

AGENDAS

FOR THE AMARILLO CITY COUNCIL WORK SESSION TO BE HELD ON TUESDAY, APRIL 18, 2017 AT 3:30 P.M. AND THE REGULAR MEETING OF THE AMARILLO CITY COUNCIL AT 5:00 P.M., CITY HALL, 509 SOUTHEAST 7th AVENUE, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

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

WORK SESSION

- A. City Council will discuss or receive reports on the following current matters or projects.
- (1) Review agenda items for regular meeting and attachments;
 - (2) TxDot/City of Amarillo Landscaping Maintenance and Enhancements;
 - (3) Downtown Parking Discussions; and
 - (4) Amarillo Homeless Outreach Providing Encouragement (HOPE) Program Update;
 - (5) Consider future Agenda items and request reports from City Manager.

REGULAR MEETING ITEMS

INVOCATION: Kerry G. Tilley

PROCLAMATIONS: "Beta Sigma Phi Week"
"Community Development Week"
"Amarillo Professional Fire Fighters Local 542 'Fill the Boot Days'"

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 April 11, 2017.

B. **Award – Professional Services for City of Amarillo Audio and Video Solutions:**

Amarillo Media Systems, LLC -- \$200,000.00

This three-year agreement will provide audio/video design and implementation services for City departments.

C. **Award – Renewal Insurance Contract for Law Enforcement Liability Insurance:**

Award to Neely, Craig and Walton -- \$172,564.00

This award is to approve the purchase of the renewal of Law Enforcement Liability Insurance.

- D. Award – Purchase of Lift Station #40 Standby Generator:
Award to Waukesha-Pearce Industries, Inc. -- \$57,700.00
This item is a replacement of Lift Station #40 Standby Generator. This equipment is used when the power is lost so the Lift Station will keep operating correctly. The current generator is 30-plus years old and beyond its service life.

NON-CONSENT AGENDA

2. **PRESENTATION AND CONSIDERATION OF ORDINANCE NO. 7665:**
This item is the first reading of an ordinance regulating parking within the downtown parking garage and establishing parking fees for the parking garage.
3. **RESOLUTION – DENYING SOUTHWESTERN PUBLIC SERVICE COMPANY SURCHARGE**
This resolution denies the surcharge related to Docket No. 45524 submitted by Southwestern Public Service Company, authorizing participation in a coalition of similarly situated cities, authorizing participation in related rate proceedings, requiring the reimbursement of municipal rate case expenses, and authorizing the retention of special counsel.
4. **RESOLUTION – AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2017 WORKING RANCH COWBOYS ASSOCIATION’S WORLD CHAMPIONSHIP RANCH RODEO:**
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.
5. **RESOLUTION -- AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2017 AMERICAN QUARTER HORSE ASSOCIATION’S ADEQUAN SELECT WORLD CHAMPIONSHIP SHOW EVENT:**
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 Events Venue District, for the qualifying event.
6. **APPROVAL -- LOCAL GOVERNMENT CORPORATION LOAN AGREEMENT:**
This item is approval of an agreement between the City of Amarillo and the Amarillo Local Government Corporation for a loan of up to \$1,000,000 for the purpose of finishing out and initial operation of the retail portion of the downtown parking garage. The 2016/2017 approved annual budget included the expenditure of up to \$1,000,000 for this purpose. To facilitate the use of these funds it is necessary for the two parties to enter into the loan agreement. The Local Government Corporation will consider approval of the agreement at their meeting on April 19, 2017.
7. **AWARD – I-27 AND SOUTHEAST 29TH AVENUE SEWER MAIN REPLACEMENT AND EXTENSION:**
Williams Ditching, LLC -- \$314,596.24
This item is to approve the contract for Waste Water Collection Improvements for the replacement of select sanitary sewer lines between Southeast 28th and Southeast 30th Avenues and between Oliver Eakle Park and I-27. This project includes the abandonment of two sanitary sewer crossings underneath I-27.

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

Posted this 14th day of April 2017.

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www.amarillo.gov/granicus
Archived meetings are also available.



A

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 11th day of April 2017, the Amarillo City Council met at 4:30 p.m. for a work session and then at 5:00 p.m. for the regular session in the Council Chamber located on the third floor of City Hall at 509 Southeast 7th Avenue, with the following members present:

PAUL HARPOLE
ELISHA DEMERSON
LISA BLAKE
RANDY BURKETT
MARK NAIR

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 H. MILLER
BOB COWELL
MICK MCKAMIE
BLAIR SNOW
FRANCES HIBBS

CITY MANAGER
DEPUTY CITY MANAGER
CITY ATTORNEY
MANAGEMENT ANALYST
CITY SECRETARY

The invocation was given by Councilmember Lisa Blake. Mayor Harpole led the audience in the Pledge of Allegiance.

Proclamations were presented for: "National Public Safety Telecommunications Week" and "Sexual Assault Awareness Month."

PUBLIC COMMENT:

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

Robert Goodrich, 4111 Stony Point, spoke about the processes in electing boards and commissions. He suggested an independent committee obtain the applications and make recommendations to the Council. He further suggested a salary for them as well as for Councilmembers. Allen Finegold, 2601 North Grand Street, suggested a revision and regulations for citizens addressing Council. He suggested a series of public hearings on the City's infrastructures for the water system, use and rates, sewer and storm sewer systems. He further suggested purchase of additional equipment to inspect the storm sewers. There were no further comments.

ITEM 1: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Motion was made by Councilmember Blake to approval of the consent agenda, seconded by Councilmember Nair.

- A. **Minutes:**
Approval of the City Council minutes of the regular meeting held on April 4, 2017.
- B. **Purchase – 70 Applied Concept Stalker Radar System Packages:**
Award to Buy Board Vendor -- \$129,856.86
This purchase is to equip the remainder of our patrol fleet with moving radar units to assist our traffic enforcement efforts and reducing vehicle crashes which is one of our Department's priorities. This purchase is funded through the Photo Traffic Enforcement Fund.
- C. **Purchase – Sheet Metal for Dumpster Repair:**
Award by competitive bid:
Lot #1 – 1,580 4X8 Sheets, 11 Ga Hot Rolled Metal
Cargill Steel Service Centers -- \$89,744.00

This item is the scheduled purchase of sheet metal to repair Solid Waste Dumpsters that are damaged or have rusted out bottoms. This award will be used by the City of Amarillo Solid Waste Division for daily operational requirements.

D. Purchase – Golf Carts:

Award to Club Car North Texas Branch

Using US Communities Contract #EV024-002 -- \$110,904.36

This item is for scheduled replacement of Gold Carts that have reached or exceeded usable life cycle. This item has been approved in the 2016-2017 budget.

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

NON-CONSENT AGENDA

ITEM 2: Mayor Harpole presented the first and final reading of an ordinance discussing and considering all matters incident and related to the issuance and sale of "City of Amarillo, Texas, General Obligation Bonds, Series 2017," including the adoption of an Ordinance authorizing the issuance of such bonds. This item was presented by Laura Storrs, Finance Director. Steven Adams, Specialized Public Finance, Inc., stated seven bids were received and the bonds were sold this morning at 10:30 a.m. The City received a AAA rating by Standard & Poor's and Aa1 by Moody's Investor Service. Closing is set to occur May 11, 2017. He recommended the \$21,280,000 bonds be approved to PNC Capital Markets. Motion was made by Councilmember Nair, seconded by Councilmember Demerson, that the following captioned ordinance be passed on first and final reading:

ORDINANCE NO. 7663

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF AMARILLO, TEXAS, GENERAL OBLIGATION BONDS, SERIES 2017," SPECIFYING THE TERMS AND FEATURES OF SAID BONDS; LEVYING A CONTINUING DIRECT ANNUAL AD VALOREM TAX FOR THE PAYMENT OF SAID BONDS; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, PAYMENT AND DELIVERY OF SAID BONDS, INCLUDING THE APPROVAL AND EXECUTION OF A PAYMENT AGENT/REGISTRAR AGREEMENT AND THE APPROVAL AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 3: Mayor Harpole presented the first and final reading of an ordinance of an ordinance discussing and considering all matters incident and related to the issuance and sale of "City Of Amarillo, Texas, Waterworks and Sewer System Revenue Bonds, New Series 2017," including the adoption of an Ordinance authorizing the issuance of such bonds. This item was presented by Laura Storrs, Finance Director. Steven Adams, Specialized Public Finance, Inc., stated nine bids were received at 10:00 a.m. this morning. The City received a AAA rating by Standard & Poor's. Closing is set to occur May 11, 2017. He recommended the \$31,005,000 bonds be approved to PNC Capital Markets. Motion was made by Councilmember Demerson, seconded by Councilmember Burkett, that the following captioned ordinance be passed on first and final reading:

ORDINANCE NO. 7664

AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF AMARILLO, TEXAS, WATERWORKS AND SEWER SYSTEM REVENUE BONDS, NEW SERIES 2017;" PRESCRIBING THE FORMS, TERMS, AND PROVISIONS OF SAID BONDS; PLEDGING THE NET REVENUES OF THE CITY'S WATERWORKS AND SEWER SYSTEM 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 THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 4: Mayor Harpole presented the second and final reading of an ordinance rezoning of a 2.957 acre tract of land in Section 10, Block 9, BS&F Survey, Potter County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Residential District 1 (R-1) to Multiple Family District 2 (MF-2). (Vicinity: West Amarillo Boulevard and Lowes Lane.) Motion was made by Councilmember Burkett, seconded by Councilmember Demerson, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7659

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 WEST AMARILLO BOULEVARD AND LOWES LANE, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 5: Mayor Harpole presented the second and final reading of an ordinance changing Amarillo Municipal Code, Chapter 16-3-1002, Schedule B Maximum Speed Limit for Soncy/Hollywood (Loop 335) from the current 70 MPH to 60. Kimley-Horn, an engineering consulting firm for Texas Department of Transportation (TxDOT), recently completed speed studies along this corridor indicating that overall traffic speeds have dropped sufficiently to reduce the posted speed limit along Soncy/Hollywood. Motion was made by Councilmember Demerson, seconded by Councilmember Burkett, that the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7662

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, CHAPTER 16-3, ARTICLE XXI, SECTION 16-3-1002, CHANGING THE MAXIMUM SPEED LIMIT ON SEGMENTS OF HOLLYWOOD ROAD AND SONCY ROAD (LOOP 335); PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLIC AND EFFECTIVE DATE.

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

ITEM 6: Mayor Harpole presented a three-year lease agreement for the use and lease of terminal areas and landing facilities at the Rick Husband Amarillo International Airport. Landing fees and terminal rental rates are calculated each year of the agreement based on a financial model of a combination of enplanements, aircraft landed weights and airport's operating expenses allocated to airline use. There are two one-year renewal options that may be exercised at the agreement of both parties. Amendment No. 1 provides further clarification concerning a minimum space requirement subsequent to the original AULA. The changes do not negatively impact the airport but did give airline partners greater clarity to the intent of the original agreement. Motion was made by Councilmember Burkett, seconded by Councilmember Demerson, that the lease agreement and amendment be approved.

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

ITEM 7: Mayor Harpole presented an Interlocal Cooperation Agreement between the Amarillo Local Government Corporation (LGC) and the City of Amarillo to facilitate the timely and lower cost completion of two street projects included in the recently approved five-year Community Investment Program. Bob Cowell, Deputy City Manager, presented this item. Motion was made by Councilmember Blake, seconded by Councilmember Burkett, that the Interlocal Cooperation Agreement be approved.

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

ITEM 8: Mayor Harpole presented a rental housing rehabilitation project to construct a single-family duplex rental unit at 1425 Northwest 18th Avenue. Of the \$186,200 total cost for this project, the project owner will provide \$93,100 of the funding. The City Community Development Block Grant – Home Rental Rehabilitation Program will provide the remainder or \$93,100 of project funding. This Community Development funding is from federal funds allocated to the City for this purpose. Mr. Miller stated as it currently stands, there will be no funding beyond April 28, unless they receive notice from the federal government. Mayor Harpole stated he would like to see a list of projects completed over the last ten-years with CDBG funding. Mr. Miller stated he was meeting this week with all departments affected by this federal funding cut. Councilmember Demerson thanked Community Development for identifying individuals partnering with the City to build or erect affordable structures in communities in dire need. Mayor Harpole thanked the volunteer board for their hard work and service. Motion was made by Councilmember Burkett, seconded by Councilmember Demerson, that the rental house rehabilitation project be approved.

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

ITEM 9: Mayor Harpole stated they were waiting on Potter County Commissioners to announce their board recommendations. He further stated Council has received four names for their proposed board candidates: Chris Reed, Kim May, Courtney Vanderham, and Toby Tucker

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

Frances Hibbs, City Secretary

Paul Harpole, Mayor



Amarillo City Council Agenda Transmittal Memo



Meeting Date	April 18, 2017	Council Priority	N/A
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Department	Information Technology
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Agenda Caption

Award – Professional Services for City of Amarillo Audio and Video Solutions:
Amarillo Media Systems, LLC -- \$200,000.00

This three-year agreement will provide audio/video design and implementation services for City departments.

Agenda Item Summary

This contract may be utilized by City departments, in coordination with the Information Technology department, to provide audio and video solutions on an as-needed basis. For the duration of the agreement and as the need arises, AMS may be asked to provide a quote for prospective audio/video projects under the terms of the contract. The contract is limited to a maximum combined cost of \$200,000 for all A/V projects completed under the Agreement or a term of 3 years, whichever occurs first.

Requested Action

Approval of award to Amarillo Media Systems, LLC in an amount not to exceed \$200,000 within the three-year term of the contract.

Funding Summary

Funding will vary by the department utilizing the contract over the three-year term. Each prospective project fulfilled under the contract will be quoted and funded independently from other projects.

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of award.

RFQ #02-17 PROFESSIONAL SERVICES FOR THE CITY OF AMARILLO AUDIO AND VIDEO SOLUTIONS

Preliminary Compilation of Points Evaluation Criteria Ranking	Response Elements and Formats	References	Points Possible		Total Points Possible	Ranking	Comments
Vendor	400	100			500		
Lubbock Audio Visual	360	100			460	2	
Norris Audio Video	349	100			449	3	
Amarillo Media Systems	384	100			484	1	
Date:							



Amarillo City Council Agenda Transmittal Memo



Meeting Date	April 18, 2017	Council Priority	N/A
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Department	Risk Management
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Agenda Caption

Award insurance contract renewing Law Enforcement Liability Insurance

Award to Neely, Craig and Walton agency representing Hudson Insurance Company for an annual premium of \$172,564

This award is to approve the purchase the renewal of Law Enforcement Liability Insurance.

Agenda Item Summary

Award is to approve the purchase the renewal of Law Enforcement Liability Insurance

Requested Action

Consider approval of the purchase the renewal of Law Enforcement Liability Insurance

Funding Summary

Funding for this award is available in the department Police Professional 63170.71100.

Community Engagement Summary

N/A

Staff Recommendation

City Staff is recommending approval and award of the 1 year contract.

Proposal P06-17 Request For Proposal for Police Professional Liability Insurance		Total Points Possible:		100.00	100.00	100.00	100.00	100.00	Total Points Possible = 300
Tabulation Compilation with Breakdown by Evaluator		Jim Smith, Risk Management Director	Laura Storrs, Director of Finance	Hector Mendoza, Health Plan Administrator	Total	Average	Rank	Comments	
Company		100.00	100.00	100.00	145.90	25.37%	2		
Upshaw Insurance		45.00	43.50	57.40					
NCW (Neely, Craig & Walton)		89.00	81.75	95.00	265.75	46.22%	1		
USI Southwest Inc.		41.00	38.25	54.00	133.25	23.17%	3		

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Amarillo City Council Agenda Transmittal Memo



Meeting Date	04/18/2017	Council Priority	Infrastructure
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Department	Wastewater Collection 52240	Contact Person	Bruce Walterschied
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Agenda Caption

Award – Purchase of Lift Station #40 Standby Generator:
 Award to Waukesha-Pearce Industries, Inc. -- \$57,700.00
 This item is a replacement of Lift Station #40 Standby Generator. This equipment is used when the power is lost so the Lift Station will keep operating correctly. The current generator is 30-plus years old and beyond its service life.

Agenda Item Summary

Replacement of Lift Station #40 Standby Generator, this equipment is used when the power from Xcel Energy is lost so the Lift Station will keep operating correctly. The current generator is 30 plus years old and beyond its service life.

Requested Action

Approval of bid to be awarded to Waukesha-Pearce Industries for a total price of \$57,700.00

Funding Summary

Account 523108.17400.1040 Lift Station 40 Generator has a balance of \$100,000.00 and after this purchase the account will have a remaining balance of \$42,300. There is no State or Federal Monies being used for this purchase.

Community Engagement Summary

Long Term Plan for Infrastructure. This will insure that the Lift Station will continue to operate during power failures minimizing the sewer spills.

Staff Recommendation

Bid No. 5676 350 KW STANDBY EMERGENCY GENERATOR
 Opened 4:00 p.m. March 2, 2017

To be awarded as one lot	WUKESHA-PEARCE INDUSTRIES INC	LIGHTING POWER	LJ POWER INC	DEALERS ELECTRICAL SUPPLY
Line 1 Portable generator, per specifications				
1 ea				
Unit Price	\$57,700.000	\$60,301.340	\$65,458.000	\$61,383.000
Extended Price	57,700.00	60,301.34	65,458.00	61,383.00
Bid Total	57,700.00	60,301.34	65,458.00	61,383.00
Award by Vendor	57,700.00			

Amarillo City Council Agenda Transmittal Memo



2

Meeting Date	04/18/17	Council Priority	Downtown Redevelopment
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Department	City Manager's Office
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Agenda Caption

Ordinance – An Ordinance regulating parking within the downtown parking garage and establishing parking fees for the parking garage.

Agenda Item Summary

This item is reading and approval of an ordinance that regulates parking within the downtown parking garage which is operated by the LGC and to set the rates for use of the parking garage. The proposed rates are consistent with those identified in the proforma for the parking garage - \$2.00 per hour for the first two hours, \$2.00 for each additional two hour period with a maximum \$7.00 daily rate. It is also proposed that there be no charge for Sunday parking except for events and likewise on Tuesday evenings. Rates for special events will be determined at a later date.

Requested Action

Conduct the readings and approval of the ordinance.

Funding Summary

Revenue generated from the parking operations address operations expenses and service the debt used in the construction of the parking garage.

Community Engagement Summary

N/A

City Manager Recommendation

Staff recommends approval of the Ordinance.

ORDINANCE NO. 7665

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO: REGULATING PARKING WITHIN THE DOWNTOWN PARKING GARAGE; ESTABLISHING PARKING FEES; PROVIDING SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR CRIMINAL PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Downtown Parking Garage, to be operated by the City under an Agreement with the Amarillo Local Government Corporation, shall be available for public parking and for parking pursuant to Agreement with either the City of Amarillo or the Amarillo Local Government Corporation; and

WHEREAS, the City Council finds that it is in the best interests of both public safety and convenience to take each action below related to fees for parking within the Downtown Parking Garage;

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

SECTION 1. That the following fees for public parking in the Downtown Parking Garage be are hereby established:

DOWNTOWN PARKING GARAGE PARKING RATES

<u>Period</u>	<u>Rate</u>	<u>Rate incl. Tax</u>
0 - 2 Hour	\$1.85	\$2.00
Each Additional 2 Hour	\$1.85	\$2.00
Maximum Per Day	\$6.47	\$7.00

- Notes: (1) Sales tax currently at 8.25%,
(2) Customers with valid handicapped license plates do not pay for parking,
(3) Rates are set so the customer can pay with minimal use of change, avoiding pennies, after tax is applied.

PARKING PROVIDED UNDER AGREEMENT WITH LGC OR CITY

As provided in the Agreement.

EVENT PARKING RATES

As determined by CITY for each event.

SUNDAY PARKING

Except for Event Parking, parking will at no charge on Sundays

DISCOUNT PARKING

Except for Event Parking, parking between the hours of 5 pm and midnight shall be at no charge on Tuesdays

SECTION 2. That fees for parking provided under an Agreement between either the City of Amarillo or the Amarillo Local Government Corporation and a person, firm or corporation, shall be charged and paid at such rates as are provided in such Agreement.

SECTION 3. 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 4. 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 5. Penalty. Upon conviction for a violation of this ordinance, the offender shall be subject to fine or other penal or civil sanctions as prescribed in Section 1-1-5 or as otherwise provided by law.

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 April, 2017; and **PASSED** on Second and Final Reading the _____ day of April, 2017.

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

Amarillo City Council Agenda Transmittal Memo



3

Meeting Date	04/18/17	Council Priority	Infrastructure and Best Practices
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Department	City Manager's Office
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Agenda Caption

Resolution – A Resolution denying the surcharge related to Docket No. 45524 submitted by Southwestern Public Service Company, authorizing participation in a coalition of similarly situated cities, authorizing participation in related rate proceedings, requiring the reimbursement of municipal rate case expenses, and authorizing the retention of special counsel.

Agenda Item Summary

This item is approval of a Resolution denying a surcharge requested by SPS related to a rate case settlement in 2016. The City of Amarillo along with a number of other West Texas cities approved a settlement with SPS on a rate request and the Public Utility Commission of Texas approved an increase of \$35 million in annual revenue for SPS. The PUCT approval occurred on December 10, 2016 with an effective date of July 20, 2016. SPS has a statutory right to collect the difference in revenue between the rates it charged during the period from July 20, 2016 to December 9, 2016. There exists concern regarding the proposed amount of the proposed surcharge (\$13.8 million). The most expedient and cost-effective way to have this concern addressed is to deny the request, which upon appeal by SPS will be resolved by the PUCT.

Requested Action

Approve the Resolution

Funding Summary

It is anticipated the surcharge, once approved by the PUCT will be implemented over a 5-month period. The impact of the surcharge will be upon all rate payers including the City. The exact impact will not be known until the PUCT makes a final determination.

Community Engagement Summary

N/A

City Manager Recommendation

Staff recommends approval of the Resolution.

RESOLUTION NO. 04-18-17-_____

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS (“CITY”) DENYING THE SURCHARGE RELATED TO DOCKET NO. 45524 SUBMITTED BY SOUTHWESTERN PUBLIC SERVICE COMPANY ON ABOUT APRIL 6, 2017; AUTHORIZING PARTICIPATION IN A COALITION OF SIMILARLY SITUATED CITIES; AUTHORIZING PARTICIPATION IN RELATED RATE PROCEEDINGS; REQUIRING THE REIMBURSEMENT OF MUNICIPAL RATE CASE EXPENSES; AUTHORIZING THE RETENTION OF SPECIAL COUNSEL; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

WHEREAS, on about April 6, 2017, Southwestern Public Service Company, LLC (“SPS”) filed an application for authority to implement a surcharge related to Docket No. 45524; and

WHEREAS, the City is a regulatory authority under the Public Utility Regulatory Act (“PURA”) and under Chapter 33, §33.001 et seq. of PURA has exclusive original jurisdiction over SPS’s rates, operations, and services within the municipality; and

WHEREAS, the amount of SPS’s proposed surcharge is \$13.7 million; and

WHEREAS, SPS proposes to implement the surcharge over a five-month period from July 1, 2017 through November 30, 2017; and

WHEREAS, the City will require the assistance of specialized legal counsel and rate experts to review the merits of SPS’s application to implement the surcharge, and in particular to confirm the accuracy of SPS’s calculations of its proposed surcharge; and

WHEREAS, in order to maximize the efficient use of resources and expertise in reviewing SPS’s request it is prudent to coordinate the City’s efforts with a coalition of similarly situated municipalities; and

WHEREAS, the City, in matters regarding SPS’s rates, services, and operations has in the past joined with other local regulatory authorities in the Alliance of Xcel Municipalities (“AXM”) of cities and hereby continues its participation in AXM; and

WHEREAS, SPS simultaneously filed its application to implement a surcharge with the Public Utility Commission of Texas, therefore the decision of the Public Utility Commission of Texas could have an impact on the rates charged within the City and in order for the City’s participation to be meaningful it is important that the City promptly intervene in such proceeding at the Public Utility Commission of Texas; and

WHEREAS, SPS failed to show that its proposed surcharge is reasonable and therefore the City has concluded that SPS’s proposed rate increase is unreasonable.

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

Section 1. The findings set out in the preamble are in all things approved and incorporated herein as if fully set forth.

Section 2. The City denies SPS's application filed on about April 6, 2017 to implement a net surcharge.

Section 3. The City authorizes intervention in proceedings related to SPS's application before the Public Utility Commission of Texas and related proceedings in courts of law as part of the coalition of cities known as the Alliance of Xcel Municipalities ("AXM").

Section 4. The City hereby orders SPS to reimburse the City's rate case expenses, as part of the Alliance of Xcel Municipalities, and that it do so on a monthly basis and within 30 days after submission of the City's invoices related to its review of the proposed surcharge or to related proceedings involving SPS before the City, the Public Utility Commission of Texas, or any court of law.

Section 5. Subject to the right to terminate employment at any time, the City retains and authorizes the law firm of Herrera & Boyle, PLLC to act as Special Counsel with regard to rate proceedings involving SPS before the City, the Public Utility Commission of Texas, or any court of law and to retain such experts as may be reasonably necessary for review of SPS's surcharge application subject to approval by the City.

Section 6. The City shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to SPS for reimbursement.

Section 7. A copy of this resolution shall be sent to SPS, care of Jeremiah W. Cunningham, Rate Case Manager, Southwestern Public Service Company, P.O. Box 1261, Amarillo, Texas 79105; and to Mr. Alfred R. Herrera, Herrera & Boyle, PLLC, 816 Congress Ave., Suite 1250, Austin, Texas 78701.

Section 8. This resolution shall become effective from and after its passage.

PASSED AND APPROVED this 18th day of April 2017.

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney



Amarillo City Council Agenda Transmittal Memo



Meeting Date	April 18, 2017	Council Priority	
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Department	Finance
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Agenda Caption

RESOLUTION – AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2017 WORKING RANCH COWBOYS ASSOCIATION’S WORLD CHAMPIONSHIP RANCH RODEO:

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 2017 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 2017 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 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 _____, 2017.

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney



Amarillo City Council Agenda Transmittal Memo



Meeting Date	April 18, 2017	Council Priority	
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Department	Finance
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Agenda Caption

RESOLUTION – AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2017 AMERICAN QUARTER HORSE ASSOCIATION’S ADEQUAN SELECT WORLD CHAMPIONSHIP SHOW EVENT:

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 2017 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 2016/2017 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.

WHEREAS, the American Quarter Horse Association has selected Amarillo, Texas as the site for its 2017 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 _____, 2017.

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

Amarillo City Council Agenda Transmittal Memo



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Meeting Date	04/18/17	Council Priority	Downtown Redevelopment
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Department	City Manager's Office
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Agenda Caption

Agreement – Loan Agreement made by and between the City of Amarillo and the Amarillo Local Government Corporation. - \$1,000,000

Agenda Item Summary

This item is approval of an agreement between the City of Amarillo and the Amarillo LGC for a loan of up to \$1,000,000 for the purpose of finishing out and initial operation of the retail portion of the downtown parking garage. The 2016/17 approved annual budget included the expenditure of up to \$1,000,000 for this purpose. To facilitate the use of these funds it is necessary for the two parties to enter into the loan agreement. The LGC will consider approval of the agreement at their meeting on April 19th.

Requested Action

Approval of the agreement.

Funding Summary

Funding for this item was included in the approved 2016/17 budget.

Community Engagement Summary

N/A

City Manager Recommendation

Staff recommends approval of the Agreement.

STATE OF TEXAS)
COUNTY OF POTTER) LOAN AGREEMENT
CITY OF AMARILLO)

This **Loan Agreement** (“Agreement”) is made by and between the **City of Amarillo (“CITY”)** and the **Amarillo Local Government Corporation (“LGC”)**, pursuant to the general authority of the Texas Interlocal Cooperation Act, and shall be effective upon the later date of execution of the respective governing body of the parties.

WHEREAS, the LGC has been charged by the City Council with the responsibility to construct and develop the Downtown Parking Garage, as part of Downtown Redevelopment, to include retail space; and

WHEREAS, to provide for the development, management and finish out of retail space in the Downtown Parking Garage, the CITY will provide \$1 million of CITY funds to pay such costs; and,

WHEREAS, the CITY and LGC now find that this Loan Agreement is beneficial to support the LGC’s project to build a public parking garage with retail/mixed use space which will aid in stimulating or encouraging new commercial activity in the zone and will also advance the other stated public purposes and benefits for Downtown Redevelopment; and,

WHEREAS, the LGC has incurred an obligation to fund approximately \$20 million for construction of a public parking garage with retail/mixed use space in the zone in support of the hotel and multipurpose event center to be constructed in the zone; and,

WHEREAS, accrued funds and anticipated revenues of the LGC may not be sufficient to cover the cost of constructing a public parking garage with retail/mixed use space, thereby creating a need for this loan from the CITY to the LGC, to be repaid by future LGC revenue from rental of the retail/mixed use space;

NOW, THEREFORE, BE IT JOINTLY AND SEVERALLY RESOLVED by the City Council and the Board of Directors of the Amarillo Local Government Corporation that:

1. The recitals stated above are substantive and are a part of this Loan Agreement.
2. The CITY (as Lender), subject to appropriation, hereby agrees to loan to the LGC (as Borrower) and the LGC hereby promises to pay to the order of Lender at the place for payment, and according to the terms of this Agreement, the principal amount plus interest, upon the following terms and conditions:
 - A. **Principal Amount:** Up to a maximum cumulative sum of One Million Dollars (\$1,000,000.00) as needed for the authorized uses stated in Section 2E, below. The Loan shall be

disbursed in installments no more frequently than monthly, following presentation by Borrower to Lender of requests for disbursement to pay cost of goods purchased and services performed per Section 2E of this Agreement. Each request shall be supported by bills, statements, invoices and such other documentation that, in Lender's sole discretion, allows for full substantiation of costs incurred by Borrower for authorized uses. Notwithstanding any other provision to the contrary, the total of all installments disbursed by Lender to Borrower shall not exceed the amount of loan set forth in the first sentence of this section.

B. Annual interest Rate on Unpaid Principal from Date of Funding will be the yield on the ten year U. S. Treasury bond plus two percent (2%) on the execution date of this Agreement. The rate shall be fixed at that rate for the life of the loan.

C. Terms of Payment: Principal shall be due and payable on or before June 1, 2032. Interest will be paid in substantially equal annual installments from funds received from the rental of the retail/mixed use space of the parking garage, if available. If rentals received exceed the amount of annual interest owed, a principal payment, equal to the amount of principal owed divided by the years remaining on the loan, shall be made. If the rentals received by the LGC exceed the annual principal amount owed the LGC can either (i) pay additional principal or (ii) use such funds for LGC purposes. If the rentals received by LGC are not enough to make the calculated annual interest payment the amount of unpaid interest will increase the principal amount of this loan. Interest on the unpaid principal computed from the date of each disbursement to Borrower is due and payable on June 1 of each and every calendar year, beginning on June 1, after the project is completed and continuing regularly and annually thereafter. Interest will be calculated on the unpaid principal to the date of each installment paid and the payment made credited first to the discharge of interest accrued, late charges accrued, and the balance, if any, to reduction of the principal. All payments shall be due and payable at Amarillo City Hall, Rm. 303, Amarillo, Potter County, Texas or such other place designated by Lender in writing to Borrower. If June 1 of any year occurs on a Saturday, Sunday, or legal holiday, then the payment shall be made on the next business day on which City Hall is open to the public. All payments shall only be from current funds lawfully available to the LGC from rents received for the retail/mixed use portion of the parking garage, if any. Interest shall be calculated on a thirty (30) day month, three hundred sixty day (360) year basis.

D. Late charge: In the event an annual installment payment, or any part thereof, is not paid by end of business on the fifth business day after June 1 in any year, then a late charge equal to 1.5% of such past due installment payment shall be charged to and payable by Maker to defray the cost of processing, administering, and collecting the late installment.

E. Use of Funds & Audit: The LGC covenants that it shall use the proceeds of this Loan Agreement solely for development, management, construction, and installation of retail/mixed use space associated with the public parking garage adjacent to the convention center hotel and multipurpose event venue to be constructed in downtown Amarillo. Use of the proceeds for any

other purpose without prior written consent of CITY shall be a default under the terms of this Loan Agreement. CITY shall have full access to all books, records, invoices, statements, and other documents that supporting the proper and intended use of the proceeds of this Loan Agreement.

F. Security: As security for the repayment of this loan, Borrower does hereby pledge and grant to Lender a lien upon all rental revenues owed to the LGC with respect to the rental of the retail/mixed use space associated with the parking garage. As often and whenever a default occurs in the repayment of this loan and for as long as such default continues, Lender is hereby authorized to exercise all rights of the Borrower to said rentals in furtherance of the payment of this Loan Agreement, including accrued interest, accrued late charge(s) and reasonable attorney fees incurred for collections. *Provided, however,* this security pledge and resulting lien is and shall be subordinate to the perfected rights of, interests of, and obligations owed to bond holders and owners of LGC indebtedness issued prior to the date of this loan, and all other pre-existing legal obligations of the LGC.

G. Funding Date: The actual date of funding this Loan Agreement will vary as it will be funded in installments as needed by Borrower.

H. Acceleration: On Borrower's default in the repayment of this Loan or default in compliance with any other term of this Loan Agreement, the outstanding loan balance (principal, interest, and accrued late charges) shall become immediately due at the election of Lender. Borrower hereby waives all demands for payment, presentation for payment, notices of intention to accelerate maturity, protest, and notice of protest.

I. Expenses: If this Loan Agreement is given to an attorney for collection or suit is brought for collection or other judicial proceeding, then Borrower shall pay Lender's reasonable attorney's fees in addition to other amounts due. Reasonable attorney's fees shall be ten percent of all amounts due unless either party pleads otherwise.

J. Non-usurious: Nothing in this Loan Agreement shall authorize the collection of interest or late charge, or combination of such that is in excess of the highest rate allowed by law.

K. The outstanding principal may be prepaid, in whole or part, on any date at the option of the LGC at a price of par plus accrued interest on the amount being prepaid to the date of prepayment.

3. This Loan Agreement may be extended and renewed upon such terms as are mutually agreed to by the parties in a signed writing approved by the governing board of each party.

4. Nothing in this Loan Agreement shall ever be construed as rendering or subjecting the individual members of the LGC board to any personal liability for the repayment of the loan, principal, interest, or

late charge described in this Loan Agreement, or for the performance of any duty, provision, or obligation of this Loan Agreement.

5. The CITY may assign, transfer, or pledge this loan agreement and/or the payments made hereunder.
6. If any provision, section, subsection, sentence, or clause of this Loan Agreement, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, or for any other reason deemed unenforceable, then such invalidity shall not affect the remaining portions of this Loan Agreement and such remaining portions of this Loan Agreement or the application thereof shall remain in effect, it being the intent of the parties, that no portion of the remainder shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.
7. Any remedy or right stated in this Loan Agreement is nonexclusive and cumulative of any and all other legal and equitable rights of each party. This Loan Agreement only describes the rights and obligations of the parties hereto and creates no right, duty, or expectation of, for, or in any third party. Nothing in this Loan Agreement shall be construed as waiving any defense, affirmative defense, or immunity that may be available to a party hereto.
8. Each party warrants to the other that it is authorized to enter this Agreement and that all required approvals and conditions precedent have been lawfully and duly obtained, performed, and satisfied, and its signatory below is authorized to execute this document.
9. Nothing in this Loan Agreement shall be construed as any waiver of managerial control by the City Of Amarillo ("CITY") over the financial administration and accounting of its various funds and accounts, including but not limited to its CITY Fund. This Loan Agreement is intended to memorialize (i) an inter-fund loan transfer as allowed by the Texas Tax Code, (ii) at favorable rates better than those available on the current open market for loans thereby reducing public expense to fund approved public projects, (iii) with a corresponding commitment by one business unit or fund of the City to timely repay another City business unit or fund. Notwithstanding any other clause in this Agreement to the contrary, the assessment of interest and late charges is solely to foster accountability by and between business units, and some or all of such assessments may be waived or reduced by the CITY. Any irregularity, informality, or error may be waived or forgiven by the CITY.

BORROWER:
Amarillo Local Government Corporation

LENDER:
City of Amarillo

By: _____
Sunny Hodge-Campbell
President, Board of Directors

By: _____
Jared Miller
City Manager

Date: April ____, 2017

Date: April ____, 2017



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Amarillo City Council Agenda Transmittal Memo



Meeting Date	4/18/2017	Council Priority	Infrastructure Initiative
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Department	Capital Projects & Development Engineering
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Agenda Caption

Award – I-27 and SE 29th Avenue Sewer Main Replacement and Extension
Williams Ditching, LLC- \$ 314,596.24

Agenda Item Summary

This item is to approve the contract for Waste Water Collection Improvements for the replacement of select sanitary sewer lines between SE 28th Ave and SE 30th Ave and between Oliver Eakle Park and I-27. Project includes the abandonment of two sanitary sewer crossings underneath I-27.

Requested Action

Consider approval and award to Williams Ditching, LLC - \$ 314,596.24

Funding Summary

Funding for this project is available in the Project Budget Number 523188.17400.1040

Community Engagement Summary

This project will have modest impact to the neighborhood. City staff will continually update the public with press releases and public announcements through social media before and during the project. The Project Manager will send notifications to the property owners and will conduct a public meeting prior to construction for affected citizens.

Staff Recommendation

City Staff is recommending approval and award of the contract.

Bid No. 5700 I-27 & SE 29TH AVE SEWER MAIN REPLACEMENT & EXTENSION
 Opened 4:00 p.m., March 30, 2017

To be awarded by line item	Williams Ditching LLC	West Texas Utility Contractors
Line 1 Trench repair - Flexible Pavement as detailed on plans, (COA 4.01) complete , per specifications 927 sy		
Unit Price	\$36.930	\$75.00
Extended Price	34,234.11	69,525.00
Line 2 Trench repair - Brick Pavement as detailed on plans, (COA 4.01) complete, per specifications 44 sy		
Unit Price	\$283.140	\$66.50
Extended Price	12,458.16	2,926.00
Line 3 Fill Existing Pipe as identified on plans with flowable fill material, (TxDOT Item 401) complete, per specifications 7 cy		
Unit Price	\$661.290	\$188.00
Extended Price	4,629.03	1,316.00
Line 4 Remove and Replace Curb Ramp to thickness and type as indicated on plans, complete with truncated dome surface and side curb as required in COA Curb Ramp details, (COA 4.10) complete, per specifications 10 sy		
Unit Price	\$228.200	\$708.40
Extended Price	2,282.00	7,084.00
Line 5 Furnish and Place Excavation Protection for Trenches 5 ft or Greater in Depth (COA 5.01) complete, per specifications 1,683 lf		
Unit Price	\$2.060	\$2.00
Extended Price	3,466.98	3,366.00

West Texas Utility
Contractors

To be awarded by line item	Williams Ditching LLC	West Texas Utility Contractors
Line 6 Bore, Furnish and Install Twelve (12") Inch Steel Casing, complete, per specifications 250 lf		
Unit Price	\$116.000	\$135.00
Extended Price	29,000.00	33,750.00
Line 7 Remove and Replace Existing Concrete Curb and Gutter, complete , per specifications 76 lf		
Unit Price	\$46.260	\$73.50
Extended Price	3,515.76	5,586.00
Line 8 Remove & Replace concrete Sidewalk, Per Plans and Specifications, complete , per specifications 9 sy		
Unit Price	\$17.960	\$48.00
Extended Price	161.64	432.00
Line 9 Remove and Replace Concrete Valley Gutter, Per Plans and Specifications, installed complete as specified, per specifications 16 sy		
Unit Price	\$91.690	\$306.50
Extended Price	1,467.04	4,904.00
Line 10 Remove Pipe - All Types and Sizes, installed complete , per specifications 668 lf		
Unit Price	\$8.140	\$5.50
Extended Price	5,437.52	3,674.00
Line 11 Remove Existing Manhole, complete, per specifications 4 ea		
Unit Price	\$758.000	\$990.50
Extended Price	3,032.00	3,962.00

West Texas Utility
Contractors

To be awarded by line item	Williams Ditching LLC	West Texas Utility Contractors
Line 12 Plug Abandoned Sanitary Sewer Main With Concrete, complete, per specifications 9 ea		
Unit Price	\$612.440	\$235.00
Extended Price	5,511.96	2,115.00
Line 13 Furnish and Install 8" Sewer Pipe, at Depth Shown on Plans, complete, per specifications 1,546 lf		
Unit Price	\$46.110	\$43.50
Extended Price	71,286.06	67,251.00
Line 14 Furnish and Install 6" Sewer Pipe at Depth Shown on Plans, complete, per specifications 137 lf		
Unit Price	\$85.550	\$84.00
Extended Price	11,720.35	11,508.00
Line 15 Furnish and Install 8-inch Restrained Joint Gravity Sewer Pipe through Casing, complete, per specifications 250 lf		
Unit Price	\$50.570	\$43.50
Extended Price	12,642.50	10,875.00
Line 16 Furnish and Install Four Foot Diameter Standard Manhole at Depth shown on Plans, complete, per specifications 8 ea		
Unit Price	\$4,645.000	\$9,954.75
Extended Price	37,160.00	79,638.00
Line 17 Furnish and Install 6' Diameter Fiberglass Manhole at Depth shown on Plans, complete, per specifications 1 ea		
Unit Price	\$11,716.000	\$11,608.00
Extended Price	11,716.00	11,608.00

West Texas Utility
Contractors

To be awarded by line item	Williams Ditching LLC	West Texas Utility Contractors
Line 18 Furnish and install All appurtenances to provide Sanitary Sewer Service Taps, complete in place at (COA 7.02), per specifications 17 ea		
Unit Price	\$962.410	\$324.00
Extended Price	16,360.97	5,508.00
Line 19 Tie into Existing Sanitary Sewer Main, complete , per specifications 7 ea		
Unit Price	\$939.570	\$1,048.00
Extended Price	6,576.99	7,336.00
Line 20 Furnish, Install and Maintain Temporary Erosion, Sediment, and Water Pollution Control Measures in compliance with Federal, State, and Local Requirements, complete, per specifications 1 ls		
Unit Price	\$3,303.000	\$684.00
Extended Price	3,303.00	684.00
Line 21 Furnish, Install, and maintain Traffic Control Plan, (COA 9.04) complete, per specifications 1 ls		
Unit Price	\$23,148.000	\$9,561.00
Extended Price	23,148.00	9,561.00
Line 22 Mobilization/Demobilization including Insurance, Payment Bond, Performance Bond, Maintenance Bond, and related Ancillary costs. (Shall not exceed five percent (5%) of the Total construction cost) (COA 10.01) , per specifications 1 ls		
Unit Price	\$14,980.770	\$15,069.00
Extended Price	14,980.77	15,069.00

West Texas Utility
Contractors

To be awarded by line item

Williams Ditching LLC

Line 23 Furnish and Install Grass Sodding, Complete
in Place, per specifications
38 sy

Unit Price	\$13.300	\$20.00
Extended Price	505.40	760.00

Bid Total	314,596.24	358,438.00
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Total Awarded to Vendor 314,596.24