

**AGENDAS**  
**FOR THE AMARILLO CITY COUNCIL WORK SESSION TO BE HELD ON TUESDAY, MARCH 27, 2018 AT 4:00 P.M. 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) Review agenda items for regular meeting and attachments;
  - (2) Update Buy the Way Campaign and State of Retail and Small Business;
  - (3) Update on First Responders Excellence and Innovation Fund;
  - (4) Update on Recent Wildfires from the Fire Department;
  - (5) Discussion on Council Policies;
  - (6) MPEV Construction Update; and
  - (7) Consider future Agenda items and request reports from City Manager.
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**REGULAR MEETING ITEMS**

**INVOCATION:** Kevin Deckard, Polk Street United Methodist Church

**PROCLAMATION:** "National Public Health Week"

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

1. **CONSENT AGENDA:**

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

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

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting held on March 20, 2018.

B. **ORDINANCE NO. 7723:**

(Contact: Sherry Bailey, Senior Planner)

This is the second and final reading of an ordinance rezoning of a 2.86 acre tract of land in Section 183, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to General Retail District (GR). (Vicinity: Southwest 58<sup>th</sup> Avenue and Georgia Street.)

- C. **ORDINANCE NO. 7725:**  
(Contact: Kyle Schniederjan, City Engineer)  
This is the second and final reading of an ordinance adopting the Amarillo Community Investment Program (CIP) FY 2017/2018-FY 2021/2022 which will guide capital investment decisions for the next five years.
- D. **CONSIDER AMENDMENT TO AGREEMENT FOR ENGINEERING SERVICES WITH KIMLEY-HORN AND ASSOCIATES, INC.:**  
(Contact: Kyle Schniederjan, City Engineer)  
The Agreement for Engineering Services, associated with RFQ 07-16 and signed by the City Manager on October 13, 2016, is to provide professional engineering services for the design and construction of the Northwest Interceptor and Lift Station 55. The original agreement amount is \$2,499,500.00. The amendment includes work that was not originally anticipated. It consists of two additional tasks:
- Additional archaeological investigation as required by the Texas Historical Commission.
  - Additional surveying associated with alignment and easement changes.
- The amendment adds \$78,000.00 to the agreement, which results in a total agreement amount of \$2,577,500.00.
- E. **APPROVAL -- AVIATION CLEAR ZONE EASEMENT:**  
(Contact: Jeffrey English, Planner I)  
Aviation Clear Zone Easement, being 3,750 feet above mean sea level above the plat of R & B Industrial Park Unit No. 9, an addition to the City of Amarillo, being an unplatted tract of land in Section 72, Block 2, AB&M Survey, Potter County, Texas.

## **REGULAR AGENDA**

2. **ORDINANCE NO. 7724:**  
(Contact: Sherry Bailey, Senior Planner)  
This is the second and final reading of an ordinance adding a category for Shooting Ranges (Indoor) to Article IV, Division I, Section 4-10-82, Table E "Recreational and Entertainment Uses" and adding a definition for Shooting Ranges, Indoor, and providing an effective date.
3. **PRESENTATION NEXT STEPS ON BARRIO NEIGHBORHOOD PLAN**

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 23rd day of March 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 20th day of March 2018, the Amarillo City Council met at 3:30 p.m. for a work session, and the regular session was held at 5:00 p.m. in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

GINGER NELSON  
ELAINE HAYS  
FREDA POWELL  
EDDY SAUER  
HOWARD SMITH

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

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

JARED MILLER  
MICHELLE BONNER  
MICK MCKAMIE  
ANDREW FREEMAN  
FRANCES HIBBS

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

The invocation was given by Davlyn Duesterhaus, BSA Staff Chaplain. Mayor Nelson led the audience in the Pledge of Allegiance.

A proclamation was presented for "National Safe Place Week."

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

**PUBLIC COMMENT:**

Rusty Tomlinson, 5700 Canyon Drive, signed up to speak but did not appear. Claudette Smith, 4410 Van Kriston Drive, spoke in regards to violations she stated was behind her home. She further spoke on the City's budget and staff not enforcing ordinances. Mike Fisher, 4410 Kriston Drive, spoke on the City's low tax rate and the comparisons to other cities. Mayor Nelson clarified some of the numbers presented. Mr. Fisher also spoke on the lease rates for the baseball stadium. Edie DiTommaso, 1613 Bowie Street #B, stated she was not a gun owner but was a concerned citizen. She asked the Council to carefully consider the definitions in Item 3. Dan Ferguson, Yellow City Community Outreach, 3807 Beaver Drive, thanked the Council for their approval on the tiny homes rezoning ordinance. Ed McConnell, 7804 Pineridge Street, spoke on behalf of Item 3. He stated the need to practice, to know a firearm and be adequately trained. There were no further comments.

Councilmember Hays recognized Mr. Orton, Emergency Management Coordinator on the handling of the recent wildfires. Chip Orton also thanked City Staff, the Fire and Police Departments. Mr. Miller thanked all the other mutual aid who also assisted.

ITEM 1: Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Powell to approval the consent agenda, seconded by Councilmember Smith.

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

A. **MINUTES:**

Approval of the City Council minutes of the regular meeting and special meeting held on March 13, 2018.

**B. APPROVAL – OUTDOOR WARNING SIRENS:**

(Contact: Chip Orton, Emergency Management Coordinator)

Award to Ideacom -- \$53,000.00

This agenda item is to approve the winning bid to install (8) outdoor warning sirens for the Amarillo Area Office of Emergency Management Outdoor Warning System.

**REGULAR AGENDA**

ITEM 2: Mayor Nelson presented the first reading of an ordinance rezoning of a 2.86 acre tract of land in Section 183, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to General Retail District (GR). (Vicinity: Southwest 58<sup>th</sup> Avenue and Georgia Street.) This item was presented by Sherry Bailey, Senior Planner. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Sauer, seconded by Councilmember Smith, that the following captioned ordinance be passed:

**ORDINANCE NO. 7723**

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 58<sup>th</sup> AND GEORGIA STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 3: Mayor Nelson presented the first reading of an ordinance adding a category for Shooting Ranges (Indoor) to Article IV, Division I, Section 4-10-82, Table E "Recreational and Entertainment Uses" and adding a definition for Shooting Ranges, Indoor, and providing an effective date. This item was presented by Sherry Bailey, Senior Planner. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that the following captioned ordinance be passed:

**ORDINANCE NO. 7724**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS AMENDING THE AMARILLO MUNICIPAL CODE AT CHAPTER 4-10, BY ADDING A CATEGORY FOR SHOOTING RANGES (INDOOR) TO ARTICLE IV, DIVISION 1, SECTION 4-10-82, TABLE E, "RECREATIONAL AND ENTERTAINMENT USES" AND A DEFINITION FOR SHOOTING RANGES, INDOOR, TO SEC. 4-10-83 NUMBERED (25)(a); PROVIDING A PENALTY; PROVIDING REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell and Smith; voting NO were none; Councilmember Sauer removed himself from the room and did not participate on this item; the motion carried by a 4:0 vote of the Council.

ITEM 4: Mayor Nelson presented the first reading of an ordinance adopting the Amarillo Community Investment Program (CIP) FY 2017/2018-FY 2021/2022 which will guide capital investment decisions for the next five years. This item was presented by Kyle Schniederjan, City Engineer. Mayor Nelson opened a public hearing. Robert Goodrich, 4111 Stony Point, asked for clarification on first and second readings. Mr. McKamie stated the Home Rule Charter states an ordinance must be presented on at least two occasions. He further stated the first reading allows for a waiting period and a chance for additional information and questions. There were no further comments. Mayor Nelson closed the public hearing. Motion was made by Councilmember Powell, seconded by Councilmember Hays, that the following captioned ordinance be passed:

ORDINANCE NO. 7725

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE ADOPTED COMPREHENSIVE PLAN OF THE CITY OF AMARILLO, TEXAS BY ADDING THE BARRIO NEIGHBORHOOD PLAN AS A COMPONENT; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 5: Mayor Nelson presented an item renewing the Memorandum of Understanding between the City of Amarillo and Amarillo Housing First to administer the HOPE program designed to provide an innovative, proactive approach to connect Amarillo's homeless population to our community's support services. Funding for the HOPE program is \$63,000 to conduct program activities from April through October 2018. This item was presented by Kevin Starbuck, Assistant City Manager. Motion was made by Councilmember Powell, seconded by Councilmember Smith, that this item be approved.

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

ITEM 6: Mayor Nelson presented an item approving the 2018 revision of the Blueprint for Amarillo. The document provides a framework and highlights major initiatives that address the City Council Pillars of Public Safety, Economic Development and Redevelopment, Civic Pride, Highly Educated Population, Fiscal Responsibility, Customer Service, Excellence in Communication, and Transportation. In addition, the document includes a series of City Manager initiatives to enhance and improve City operations. This item was presented by Kevin Starbuck, Assistant City Manager. Mr. Miller recognized the department heads and key players involved in the creation of this Blueprint. Motion was made by Councilmember Sauer, seconded by Councilmember Powell, that this item be approved.

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

ATTEST:

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Frances Hibbs, City Secretary

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Ginger Nelson, Mayor

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# Amarillo City Council Agenda Transmittal Memo



Meeting Date	March 27, 2018	Council Priority	Community Appearance
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Department	Planning Department	Contact Person	AJ Fawver
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### Agenda Caption

Vicinity: SW 58<sup>th</sup> and Georgia

Z-18-05 Rezoning of a 2.86 acre tract of land in Section 183, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to General Retail District (GR).

### Agenda Item Summary

Draft Minutes from P&Z on March 12, 2018

**David Moore, Planner I, presented this item, and advised the applicant is requesting a change in zoning from Agriculture District to General Retail District. Mr. Moore ended the presentation with a staff recommendation of approval.**

**Chairman Parker asked if anyone wanted to speak in favor of or against said request. No comments were made.**

**A motion to approve Z-18-05 was made by Commissioner Ford and seconded by Commissioner Thomason, and carried unanimously.**

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.

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" land use. The Comprehensive Plan states that the development type in this designation allow a range of commercial retail and service uses, at varying scales and intensities depending on the site.

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 since the corner of Georgia and SW 58th is being treated at the arterial intersection.

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. One of

# Amarillo City Council

## Agenda Transmittal Memo



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these strategies is an 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*) This action strategy is supported in this situation as the requested zoning change would create the opportunity to further the development in this location.

This rezoning request is consistent with the current pattern of development and zoning. The proposed rezoning to GR will allow a transition in the area to accommodate future development that is consistent with the nearby zoning and future land use map.

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### Requested Action

The applicant is requesting a change in zoning from A to GR to allow a gas station/convenience store.

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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 23 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 7:0 vote of the Planning and Zoning Commission at its March 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. 7723**

**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 SW 58<sup>th</sup> AND GEORGIA ST, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council adopted the "Amarillo Comprehensive Plan" on October 12, 2010, which established zoning districts and regulations in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, and welfare of its citizens; and

**WHEREAS**, a proposed change to such established zoning districts and regulations was submitted to the Planning and Zoning Commission; and

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

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

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

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

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

Rezoning of a 2.86 acre tract of land in Section 183, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to General Retail District (GR).

**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 20th day of March, 2018 and **PASSED** on Second and Final Reading on this the 27th day of March, 2018.

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Ginger Nelson, Mayor

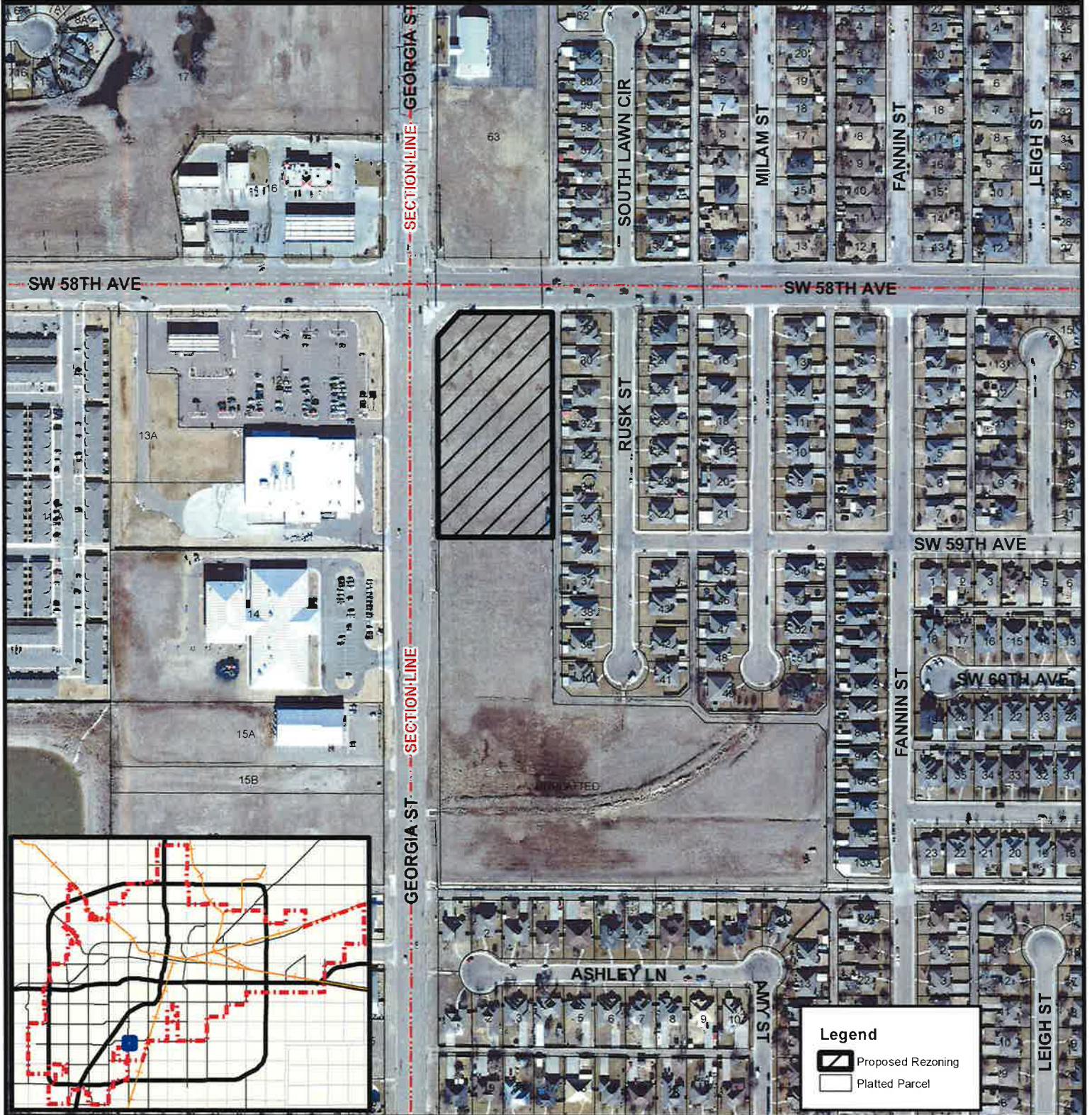
ATTEST:

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

APPROVED AS TO FORM:

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

**CASE Z-18-05  
REZONING FROM AGRICULTURE (A) TO GENERAL RETAIL (GR)**



**CITY OF AMARILLO  
PLANNING DEPARTMENT**

**Scale: 1 inch = 300 feet**  
**Date: 2/23/2018**



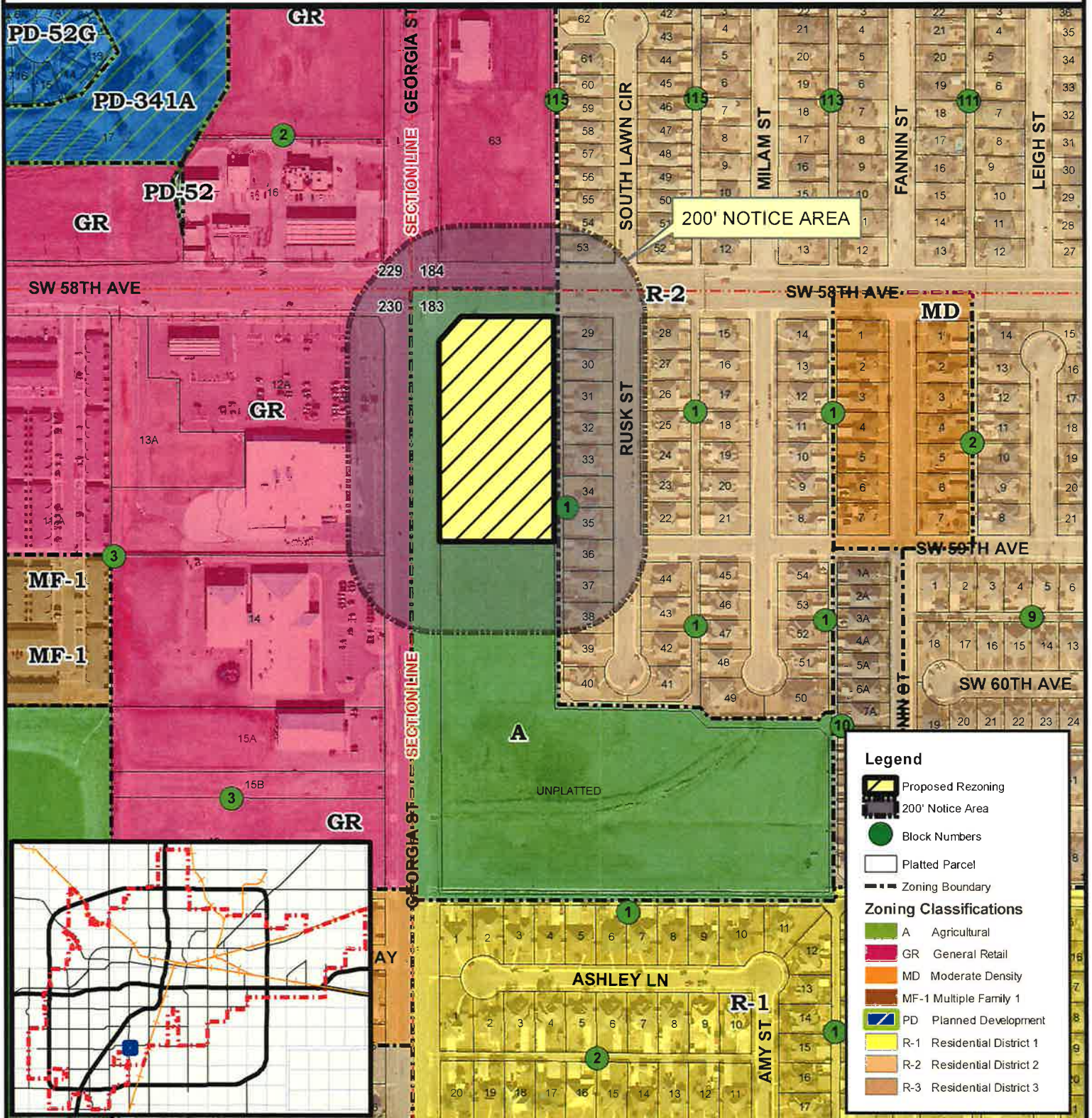
Rezoning of a 2.86 acre tract of land in Section 183, Block 2, AB&M Survey, Randall County, Texas, plus on-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to General Retail District (GR).

**Applicant: Che Shadle**

**Vicinity: SE 58th Ave & S Georgia 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.

**CASE Z-18-05**  
**REZONING FROM AGRICULTURE (A) TO GENERAL RETAIL (GR)**



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

Rezoning of a 2.86 acre tract of land in Section 183, Block 2, AB&M Survey, Randall County, Texas, plus on-half of all bounding streets, alleys, and public ways to change from Agriculture District (A) to General Retail District (GR).

Scale: 1 inch = 300 feet  
 Date: 2/23/2018



Applicant: Che Shadle

Vicinity: SE 58th Ave & S Georgia St

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# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	March 27, 2018	<b>Council Priority</b>	Economic Development and Redevelopment
<b>Department</b>	Capital Projects & Development Engineering		
<b>Contact</b>	Kyle Schniederjan, PE		

## Agenda Caption

Second Reading of an Ordinance Adopting the Amarillo Community Investment Program (CIP) FY 17/18-FY21/22

This item is a second reading of an ordinance adopting the City's CIP which will guide capital investment decisions for the next five years. Staff presented the CIP to the Council during work session on February 27, 2018.

## Agenda Item Summary

This item considers and Ordinance adopting the City's 5-year CIP which will guide capital investments over the next five years including allocation of proceeds from debt issued based on authorization by the voters in November 2016 election.

## Requested Action

Conduct Public Hearing and approve the Ordinance adopting the CIP

## Funding Summary

See the CIP document and the approved FY17/18 annual budget

## Community Engagement Summary

Extensive community outreach, workshops, multi-media presentations, Council workshops and an election that was held in 2016.

## Staff Recommendation

Recommend approval of the proposed Ordinance

**ORDINANCE NO. 7725**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS, APPROVING AND ADOPTING THE FIVE-YEAR COMMUNITY INVESTMENT PROGRAM FOR FY 2017-2018 THROUGH 2021-2022; AND MAKING CERTAIN FINDINGS; PROVIDING REPEALER; AND PROVIDING AN EFFECTIVE DATE

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**WHEREAS**, City Council of the City of Amarillo, Texas, has directed the City staff to prepare and present a statement of capital projects planned for the next succeeding five (5) fiscal years, with estimates of their cost; and

**WHEREAS**, the City Manager has presented in detail to the City Council a proposed Community Investment Program (CIP) for Fiscal Years 2017-2018 through 2021-2022; and

**WHEREAS**, the City Council has considered the input of the public and the recommendations of its staff and hereby determines it to be in the public interest to adopt a five-year Community Investment Program for Fiscal Years 2017-2018 through 2021-2022 to service the public health, safety and general welfare of the citizens; and

**WHEREAS**, a copy of the Community Investment Program for Fiscal Years 2017-2018 through 2021-2022 has been made available for public review and the City Council desires to adopt the Program; and

**WHEREAS**, the FY 2017-2018 through 2021-2022 Community Investment Program provides a general framework to guide project planning and financing over a five-year period; and

**WHEREAS**, the FY 2017-2018 through 2021-2022 Community Investment Program is based on general priorities and available financing as can be anticipated at the present time; and

**WHEREAS**, it is the intention of the City Council that the Community Investment Program will be updated annually and include five years of planned and affordable projects while considering projects that have been completed in the prior fiscal year.

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

**SECTION 1.** The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

**SECTION 2.** The certain compilation identified as the Proposed Community Investment Program for Fiscal Years 2017-2018 through 2021-2022, a copy of which is attached hereto, is hereby incorporated in full by this reference and is hereby adopted as the five-year Community Investment Program for the City of Amarillo, Texas.

**SECTION 3.** The Community Investment Program will be updated each year to recognize changes in the Program as the result of completed projects, changes in project cost and current financing capability of the City.

**SECTION 4.** The first year of the Community Investment Program will be adopted each year as the Community budget for the current fiscal year through the annual budget ordinance.

**SECTION 5.** Repealer. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

2/21/18

**SECTION 6.** Effective Date. This ordinance shall become effective on and after its passage.

**INTRODUCED AND PASSED** by the City Council of the City of Amarillo, Texas, on First Reading this the 20th day of March 2018; and **PASSED** on Second and Final Reading the 27th day of March 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



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	03/27/2018	<b>Council Priority</b>	Infrastructure Initiative
<b>Department</b>	Capital Projects & Development Engineering		
<b>Contact</b>	Kyle Schniederjan		

### Agenda Caption

CONSIDER: Amendment to Agreement for Engineering Services with Kimley-Horn and Associates, Inc.

### Agenda Item Summary

The Agreement for Engineering Services, associated with RFQ 07-16 and signed by the City Manager on October 13, 2016, is to provide professional engineering services for the design and construction of the Northwest Interceptor and Lift Station 55. The original agreement amount is \$2,499,500.00. The amendment includes work that was not originally anticipated. It consists of two additional tasks:

- Additional archaeological investigation as required by the Texas Historical Commission.
- Additional surveying associated with alignment and easement changes.

The amendment adds \$78,000.00 to the agreement, which results in a total agreement amount of \$2,577,500.00

### Requested Action

Consider approval of the Amendment.

### Funding Summary

Funding is available in Job 530009, which was approved in previous budgets and funded from the water and sewer revenue bonds issued in May of 2017.

### Community Engagement Summary

The increase in professional services has minimal impact on the community. However, the community engagement process will be an integral part of the construction phase of this project, and the engineer will be involved in it.

### Staff Recommendation

City staff is recommending approval of the amendment.

**AMENDMENT NO. 1  
TO AGREEMENT FOR ENGINEERING SERVICES  
BETWEEN CITY OF AMARILLO  
AND KIMLEY-HORN AND ASSOICIATES, INC.**

WHEREAS, the City of Amarillo (“OWNER”) and Kimley-Horn and Associates, Inc., (“ENGINEER”) have heretofore entered into that certain Agreement for Engineering Services dated October 13, 2016 (“Agreement”) for the professional engineering services for the design and construction of approximately 39,000 linear feet of sanitary sewer mains ranging in size from ten (10) inches to thirty (30) inches, design and construction of Lift Station 55, and all appurtenances in Potter County; and

WHEREAS, pursuant to Section XXI of the Agreement, the parties desire to amend the Agreement as provided herein.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, OWNER and ENGINEER hereby agree to amend the Agreement by adding the following as TASK 5 and TASK 6:

**TASK 5 – ARCHAEOLOGICAL WORK**

Summary of Additional Archaeological Work:

- Intro
  - Approximately 3.7 miles of route crosses through Bippus and Spur series floodplain soils and Palo Duro series soil
    - Sites were discovered within a 1.6 km study area in Palo Duro soils along banks of W. Amarillo Creek
      - Items discovered were discovered at depths 150 cm below surface
  - Initial pedestrian survey identified ten locations that were of interest for excavation
- Tasks
  - Complete trenching of ten identified locations
    - If artifacts are found, they will be analyzed (either in the field or AR Consultants, Inc. (“ARC”))
      - Results will be used to support overall and site specific recommendations
  - Complete technical draft report
    - Draft report will meet standards for cultural resource reports adopted by the Texas Historical Commission (“THC”)



- Will include recommendations about site eligibility (if applicable) and whether further archaeological work should be conducted
  - Completed draft report will be submitted to OWNER. Once approved, then to THC for review and comment
    - Once approved by THC, final report will be printed and copies submitted to OWNER and THC.
- Schedule
  - Field work will begin within 10 working days of Notice to Proceed, weather, property access and backhoe operator's availability
  - Field work will be completed within seven working days, weather and property access permitting
  - Draft report submitted to OWNER within five working days
  - ARC will submit to THC for review within two working days of receiving comments from OWNER
  - ARC will provide final report within two working days of receiving concurrence from THC
- Cost
  - Task 5 Cost - \$56,000

## TASK 6 - SURVEY

### Summary of Additional Survey Work

- Tasks
  - Topography and easement staking for the Seewald reroute, Lift Station 40 and Lift Station 48.
  - Revise Seewald Easement permanent with lateral and 3 temporary construction easements.
  - Revise Cryogenics temporary construction easement
  - Revise Mack Dick temporary construction easement
  - Lift Station 40 Easement permanent and temporary construction easements.
  - Lift Station 48 Easement permanent and temporary construction easements.
- Cost
  - Task 6 Cost - \$22,000

Except as herein modified, all terms, conditions and provisions of the Agreement shall remain in force and effect and are hereby confirmed and ratified by OWNER and ENGINEER.

EXECUTED by the parties as of the date shown below, to be effective upon execution of the OWNER.

KIMLEY-HORN AND ASSOCIATES, INC.  
(ENGINEER)

CITY OF AMARILLO  
(OWNER)

By:   
Jeff James,  
Senior Vice President

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

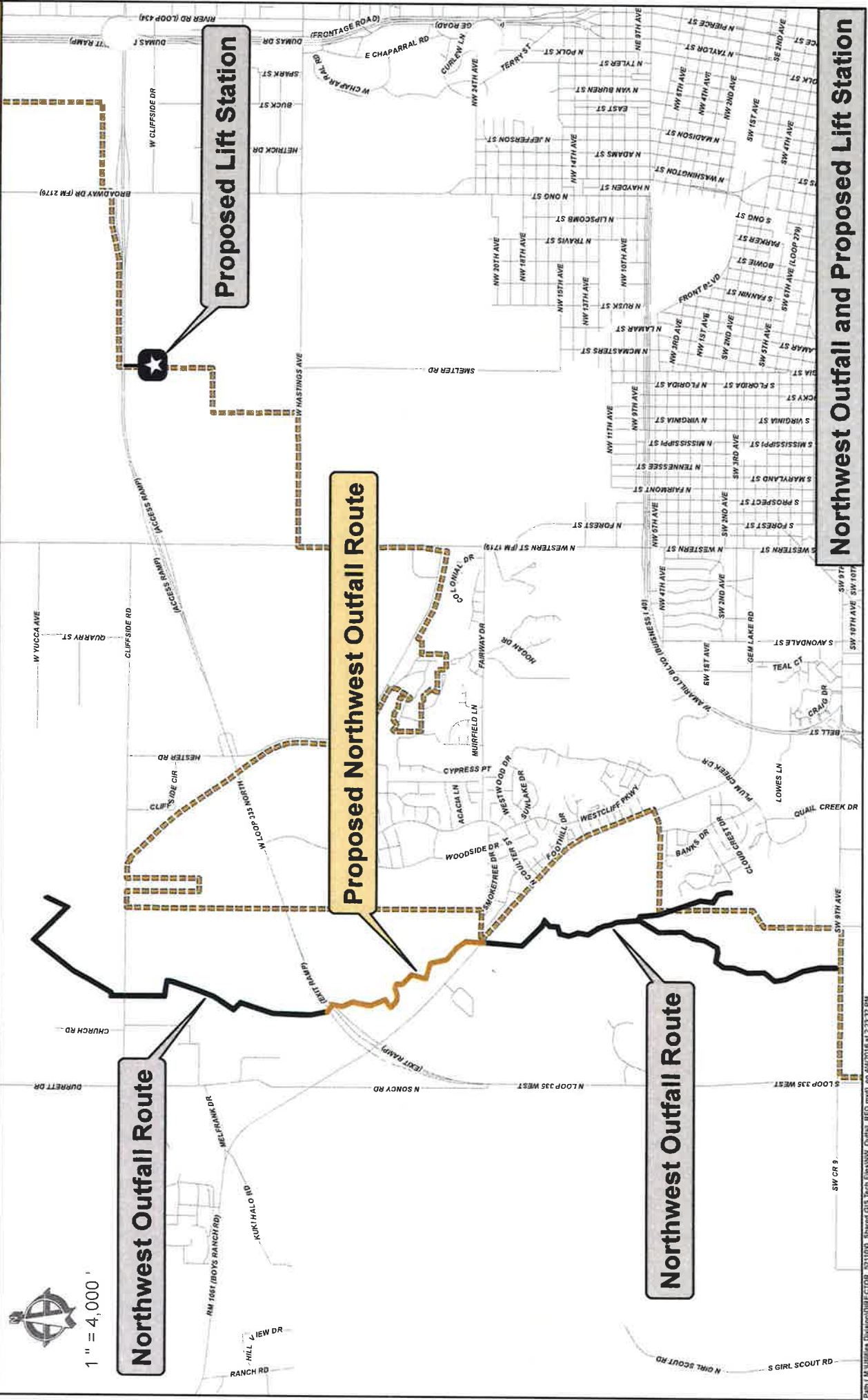
Date: February 12, 2018

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



# CAPITAL PROJECTS & DEVELOPMENT ENGINEERING

Simms Municipal Building  
808 S. Buchanan, 2nd Floor  
806-378-6025



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# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	March 27, 2018	<b>Council Priority</b>	Community Appearance
<b>Department</b>	Planning		
<b>Contact</b>	AJ Fawver Jeffrey English – Planner I (Case Manager)		

## Agenda Caption

Aviation Clear Zone Easement, being 3,750 feet above mean sea level above the plat of R & B Industrial Park Unit No. 9, an addition to the City of Amarillo, being an unplatted tract of land in Section 72, Block 2, AB&M Survey, Potter 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 R & B Industrial Park Unit No. 9.

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 than 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 3,750 feet above mean sea level for the plat of R & B Industrial Park Unit No. 9.

## Requested Action

Planning Staff have reviewed the associated Aviation Clear Zone Easement and the item is ready for City

# Amarillo City Council Agenda Transmittal Memo



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Council Consideration as a consent agenda item.

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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

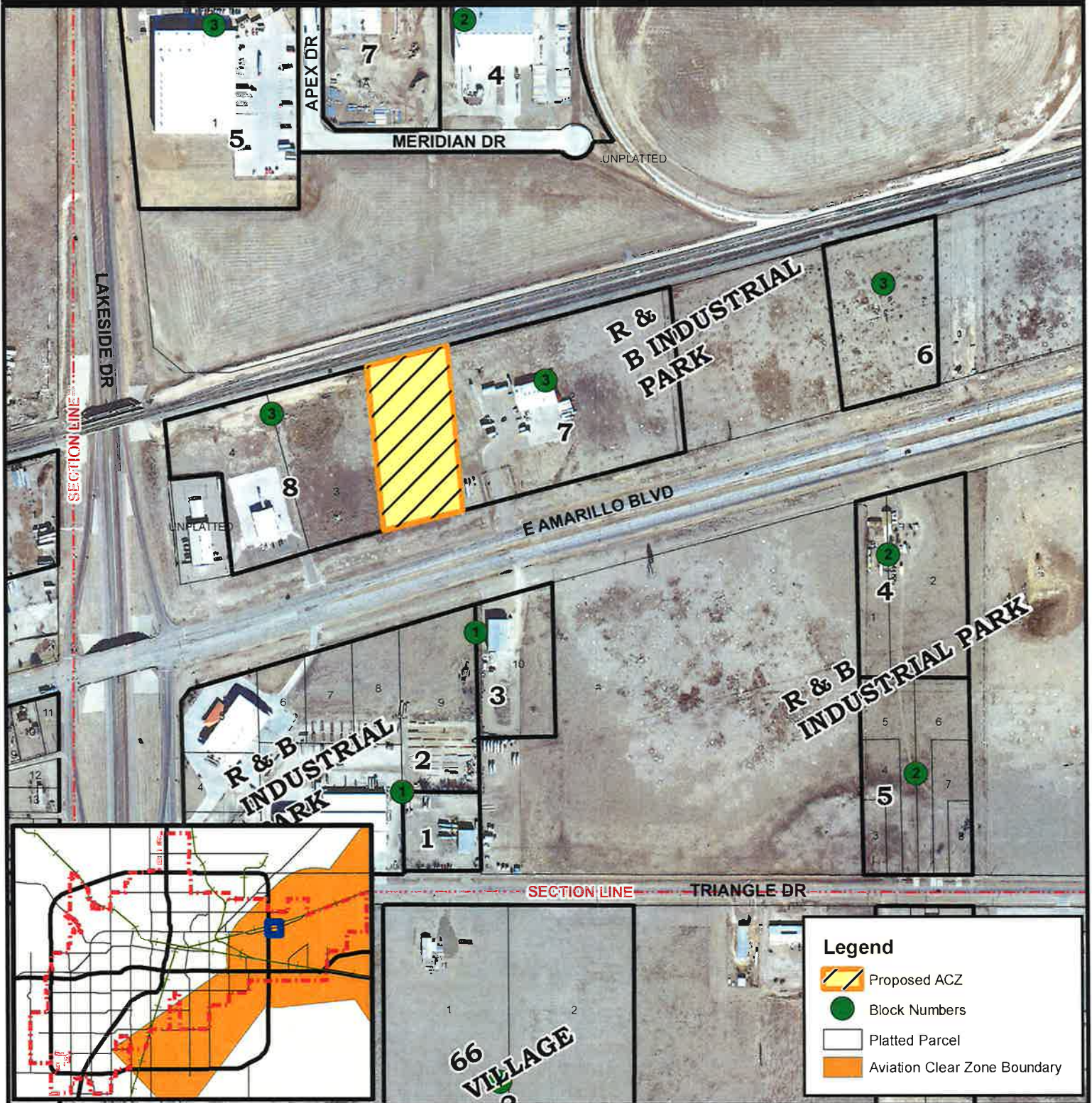
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**Staff Recommendation**

Staff recommends approval of this Aviation Clear Zone 18-01.

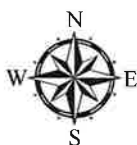
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## CASE ACZ-18-01 AVIATION CLEAR ZONE EASEMENT



**CITY OF AMARILLO  
PLANNING DEPARTMENT**

**Scale: 1 inch = 442 feet**  
**Date: 3/20/2018**



Aviation Clear Zone Easement, being 3,750 feet above mean sea level above the plat of R & B Industrial Park Unit No. 9, an addition to the City of Amarillo, being an unplatted tract of land in Section 72, Block 2, AB&M Survey, Potter County, Texas.

Developer: Mohammad Adam Al-Ten & Malani Balasooriyage

Vicinity: E Amarillo Blvd. & Lakeside Dr.

Case Manager: Jeffrey English

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.

AVIATION CLEAR ZONE EASEMENT

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

WHEREAS, Mohammad Adam Al-Ten, 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 3,750 feet above mean sea level above the plat of R & B Industrial Park Unit No. 9, an addition to the City of Amarillo, being an unplatted tract of land in Section 72, Block 2, AB&M Survey, Potter 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.

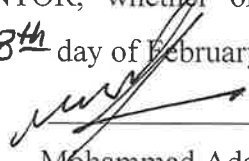
GRANTOR, for itself, its successors and assigned, does hereby covenant and agree that it will not hereafter erect, or permit the erection or growth of, any structure, tree or other object on the above described property to any height in excess of 3,750 feet above mean sea level. GRANTOR does hereby GRANT 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 3,750 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.

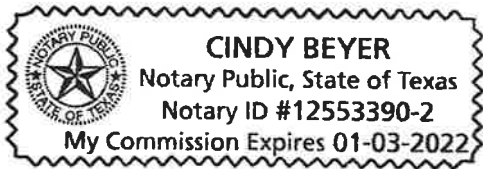
IN WITNESS WHEREOF, the GRANTOR, whether one or more, individual or corporate, has hereunto set its hand on this the 28<sup>th</sup> day of February, 2018.

  
\_\_\_\_\_  
Mohammad Adam Al-Ten

THE STATE OF TEXAS       §

COUNTY OF POTTER       §

This instrument was acknowledged before me on this the 28<sup>th</sup> day of February, 2018, by Mohammad Adam Al-Ten.



  
\_\_\_\_\_  
Notary Public, State of Texas





# Amarillo City Council Agenda Transmittal Memo



Meeting Date	March 27, 2018	Council Priority	Community Appearance
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Department	Planning Department	Contact Person	AJ Fawver, Planning Director Sherry Bailey, Senior Planner
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### Agenda Caption

Vicinity: Citywide

ORDINANCE NO. \_\_\_\_\_:

Second reading on an ordinance adding a category for Shooting Ranges (Indoor) to Article IV, Division I, Section 4-10-82, Table E "Recreational and Entertainment Uses" and adding a definition for Shooting Ranges, Indoor, and providing an effective date.

### Agenda Item Summary

This ordinance amendment was the result of an applicant approaching the Planning Department about submitting a site plan for the proposed use of an indoor shooting complex. Upon review of the site plan it was determined that there was not a use in our zoning code that adequately provided for indoor shooting ranges to be permitted. Through numerous discussions between staff and the legal department it was decided that the best approach would be amending the existing zoning ordinance to provide for indoor shooting ranges. It was determined after reviewing how Amarillo has developed, the relationship of commercial next to or including residential development and in order to remove any future ambiguity, amending the current zoning ordinance to provide for this use was necessary.

The proposed ordinance calls for the use to be allowed in Ag, General Retail, Central Business, Light Commercial, and Heavy Commercial by Specific Use Permit and in Light Industrial and Heavy Industrial by right. This approach was chosen because it provides for the protection of the applicant, the city and the surrounding property owners. In reviewing an application for an Indoor Shooting Range the applicant has a chance to provide information and exhibits that demonstrate the safety and standards to which his facility will be developed. The adjoining property owners have a chance to voice any concerns they may have and to have those concerns addressed. The city has the flexibility to ensure that both sides are treated fairly and all concerns addressed. At the end of the process, the applicant knows if he receives a permit the city will stand behind his request.

This process will add some time to a request, however it is time upfront that often heads off complaints at a later date. The process requires a public hearing with notification before the Planning & Zoning Commission which will make a recommendation to city council which will have a public hearing before taking action. The City Council will have the ability to address issues that arise and provide conditions that allows the proposal to move forward. With the approach developed by this ordinance staff feels the city will be out in front of some issues in a positive way.

Draft Minutes from P&Z on March 12, 2018

**Sherry Bailey, Senior Planner presented this item, and advised that this ordinance came about from an application, and the department wanting to take a proactive closer look at where and how a gun range should be allowed. Ms. Bailey stated that given the nature of this request and of possible future requests, the department has turned to the Commission in regards to using a Specific Use Permit in certain districts and that would allow for each request to be weighed as**

# Amarillo City Council Agenda Transmittal Memo



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needed and other districts to be allowed by right. Ms. Bailey ended the presentation with staff recommendation of approval.

Commissioners asked further questions regarding safety and zoning concerns, which Ms. Bailey answered.

Chairman Parker asked if anyone wanted to speak in favor of or against said request. No comments were made.

A motion to approve this item was made by Commissioner Harman and seconded by Commissioner Ford, and carried unanimously.

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#### **Requested Action**

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The planning department is requesting an addition to the list of zoning uses to include that of Shooting Range, Indoor.

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#### **Funding Summary**

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N/A

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#### **Community Engagement Summary**

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The item was distributed to all applicable internal and external entities.

The item was recommended for approval by 7:0 vote of the Planning and Zoning Commission at its March 12, 2018 public meeting.

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#### **City Manager Recommendation**

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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. 7724**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS AMENDING THE AMARILLO MUNICIPAL CODE AT CHAPTER 4-10, BY ADDING A CATEGORY FOR SHOOTING RANGES (INDOOR) TO ARTICLE IV, DIVISION 1, SECTION 4-10-82, TABLE E, "RECREATIONAL AND ENTERTAINMENT USES" AND A DEFINITION FOR SHOOTING RANGES, INDOOR, TO SEC. 4-10-83 NUMBERED (25)(a); PROVIDING A PENALTY; PROVIDING REPEALER CLAUSE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.**

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**WHEREAS**, the Texas Local Government Code, Title 7, Subtitle A, Chapter 213, permits the governing body of a municipality to adopt a comprehensive plan for the long-range development of a municipality; and

**WHEREAS**, the City Council adopted the "Amarillo Comprehensive Plan" on October 12, 2010, which established zoning districts and regulations in accordance with the Comprehensive Plan for the purpose of promoting the health, safety, and welfare of its citizens; and

**WHEREAS**, the City of Amarillo's Zoning Ordinance does not specifically address indoor shooting ranges as an authorized land use in any of the zoning districts; and

**WHEREAS**, after a public meeting before the Planning and Zoning Commission to discuss the proposed amendment to the Amarillo Municipal Code's Zoning Ordinance to specifically address indoor shooting ranges in designated zoning districts, the Planning and Zoning Commission recommended this amendment's approval to the City Council; and

**WHEREAS**, the City Council has considered the final recommendation and report of the Planning and Zoning Commission and has held a public hearing on such proposed zoning ordinance changes, all as required by law.

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

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

**SECTION 2.** The City Council hereby amends the Amarillo Municipal Code, Chapter 4-10, Article IV, Division 1 at Section 4-10-82, Table E, to add a category entitled "Shooting Ranges (Indoor)" as (25a) to Table E, Recreational and Entertainment Uses. This table shall be amended to add "Shooting Ranges, Indoor" with approval of a Specific Use Permit ("S") within the Agricultural (A), General Retail (GR), Light Commercial (LC), Central Business (CB), and Heavy Commercial (HC) zoning districts. This table is also hereby amended to allow "Shooting Ranges, Indoor" as a permitted use (shown by gray shading) within the Light Industrial (I-1), Heavy Industrial (I-2), and Planned Development (PD) zoning districts. This section is amended to read as follows:

Type Use	SIC Code	A	R-1	R-2	R-3	MD	MF-1	MF-2	MH	O-1	O-2	NS	GR	LC	CB	HC	I-1	I-2	PD
		Agricultural District	Residential District 1	Residential District 2	Residential District 3	Moderate Density District	Multiple Family District 1	Multiple Family District 2	Manufactured Home District	Office District 1	Office District 2	Neighborhood Service District	General Retail District	Light Commercial District	Central Business District	Heavy Commercial District	Light Industrial District 1	Heavy Industrial District 2	Planned Development District
<b>E - RECREATIONAL AND ENTERTAINMENT USES</b>																			
Shooting Ranges (Indoor)	(25a)	S											S	S	S	S			

**SECTION 3.** The City Council further amends the Amarillo Municipal Code at Section 4-10-83 to add a definition to read as follows:

**“Shooting Ranges (Indoor):** An area enclosed at which a handgun, rifle, or other firearm is discharged at a target, designed to prevent a projectile fired from a firearm at a target from going beyond the boundaries of the area, by use of a backstop or other barrier that is designed to completely stop the projectile or prevent a potentially dangerous ricochet.”

**SECTION 4.** Any person who violates any provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine as provided for in Section 4-10-4 of the Amarillo Municipal Code. Each day of such violation shall constitute a separate offense.

**SECTION 5.** All ordinances and resolutions or parts thereof that conflict with this Ordinance are hereby repealed, to the extent of such conflict.

**SECTION 6.** The terms and provisions of this Ordinance shall be deemed to be severable in that, if any portion of this Ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this Ordinance.

**SECTION 7.** 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 on this the 20th day of March, 2018 and **PASSED** on Second and Final Reading on this the 27th day of March, 2018.

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

ATTEST:  
\_\_\_\_\_  
Frances Hibbs, City Secretary

APPROVED AS TO FORM:  
\_\_\_\_\_  
William M. McKamie, City Attorney