



AGENDAS

FOR THE AMARILLO CITY COUNCIL WORK SESSION TO BE HELD ON TUESDAY, APRIL 12, 2016 AT 4:00 P.M. AND THE REGULAR MEETING OF THE AMARILLO CITY COUNCIL AT 5:00 P.M., CITY HALL, 509 SOUTHEAST 7th AVENUE, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

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

WORK SESSION

- A. City Council will discuss or receive reports on the following current matters or projects.
- (1) Review agenda items for regular meeting and attachments;
 - (2) Consider appointments to Boards and Commissions:
Board of Review-Landmarks & Historic District
Emergency Care Advisory Board
 - (3) Presentation and discussion on Budget Preparation: Fees;
 - (4) Discussion on a public information act dispute; and
 - (5) Consider future Agenda items and request reports from City Manager.
- B. City Council may convene in Executive Session to receive reports on or discuss any of the following pending projects or matters:
- (1) Discussion regarding appointments to vacant Board positions; and discussion regarding qualifications, rights, duties and responsibilities of Board members and appointees, in accordance with the Texas Open Meetings Act, Texas Government Code, Section 551.074; and
 - (2) Consult with Attorney about pending or contemplated litigation or settlement of same or, to consult with the attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter, in accordance with the Texas Open Meetings Act, Texas Government Code, Section 551.071.

REGULAR MEETING ITEMS

INVOCATION: Bryan Van Meter, Fire Department Chaplain

PROCLAMATIONS: "AECC Telecommunications Week"
"Linemen Appreciation Month"

1. **MINUTES:**
Approval of the City Council minutes of the regular meeting held on April 5, 2016.
2. **ORDINANCE NO. 7596:**
This is the second and final reading of an ordinance amending the Amarillo Municipal Code, Chapter 10-3, Article IV, Section 10-3-45, prohibiting camping on municipal facilities and publicly owned property.
3. **ORDINANCE NO. 7597:**
This is the second and final reading of an ordinance rezoning Lots 7-18, Block 2, Mrs. M.D. Oliver-Eagle's subdivision of Block 228, Plemons Addition, in Section 170, Block 2, AB&M Survey, Potter County, Texas, to change from Planned Development District 111B to Planned Development 111C for additional storage in the vicinity of Taylor Street and Southeast 17th Avenue.

4. **ORDINANCE NO. 7598:**

This is the second and final reading of an ordinance rezoning of Lot 3A, Block 74, Ridgecrest Unit No. 57, and Lot 4A, Block 74, Ridgecrest Unit No. 55, all in Section 7, Block 9, BS&F Survey, Randall County, Texas, to change from General Retail District to Planned Development District for an office and storage warehouse in the vicinity of Teckla Boulevard and Ridgecrest Circle.

5. **RESOLUTION – TIGER GRANT FUNDING:**

This resolution authorizes and approves application for the 2016 U.S. Department of Transportation's Transportation Investment Generating Economic Recovery (TIGER) program for the purposes of securing funding assistance in the development of complete streets on Polk Street, 6th Street and other streets in the vicinity of downtown and pledging the minimum 20% local funding match.

6. **RESOLUTION – AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2016 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.

7. **PRESENTATION – ANIMAL MANAGEMENT & WELFARE:**

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

8. **APPOINTMENTS – BOARDS AND COMMISSIONS:**

Appointments are needed for the following boards:

Council Subcommittee on Economic Development Incentive Policies and Guidelines (two Council member positions)

Council Committee to serve as an Council Audit Committee (two Council member positions)

9. **CONSENT AGENDA:**

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

- A. **Award – Base Bid, and Alternate No. 1 to West Texas Utility Contractors:**
Scope: Hangar 4 building at the Rick Husband Amarillo International Airport
- | | |
|------------------------|--|
| Base Bid: | \$58,671.00 (lift station replacement) |
| Alternate No. 1: | <u>\$17,240.00</u> (oil/water separator replacement) |
| Total Contract amount: | \$75,911.00 |

This item is award of base bid and alternate no. 1 for the replacement of the Hangar 4 (maintenance hangar/ARFF Station) lift station (base bid) and oil water separator (oil/water separator). The current equipment is original to the airport, built by the Air Force in the late 1950's and it has surpassed the expected useful life.

B. Approval – Change Order Five (5) – Job #521928: Pipebursting in Various Areas of Amarillo:

Original Contract	\$ 939,314.00
Previous Change Orders:	\$ 19,265.00
Current Change Order:	\$ <u>58,204.00</u>
Total Change Orders:	\$ 77,469.00
Revised Contract:	\$1,016,783.00

This item approves Change Order No. 5 to the contract with Amarillo Utility Contractors for additional work required.

C. Approval – Event Support Contract for the 2016 Adequan Select World Championship Show:

This item awards the Event Support Contract as required for the City's participation with the State of Texas Comptroller of Public Accounts Special Event Trust Funds. The City of Amarillo participates with the Amarillo Chamber of Commerce, the Amarillo-Potter Event Venue District and the American Quarter Horse Association in the program.

PUBLIC FORUM

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

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

MISCELLANEOUS

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

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

Posted this 8th day of April 2016.

Amarillo City Council meetings stream live on Cable Channel 95 and are available online at:
www.amarillo.gov/granicus
Archived meetings are also available.



STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

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

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

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

TERRY CHILDERS	INTERIM CITY MANAGER
MICK MCKAMIE	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
FRANCES HIBBS	CITY SECRETARY

The invocation was given by Pastor Anthony Harris, St. John Baptist Church. Mayor Harpole led the audience in the Pledge of Allegiance.

A proclamation was presented for Sexual Assault Awareness Month.

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

ITEM 1: Mayor Harpole presented the minutes for March 29, 2016. Motion was made by Councilmember Burkett to approve the minutes as amended; motion was seconded by Councilmember Nair, and unanimously carried to approve the minutes.

ITEM 2: Mayor Harpole presented an ordinance amending the Amarillo Municipal Code, Chapter 10-3, Article IV, Section 10-3-45 prohibiting camping on municipal facilities and publicly owned property. Mr. McKamie stated a change was recommended by the ad hoc subcommittee to add a new definition for camping. Mayor Harpole stated the ordinance does not suppress the homeless but deals with the legal issues. Councilmember Nair stated the need to look into why people do not use the shelters. Councilmember Demerson stated Council had previously received information that the homeless were charged a \$10 per night fee. Mr. Allen has research this issue and has reported that any person is allowed to stay for 30 consecutive days without costs. They may be assessed \$10 per night after 30-days with some exceptions such as families. Motion was made by Councilmember Nair, seconded by Councilmember Eades, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7596

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-3, ARTICLE IV, SECTION 10-3-45 PROHIBITING CAMPING ON MUNICIPAL FACILITIES AND PUBLICLY OWNED PROPERTY AND PROVIDING AFFIRMATIVE DEFENSES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

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

ITEM 3: Mayor Harpole presented an ordinance rezoning Lots 7-18, Block 2, Mrs. M.D. Oliver-Eagle's subdivision of Block 228, Plemons Addition, in Section 170, Block 2, AB&M Survey, Potter County, Texas, to change from Planned Development District 111B to Planned Development 111C for additional storage in the vicinity of Taylor Street and Southeast 17th Avenue. This item is recommended for approved by a 7:0 vote of

the Planning and Zoning Commission. Mr. Shaw stated this request is for expansion of an existing storage which does allow for office and storage areas. Motion was made by Councilmember Burkett, seconded by Councilmember Demerson, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7597

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF SOUTHEAST 17TH AVENUE AND TAYLOR STREET, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 4: Mayor Harpole presented an ordinance rezoning of Lot 3A, Block 74, Ridgecrest Unit No. 57, and Lot 4A, Block 74, Ridgecrest Unit No. 55, all in Section 7, Block 9, BS&F Survey, Randall County, Texas, to change from General Retail District to Planned Development District for an office and storage warehouse in the vicinity of Teckla Boulevard and Ridgecrest Circle. This item was recommended for approval by a 7:0 vote of the Planning and Zoning Commission. Motion was made by Councilmember Eades, seconded by Councilmember Demerson, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7598

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR SPECIFIED CHANGES IN THE OFFICIAL ZONING OF THE CITY OF AMARILLO, TEXAS; PROVIDING FOR CHANGE OF USE DISTRICT CLASSIFICATION OF SPECIFIED PROPERTY IN THE VICINITY OF TECKLA BOULEVARD AND RIDGECREST CIRCLE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 5: Mr. Childers stated the owner of the property at 827 North Apache Street had signed a voluntary release. This item was stricken from the agenda.

ITEM 6: Mayor Harpole presented a resolution adopting and creating a Council Subcommittee on Economic Development Incentive Policies and Guidelines and the appointment of Councilmembers to the Subcommittee. Mr. Childers stated last week Council discussed the development of a subcommittee for Economic Development Incentives Policies and Guidelines and the need to appoint a committee to work with staff to develop those policies and guidelines. Mr. Childers further stated the committee would consider the adoption and levels of incentives, etc. Their work product will be brought back to the entire Council and to the community. Mayor Harpole stated this does not interfere with anything the AEDC is doing. Mr. Childers replied they would work on how to increase sales and property taxes. Councilmember Eades stated the public will be able to attend these meetings. Mr. Childers stated this committee will not be tied to agenda postings. They will tackle issues, bring in partners, and recommend a formal community engagement. Councilmember Eades asked that nominations to the committee be made next week. Motion was made by Councilmember Nair to adopt and create a Council Subcommittee on Economic Development Incentive Policies and Guidelines, seconded by Councilmember Burkett, that the following captioned resolution be passed:

RESOLUTION NO. 04-05-16-1

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS ESTABLISHING A SUBCOMMITTEE TO SERVE AS ADVISORY COMMITTEE TO THE CITY COUNCIL AND TO WORK WITH CITY STAFF, PARTNERS AND STAKEHOLDERS IN THE DEVELOPMENT OF DRAFT ECONOMIC DEVELOPMENT POLICIES AND GUIDELINES.

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

ITEM 7: Mayor Harpole presented a resolution which creates a Council Committee to serve as an audit advisory committee to provide and receive information from the City's independent auditor and assist in the oversight of the City's financing reporting. Mr. Childers stated two members of the Council would be appointed permanently to the audit advisory committee for the purpose of working with the financial director and the external auditor. The committee would review audit reports and assist in the selection of an external auditor. Councilmember Eades asked that nominations to the committee be made next week. Allen Finegold, 2601 North Grand Street, stated AEDC and the City should have a list or a portfolio of properties owned by the City and AEDC. Robert Goodrich, 4111 Stony Point, inquired if private citizens could serve on either committee. Mr. Childers stated the Council would work to develop policies, report back to the full Council and then engage the community in a public meeting for public comments. Motion was made by Councilmember Burkett to create a Council Committee to serve as an audit advisory committee, seconded by Councilmember Eades, that the following captioned resolution be passed:

RESOLUTION NO. 04-05-16-2
A RESOLUTION OF THE CITY OF AMARILLO, TEXAS CREATING AN
AUDIT COMMITTEE AS AN ADVISORY COMMITTEE TO THE CITY
COUNCIL REGARDING FINANCIAL INFORMATION, FINANCIAL
REPORTS AND COMMUNICATIONS WITH THE CITY'S INDEPENDENT
AUDITORS.

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

ITEM 8: Mayor Harpole advised that appointments are needed for a certain board. Motion was made by Councilmember Burkett to nominate Brian Heinrick and Craig Gultiere to replace Roy Bara and John Kritser on the Amarillo Economic Development Corporation; motion was also made by Councilmember Eades to nominate Jody Holland and Laura Street to replace Roy Bara and John Kritser on the Amarillo Economic Development Corporation. The first motion was seconded by Councilmember Nair; the second motion was seconded by Mayor Harpole. Councilmember Nair inquired if interviewing candidates for boards was a new thing. Councilmember Burkett called the question. Councilmember Demerson inquired as to the point of order. Mr. McKarnie stated the motions would be voted on in the order they were presented. Councilmember Burkett called the question. Councilmember Eades stated this Board appointment was an important decision. Mayor Harpole stated interviews were not a new process and many potential candidates have expressed an interest. Councilmember Nair stated there are procedures that need to be changed but only after the current process is completed. Councilmember Demerson called the question. Mayor Harpole stated he would like to hear more comments from the Council and allow for public comments. Councilmember Burkett called the question; Councilmember Nair seconded the call on the question. Councilmember Burkett repeated his motion to nominate Brian Heinrick and Craig Gultiere to replace Roy Bara and John Kritser on the Amarillo Economic Development Corporation, such terms to expire March 31, 2019.

Voting AYE were Councilmembers Demerson, Burkett and Nair; Voting NO were Mayor Harpole and Councilmember Eades; the motion carried by a 3:2 vote of the Council.

ITEM 9: Bob Cowell, Deputy City Manager, provided a presentation regarding the application for the 2016 U.S. Department of Transportation's Transportation Investment Generating Economic Recovery (TIGER) program for the purposes of securing funding assistance in the development of complete streets on Polk Street, 6th Avenue and other streets in the vicinity of downtown.

Councilmember Demerson inquired if the \$1.3 million set aside last year was still available. Mr. Cowell stated that money has been reallocated to the North Branch YMCA. Mr. Cowell replied that a resolution will be brought back to the Council at a future date that will allow reapplication of the TIGER grant. Allen Finegold, 2601 North Grand Street, stated last year he suggested something else be done such as creation of mini-malls along Polk Street. He further stated that the pathways should be put on 7th

Avenue instead of 6th Avenue. Andrew Holley, 4302 West 51st Avenue, inquired if research had been done about reducing the traffic on 6th Avenue. He felt the TIGER grant may not have been approved because it did not meet the standards because it would impinged transportation. Councilmember Nair asked if the traffic study was completed. Mr. Cowell stated it was and the study indicated that removal of lanes could still accommodate the traffic. Robert Goodrich, 4111 Stony Point, stated he suggested last year that the focus be exclusively on Polk Street from 11th Avenue to Amarillo Boulevard. James Schenek, 6216 Gainsborough Street, suggested a different perspective. He stated the grants were plaguing every step in government and the City needed to redo the streets within its own budget. Trina Fournier, 4427 South Hayden Street, inquired as to how much the property tax would need to be increased to pay for this program.

Mr. Childers stated Council had passed over Work Session A(3) and with Council's permission Ms. Bonner would present one of five presentations in preparation of the City's budget. Michelle Bonner, Assistant City Manager, gave a presentation on Budget Preparation Workshop on Total Debt.

ITEM 10: Mayor Harpole presented the consent agenda and asked if any item should be removed for discussion or separate consideration. There were none. Councilmember Nair asked for clarification of Item 10I. Mr. Shaw stated it was a business sign near a right-of-way attached to the ground. Motion was made by Councilmember Nair to approve the consent agenda, seconded by Councilmember Eades.

A. Award – Ballistic Vests for Amarillo Police Department:
Nardis, Inc. -- \$80,940.00

This award is to approve a purchase of ballistic vests for the City of Amarillo Police Department.

B. Award – City of Amarillo Police Department Study:
KRW Associates -- \$77,000.00

This item is to award a professional services contract for the completion of an organizational assessment of the Amarillo Police Department and delivery of a Comprehensive Review and Action Plan for the City of Amarillo.

C. Award – Janitorial Supplies Annual Contract:

Olmsted Kirk Paper Co.	\$7,217.76
Affiliated Foods	\$20,298.60
AFP Industries, Inc.	\$2,674.20
Pyramid School Products	\$117.60
OfficeWise	\$2,066.40
Sam Tell and Son, Inc.	\$4,284.20
Wagner Supply	\$2,472.84
LD Supply	\$11,784.00
Total	\$50,915.60

This award is to approve an annual contract for the purchase of janitorial supplies for the City of Amarillo.

D. Award – Advertising Annual Contract:
Amarillo Globe News -- \$119,433.52

This award is to approve an annual contract for the purchase of advertising requirements for the City of Amarillo.

E. Approval - Summer Food Service Program Application:

This item approves the application to the 2016 Texas Department of Agriculture (TDA) Summer Lunch Application and Amarillo Independent School Contract for Summer Food Service. This program provides free meals to children at 53 sites in low-income neighborhoods from June 1 through August 12, 2016 and is administered by the Community Development Department. The program locations include 17 park sites, 34 school sites, and 2 community centers. AISD will prepare and deliver

meals to each site which is staffed and supervised by the Parks and Recreation Department, school district staff, or agency staff. Approximately 138,875 lunches and 105,975 snacks will be served.

F. Approval – Memorandum of Agreement (MOA) with the Federal Aviation Administration (FAA):

Lease Agreement: Rick Husband Amarillo International Airport

Lessee: Federal Aviation Administration (FAA) Number: DTFACN-16-L-0029

Term: 20 years (October 1, 2016 – September 30, 2036)

This item approves memorandum of agreement with the Federal Aviation Administration (FAA). This MOA identifies tracts of land for the operation of the FAA's Air Traffic Control Tower, as well as the Radar (RTR) site, with cable easements between both sites.

G. Approval – Agreement to Contribute Right of Way Funds (Fixed Price):

State of Texas -Texas Department of Transportation -- \$1,694,544.00

This item approves Agreement to Contribute Right of Way Funds (Fixed Price). The state has deemed it necessary to make certain highway improvements on SL 335 from FM 2590 to Bell Street.

H. Approval – City of Amarillo Investment Policy:

This item is the approval of the City of Amarillo 2016 Investment Policy.

I. Approval – License and Hold Harmless Agreement:

License and Hold Harmless Agreement for the installation of a monument in an existing public utility easement located within Lot 5, Block 1, Security Park Unit No. 1, in Section 27, Block 9, BS&F Survey, Potter County.

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

Mayor Harpole announced that this is the end of the regular agenda, but this time is reserved to hear from any citizen concerning matters pertaining to City policies, programs or services not on today's agenda. The public forum is set under the Open Meetings Act and that during the public forum the City Council can respond with a statement of fact, a statement of City policy or decide whether to place an item on a future agenda. Robert Goodrich, 4111 Stony Point, suggested the City appoint a parliamentarian. James Schenek, 6216 Gainsborough Street, stated the need for the golf fees to assist with course maintenance. Carolyn Thornton, 4101 Southwest 45th Avenue, stated that law enforcement should be given any needed equipment. She also inquired how she could get the names on board appointments. There were no further comments.

Mayor Harpole advised that the meeting was adjourned.

ATTEST:

Frances Hibbs, City Secretary

Paul Harpole, Mayor

Amarillo City Council Agenda Transmittal Memo



2

Meeting Date	4/5/16	Council Priority	Community Counts
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Department	Community Development Legal
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Agenda Caption

Ordinance – Amending the Amarillo Municipal Code, Chapter 10-3, Article IV, Section 10-3-45 prohibiting camping on municipal facilities and publicly owned property and providing affirmative defenses; providing for severability; providing a repealer clause; providing a penalty; providing for publication and effective date.

Agenda Item Summary

This ordinance amends the “Camping Ordinance” to:

- *provide more specific definitions of terms;
- * remove references to ‘sleep at a place’ (to meet recommendation by the Ad Hoc Subcommittee);
- *remove references to equipment that may be used in Camping;
- * create an affirmative defense to citation for violation if there exists inadequate shelter space at the time (to meet the Ad Hoc Subcommittee’s recommendation regarding impact to Continuum of Care based on HUD’s goals).
- * more clearly express the intent of the legislation.

[Here are the recommendations of the Ad Hoc Subcommittee:

1. Consider the need for temporary shelters if others are full.
2. Council should consider the potential future impacts to Continuum of Care funding based on HUD’s goals to decriminalize homelessness.
3. Consider amending Section 10-3-45 of Ordinance 7333 to clarify the definition of “sleep at a place” not meant for human habitation.]

Since the last meeting, the Ordinance has been further revised to provide that camping on public property is not allowed unless permission has been given by the entity that controls the premises.

Requested Action

Consideration of the amendments to the Camping Ordinance, including some in response to recommendations of the Ad Hoc Subcommittee.

Funding Summary

N/A

Community Engagement Summary

This issue was discussed in depth at meetings of the Ad Hoc Subcommittee.

City Manager Recommendation

This item is recommended for approval by the City Manager

ORDINANCE NO. 7596

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 10-3, ARTICLE IV, SECTION 10-3-45 PROHIBITING CAMPING ON MUNICIPAL FACILITIES AND PUBLICLY OWNED PROPERTY AND PROVIDING AFFIRMATIVE DEFENSES; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, buildings, structures, and their accessory grounds, lawns, plazas, porches, and parking lots owned by the City of Amarillo, (hereinafter “municipal facilities”) or other governmental entities (“public property”) exist for the sole purpose of conducting the business of and operations of local government; and,

WHEREAS, citizens, public employees, vendors, contractors, and others must be assured of free ingress and egress to municipal facilities and other public property for the intended purposes of those facilities and properties; and,

WHEREAS, the experience of other U.S. cities is instructive, indicating that camping at, in, or on a municipal facility or other public property has negative secondary effects: obstruction of the public purposes of such facilities; poses a health and sanitation risk; creates a security issue; creates a noise, sight, and smell nuisance; and is intimidating to other persons desiring to peaceably enter that municipal facility or public property for its intended purposes, to-wit: to carry on business with the government—all being against and counter to the public purpose intended for each municipal facility and public property; and,

WHEREAS, there are alternative venues available, both within and near the city of Amarillo which are specifically equipped (such as sanitation, safety, security, and other) for persons to camp overnight; and,

WHEREAS, the City of Amarillo and other governmental entities conduct public hearings, forums, and meetings in designated rooms at designated facilities, during which public speech and redress of grievances **not only allowed, but actively encouraged**, in the due course of government business; and,

WHEREAS, the City of Amarillo has **traditionally** allowed the use of the front steps of City Hall, lawn, and parking lot for expressive activity during daylight hours on days and in ways that do not interfere with the conduct of normal public business and operations of City Hall or other municipal facilities; and,

WHEREAS, there are alternative venues and means of communicating expressive messages both to the general public and government officials other than by camping on or in a municipal facility with the attendant negative secondary effects identified above; and,

WHEREAS, no person, group, topic, or viewpoint is entitled to any greater preference or deference in the use of municipal facilities than any other for demonstrations, pickets, or other similar activity; and,

WHEREAS, the City Council finds that the provisions of this ordinance are a reasonable time, place, and manner restriction that balances the First Amendment rights of citizens as well as the rights of non-expressing citizens and public employees to each be able to go about their intended business with the government at facilities that are provided for the conduct of public business; and,

WHEREAS, the City Council has heretofore created and appointed the Ad Hoc Advisory Subcommittee, Continuum of Care, and charged its members with reviewing Sec. 10-3-45 and making recommendations to the Council; and

WHEREAS, the Ad Hoc Advisory Subcommittee, Continuum of Care, has dutifully and diligently performed the charge given, and has made substantive, important recommendations to the City Council and the community;

WHEREAS, the City Council has determined thereas the following amendments are necessary and appropriate to protect the health, safety and welfare of the citizens of the City of Amarillo.

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

SECTION 1. The Amarillo Municipal Code, Chapter 10-3, Article IV Section 10-3-45 **be and hereby is amended** to read as follows:

Sec. 10-3-45. Camping on Municipal Facilities and Public Property.

(a) Definitions. The following term shall have the meaning shown.

(1) Camp or Camping means and includes to stay in, on, or at a Municipal Facility or upon Public Property between the hours of 12 midnight and 5:00 a.m., unless permission has been given by the entity that owns or controls such facility or property There is no required or minimum equipment or supplies necessary to constitute the act of camping..

(2) Municipal Facility shall mean and include, for purposes of this section, every structure, building, or land owned by the City of Amarillo for the purposes of conducting any business or operation of municipal government, and includes all accessory areas such as but not limited to porch, steps, ramps, grounds, walks, lawn, yard, plaza, parking lot. It includes but is not limited to City Hall, the Simms Building, libraries, police and fire stations, civic/convention center complex; fleet service center, water towers, water and sewage treatment plants. . For purposes of this section, the term does not include a park.

(3) Public property means such places as are described in (2) above, but which are owned or controlled by another governmental entity.

(4) “Available beds” means the available and specifically designated as sleeping quarters for persons who are homeless. The Amarillo Homeless Management Information System (AHMIS) Report shall establish the number of Available Beds for each reporting year. (5) “Shelter Space” is synonymous with Available Beds.

(6) “Unsheltered Person means an individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, including a car, park, abandoned building, bus or train station, airport, or camping ground.

(7) “Unsheltered Population” means the number of persons determined to be unsheltered in the City by the most recent annual Point-in-Time count required by the U.S. Department of Housing and Urban Development.

(b) Offense. It is hereby declared to be a class C misdemeanor offense for a person to Camp:

(1) in, upon, or at a Municipal Facility; (excluding designated areas provided for public employees or volunteers for their use within the scope of their duties); or

(2) in, upon, or at a public right-of-way including a sidewalk, street, alley, highway, culvert, or any other Public property.

(c) Abatement. Camping in, upon, or at a Municipal Facility or Public Property in violation of this section is a nuisance that may be abated by summary removal of tents, bedding, and other personal belongings and equipment.

(d) .Affirmative Defenses It is an affirmative defense that a person was Camping:

(1) by temporarily parking a recreational vehicle, bus, pick-up camper, travel trailer, or similar vehicle or trailer: (i) in a lawful manner, time, and place on a public street in accordance with applicable state law and City ordinance, or (ii) in a parking lot adjacent to the Amarillo Civic/Convention Center for the duration of an event at the Amarillo Civic/Convention Center Complex (including set up and take down for such an event), provided that such person: is a vendor, tenant, producer, cast, crew, or exhibitor for such an event; and who obtains a permit from the Director of the Civic/Convention Center Complex; and, complies with all applicable rules and rents established by the Director; or, (iii) in, on, or at such other location that is owned or under the control of another governmental entity, when and as may be permitted by that entity,

(2) in a public park if, when, and as such activity may be allowed by park rules and in strict compliance with the terms thereof.

(3) If a person is an Unsheltered Person and if sufficient Shelter Space is unavailable because there are inadequate Available Beds for the Unsheltered Population, as determined by the Annual Report of Available Beds.

(e) Annual Report of Available Beds. The Health and Human Services Director or designee shall prepare and maintain a complete listing of all service providers for Unsheltered Persons within the corporate limits of the City. Each service provider shall provide their total available beds and these shall be determined to be the total “available beds” as defined by this ordinance. The annual report shall be maintained in the official records of the City, and shall be available for public review.

The annual report may be revised by the Health and Human Services director or designee in the event a service provider materially changes the total available beds provided.

(f) Intent.

(1) This ordinance is not intended to deny or to unduly restrict any person's temporary use of a public sidewalk or other traditional public forum for demonstrations, pickets, marches, and other lawful expressive activity, provided that such person does not Camp in violation of this section, obstruct passage to other persons or vehicles, or otherwise violate applicable state law or city ordinance.

(2) This ordinance is not intended to deem the status of involuntary homelessness (whether temporary or permanent) as a violation of this or any other City ordinance, but to make the prohibited acts defined in this ordinance subject to reasonable and prudent enforcement to protect the public, health, safety and welfare

(3) Nothing herein shall be deemed to authorize or allow a person or persons to camp, stand, sit, or lie in or upon a Municipal Facility, or Public Property, or a public right-of-way in such a way as to interfere with the use or operation of such Municipal Facility or Public Property or public right of way for the intended purposes and to carry on public business, and for the benefit of the public desiring to peaceably enter a Municipal Facility or Public Property for its intended purposes.

Sec. 10-3-45 10-3-46 to 10-3-60. Reserved

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

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

SECTION 4. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this code of ordinances.

SECTION 5. 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 5th day of April, 2016; and PASSED on Second and Final Reading the 12th day of April, 2016.

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	4/5/2016	Council Priority	Community Appearance
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Department	Planning Department
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Agenda Caption

ORDINANCE NO. _____:

An ordinance rezoning Lots 7-18, Block 2, Mrs. M.D. Oliver Eakle's subdivision of Block 228 Plemons Addition, in Section 170, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from Planned Development District 111B to Planned Development 111C for additional storage, in the vicinity of Taylor St & SE 17TH Ave. This item was recommended for approval by a 7:0 vote of the Planning and Zoning Commission

Agenda Item Summary

Planned Development 111 was approved in 1979 for office and storage use. In 1992, Planned Development 111A was approved for additional fencing and a temporary construction storage yard for two years. In August 2010, PD 111B was approved to allow additional structure on the lot. The applicant is now requesting an amendment to the planned development zoning in order to add additional storage on the property.

The proposed 2100 sqft is an addition to an existing storage facility. Staff believes that the planting of trees, the current screening of an 8' wood fence, and the placement of the proposed building being 30ft from the north property line will provide an acceptable visual and physical buffer that will effectively screen the proposed storage buildings. Additionally, with keeping the access and customer parking to the "non-residential" side of the site and considering no outdoor storage will be allowed, staff believes that there will no additional impacts on the residential area.

Requested Action

The applicant is requesting an amendment to the planned development zoning in order to add additional storage on the property.

Funding Summary

N/A

Community Engagement Summary

The item was distributed to all applicable internal and external entities. No objections were received. Notices were sent out to property owners within 200 feet regarding the proposed rezoning. At the time of this writing, the Planning Department has received 3 calls, all with no opposition to this rezoning.

Amarillo City Council

Agenda Transmittal Memo



The item was recommended for approval by the Planning and Zoning Commission at its Public Meeting of March 28, 2016.

City Manager Recommendation

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

ORDINANCE NO. 7597

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 SE 17th AVE & TAYLOR ST, POTTER COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

Rezoning of Lots 7-18, Block 2, Mrs. M.D. Oliver Eakle's subdivision of Block 228 Plemons Addition, in Section 170, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from Planned Development District 111B to Planned Development 111C for additional storage.

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

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

SECTION 4. This ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the ____ day of April, 2016 and PASSED on Second and Final Reading on this the _____ day of April, 2016.

Paul Harpole, Mayor

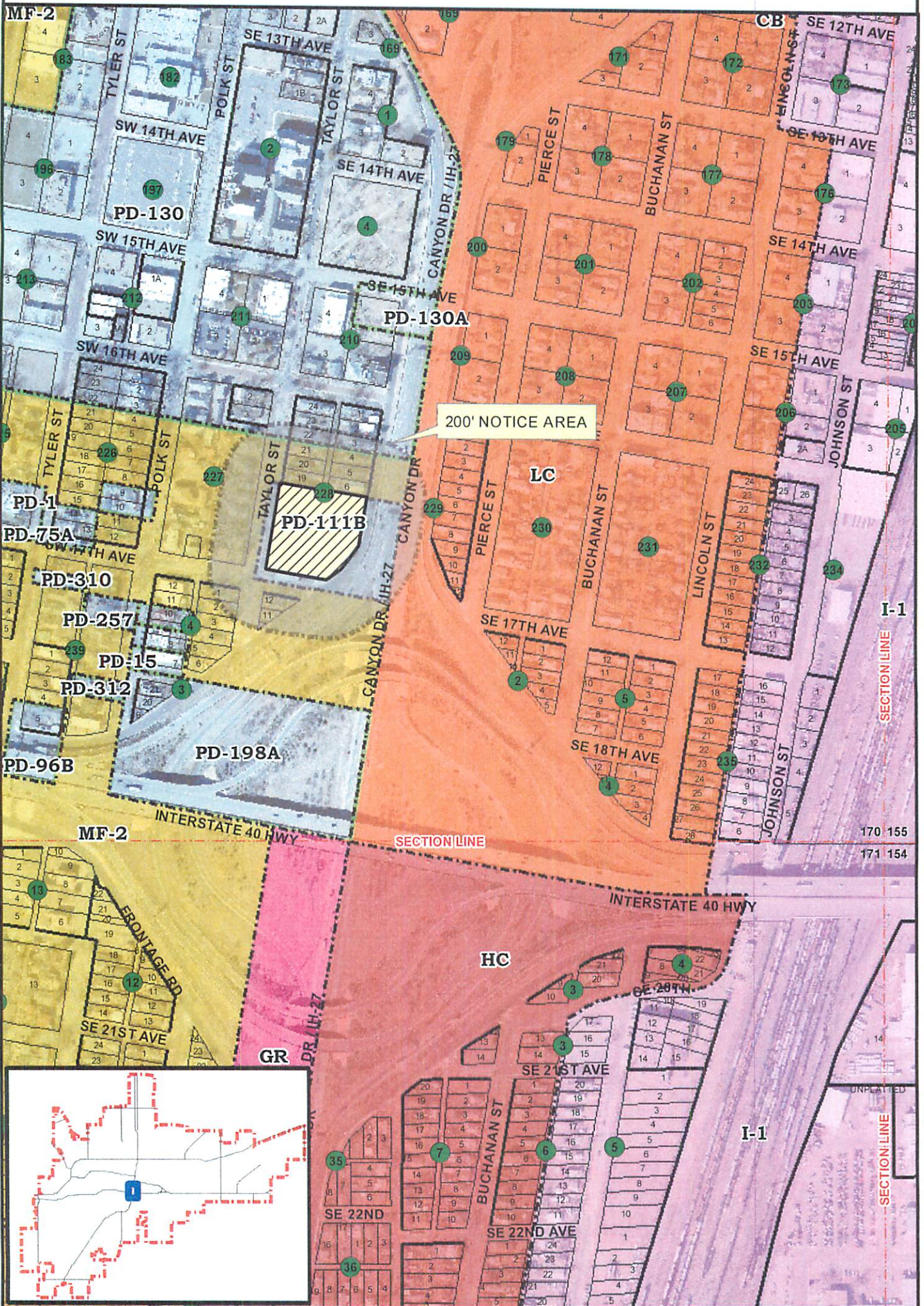
ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

REZONING FROM PD TO AMD PD



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1" = 400'
Date: 2-18-16
Case No: Z-16-06



Z-16-06 Rezoning of lots 7-18, Block 2, Mrs M.D. Oliver Eakle's subdivision of Block 228 Plemons Addition, in Section 170, Block 2, AB&M Survey, Potter County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from Planned Development District 111B to amended planned development for additional storage.

Developer : Glen Ashton

Vicinity : Taylor St. & SE 17TH Ave.

AP: N-12

Amarillo City Council Agenda Transmittal Memo



4



Meeting Date	4/5/2016	Council Priority	Community Appearance
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Department	Planning Department
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Agenda Caption

ORDINANCE NO. _____ :

An ordinance rezoning of Lot 3A, Block 74, Ridgecrest Unit No. 57, and Lot 4A, Block 74, Ridgecrest Unit No. 55, all in Section 7, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from General Retail District to planned development district for an office and storage warehouse, in the vicinity of Teckla Blvd & Ridgecrest Circle. This item was recommended for approval by a 7:0 vote of the Planning and Zoning Commission

Agenda Item Summary

The applicant is requesting planned development zoning in order to develop the land with office and mini-storage warehouses. Mini-storage warehouses are typically located in a Light Commercial District. With the existing mini-storage and office to the east, coupled with the site being in close proximity to the heavily traveled section line arterials of S.W. 45th Ave. and Western St., staff believes this site is appropriate for such a use. However, with an apartment complex located to the south, measures must be taken that will ensure the proposed use will not create any additional adverse effects than typically allowed in the current zoning district (General Retail).

Staff believes that by utilizing planned development zoning as a tool, appropriate measures can be taken that will minimize any adverse effects to the apartments south of this site. Measures indicated on the submitted site plan consist of screening along the rear and southern-half of the site, control of hours of operation, and increased landscaping. It should be noted that there is an existing alley along and adjacent to the south of this site, which will further separate the two land uses.

Requested Action

The applicant is requesting planned development zoning in order to develop the land with office and mini-storage warehouses.

Funding Summary

N/A

Community Engagement Summary

The item was distributed to all applicable internal and external entities. No objections were received.

Amarillo City Council

Agenda Transmittal Memo



Notices were sent out to property owners within 200 feet regarding the proposed rezoning. At the time of this writing, the Planning Department has received no negative comments regarding this request.

The item was recommended for approval by the Planning and Zoning Commission at its Public Meeting of March 28, 2016.

City Manager Recommendation

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

ORDINANCE NO. 7598

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 TECKLA BLVD & RIDGECREST CIRCLE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

Rezoning of Lot 3A, Block 74, Ridgecrest Unit No. 57, and Lot 4A, Block 74, Ridgecrest Unit No. 55, all in Section 7, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from General Retail District to Planned Development District 382 for an office and storage warehouse.

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

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

SECTION 4. This ordinance shall become effective from and after its date of final passage.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this the ____ day of April, 2016 and PASSED on Second and Final Reading on this the _____ day of April, 2016.

Paul Harpole, Mayor

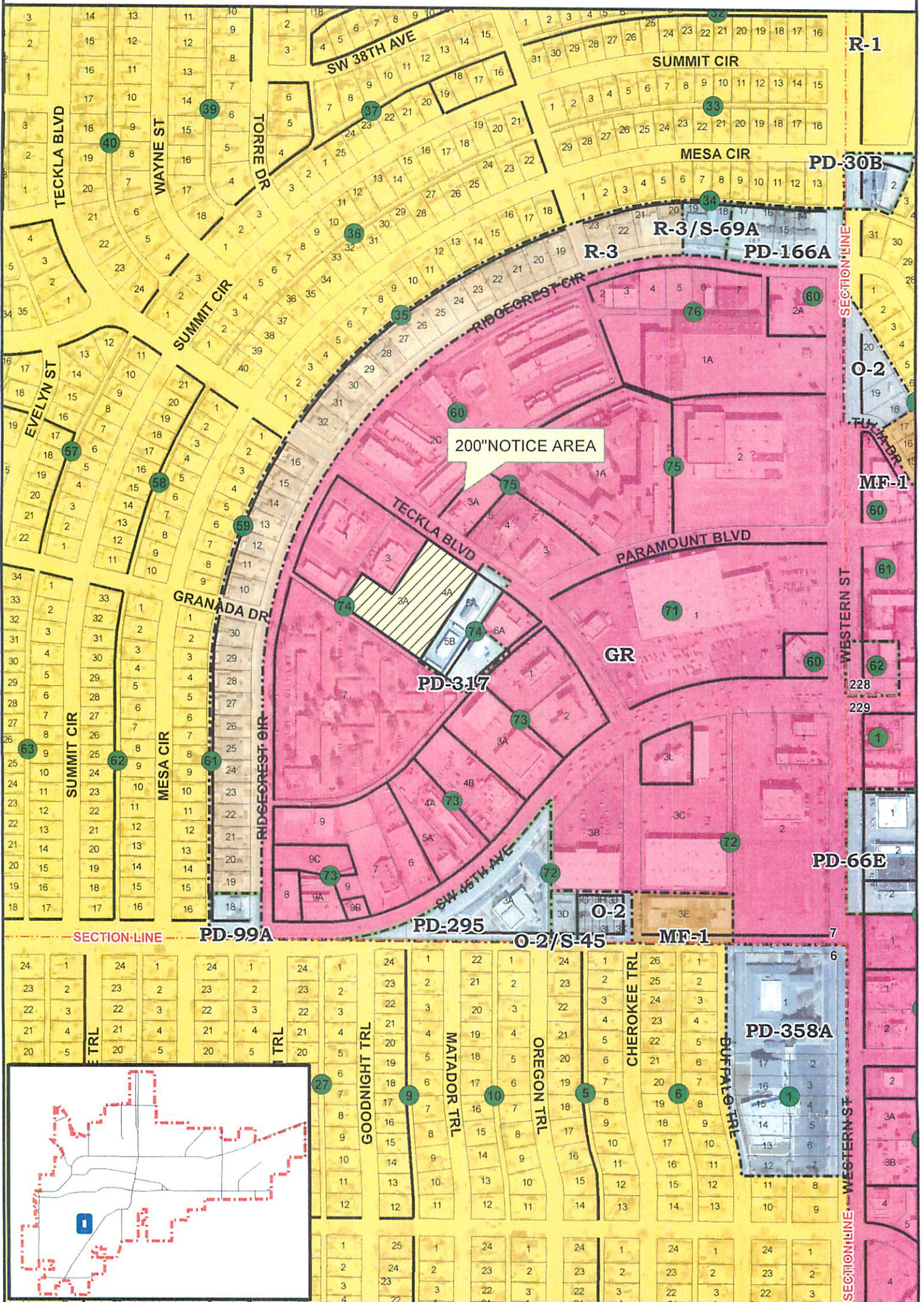
ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William M. McKamie, City Attorney

REZONING FROM GR TO PD



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1" = 400'
 Date: 2-19-16
 Case No: Z-16-09



Z-16-09 Rezoning of lot 3A, Block 74, Ridgecrest Unit No. 57, and lot 4A, Block 74, Ridgecrest Unit No.55, all in Section 7, Block 9, BS&F Survey, Randall County, Texas, plus one-half of all bounding streets, alleys and public ways, to change from General Retail District to planned development district for an office and storage warehouses.

Applicant: Chris Mahan
 Vicinity: Teckla Blvd & Ridgecrest Circle

Amarillo City Council Agenda Transmittal Memo



5

Meeting Date	April 12, 2016	Council Priority	Downtown Development and Long-term Plan for Infrastructure
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Department	City Manager's Office
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Agenda Caption

Resolution: This Resolution authorizes and approves application for the 2016 U.S. Department of Transportation's Transportation Investment Generating Economic Recovery (TIGER) program for the purposes of securing funding assistance in the development of complete streets on Polk Street, 6th Street and other streets in the vicinity of downtown and pledging the minimum 20% local funding match.

Agenda Item Summary

This item is for approval of the Resolution authorizing application for the 2016 TIGER program and discussion of the City's interest in seeking application for funding assistance through the program. The call for projects was issued by the US DOT on March 8th with applications due by April 29th. The Federal appropriation was for \$500 Million to be awarded by 2019 for expenditures by 2024. The proposed City project remains the same as the previous request – that is a \$17.5 Million Downtown Complete Streets Project. With approval the staff will complete and file the application including the conceptual plans previously prepared for the application.

Requested Action

Staff is seeking authorization to proceed with the application for funding through the program.

Funding Summary

Total Project Cost Estimates - \$17.5 Million with \$14 Million Federal and \$3.5 Million Local Match

Community Engagement Summary

Community engagement including meetings with property owners, public hearings, and community meetings were conducted with the previous application. Should the City be successful in its application further engagement would be necessary as the final design is developed.

Staff Recommendation

Staff recommends the Council approve the Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS; AUTHORIZING AND APPROVING THE SUBMISSION OF A TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) DISCRETIONARY GRANT APPLICATION TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION AND PLEDGING THE MINIMUM 20% LOCAL FUNDING MATCH; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SAVINGS CLAUSE.

WHEREAS, the City of Amarillo is applying to receive approval of \$14,113,937 in funding from the U.S. D.O.T TIGER Discretionary Grant program designated for use to complete improvements as described in the Downtown Amarillo Complete Streets Initiative, Polk Street and Sixth Avenue Enhancements Project (the Project); and

WHEREAS, the proposed improvements are consistent with the goals outlined in the 2008 Amarillo Downtown Strategic Action Plan by improving the pedestrian environment and downtown infrastructure, thereby attracting retail, office and residential development.

WHEREAS, the proposed improvements will promote multi-modal transportation within the downtown area by providing better accessibility and connectivity to business and employment centers in other areas of Amarillo; and

WHEREAS, the proposed improvements will promote economic benefits by stimulating pedestrian and commercial activity along Project corridors; and

WHEREAS, the Project will provide necessary infrastructure to support the design goals of the Downtown Amarillo Urban Design Overlay zoning district, specifically those zoning requirements addressing pedestrian-oriented development; and

WHEREAS, the City of Amarillo, desires to improve and elevate its overall transportation system by creating safe and efficient pedestrian and bicycle transportation facilities that are consistent with the goals and objectives of the Amarillo Comprehensive Plan and the Amarillo Hike and Bike Master Plan; and

WHEREAS, Public meetings have taken place to discuss existing conditions and opportunities related to the Project; and

WHEREAS, the City Council of the City of Amarillo has committed \$3,528,484 to be used for the required 20% local matching funds for the project,

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

SECTION 1: the City of Amarillo desires to be the Project Sponsor and nominating entity and supports funding this project as described in the TIGER Discretionary Grant 2015 Application Form (including the department's 15% administrative costs) and is willing to commit to the Project's development, implementation, maintenance, management, and financing. The City of Amarillo is willing and able to enter into an agreement by resolution or ordinance should the project receive TIGER funding.

SECTION 2: That the submittal of the TIGER Discretionary Grant Project application is hereby approved and authorized by the City of Amarillo.

SECTION 3: That the City Manager be and is hereby authorized to execute and file the application with the United States Department of Transportation, including all understandings and assurances contained therein, and the City Manager as the City of Amarillo's chief administrative officer is hereby directed and designated to act as the authorized representative of the City in connection with said application, to execute all necessary documents, funding agreements and to provide such additional information as may be required to effectuate said application.

SECTION 4: This resolution shall become effective from and after its date of final passage.

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

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

Amarillo City Council Agenda Transmittal Memo



6

Meeting Date	April 12, 2016	Council Priority	
Department	Finance		

Agenda Caption

RESOLUTION – AUTHORIZING THE CITY TO SEEK AND DISTRIBUTE STATE FUNDS FOR THE 2016 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.

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 2016 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 February 11, 2016 meeting.

Staff Recommendation

Staff recommendation is to approve the resolution for the Adequan Event so that 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 2016 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 Amarillo 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.

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

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

Amarillo City Council Agenda Transmittal Memo



7

Meeting Date	April 12, 2016	Council Priority	Community Appearance
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Department	Animal Management & Welfare
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Agenda Caption

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

Agenda Item Summary

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

These proposed changes have received Community Engagement Support Letters from the Amarillo BI-CITY-COUNTY HEALTH DISTRICT BOARD and the Amarillo-Panhandle Humane Society Board of Directors.

Requested Action

To seek comments and guidance on recommended changes.

Funding Summary

N/A

Community Engagement Summary

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

Amarillo City Council Agenda Transmittal Memo



Community Engagement Summary

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

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

Staff Recommendation

Staff's recommendation is to take the proposed ordinance changes to a public hearing if the City Council desires or conduct a first reading.

ORDINANCE NO. _____

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

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

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

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

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

Sec. 8-2-1. - Definitions.

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

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

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

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

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

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

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

- (1) An unprovoked attack on a person, Domestic Animal or Livestock, causing serious bodily injury, by an Animal outside a secure enclosure in which the attacking Animal is kept;
- (2) An unprovoked act of aggression by an Animal outside a secure enclosure which causes a person to reasonably believe the Animal will attack and cause serious bodily injury to a human or to a Domestic Animal or Livestock:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sterilized: See, *Neutered*.

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

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

Sec. 8-2-4. - Fees.

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

[(5) – (8)] TEXT UNCHANGED

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

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

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

(a) *Inhumane treatment.*

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

(4) TEXT UNCHANGED

[(b)-(d)] TEXT UNCHANGED

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

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

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

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

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

[(a)-(f)] TEXT UNCHANGED

(g) Dangerous Animal Public Notification

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

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

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

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

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

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

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

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

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

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

(a) TEXT UNCHANGED

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

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

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

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

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

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

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

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

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

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

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

(a) TEXT UNCHANGED

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

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

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

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

(a) TEXT UNCHANGED

(b) Quarantining shall be at the following places:

(1) – (2) TEXT UNCHANGED

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

a. TEXT UNCHANGED

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

(c-d) TEXT UNCHANGED

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

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

(d) – (f) TEXT UNCHANGED.

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

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

(b) – (d) TEXT UNCHANGED

SECTION 14. Repealer. All ordinances, parts of ordinances resolutions and parts of resolutions in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 15. Continuation. That nothing in this ordinance shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or

causes of action acquired or existing, under any act or ordinance hereby repealed by this ordinance and such prior law is continued in effect for purposes of such pending matter.

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

SECTION 17. Publishing and Effective Date. This ordinance shall be published and become effective according to law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the _____ day of _____, 2016; and PASSED on Second and Final Reading the _____ day of _____, 2016.

Paul Harpole, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

William McKamie, City Attorney

DRAFT

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

February 1, 2016

Honorable Council Members:

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

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

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

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

Sincerely,



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

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



(806) 373-1716
aphs@amaonline.com

January 21, 2016

Animal Management & Welfare Board
Amarillo City Commission

To Whom It May Concern:

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

We appreciate your consideration in passing the proposed ordinances.

Sincerely,

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

Our Animals Depend on Your Contributions

Andrea Slater Gulley

February 4, 2016

To the Honorable Amarillo City Council Members:

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

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

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

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

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

Sincerely,



Andrea Slater Gulley

Chair, Animal Management & Welfare Advisory Board

Amarillo City Council Agenda Transmittal Memo



A

Meeting Date	04/12/2016	Council Priority	Critical Infrastructure
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Department	Aviation
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Agenda Caption

Award Bid No. 5357 – Base Bid, and Alternate No. 1 to West Texas Utility Contractors, Amarillo, Texas.
Scope: Hangar 4 building at the Rick Husband Amarillo International Airport
Base Bid: \$58,671.00 (lift station replacement)
Alternate No. 1: \$17,240.00 (oil/water separator replacement)
Total Contract amount: \$75,911.00

Agenda Item Summary

This item is award of base bid and alternate no. 1 for the replacement of the Hangar 4 (maintenance hangar/ARFF Station) lift station (base bid) and oil water separator (oil/water separator). The current equipment is original to the airport, built by the Air Force in the late 1950's and it has surpassed the expected useful life.

Requested Action

Award base bid and alternate one (1) for the total amount of \$75,911.00 to West Texas Utility Contractors, Amarillo, Texas.

Funding Summary

Airport CIP2013/2014 budget: Project No. 540123 = \$62,000

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends the award of bid no. 5357 base bid and alternate no. 1.

PURCHASING DEPARTMENT

BID EVALUATION AND RECOMMENDATION FORM

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

DATE April 1, 2016

Bid Recommendations properly completed and submitted **by the close of business on Wednesday** will be presented to the City Manager's office for consideration of placement on the **following Friday's City Council Agenda**. City Council consideration will occur the Tuesday following placement on the agenda.

BID ITEM Hangar 4 Lift Station Replacement BID NO. 5357

DEPARTMENT Department of Aviation

DEPARTMENT HEAD APPROVAL *[Signature]* DATE April 1, 2016

DIVISION DIRECTOR APPROVAL _____ DATE _____

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

1. ITEM USE; PROJECT DESCRIPTION:

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

Bid includes work, tools, equipment, machinery to complete a full replacement of the sanitary lift station and oil water separator at Hangar 4, Rick Husband Amarillo International Airport.

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

Replacement of current lift station motors, piping connections and sump pump including a new oil/water separator. The current equipment is original to the building when constructed for the Air Force.

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

N/A

2. BID EVALUATION; RECOMMENDATION:

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

West Texas Utility Contractors, Base Bid and Alternate 1: \$75,911.00

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

Yes

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

No Exceptions included length of time for project completion at 180 days. Bid documents included a 90 day construction project.

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

No

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

Unknown - the current equipment was installed by the Air Force in the late 1950's

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

N/A

3. **FUNDING SOURCE:**

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

540123.17400.1040

No state or federal funds will be used for this purchase.

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

Project account was budgeted for \$62,000

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

Bid price: \$62,000 for base bid, bid price: \$58,671.00
Alternate was added during design as current oil water separator was past its useful life and damaged.

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

10/1/2013 - this project was originally funded in the 2013/2014 CIP.



Amarillo City Council Agenda Transmittal Memo



Meeting Date	April 5, 2016	Council Priority	Infrastructure Initiative
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Department	Capital Projects and Development Engineering
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Agenda Caption

Approval - Change Order Five (5) – Job #521928: Pipebursting in Various Areas of Amarillo

Original Contract: \$939,314.00
 Previous Change Orders: \$19,265.00
 Current Change Order: \$58,204.00
 For a total of change orders \$77,469.00
 Revised Contract: \$1,016,783.00

This item approves Change Order No. 5 to the contract with Amarillo Utility Contractors for additional work required.

Agenda Item Summary

Change Order Five (5) will add pay items for repairs required at the intersection of Amarillo Boulevard and McMasters Street. Contractor will fill a void discovered during construction and replace an 8" main. A manhole will also be abandoned at the location.

Requested Action

Consider and approval of Change Order Five (5)

Funding Summary

Job # 521928 has a budget of \$1,020,000.00 with available funds for this change order.

Community Engagement Summary

Press Release concerning traffic control.

Staff Recommendation

City Staff is recommending approval of Change Order Five (5)

Bid No. 4832 Wastewater Collection Improvements: Pipe Bursting of Sanitary Sewer Mains in Chaparral Acres, Denver Heights & Other Miscellaneous Areas
Opened 4:00 p.m. March 30, 2016

To be awarded as one lot	Amarillo Utility Contractors	T Construction	Lewis Construction Co Inc	Utilitex Construction LLP
Line 1 Furnish and Install 6" HDPE SS Pipe by the Pipebursting Method, Complete, per specifications				
17,475 lf				
Unit Price	\$28.000	\$34.00	\$38.290	\$41.00
Extended Price	489,300.00	594,150.00	669,117.75	716,475.00
Line 2 Pipe Bursting of Existing 6" Sewer to 8" HDPE SS Pipe, Furnish & Install 8" HDPE SS Pipe, Complete, per specifications				
1,043 lf				
Unit Price	\$33.000	\$34.00	\$43.550	\$49.00
Extended Price	34,419.00	35,462.00	45,422.65	51,107.00
Line 3 Furnish and Install Four (4') Foot Diameter Fiberglass Manhole, Complete, per specifications				
22 each				
Unit Price	\$3,000.000	\$3,500.00	\$2,951.000	\$6,700.00
Extended Price	66,000.00	77,000.00	64,922.00	147,400.00
Line 4 Furnish and Install Four (4') Foot Diameter Extra Depth Manhole, Over 4' Depth, Complete, per specifications				
35 lf				
Unit Price	\$300.000	\$400.00	\$520.000	\$650.00
Extended Price	10,500.00	14,000.00	18,200.00	22,750.00
Line 5 Furnish and Install Asphalt Paving Cut and Repair, including 2" Asphaltic Concrete Top, 6" Concrete Cap, and 8" Flexible Base, Complete, per specifications				
392 sy				
Unit Price	\$75.000	\$90.00	\$200.000	\$95.00
Extended Price	29,400.00	35,280.00	78,400.00	37,240.00

To be awarded as one lot	Amarillo Utility Contractors	T Construction	Lewis Construction Co Inc	Utilitex Construction LLP
Line 6 Furnish and Install Asphalt Paving Cut and Repair per TxDOT Specifications, including 6" Asphaltic Concrete Top and 12" Flexible Base, Complete, per specifications				
33 sy				
Unit Price	\$100.000	\$96.00	\$224.500	\$85.00
Extended Price	3,300.00	3,168.00	7,408.50	2,805.00
Line 7 Furnish and Install EOL Cleanout,, Complete, per specifications				
4 each				
Unit Price	\$2,000.000	\$863.00	\$2,060.000	\$3,250.00
Extended Price	8,000.00	3,452.00	8,240.00	13,000.00
Line 8 Remove and Replace 6" concrete Flatwork, Complete, per specifications				
14 sy				
Unit Price	\$35.000	\$87.00	\$105.000	\$90.00
Extended Price	490.00	1,218.00	1,470.00	1,260.00
Line 9 Remove and Replace Concrete Curb and Gutter, Complete, per specifications				
75 lf				
Unit Price	\$23.000	\$30.00	\$52.000	\$30.00
Extended Price	1,725.00	2,250.00	3,900.00	2,250.00
Line 10 Remove & Replace Concrete Sidewalk, including Saw Cuts as necessary, Complete, per specifications				
28 sy				
Unit Price	\$35.000	\$63.00	\$71.500	\$70.00
Extended Price	980.00	1,764.00	2,002.00	1,960.00
Line 11 Furnish and Install Reopening of (4") Taps, Complete, per specifications				
471 ea				
Unit Price	\$580.000	\$463.00	\$397.500	\$675.00
Extended Price	273,180.00	218,073.00	187,222.50	317,925.00

To be awarded as one lot	Amarillo Utility Contractors	T Construction	Lewis Construction Co Inc	Utilitex Construction LLP
Line 12 Remove & Replace Standard Concrete Apron, including Saw Cuts as necessary, Complete, per specifications 28 sy				
Unit Price	\$35.000	\$74.00	\$97.500	\$80.00
Extended Price	980.00	2,072.00	2,730.00	2,240.00
Line 13 Furnish and Install Grass Sodding, Complete, per specifications 50 sy				
Unit Price	\$60.000	\$27.00	\$19.500	\$10.00
Extended Price	3,000.00	1,350.00	975.00	500.00
Line 14 Remove and Replace Fence, Complete, per specifications 50 lf				
Unit Price	\$40.000	\$33.00	\$39.000	\$30.00
Extended Price	2,000.00	1,650.00	1,950.00	1,500.00
Line 15 Furnish, Install and Maintain Traffic Safety and Control System Meeting or Exceeding the Texas Manual on Uniform Traffic Control Devices (COA 9.04), Complete, per specifications 1 ls				
Unit Price	\$15,000.000	\$5,000.00	\$26,000.000	\$8,000.00
Extended Price	15,000.00	5,000.00	26,000.00	8,000.00
Line 16 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	\$150.000	\$1,260.00	\$1,500.000	\$9,500.00
Extended Price	150.00	1,260.00	1,500.00	9,500.00
Line 17 Furnish, Install and Maintain Trench safety system Complying with OSHA Rules and Regulations, Complete, per specifications 890 lf				
Unit Price	\$1.000	\$0.10	\$1.500	\$15.00
Extended Price	890.00	89.00	1,335.00	13,350.00
Bid Total	939,314.00	997,238.00	1,120,795.40	1,349,262.00
Award by Vendor	939,314.00			
Change Order Amount	1,016,783.00			

Amarillo City Council Agenda Transmittal Memo



Meeting Date	April 12, 2016	Council Priority	
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Department	Finance
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Agenda Caption

Approval – Event Support Contract for the 2016 Adequan Select World Championship Show
This item awards the Event Support Contract as required for the City’s participation with the State of Texas Comptroller of Public Accounts Special Event Trust Funds. The City of Amarillo participates with the Amarillo Chamber of Commerce, the Amarillo-Potter Event Venue District and the American Quarter Horse Association in the program.

Agenda Item Summary

Requested Action

Council consideration and approval of the contract.

Funding Summary

N/A

Community Engagement Summary

Participation in the program was approved by Amarillo-Potter Event Venue District February 11, 2016 meeting.

Staff Recommendation

Staff recommendation is to approve contract.

EVENT SUPPORT CONTRACT FOR 2016 ADEQUAN SELECT WORLD CHAMPIONSHIP SHOW

WHEREAS, the American Quarter Horse Association has selected Amarillo, Texas as the site for its 2016 Adequan Select World Championship Show event, despite enticements to take that event to another state; and,

WHEREAS, that event has been approved and certified by the State of Texas Comptroller of Public Accounts as eligible for Special Event Trust Funds (hereafter, "Trust Fund") pursuant to Tex. Rev. Civ. Stat., Art. 5190.14, Sec. 5C (hereafter, "Sec. 5C");

NOW THEREFORE, the parties execute this Contract for and in consideration of the promises contained herein and to comply with Sec. 5C:

Commitments.

1. The Site Selection Organization, American Quarter Horse Association (hereafter AQHA), agrees to hold the 2016 Adequan Select World Championship Show (hereafter, "Event") in Amarillo, Texas from **August 26 to September 3, 2016**.

2. The Endorsing Municipality, the City of Amarillo together with the Amarillo Convention and Visitors Bureau (hereafter collectively, "City") agree to reimburse Amarillo-Potter Event Venue District ("hereafter "Venue District") for expenditures to construct or renovate its facilities for the Event and for the \$50,000.00 the Venue District is obligated to pay or caused to be paid to the Amarillo Tri-State Exposition to cover a portion of the events production costs. Additionally the City agrees to reimburse the AQHA for the (i) cost of conducting the Event; and/or (ii) cost of preparations necessary or desirable for the conduct of the Event. These costs are intended to include, but not be limited to the following:

- a. Rental of the Amarillo National Center (includes but is not limited to, arena and all public concourses, parking lots, ticket office);
- b. Set up/take down; dirt preparation, ground/arena work and maintenance; lighting; HVAC; equipment rental;
- c. Technical crews, judges, paramedics, ring crew/stewards, security, food services, personnel, decoration of facilities;
- d. Improvements and facilities renovations, including but not limited to, the improvements and renovations specifically described in the letter dated September 26, 2012 attached hereto and by this reference made a part of this Contract.

3. The reimbursements described in Paragraph 2 above are limited to the maximum amount available from and approved for eventual distribution from the Trust Fund established for the Event. Under no circumstance shall the City be obligated for more than that maximum sum, when and if received from the Trust Fund.

Procedure.

1. City will perform the duties of fiscal agent and administrator.
2. The party seeking reimbursement shall, within 90 days after the last day of the Event, submit to City (to the attention of: Ms. Michelle Bonner) a copy of each lease, invoice, receipt, and any other documentation requested, along with proof of payment (cancelled check or affidavit), and a description of how the expense

4/9/2015

pertains to the Event and qualifies per paragraph 2 *Commitments above*, for reimbursement in accordance with this Contract and the laws and regulations applicable to the Trust Fund.

- 3. City will review such documentation to determine eligibility for reimbursement from the Trust Fund.
- 4. City will submit its local share (per Section 5C) to the State Comptroller no later than 90 days after the Event.
- 5. City shall submit eligible requests for disbursement from the Event Trust Fund to the State Comptroller no later than the 180th day after the last day of the Event and shall be credited as being received from the City.. Event receipts that are ineligible per Sec. 5C, incomplete, or submitted to City after 90 days following the last day of the Event will not be submitted to the Texas Comptroller’s Office for reimbursement. The parties agree that that reimbursement from the Trust Fund shall be on a pro rata basis in accordance with Section 5C.
- 6. Upon receipt of the Comptroller’s disbursement from the Trust Fund, City shall reimburse the AQHA and Venue District as their interests may appear, up to the amount of the Comptroller’s disbursement. If the City is reimbursed by the Trust Fund for the local tax revenue associated with the Event separate from the payment described in the sentence just above, then City shall pay that sum to AQHA and Venue District as their interests may appear, up to the amount of that reimbursement.

General Terms.

- 1. Each party agrees to fully cooperate with the other. AQHA and Venue District must provide records and information necessary for the City to comply with its obligation under Sec. 5C to document attendance and the economic impact of the Event.
- 2. Should any portion or aspect of this Contract be determined by a court of competent jurisdiction or the Comptroller’s office to be invalid, then such invalidity shall not affect any other part or severable portion(s) of this Contract, it being the intent of the parties to obtain the maximum benefit possible from the remaining unaffected portion(s).
- 3. This Contract is made subject to the laws of the State of Texas.
- 4. Each signatory represents that he/she is duly authorized to execute this Contract on behalf of and to bind the party for which he/she signs.
- 5. This Contract may only be modified or amended upon mutual written agreement of all of the parties.
- 6. This agreement is effective upon the date of latest signature.

CITY OF AMARILLO, TEXAS

ATTEST:

By: _____
Michelle Bonner, Asst City Manager

By: _____
Frances Hibbs, City Secretary

Date: _____

**Amarillo Chamber of Commerce
dba/ AMARILLO CONVENTION & VISITORS BUREAU**

By: _____
Gary Molberg, President

Date: _____

AMARILLO-POTTER EVENT VENUE DISTRICT

By: _____
Glenn McMennamy

Date: _____

AMERICAN QUARTER HORSE ASSOCIATION

By: _____
Pete Kyle

Date: _____

BOARDS AND COMMISSIONS – VACANCIES



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

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

Emergency Care Advisory Board (3-year terms)

04/21/2010	Brian Eades	04/21/2016 – Resigning 07/31/2016
09/20/2013	Jeff Greenlee	04/21/2016
05/05/2015	Rakhshanda Rahman	04/21/2016
04/21/2010	Robert Saunders	04/21/2016
04/21/2010	Roger Smalligan	04/21/2016