_\_ day of February, 2018 by Ginger Nelson, Mayor, of the City of Amarillo, a Texas municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

**CASE P-17-06  
VACATION OF RIGHT-OF-WAY**



**CITY OF AMARILLO  
PLANNING DEPARTMENT**

**Scale:** 1 inch = 200 feet  
**Date:** 2/8/2018



Vacation of 80' ROW known as South Monroe Street between Block 192 and Block 193 in Plemons Unit No. 1 and the southern 14' of 80' ROW known as Southwest 14th Avenue located along Block 192 in Plemons Unit No. 1, both in Section 170, Block 2, AB&M Survey, Potter County, Texas.

**Applicant:** Che Shadle

**Vicinity:** S Monroe St. & SW 14th Ave.

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



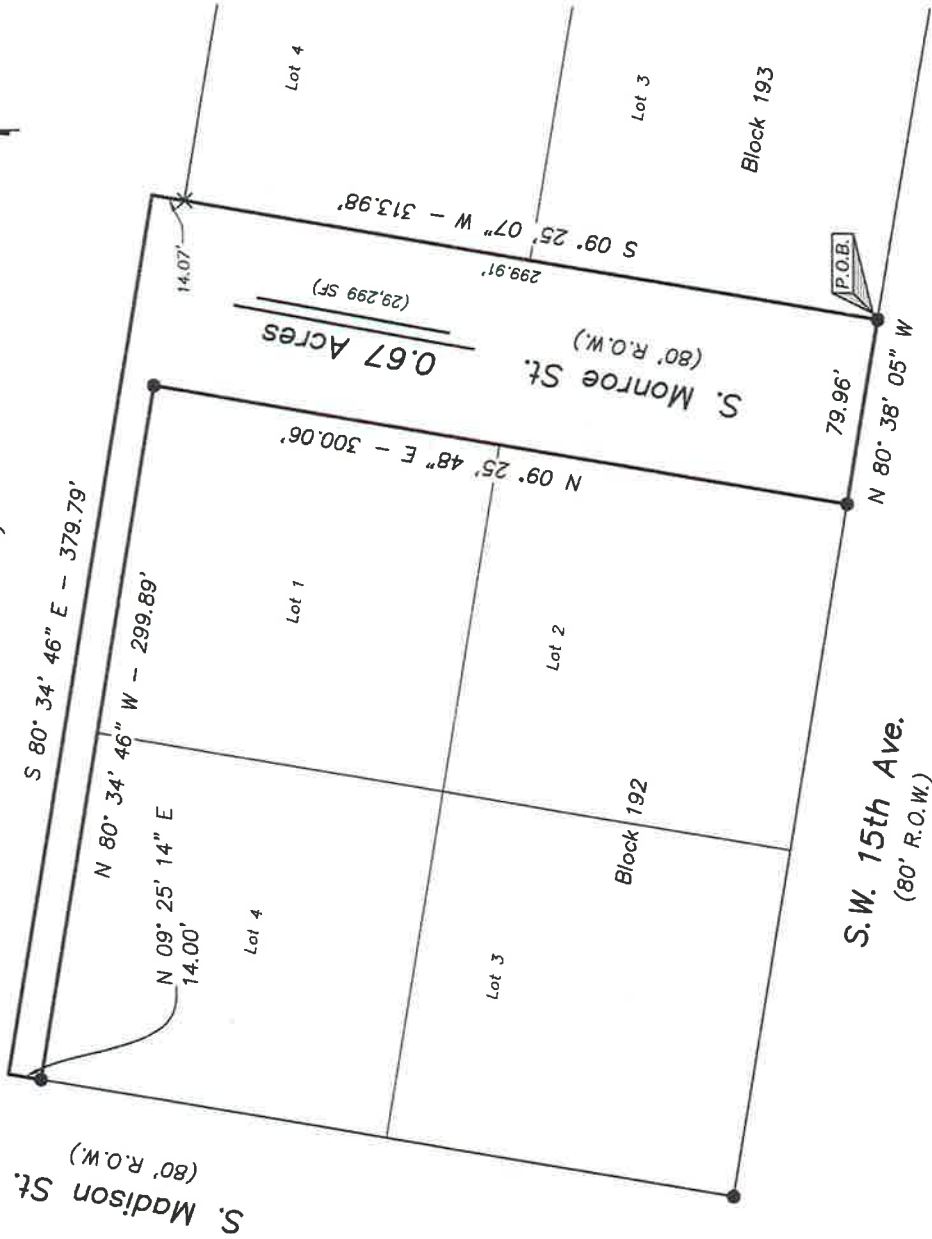


Scale: 1" = 60'

**NOTES**

- = Furman Cap found.
- X = X in concrete found.

S.W. 14th Ave.  
(80' R.O.W.)



The plat of Plemons Addition recorded in Volume 29, Page 11, Deed Records of Potter County, Texas.

Bearings are based on U.S. State Plane of 1983 - Texas North Zone Distances shown are ground distances. Grid to ground scale factor: 1.0002507

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

IN WITNESS THEREOF, my hand and seal, this the 10th day of August, A.D., 2017.



*Richard E. Johnson*

Richard E. Johnson  
Registered Professional  
Land Surveyor #4263

A Plat of 0.67 Acres out of the Plemons Addition,  
City of Amarillo, Potter County, Texas

SCALE: 1" = 60'

DATE: 08/09/17

Firm No. 10090900

DRAWN BY: JA

FILE NAME:



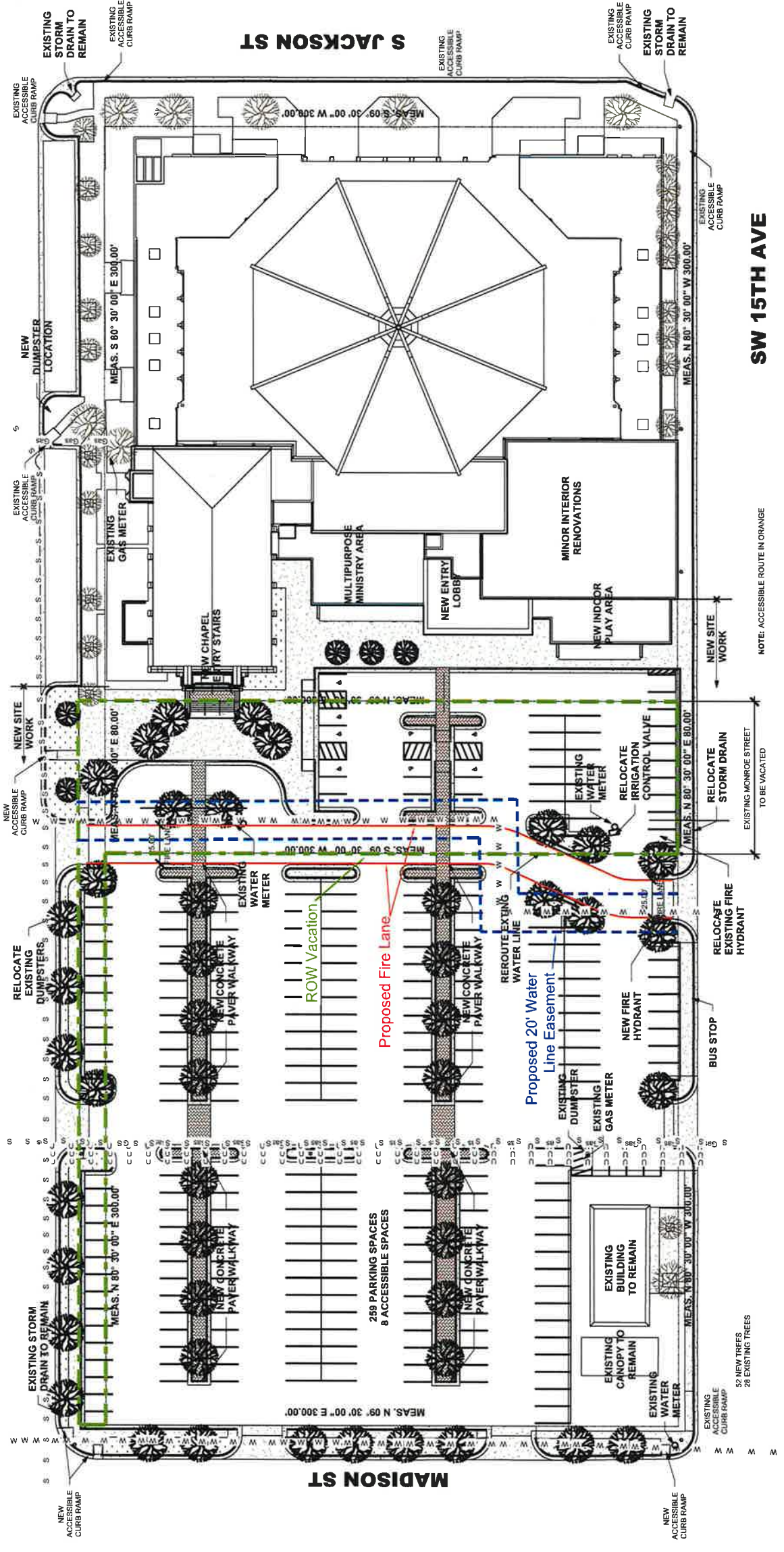
**OJD Engineering, Inc.**  
Consulting Engineers & Surveyors

806-352-7117  
2420 Lakeview Drive  
Amarillo, Texas 79109

DRAWING NUMBER

Right-of-way Vacation

SW 14TH AVE



SW 15TH AVE

NOTE: ACCESSIBLE ROUTE IN ORANGE

65 NEW TREES  
28 EXISTING TREES



Looking northeast up S Monroe St, which is 80' wide of ROW. Bricks are to be recycled.



Looking northwest up S Monroe St, which is 80' wide of ROW. Bricks are to be recycled.



Looking southwest down S Monroe St, which is 80' wide of ROW. Bricks are to be recycled.



Looking south down S Monroe St, which is 80' wide of ROW. Bricks are to be recycled.



Looking west down the 14' strip of ROW along SW 14<sup>th</sup> Ave to be vacated, curb side dumpsters are being removed.



Looking southwest down SW 14<sup>th</sup> Avenue, the remainder of 66' of ROW will remain a public street.



Looking west at a more westerly portion (Closer to S Madison St.) of the 14' strip of ROW to be vacated.

# Amarillo City Council Agenda Transmittal Memo



Meeting Date	February 20, 2018	Council Priority	Community Appearance
Department	Planning		
Contact	AJ Fawver		

### Agenda Caption

Vicinity: SW 15<sup>th</sup> Ave. & S Monroe St.

PRESENTATION AND CONSIDERATION of Rezoning of a portion of Lot 3, Block 186; Lots 2, 3, and portion of Lot 1 in Block 192; and all of Block 193 in Plemons Unit No.1, in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 120 and 130 (PD-120 and PD-130) to Multiple Family District 2 (MF-2).

### Agenda Item Summary

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

During the site visit, Planning Department staff noticed that – to the north were residential uses, as well as part of the Baptist Community Services (BCS) campus. Looking to the east and west were church related uses and the south was a parking lot for the church with some nearby residences.

This rezoning request is consistent with the adopted 2010 Comprehensive Future Land Use and Character Map, which designates this area for a future “Urban (U)” land use. The Comprehensive Plan states that the character and intensity of this land use category allows “Institutional” uses.

The Neighborhood Unit Concept is also a key piece of the adopted plan, in which zoning transitions from areas of lower density at section line corners to areas of high density. This concept of development ensures that commercial areas will have less of an impact to residential areas. This concept does not follow the Neighborhood Unit Concept as this area was developed before that concept was adopted.

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

- Emphasis on infill development and encouraging development in existing undeveloped portions of the city where utility services are already available. *(page 3.3, Growth Management & Capacity)*

The requested zoning change would expand the MF-2 boundaries and simplify further development processes in the area for this church in the future.

# Amarillo City Council Agenda Transmittal Memo



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## Requested Action

The applicant is requesting the rezoning of a portion of Lot 3, Block 186; Lots 2, 3, and portion of Lot 1 in Block 192; and all of Block 193 in Plemons Unit No.1, in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 120 and 130 (PD-120 and PD-130) to Multiple Family District 2 (MF-2) in order to expanding the existing church on to this site.

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## Funding Summary

N/A

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## Community Engagement Summary

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

The item was recommended for approval by 5:0 vote of the Planning and Zoning Commission at its February 12, 2018 public meeting.

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## City Manager Recommendation

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

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ORDINANCE NO. 7714

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

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

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

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

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

Rezoning of a portion of Lot 3, Block 186; Lots 2, 3, and portion of Lot 1 in Block 192; and all of Block 193 in Plemons Unit No.1, in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 120 and 130 (PD-120 and PD-130) to Multiple Family District 2 (MF-2).

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 February, 2018 and PASSED on Second and Final Reading on this the \_\_\_\_\_ day of February, 2018.

\_\_\_\_\_  
Ginger Nelson, Mayor

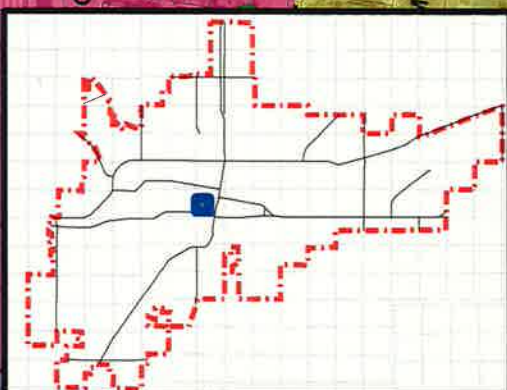
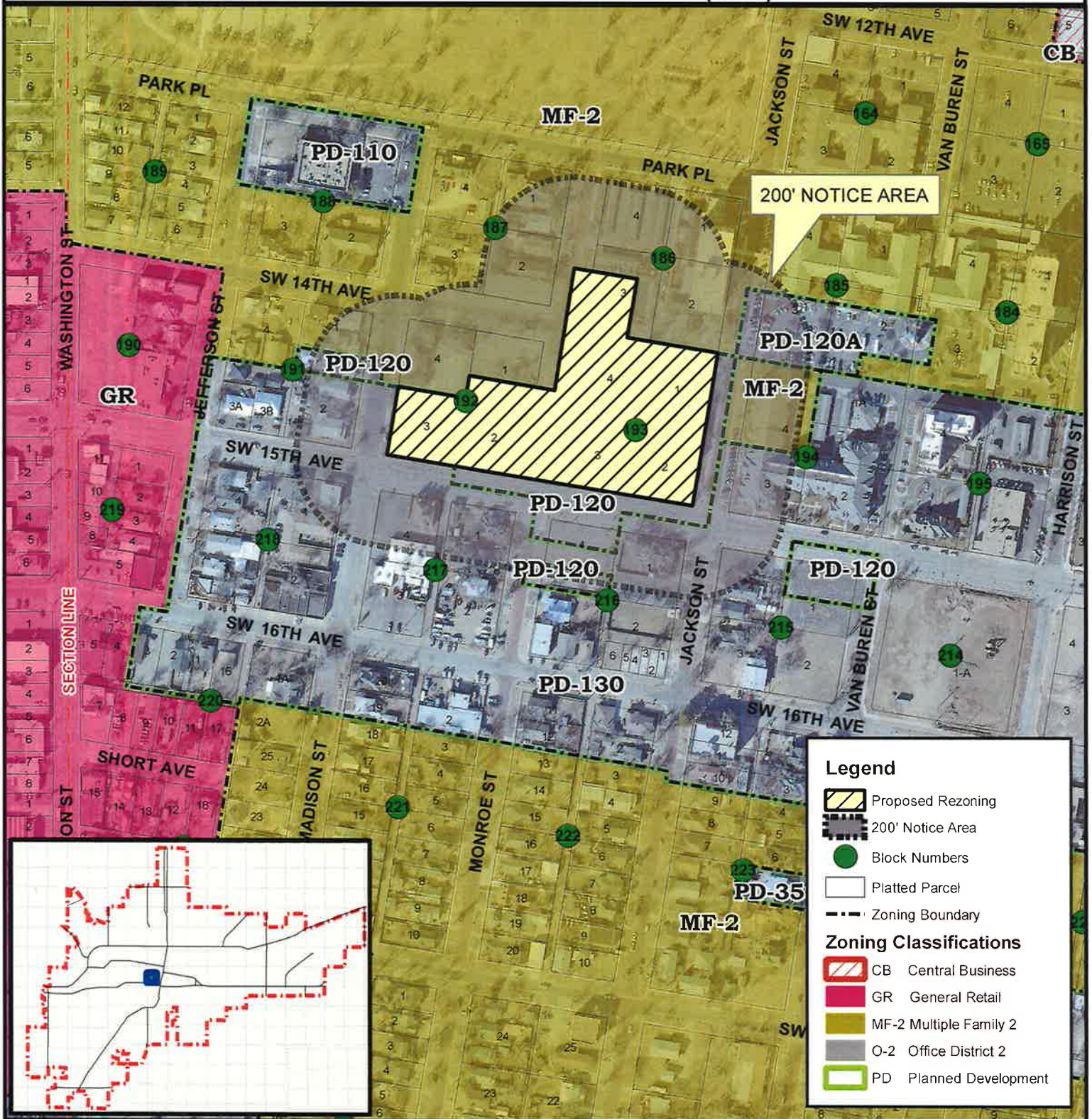
ATTEST:

\_\_\_\_\_  
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
William M. McKamie, City Attorney

**CASE Z-17-23**  
**REZONING FROM PLANNED DEVELOPMENT 120 AND 130 (PD-120 AND PD-130)**  
**TO MULTIPLE FAMILY DISTRICT 2 (MF-2)**



**CITY OF AMARILLO**  
**PLANNING DEPARTMENT**

**Scale: 1 inch = 300 feet**  
**Date: 8/22/2017**



Rezoning of a portion of Lot 3, Block 186; Lots 2, 3, and portion of Lot 1 in Block 192; and all of Block 193 in Plemons Unit No.1, in Section 170, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 120 and 130 (PD-120 and PD-130) to Multiple Family District 2 (MF-2).

Applicant: Che Shadle

Vicinity: SW 14th Ave. & S Monroe St.

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



Looking northeast across what was S Monroe Street at the existing church that will be expanding west.



Looking north up S Monroe St. from the proposed rezoning tract.



Looking northwest from the proposed rezoning tract at SW 14<sup>th</sup> Ave. and S Madison St.



Looking west from the proposed rezoning tract at an existing PUE and S Madison St.



Looking south across SW 15<sup>th</sup> Ave. from the proposed rezoning tract.



Looking southeast across what was S Monroe St. and SW 15<sup>th</sup> Ave. from the proposed rezoning tract.

# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Priority</b>	Community Appearance
<b>Department</b>	Planning		
<b>Contact</b>	AJ Fawver		

### Agenda Caption

Vicinity: SW 27<sup>th</sup> Avenue & Britain Drive

PRESENTATION AND CONSIDERATION of Rezoning of Lot 1, Block 27, Lawrence Park Unit No. 16, in Section 227, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 354 (PD-354) to Light Commercial (LC).

### Agenda Item Summary

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

During the site visit, Planning Department staff noticed that - in all directions of this property are retail or commercial uses except south of SW 27<sup>th</sup> Avenue where residential apartments were located.

This rezoning request is consistent with the adopted 2010 Comprehensive Future Land Use and Character Map, which designates this area for a future "General Commercial (GC)" land use. The Comprehensive Plan states that the character and intensity of this land use category encompasses a broad range of commercial and retail uses. Including but not limited to automotive workshop which falls under commercial uses and is thus allowable in General Commercial (GC).

The Neighborhood Unit Concept (NUC) is also a key piece of the adopted plan, in which zoning transitions from areas of lower density at section line corners to areas of high density. This concept of development ensures that commercial areas will have less of an impact to residential areas. This concept does follow the Neighborhood Unit Concept as this request is part of a larger LC zoned area that starts at the section line arterial intersection (Wolflin Avenue & South Georgia Street) where commercial and retail uses are highly recommended. This square mile section developed a little differently than the other square mile NUCs in Amarillo as residential (One apartment complex is found) is found nowhere along the northern half of this square mile section that follows along Interstate 40.

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

- Emphasis on infill development and encouraging development in existing undeveloped portions of the city where utility services are already

# Amarillo City Council Agenda Transmittal Memo



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available. (page 3.3, Growth Management & Capacity)

The requested zoning change would expand the existing nearby LC boundaries. During research of this particular case, the site was found to be zoned General Retail (GR) and some Light Commercial (LC) before it was rezoned to PD-354 in 2008 (Ordinance No. 7120).

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### Requested Action

The applicant is requesting the rezoning of Lot 1, Block 27, Lawrence Park Unit No. 16, in Section 227, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 354 (PD-354) to Light Commercial (LC) in order to possibly construct office/warehouse uses.

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### Funding Summary

N/A

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### Community Engagement Summary

Level 4 - The item was distributed to all applicable internal and external entities. Notices have been sent out to 21 property owners within 200 feet regarding this proposed rezoning. At the time of this writing, the Planning Department has received no comments regarding this request. There was however, one phone call against but individual did not give details and said he would show up to P&Z meeting and give them. There was no one to speak for or against the proposed rezoning at the P&Z meeting.

The item was recommended for approval by 5:0 vote of the Planning and Zoning Commission at its February 12, 2018 public meeting.

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### City Manager Recommendation

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

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ORDINANCE NO. 7715

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 SOUTHWEST TWENTY SEVENTH AVENUE AND BRITAIN 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 1, Block 27, Lawrence Park Unit No. 16, in Section 227, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 354 (PD-354) to Light Commercial (LC).

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 February, 2018 and PASSED on Second and Final Reading on this the \_\_\_\_\_ day of February, 2018.

\_\_\_\_\_  
Ginger Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Frances Hibbs, City Secretary

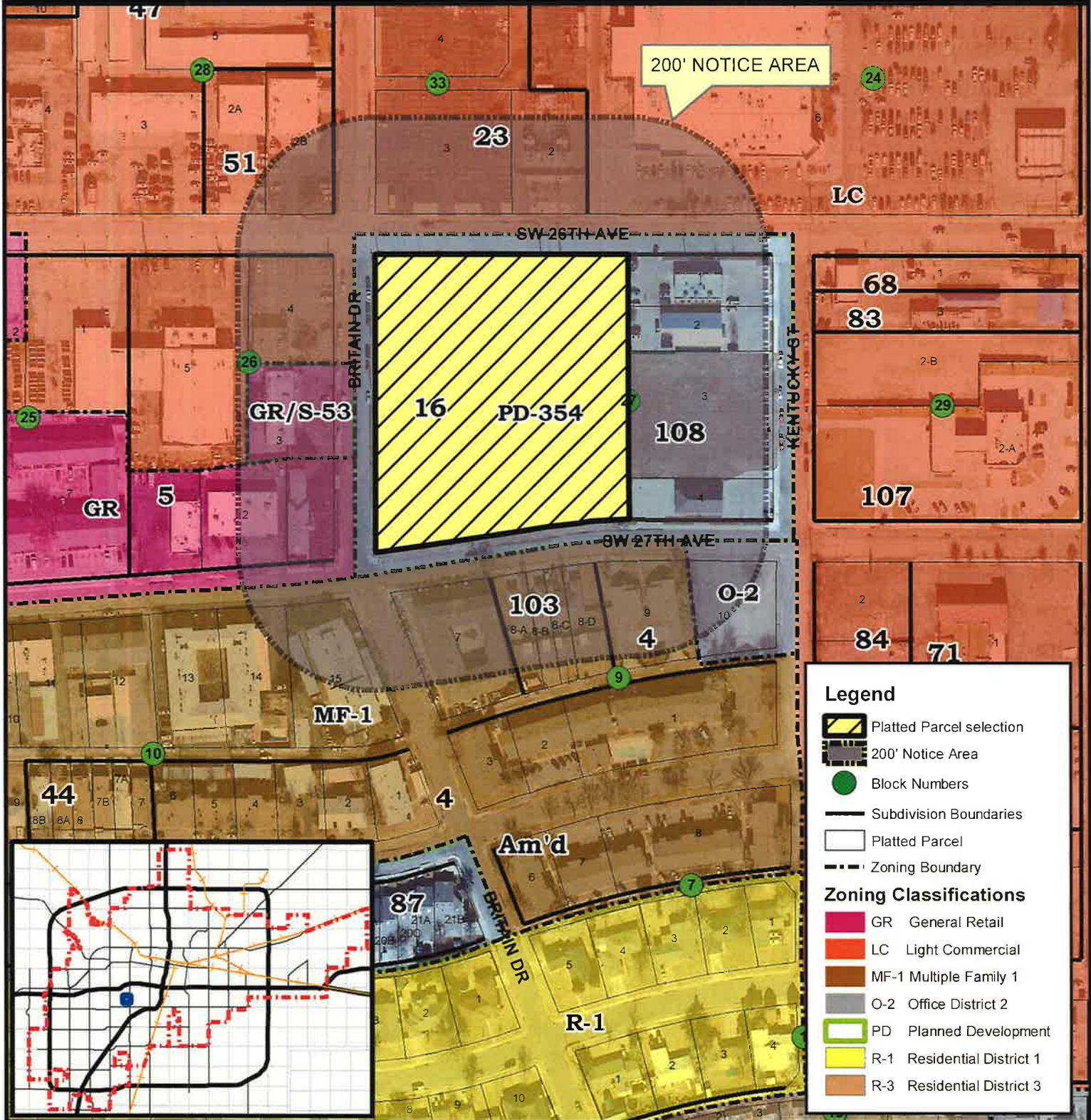
APPROVED AS TO FORM:

\_\_\_\_\_  
William M. McKamie, City Attorney



**CASE Z-18-01**

**REZONING FROM PLANNED DEVELOPMENT 354 (PD-354) TO LIGHT COMMERCIAL (LC)**



**Legend**

- Platted Parcel selection
- 200' Notice Area
- Block Numbers
- Subdivision Boundaries
- Platted Parcel
- Zoning Boundary

**Zoning Classifications**

- GR General Retail
- LC Light Commercial
- MF-1 Multiple Family 1
- O-2 Office District 2
- PD Planned Development
- R-1 Residential District 1
- R-3 Residential District 3

**CITY OF AMARILLO  
PLANNING DEPARTMENT**

**Scale: 1 inch = 200 feet**  
**Date: 1/21/2018**



Rezoning of Lot 1, Block 27, Lawrence Park Unit No. 16, in Section 227, Block 2, AB&M Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Planned Development 354 (PD-354) to Light Commercial (LC).

**Applicant: Robert Keys**  
**Vicinity: SW 26th Ave. & Britain Dr.**

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.



Looking northeast from Britain Drive at the proposed rezoning tract.



Looking east down SW 27<sup>th</sup> Avenue, MF-1 zoning to the right where apartments are located.



Looking south down Britain Drive from the proposed rezoning tract, MF-1 zoned apartments.



Looking west down SW 27<sup>th</sup> Avenue from the SW corner of the proposed rezoning tract. GR zoned right.



Looking north of Britain Drive from the SW corner of the proposed rezoning tract, GR and LC on the left and applicant's property on the right.

8



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Priority</b>	Community Appearance
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<b>Department</b>	Planning Department	<b>Contact Person</b>	AJ Fawver
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## Agenda Caption

Vicinity: S Coulter and Outlook Dr..

Rezoning of a 31,500 +/- square foot tract of land out of Section 43, Block 9 BS&F Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural (A) to Office 2 (O2).

## Agenda Item Summary

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

The Neighborhood Unit Concept is also a key piece of the adopted plan, in which zoning transitions from areas of higher density at section line corners to areas of lower density toward the center of the section. This concept of development ensures that commercial areas will have less of an impact to residential areas. This rezoning request follows the Neighborhood Unit Concept.

This rezoning request is consistent with the adopted 2010 Comprehensive Future Land Use and Character Map, which designates this area for a future "business park" land use. The Comprehensive Plan states that the development type in this designation should be that associated with office, medical, and technology/research uses with commercial retail uses to serve local workers and visitors.

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

- Encourage infill development to achieve more efficient utilization of the City's existing resources and infrastructure. *(page 3.3, Growth Management & Capacity).*
- Promote infill development of various types as appropriate areas to reduce urban sprawl and duplication of public services thereby saving tax dollars. *(page 3.3, Growth Management & Capacity).*

This rezoning request is consistent with the current pattern of development and zoning. There currently exists a vacant lot with the zoning of Agricultural, adjacent to the lot are commercial/office uses and other vacant land. The proposed rezoning to O-2 will allow a transition in the area to accommodate future development that is consistent with the current and future zoning.

# Amarillo City Council Agenda Transmittal Memo



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**Requested Action**

The applicant is requesting a change in zoning from A to O-2 to allow offices.

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**Funding Summary**

N/A

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**Community Engagement Summary**

The item was distributed to all applicable internal and external entities. Notices have been sent out to 5 property owners within 200 feet regarding this proposed rezoning. At the time of this writing, the Planning Department has received 0 comments regarding this request.

The item was recommended for approval by 5:0 vote of the Planning and Zoning Commission at its February 12, 2018 public meeting.

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**City Manager Recommendation**

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

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ORDINANCE NO. 7112

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 S COUTLER AND OUTLOOK 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 a 31,500 +/- square foot tract of land out of Section 43, Block 9 BS&F Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural (A) to Office 2 (O2).

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 February, 2018 and PASSED on Second and Final Reading on this the \_\_\_\_\_ day of February, 2018.

\_\_\_\_\_  
Ginger Nelson, Mayor

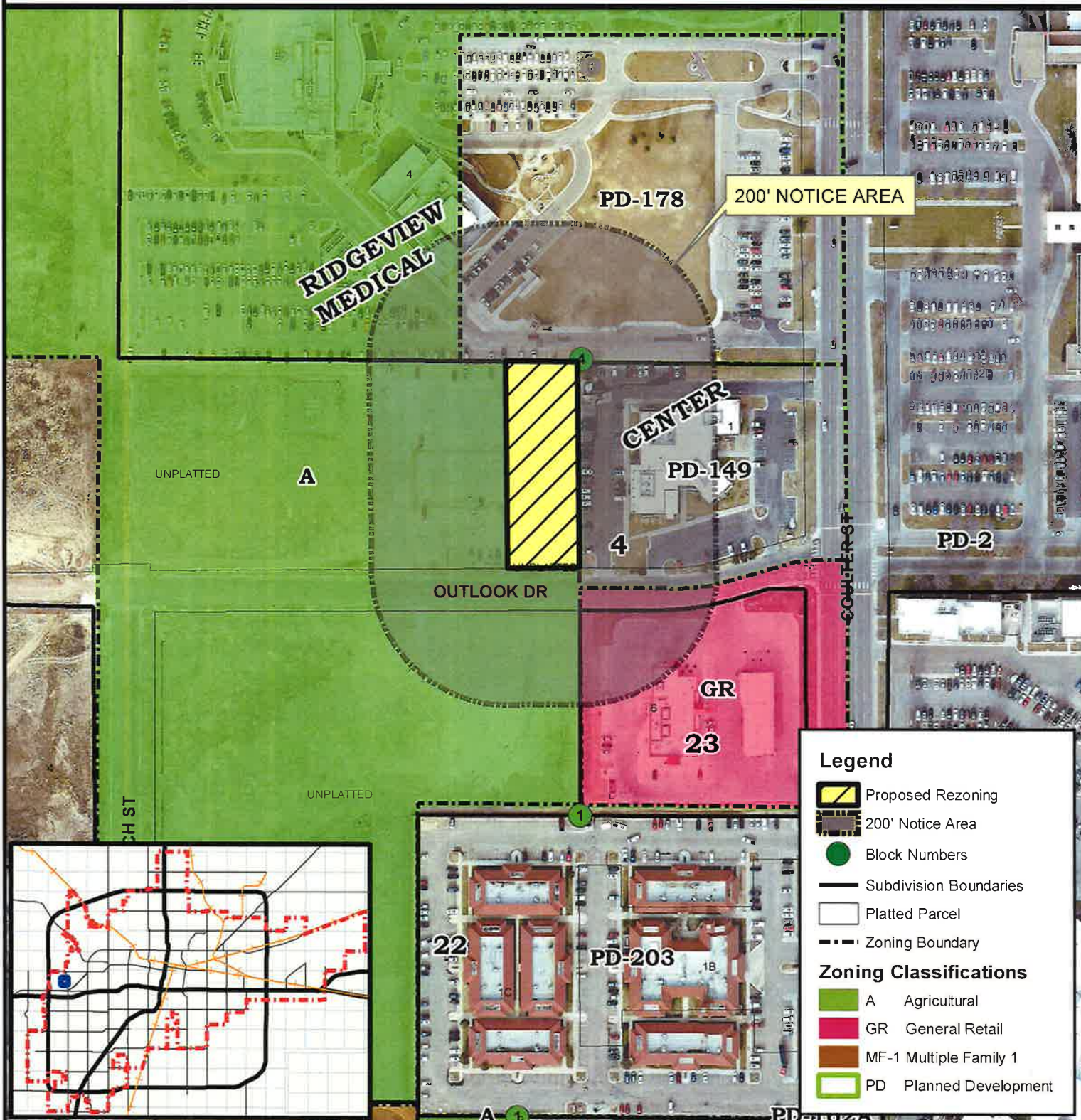
ATTEST:

\_\_\_\_\_  
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
William M. McKamie, City Attorney

**CASE Z-18-02  
REZONING FROM AGRICULTURAL (A) TO OFFICE 2 (O-2)**



**CITY OF AMARILLO  
PLANNING DEPARTMENT**

**Scale: 1 inch = 200 feet**  
**Date: 1/30/2018**



Rezoning of a 31,500 +/- square foot tract of land out of Section 43, Block 9 BS&F Survey, Potter County, Texas plus one-half of all bounding streets, alleys, and public ways to change from Agricultural (A) to Office 2 (O2)

Applicant: Daryl Furman

Vicinity: Outlook Dr & Coulter

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Looking south at the proposed rezoning tract from Outlook Dr.



Looking west down outlook dr from the proposed rezoning tract.



Looking north across outlook dr from the proposed rezoning tract.



Looking east down Outlook Dr from the proposed rezoning tract.



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Priority</b>	N/A
<b>Department</b>	Planning		
<b>Contact</b>	AJ Fawver, Planning and Zoning Director; Cody Balzen, Planner 1		

**Agenda Caption**  
 PRESENTATION AND CONSIDERATION OF ORDINANCE NO. \_\_\_\_\_.

**Agenda Item Summary**  
 This is a first reading to consider providing a variance to distance regulations prohibiting the sale or alcoholic beverages within 300 feet of a public school. The City Council, as the governing board of the City of Amarillo, Texas, and pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, may grant a variance to Section 14-3-5 of the City of Amarillo Municipal Code (enacted pursuant to Section 109.33(a)(1) of the Texas Alcoholic Beverage Code) for off-premise consumption at the following location: Lot 1, Block 4, Western Express Unit No. 1, in Section 229, Block 2, AB&M Survey, Randall County, Texas.

**Requested Action**  
 The lessee for the proposed Lil Abner’s Lounge has applied to the TABC for a Mixed Beverage and Late Hours On-Premise Permit for property located at 5001 S Western St. The straight line distance between the property lines of 5001 South Western Street and Richard Milburn Academy is less than 300 feet, which was established by the Amarillo City Council for minimum distance for alcohol sales from a school (This was measured following State Law instructions for how to measure this distance when associated with a school). Richard Milburn Academy is located diagonally across the alley from the proposed Lil Abner’s Lounge location at a distance of approximately 63 feet.

City staff has reviewed the request with Lil Abner’s Lounge and drafted the ordinance for City Council consideration. There are certain exceptions to the 300-foot rule allotted in the code, for example: variances granted by the City Council, renewals of an alcohol sales permit that had been issued on a property previously, and sales/transfers of the business that had an alcohol sales permit. In this instance, renewals and sales/transfers would not apply, leaving a variance as the only option for the applicant. City Council may allow a variance if they find that enforcement of the regulation:

- is not in the best interest of the public,
- constitutes waste or inefficient use of land or other resources,
- creates an undue hardship on an applicant for a license or permit,
- does not serve its intended purpose,
- is not effective or necessary, OR
- is, for any reason, after consideration of the health, safety, and welfare of the public and the equities of the situation, not in the best interest of the community.

Proximity restrictions related to the sale of alcoholic beverages exist for public schools, private schools, churches, public hospitals, day-care centers, and child-care facilities. In 2017 a variance was granted for a Toot n’ Totem location which allowed the existing store to move from one location already within the 300 foot distance to another location within the 300 foot distance from Coronado Elementary School. It

# Amarillo City Council

## Agenda Transmittal Memo



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is also important to note on this past variance that the establishment was for the sale of alcohol for “offsite consumption”, while the current request is for “onsite sales and consumption”.

Per Section 109.33(c) of the TABC code, “every applicant for an original alcoholic beverage license or permit for a location with a door which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersection, must give written notice of the application to officials of the public or private school before filing the application with the commission. A copy of the notice must be submitted to the commission with the application.” City staff was copied in an email sent to the Campus Director for Richard Milburn Academy.

There are currently three establishments that are within the 300 foot distance of Richard Milburn Academy that permit alcohol sales: Western Bowl, Pizza Hut, and Trail Boss Ranch Cooking. Alcohol sales permits for Western Bowl, Pizza Hut, and the Trail Boss Ranch Cooking property predated the establishment of Richard Milburn Academy at this location. Also, these three other establishments possess a food and beverage permit from TABC; whereas, the proposed Lil Abner’s Lounge would be a beverage only type of establishment.

The applicant submitted the request for variance stating that he has already paid architectural fees, first and last month lease payments, ordered and paid for equipment, and signed a five year lease with the lessor.

During site plan review it had been conveyed to the applicant that the site limitations on this property in particular, such as parking amount requirements, makes this property less suited for the proposed use. In more detail, the small amount of area available for parking (maximum 18 spaces) restricts the area of the building that can be used by the public as a bar (11%), leaving the rest of the building (89%) only available for storage and restrooms.

Considering the above analysis, staff is under the belief that granting a variance from this distance would not be in the best public interest of the area, and if granted, the variance could cause precedence for future locations.

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### Funding Summary

N/A

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### Community Engagement Summary

N/A

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### Staff Recommendation

City staff recommends denial of a variance to distance regulations prohibiting the sale of alcoholic beverages within 300 feet of a school based on the above analysis.

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ORDINANCE NO. 7117

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS PROVIDING FOR A VARIANCE TO DISTANCE REGULATIONS PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A PUBLIC SCHOOL; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

WHEREAS, Section 109.33(a) of the Texas Alcohol Beverage Code enables cities to enact regulations prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a public school;

WHEREAS, the City of Amarillo, Texas, has enacted Section 14-3-5 of the City of Amarillo Municipal Code prohibiting the sale of alcoholic beverages by a dealer whose place of business is within 300 feet of a public school; and

WHEREAS, Section 109.33(e) of the Texas Alcohol Beverage Code allows the governing body of a municipality to allow variances to the distance regulations in appropriate situations;

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

SECTION 1. Variance. That the City Council, as the governing board of the City of Amarillo, Texas and pursuant to Section 109.33(e) of the Texas Alcohol Beverage Code, after consideration of the health, safety, and welfare of the public and the equities of the situation, finds and determines that enforcement of the distance regulation in this particular instance:

*(choose all that apply)*

- \_\_\_\_\_ would not be in the best interest of the public.
- \_\_\_\_\_ would constitute waste or inefficient use of land or other resources.
- \_\_\_\_\_ would create an undue hardship on the applicant.
- \_\_\_\_\_ would not serve its intended purpose.
- \_\_\_\_\_ would not be effective or necessary.
- \_\_\_\_\_ would not be in the best interest of the community.

Therefore, the City Council hereby approves and grants a variance to Section 14-3-5 of the City of Amarillo Municipal Code (enacted pursuant to Section 109.33(a)(1) of the Texas Alcohol Beverage Code) for on-premise consumption at the following location:

**Lot 1, Block 4, Western Express Unit 1, in Section 229, Block 2, AB&M Survey, Randall County, Texas.**

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

SECTION 4. Continuation. 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 of action acquired or existing, under any act or ordinance repealed by this ordinance.

SECTION 5. Effective Date. This ordinance shall be effective upon final adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 20<sup>th</sup> day of February, 2018; and PASSED on Second and Final Reading the 27<sup>th</sup> day of February, 2018.

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Ginger Nelson, Mayor

ATTEST:

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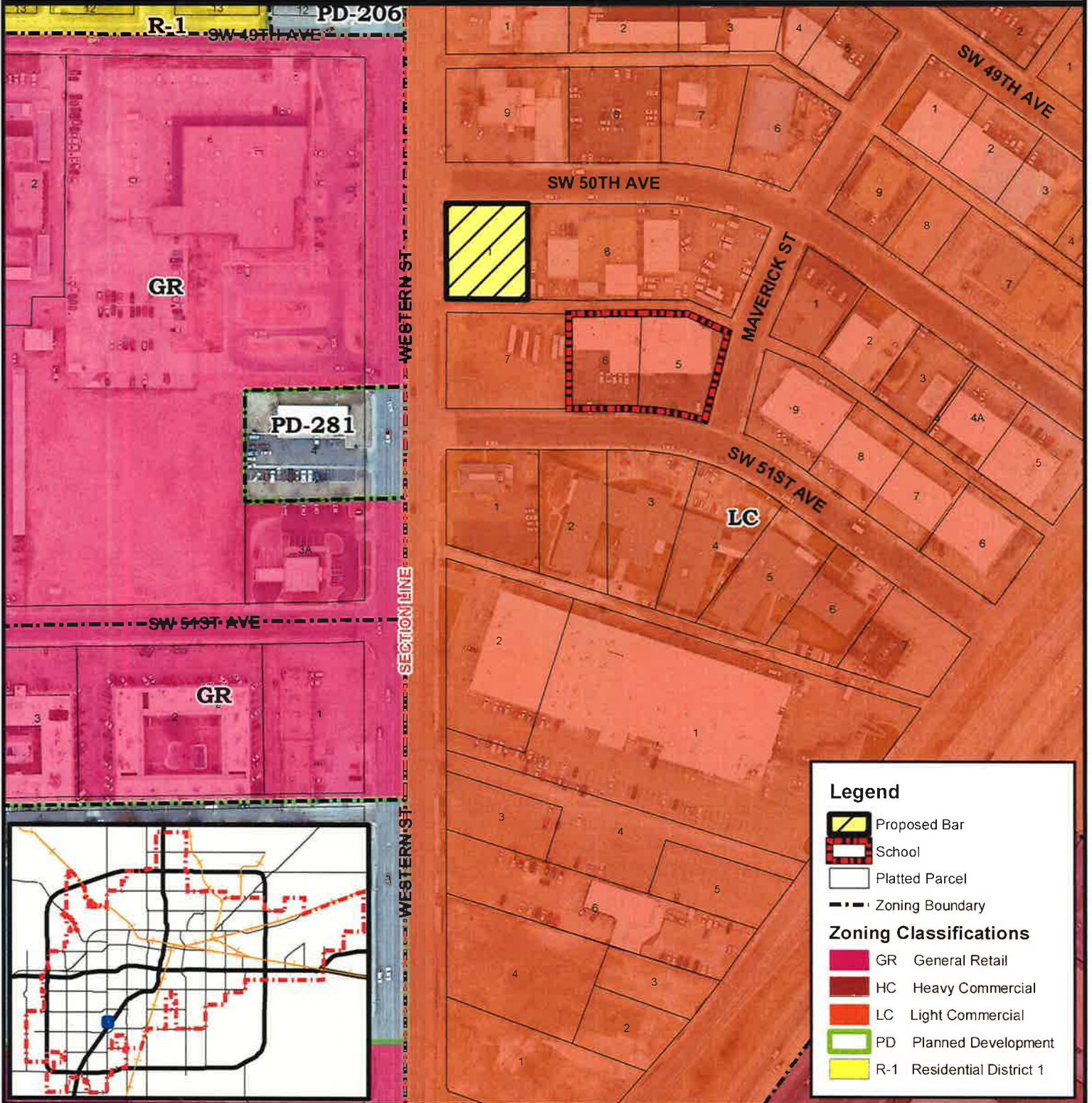
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

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William M. McKamie, City Attorney

# PROPOSED ALCOHOL VARIANCE 5001 S WESTERN ST



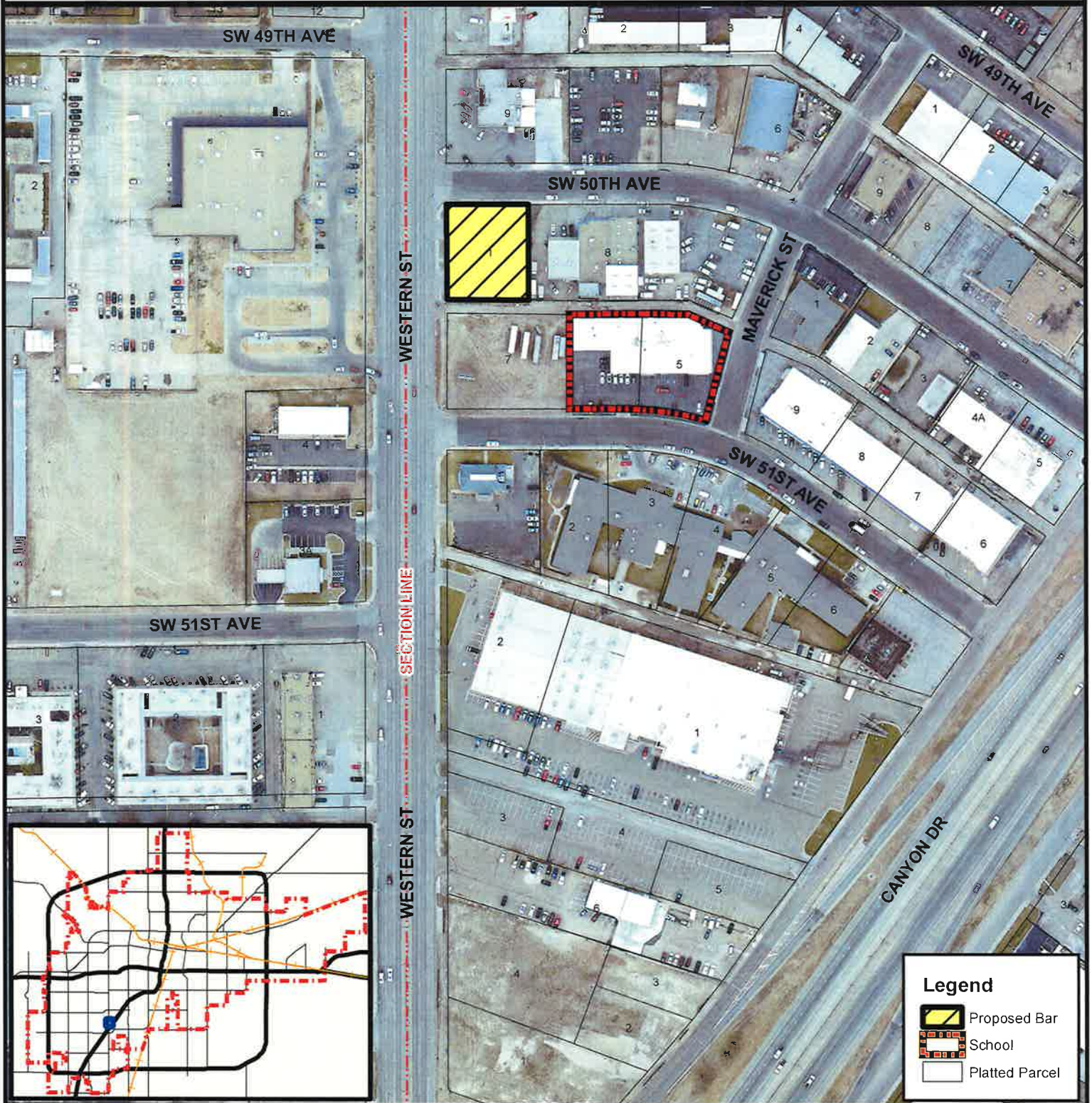
**CITY OF AMARILLO  
PLANNING DEPARTMENT**

**Scale:** 1 inch = 200 feet  
**Date:** 2/15/2018






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

**PROPOSED ALCOHOL VARIANCE  
5001 S WESTERN ST**



**Legend**

-  Proposed Bar
-  School
-  Platted Parcel

**CITY OF AMARILLO  
PLANNING DEPARTMENT**

**Scale: 1 inch = 200 feet  
Date: 2/15/2018**



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# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Pillar</b>	Economic Development
<b>Department</b>	Civic Center		
<b>Contact</b>	Sherman Bass, Civic Center Manager		

### Agenda Caption

**RESOLUTION – AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2018 WORKING RANCH COWBOYS ASSOCIATION’S WORLD CHAMPIONSHIP RANCH RODEO:**  
(Contact: Sherman Bass, Civic Center Manager)

This resolution authorizes 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.

### Agenda Item Summary

This item allows the City of Amarillo as the host community to apply for State Funds through the Special Event Trust Fund for the 2018 World Championship Ranch Rodeo.

### Requested Action

Council consideration and approval of the resolution.

### Funding Summary

N/A

### Community Engagement Summary

The City partners with the Working Ranch Cowboys Association and the Amarillo Chamber of Commerce Convention and Visitors Council to host this event.

### Staff Recommendation

Staff recommendation is to approve the resolution for the World Championship Ranch Rodeo so the Event Trust Fund application may be submitted.

RESOLUTION NO. \_\_\_\_\_

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.

WHEREAS, the Working Ranch Cowboy Association has selected Amarillo, Texas as the site for its 2018 World Championship Ranch Rodeo event, despite enticements to take that event to another state; and,

WHEREAS, the City of Amarillo, as the host community of the Working Ranch Cowboy Association event and other eligible events (hereafter "event" whether singular or plural), and

WHEREAS, that event may be eligible to receive some funding as an eligible event from Special Event Trust Funds (hereafter, "Trust Fund") pursuant to Tex. Rev. Civ. Stat., Art. 5190.14, Sec. 5C (hereafter, "Sec. 5C");

WHEREAS, the City of Amarillo and the State of Texas may benefit directly from this state law by utilizing state funds to augment local incentives for the purpose(s) of retaining events in our city and our state that are being courted by other cities located in other states, and by enhancing these events so that they have more prestige and draw more contestants and attendees; and

WHEREAS, Sec. 5C allows for the use of any funds received from state under this law to offset direct expenditures related to the event.

WHEREAS, the City of Amarillo, and the State of Texas may benefit indirectly from this state law by an increase in tourism resulting from the retention or the attraction of events to our city and state that will likely have the effect of:

- An increase in utilized hotel rooms, which has a positive impact on the Hotel Occupancy Tax; and
- An increase in general sales and consumption, which has a positive impact on the local and state sales tax; and
- An increase in the length of time an event is in Amarillo facilities, which increases the local facility rental revenue.

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

SECTION 1. The City Manager is authorized to submit an application to the Office of the Governor's Economic Development & Tourism Division to seek state funds, pursuant to Sec. 5C for the purpose of utilizing any funds received to assist in enhancing the Working Ranch Cowboy Association's World Championship Ranch Rodeo, and other eligible events, with a goal of increasing participation and attendance and benefiting the economy of the City of Amarillo and the State of Texas. Further, the City Manager or his designee is authorized to negotiate a contract with the Working Ranch Cowboy Association specifically as to any state funds received through Sec. 5C with the explicit guidance

that the application and the contract be developed so as to maximize the state funds coming back to the City to support the World Championship Ranch Rodeo and other eligible events.

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. That should any word, phrase, or part of this resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

SECTION 4. That this resolution shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ginger Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
William M. McKamie, City Attorney



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Pillar</b>	Economic Development
<b>Department</b>	City Manager		
<b>Contact</b>	Michelle Bonner, Deputy City Manager		

### Agenda Caption

**RESOLUTION – AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2018 AMERICAN QUARTER HORSE ASSOCIATION’S ADEQUAN SELECT WORLD CHAMPIONSHIP SHOW EVENT:**  
(Contact: Michelle Bonner, Deputy City Manager)

This resolution authorizes the City to seek and distribute State funds, pursuant to article 5190.14, Section 5C of the Texas Revised Civil Statutes, in cooperation with the Amarillo-Potter Event Venue District, for the qualifying event.

### Agenda Item Summary

This item allows the City of Amarillo as the host community in cooperation with the Amarillo-Potter Event Venue District to apply for State Funds through the Special Event Trust Fund for the 2018 American Quarter Horse Association’s Adequan Select Event.

### Requested Action

Council consideration and approval of the resolution.

### Funding Summary

N/A

### Community Engagement Summary

Participation in the program was approved by Amarillo-Potter Event Venue District through their 2017/2018 budget.

### Staff Recommendation

Staff recommendation is to approve the resolution for the Adequan Event so the Event Trust Fund application may be submitted.

RESOLUTION NO. \_\_\_\_\_

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, IN COOPERATION WITH THE AMARILLO-POTTER EVENTS VENUE DISTRICT, FOR A QUALIFYING EVENT; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

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WHEREAS, the American Quarter Horse Association has selected Amarillo, Texas as the site for its 2018 Adequan Select World Championship Show event, despite enticements to take that event to another state; and,

WHEREAS, the City of Amarillo, as the host community of the American Quarter Horse Association's Adequan Select event and other eligible events (hereafter "event" whether singular or plural), and

WHEREAS, that event may be eligible to receive some funding as an eligible event from Special Event Trust Funds (hereafter, "Trust Fund") pursuant to Tex. Rev. Civ. Stat., Art. 5190.14, Sec. 5C (hereafter, "Sec. 5C");

WHEREAS, the City of Amarillo and the State of Texas may benefit directly from this state law by utilizing state funds to augment local incentives for the purpose(s) of retaining events in our city and our state that are being courted by other cities located in other states, and by enhancing these events so that they have more prestige and draw more contestants and attendees; and

WHEREAS, Sec. 5C allows for the use of any funds received from the state under this law to offset direct expenditures related to the event.

WHEREAS, the City of Amarillo, the Potter-Events Venue District, and the State of Texas may benefit indirectly from this the use of Sec. 5C by increasing tourism resulting from the retention or the attraction of events to our city and state that will likely have the effect of:

- An increase in utilized hotel rooms, which has a positive impact on the Hotel Occupancy Tax; and
- An increase in general sales and consumption, which has a positive impact on the local and state sales tax; and
- An increase in the length of time an event is in Amarillo facilities, which increases the local facility rental revenue.

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

SECTION 1. The City Manager is authorized to submit an application to the State Comptroller to seek state funds, pursuant to Sec. 5C for the purpose of utilizing such funds to assist in enhancing the American Quarter Horse Association's Adequan Select event, and other eligible events, with a goal of increasing participation and attendance and benefiting the economy of the City of Amarillo and the State of Texas. Further, the City Manager is authorized to negotiate a contract with the American Quarter Horse Association, Amarillo-Potter Events Venue District, and Amarillo Chamber of Commerce on behalf of the Amarillo Convention & Visitor's Bureau specifically as to any state funds received through Sec. 5C with the

explicit guidance that the application and the contract be developed so as to maximize the state funds coming back to the City to support the American Quarter Horse Adequan Select event and other eligible events.

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. That should any word, phrase, or part of this resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

SECTION 4. That this resolution shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Ginger Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
William M. McKamie, City Attorney

12



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Pillar</b>	
<b>Department</b>	City Manager		
<b>Contact</b>	Michelle Bonner, Deputy City Manager		

**Agenda Caption**  
**RESOLUTION – ESTABLISHING CITY OF AMARILLO BUDGET POLICIES:**  
(Contact: Michelle Bonner, Deputy City Manager)

This resolution establishes the City Council Budget Policy document.

**Agenda Item Summary**  
This Resolution provides for the City Council to approve the Budget Policy.

**Requested Action**  
Council consideration and approval of the resolution.

**Funding Summary**  
N/A

**Community Engagement Summary**  
The Amarillo City Council met at multiple City Council meetings (January 23, January 30, February 6, and February 13<sup>th</sup>, 2018) to develop the Budget Policy document.

**Staff Recommendation**  
Staff recommendation is to approve the resolution authorizing the Budget Policy document.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF  
AMARILLO, TEXAS ESTABLISHING THE  
OFFICIAL CITY BUDGET POLICIES AND  
GUIDELINES**

---

**WHEREAS**, the City Council has formulated and approved Pillars of Success to guide City department missions and budget priorities; and

**WHEREAS**, establishing Official Budget Policies and Guidelines to be incorporated into the annual budget process will serve the aspirational goals embodied in the Pillars; and

**WHEREAS**, the City Council finds that it is in the best interest of the City that Budget Policies and Guidelines be officially adopted.

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

**SECTION 1.** That the following Budget Policies and Guidelines will be incorporated by the City Manager and staff in preparing the Annual Budget and determining financial policies:

1. The City will consider the long-term aspirational goals of the Council approved Pillars of Success when prioritizing each department’s mission and budget needs.
2. The City will annually undergo a detailed analysis of departmental budgets focusing on each department’s mission and operational programs.
3. The City will consider innovative changes and other methods to offer services to the citizens and to increase efficiencies in its operations and the budget.
4. The City will annually review its current level of service to the citizens.
5. The City will maintain a diversified revenue system with a stable source of income.
6. The City will maintain a property tax rate adequate to produce the revenues for City services included in the City of Amarillo’s General Fund according to best practices.
7. To the extent economically possible, services that are based on a user-fee concept should make every effort to be self-supported by those fees.
8. The City will adopt an annual balanced budget in the context of a long-term financial plan and maintain adequate reserve levels

**SECTION 2.** That this Resolution shall be effective on and after its adoption.

**INTRODUCED AND PASSED** by the City Council of the City of Amarillo, Texas, this 20<sup>th</sup> day of February, 2018.

\_\_\_\_\_  
Ginger Nelson, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Frances Hibbs, City Secretary

\_\_\_\_\_  
William M. McKamie, City Attorney



## BUDGET POLICIES AND GUIDELINES

In preparing the budget, the City will identify major policy issues and provide for the City Council to annually review and determine the budget policies. Such policies will be incorporated by management in preparing the annual budget and determining the City's financial policies. The following are those policies and guidelines:

1. The City will consider the long-term aspirational goals of the Council approved Pillars of Success when prioritizing each department's mission and budget needs.
2. The City will annually undergo a detailed analysis of departmental budgets focusing on each department's mission and operational programs.
3. The City will consider innovative changes and other methods to offer services to the citizens and to increase efficiencies in its operations and the budget.
4. The City will annually review its current level of service to the citizens.
5. The City will maintain a diversified revenue system with a stable source of income.
6. The City will maintain a property tax rate adequate to produce the revenues for City services included in the City of Amarillo's General Fund according to best practices.
7. To the extent economically possible, services that are based on a user-fee concept should make every effort to be self-supported by those fees.
8. The City will adopt an annual balanced budget in the context of a long-term financial plan and maintain adequate reserve levels.



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 20, 2018	<b>Council Priority</b>	Infrastructure Initiative
<b>Department</b>	Capital Projects & Development Engineering		
<b>Contact</b>	Kyle Schniederjan, PE		

### Agenda Caption

CONSIDER AUTHORIZATION –To enter into a participation agreement between City of Amarillo and 79101 Properties, LP for Polk Street Streetscape Improvements.

### Agenda Item Summary

This item is to authorize the City Manager to enter into a participation agreement with 79101 Properties, LP for the construction of Streetscape Improvements to Polk Street adjacent to newly re-developed property at 626 S. Polk. (The Streetscape Improvements are required under downtown urban design standards.) These same streetscape improvements are part of the Proposition 1 projects included in the 2019 Community Investment Program to be built with city funds. The agreement authorizes 79101 Properties, LP to construct the streetscape improvements now (in the public right of way) instead of waiting until 2019 as proposed in the Community Investment Program. Approval will result in cost savings for the city. 79101 Properties, LP will be reimbursed from funds dedicated to that same right of way in the voter approved Proposition 1 projects included in the 2019 Community Investment Program. All public improvements will be constructed in accordance with approved permits and applicable Municipal Code. Approval will authorize the City to participate at 30% of the total cost of public infrastructure improvements in accordance Texas Local Government Code 212.071.

### Requested Action

Consider authorization of City Manager to enter into a participation agreement between City of Amarillo and 79101 Properties, LP for Polk Street Streetscape Improvements in the amount not to exceed \$143,328.00.

### Funding Summary

The project will be initially funded by 79101 Properties, LP and reimbursement funding for this project is identified in the 2017 Community Improvement Program Project Budget Number 462000.

### Community Engagement Summary

This project will have Level 1, modest impact. City staff will update the public with press releases and public announcements before and during phases of the project that affect the public.

### Staff Recommendation

City Staff is recommending authorization of the City Manager to enter into the participation agreement.

PARTICIPATION AGREEMENT  
BETWEEN THE CITY OF AMARILLO  
AND 79101 PROPERTIES, LP

This Participation Agreement ("Agreement") is made and entered into this day of, by and between 79101 Properties, LP of Potter County Texas, (hereinafter called " " and the City of Amarillo, Texas, a Texas Municipal corporation and home rule City of the State of Texas situated in Potter and Randall Counties, Texas (hereinafter called "City")

WHEREAS, the construction of Polk Street Streetscape improvements including ADA ramps, curb and gutter, lighting, sidewalks and other required improvements must be constructed as herein described in Exhibits "A" and "B" attached and made a part of this Agreement (hereinafter called "Project") and there must be an agreement in place between 79101 Properties, LP and the City securing the construction of the required improvements in coordination with the construction related to (Project Name) for 626 S. Polk; and

WHEREAS, the City and 79101 Properties, LP find it to be to their mutual advantage to enter into the Agreement regarding the construction of required improvements to the Polk Street Streetscape Improvements in Amarillo, Potter County, Texas; and

WHEREAS, the City and 79101 Properties, LP find it to be to their mutual advantage and desire to enter into an agreement concerning the construction of the aforementioned improvements as required by and in accordance with the Amarillo Municipal Code and the Downtown Amarillo Urban Design Standards; and

WHEREAS, 79101 Properties, LP and the City have determined and agree that there is not sufficient access currently available at the site and determined that the safe, convenient, orderly and adequate provision of site access is essential to the health, safety, and general welfare of the citizens of Potter and Randall Counties; and

WHEREAS, 79101 Properties, LP has revenues available to fund the Project as herein agreed; and

WHEREAS, the City has current revenues available for this location designated in the current Community Investment Program for Polk Street Improvements and Streetscape to participate in the cost of the public improvements.

WHEREAS, this Agreement is being entered into in accordance with Texas Local Government Code §212.071, as amended, which authorizes the City to participate financially up to thirty percent (30%) of the costs of construction of the public improvements related to the development without compliance with Chapter 252 of the Texas Local Government Code, as amended; and

NOW, THEREFORE, in consideration of the covenants, conditions, and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, 79101 Properties, LP does hereby agree that the Project shall be

developed in accordance with the following provisions and conditions, in addition to other City ordinance requirements and other applicable governmental regulations:

1. Responsibility for Project: 79101 Properties, LP will assume all responsibility for the Project management and administration including but not limited to construction contract administration and materials testing except as otherwise provided for herein. 79101 Properties, LP will provide and pay for all design, plans, labor, materials, equipment, tools, construction equipment and machinery, utilities, transportation, and other facilities and services necessary for the proper completion of the Project in a first-class good and workmanlike manner, and in strict compliance with this Agreement and the project design approved by the City, using the highest degree of skill and attention normally exhibited by contractors on similar projects in Potter County, Texas. Excluding any warranty claim which may be asserted pursuant to Section 8 of this Agreement, it is specifically understood by the parties to this Agreement that 79101 Properties, LP is not and shall not be responsible for the routine or continued maintenance, repair or upkeep of the Project after the completion of the Project.
2. Control of Project: 79101 Properties, LP shall have full power over, and exclusive control of, the specific details of the Project and its development, subject only to the general limitations and obligations under this Agreement and applicable local, state and federal statutes and regulations. Nothing contained in this Agreement or in any related document shall be construed as making the City and 79101 Properties, LP joint venture's or partners, nor shall 79101 Properties, LP be or represent itself to be an employee or agent of the City. 79101 Properties, LP acknowledges that the City shall in no way be responsible for the construction of the Project or any portion thereof.
3. City Inspection: City Inspectors will do inspections on the Project during the construction phase. If the City Engineer determines that all work has been completed in conformance with City requirements, then the City Engineer shall give his approval for the work. Upon completion of the Project and following final inspection by the City, the City Engineer will issue a Letter of Acceptance to 79101 Properties, LP.
4. Affidavit of Payment: After completion and acceptance of all work, 79101 Properties, LP must furnish to City an affidavit of all bills paid with respect to the completed work.
5. City's Payment: 79101 Properties, LP shall provide written notice to the City that the improvements were constructed in compliance with this Agreement and the exhibits attached hereto. On satisfaction of the conditions contained herein, and in consideration of the obligations incurred by 79101 Properties, LP pursuant to this Agreement, the City agrees to participate in the funding of the Project and reimburse 79101 Properties, LP not to exceed an amount of thirty percent (30%) of the total contract cost of the construction of public improvements related to the development estimated at One Hundred forty seven thousand three hundred twenty eight and No/100 Dollars (\$147,328.00) or the total contract cost of the construction of public improvements related to Polk street improvements related to the development, whichever is less. 79101 Properties, LP acknowledges this amount represents the total amount of the City's financial participation in the costs associated with the Project. City's payment to 79101 Properties, LP for its share of the Project will be made within 30 days from receipt of all documentation required herein and acceptance of the Project installation by the City Engineer. In no event will City reimburse 79101 Properties, LP for use of 79101 Properties, LP staff or equipment.

6. Records: 79101 Properties, LP shall maintain detailed and accurate records of all contracts, receipts and expenditures made or incurred in connection with the installation portion of the Project. The records shall be maintained for the term of the Project and for four (4) years following the completion date. As required by Texas Local Government Code 212.074, 79101 Properties, LP's books and other records related to the Project shall be available for inspection upon request by the City.

7. Indemnification/Insurance: 79101 PROPERTIES, LP AGREES TO DEFEND, INDEMNIFY AND HOLD CITY, ITS OFFICERS, AGENTS AND EMPLOYEES HARMLESS AGAINST ANY AND ALL CLAIMS, LAWSUITS, JUDGMENTS (INCLUDING REASONABLE ATTORNEY'S FEES AND INTEREST), COSTS AND EXPENSES FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF OR BE OCCASIONED BY ANY NEGLIGENT ACT OR OMISSION OF 79101 PROPERTIES, LP, ITS OFFICERS, AGENTS, EMPLOYEES OR CONTRACTORS, RELATED TO THE CONSTRUCTION OF THE PROJECT UNDER THIS AGREEMENT; EXCEPT THAT THE INDEMNITY PROVIDED FOR IN THIS PARAGRAPH SHALL NOT APPLY TO ANY LIABILITY RESULTING FROM THE NEGLIGENCE OF CITY, ITS OFFICERS, AGENTS, EMPLOYEES OR SEPARATE CONTRACTORS, AND IN THE EVENT OF JOINT AND CONCURRING NEGLIGENCE OR FAULT OF 79101 PROPERTIES, LP AND CITY, RESPONSIBILITY AND INDEMNITY, IF ANY, SHALL BE APPORTIONED COMPARATIVELY IN ACCORDANCE WITH THE LAWS OF THE STATE OF TEXAS, WITHOUT, WAIVING ANY GOVERNMENTAL IMMUNITY AVAILABLE TO CITY AND WITHOUT WAIVING ANY DEFENSES OF THE PARTIES UNDER TEXAS LAW. THIS INDEMNITY OF 79101 PROPERTIES, LP SHALL NOT BE CONSTRUED TO INCLUDE ANY CLAIM, LAWSUIT, JUDGMENT, COST OR EXPENSE FOR PERSONAL INJURY (INCLUDING DEATH), PROPERTY DAMAGE OR OTHER HARM FOR WHICH RECOVERY OF DAMAGES IS SOUGHT, SUFFERED BY ANY PERSON OR PERSONS, THAT MAY ARISE OUT OF THE ROUTINE MAINTENANCE, REPAIR OR UPKEEP OF THE PROJECT.

79101 Properties, LP shall provide insurance coverage in accordance with City's Certificate of Insurance Requirements attached hereto and made a part hereof.

The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

8. Warranty: In addition to constructing for completion of the public improvements the Developer or the contractor will, following written acceptance of all required public improvements by the City provide a one year warranty warranting the materials and workmanship related to the public improvements. This warranty shall be secured by a maintenance bond in the amount of 100% of the actual cost of the public improvements. The Bond will be subject to approval of the City Attorney.

9. Assignment: 79101 Properties, LP rights and obligations under this Agreement are neither assignable nor delegable and 79101 Properties, LP covenants not to assign its rights hereunder without the written consent of the City. Any attempted to assignment or delegation in violation of this paragraph shall be void.

10. Modification of Agreement: This Agreement may be modified or amended only by the mutual consent of the parties hereto.

11. Complete Agreement: This Agreement contains the complete and entire agreement between the parties respecting the matters addressed herein, and supersedes all prior negotiations, agreements, representations and understandings, if any, between the parties respecting such matters.

12. Notification: Except as may be otherwise specifically provided in this Agreement, all notices required or permitted hereunder shall be in writing, email or and mailed, postage prepaid, registered or certified mail, return receipt requested as follows:

If to: 79101 Properties, LP  
PO Box 230  
Attn. Joe Bob McCartt  
Amarillo, Texas 79105  
Email: joebob@mccartt.net

If to City:  
Kyle Schniederjan, PE, City Engineer  
City of Amarillo, Texas 509 East 7th  
Amarillo, Texas 79101  
Email: kyle.schiederjan@amarillo.gov

13. Severability: Any clause, sentence, provision, paragraph or article of this Agreement held by a court of competent jurisdiction to be invalid, illegal or ineffective shall not impair, invalidate or nullify, the remainder of this Agreement, but the effect thereof shall be confined to the clause, sentence, provision, paragraph or article so held to be invalid, illegal or ineffective.

14. Jurisdiction: This Agreement shall be construed under the laws of the State of Texas and all obligations of the parties hereunder are performed in Potter County, Texas.

15. Venue: Venue for any cause of action arising in connection with this Agreement shall be in Potter County, Texas.

IN WITNESS WHEREOF, the City and 79101 Properties, LP 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.

CITY OF AMARILLO

79101 PROPERTIES, LP

By: \_\_\_\_\_  
Jared Miller, City Manager

By: \_\_\_\_\_  
representative

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

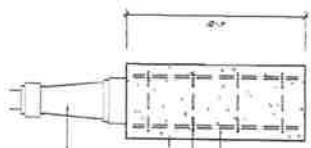
By: \_\_\_\_\_  
Francis Hibbs, City Secretary

## EXHIBIT A – Site Plan



20' x 3,000 PSI CONC. FOOTING  
 7# 1/2" ESBY # 4' O.C.  
 (6) #3 BARS VERTICAL

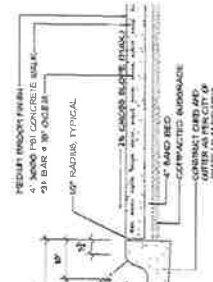
1/4" = 1'-0" SCALE  
**plan view**  
 SCALE: 3/4" = 1'-0"



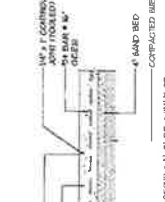
CITY OF AMARILLO BLINDING  
 IS REQUIRED TO BE PERFORMED BY THE CITY  
 OF AMARILLO

20' x 3,000 PSI CONC. FOOTING  
 7# 1/2" ESBY # 4' O.C.  
 12" DIA. BIAS VERTICAL

1/4" = 1'-0" SCALE  
**section**  
 SCALE: 3/4" = 1'-0"

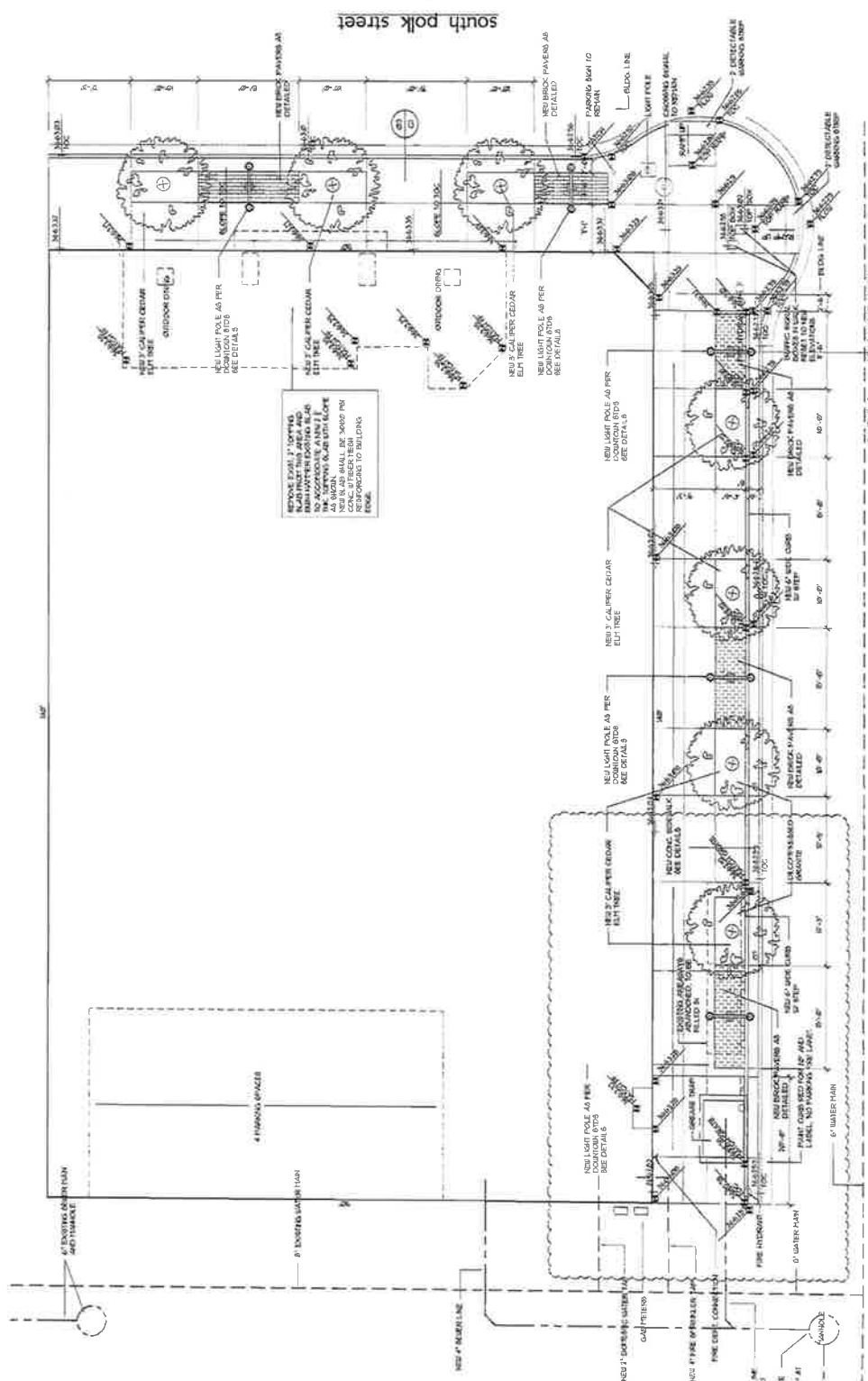


1/4" = 1'-0" SCALE  
**section**  
 SCALE: 3/4" = 1'-0"



1/4" = 1'-0" SCALE  
**section**  
 SCALE: 3/4" = 1'-0"

NOTE: CONTROL CORNER SHALL OCCUR @ 1/2" O.C. # BULK OR AS NOTICED ON PLAN



1/4" = 1'-0" SCALE  
**site plan**  
 SCALE: 1/4" = 1'-0"



1/4" = 1'-0" SCALE  
**section**  
 SCALE: 3/4" = 1'-0"

REMOVE EXIST. 1" VERTICAL  
 REBAR FROM THIS AREA AND  
 REPLACE WITH 1" VERTICAL  
 REBAR TO ACCOMPANY EXIST. 1"  
 REBAR. NEW IS AS SHOWN. 3000 PSI  
 CONCRETE TO BUILDING  
 EDGE.

626 Polk Street, Amarillo Building  
 Area of Pole Base as Shown on Plan  
 Legal Description: Lot 6, Block 19, Precinct Addition, Aerial to Potter County, Texas



1001. SS 3rd BVC  
 AMARILLO, TEXAS 79102  
 (806) 372-2065

renovations to  
**626 Polk Street**  
 Amarillo, TX

**gregg bliss**

A R C H I T E C T



November 12, 2018  
 10:00 AM  
 Approved: 0.2011  
 No Sheet



C1

## EXHIBIT B – Opinion of Probable Construction Cost

November 17, 2017

Re: Estimate of cost for streetscape at the Woolworth Building  
626 S. Polk, Amarillo, Texas

gregg bliss  
| ARCHITECT |

1001 SE THIRD AVE.  
AMARILLO TX 79102  
806-372-2966

Kyle

Please find attached a construction estimate from Greencrete Contractors for providing all the street scape requirements at the Woolworth Building.

From our experience with other projects of similar size, I believe the estimated cost to be fair and accurate for this work.

If you need any other information, please feel free to call at any time.

Best Regards,



Gregg Bliss, AIA



# GREENCRETE CONTRACTORS, LLC

# PROPOSAL

P.O. Box 8448  
Amarillo, Texas 79114

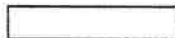
806-240-1968

**SOLD TO:**  
79101 Properties  
P.O. Box 230  
Amarillo, Texas 79105

**PROPOSAL NUMBER** 111317  
**PROPOSAL DATE** November 13, 2017

**Job Location:**  
626 Polk Street

**Description Of Work**  
Street Scape Polk and 7th St.



QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
	<p><b>Complete all Street Scape work attached to 626 Polk Property that Includes the following according to Gregg Bliss Drawings Architect:</b></p> <p>Demo and Haul Off                      All Concrete Work</p> <p>Plumbing for Drip                        Electrical for drip &amp; Lights</p> <p>5 City Lights and Bases                Landscaping</p> <p>Street Bulb Out                          Asphalt Repair</p> <p>Traffic Control                            Sand in old vaults</p> <p><b>Not Included in Proposal:</b></p> <p>Signal Light work or controls at intersection</p> <p>Brick work under existing pavement</p> <p>Material and Labor</p>		129,749.88
	10% Contingency		12,974.99
		<b>SUBTOTAL</b>	142,724.87
		<b>TAX</b>	4,602.88
		<b>FREIGHT</b>	
			<b>\$147,327.75</b>
			<b>PAY THIS AMOUNT</b>

Greencrete Contractors, LLC  
P.O. Box 8448  
Amarillo, Texas 79114

**THANK YOU FOR YOUR BUSINESS!**

## Schniederjan, Kyle

---

**From:** Gregg Bliss [gregg@gbarchitect.net]  
**Sent:** Monday, November 27, 2017 9:49 AM  
**To:** Schniederjan, Kyle  
**Cc:** Jim Doche  
**Subject:** RE: 626 Streetscape Estimate

Kyle

I talked with Jim Doche and Dean Mason this morning and their breakdown for Polk and Seventh Street is as follows:

Polk Street      \$51,564.72  
Seventh St.      \$95,763.03

Let me know if you need any other information.

Thanks  
Gregg

---

**From:** Gregg Bliss  
**Sent:** Friday, November 17, 2017 10:52 AM  
**To:** 'kyle.schniederjan@amarillo.gov' <kyle.schniederjan@amarillo.gov>  
**Cc:** 'Jim Doche' <jim@mccartt.net>  
**Subject:** FW: 626 Streetscape Estimate

Hi Kyle  
Please find attached my letter for 626 S. Polk.  
Thanks  
Gregg

**From:** Libby Bliss  
**Sent:** Friday, November 17, 2017 10:37 AM  
**To:** Gregg Bliss <gregg@gbarchitect.net>  
**Subject:** 626 Streetscape Estimate

libby bliss

LEED  
GREEN ASSOCIATES

gregg bliss  
(ARCHITECT)

1001 SE THIRD  
AMARILLO TEXAS  
7 9 1 0 2  
TEL 806 372 2986  
FAX 806 372 2988  
libby@gbarchitect.net  
www.gbarchitect.net