

A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE HELD ON TUESDAY, OCTOBER 1, 2019 AT 1:00 P.M., CITY HALL, 601 SOUTH BUCHANAN STREET, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.

City Council Mission: Use democracy to govern the City efficiently and effectively to accomplish the City's mission.

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.

INVOCATION: Rev. Gil Hiltbrunner, Messiah's House Church
Lance Herrington, National Anthem

PUBLIC ADDRESS

(For items on the agenda for City Council consideration)

AGENDA

1. City Council will discuss or receive reports on the following current matters or projects.
 - A. Review agenda items for regular meeting and attachments;
 - B. Let's Art Amarillo: The Barrio Project Update;
 - C. Center City Highlights Updates;
 - D. Update on Recent West Texas Mayors Meeting; and
 - E. Request future agenda items and reports from City Manager.

2. **CONSENT ITEMS:**

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

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

A. **CONSIDER APPROVAL – MINUTES:**

Approval of the City Council minutes for the meeting held on September 24, 2019.

B. **CONSIDERATION OF ORDINANCE NO. 7821:**

(Contact: Cris Valverde, Assistant Director of Planning and Development Services)

This item is the second and final reading and public hearing to consider an ordinance rezoning of a portion of Lot 2, Block 1, South Side Acres Unit No. 6 (also known as 4098 Business Park Drive) and a portion of Lot 3, Block 1, South Side Acres Unit No. 6 (also known as 4066 Business Park Drive) in Section 230, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 235B to Amended Planned Development District 235D for the addition of alcohol related land uses. (Vicinity: Western Street and Business Park Drive.)

C. **CONSIDER APPROVAL – AMENDMENT TO AGREEMENT FOR ENGINEERING SERVICES:**

(Contact: Matt Thomas, City Engineer)

Kimley-Horn and Associates, Inc. -- \$(523,710.00)

The agreement for engineering services, associated with RFQ 07-16, signed by the City Manager on October 13, 2016 and previously amended on March 28, 2018, is to provide professional engineering services for the design and construction of the Northwest Interceptor and Lift Station 55. The proposed amendment includes an additional task to design a sewer main extension to serve the development of the Texas Tech University Veterinary School. The amendment also includes a reduction in resident project representative (RPR) services, due to the accelerated construction schedule achieved by the construction contractor.

Original Agreement: \$2,499,500.00

Previous Amendment: \$78,000.00

This Amendment: \$(523,710.00)

Amended Agreement: \$2,053,790.00

D. **CONSIDER AWARD – IVR CALL PACKAGE AND OUTBOUND NOTIFICATIONS:**

(Contact: Laura Storrs, Finance Director)

Selectron Technologies, Inc. -- \$78,800.00

This item represents the purchase of an additional 200,000 calls for Utility Billing's Selectron IVR system as well as an add-on solution to provide outbound calls and emails.

3. **NON-CONSENT ITEMS:**

A. **CONSIDERATION OF ORDINANCE NO. 7822**

(Contact: Izzy Rivera, Jr., Building Official)

This item is the first reading of an ordinance amending the Amarillo Municipal Code, Chapter 4-4, Article III, Section 4-4-51 to modify electric fence regulations to comply with House Bill 3371.

B. **CONSIDERATION OF ORDINANCE NO. 7823**

(Contact: Raymond C. Lee, III, Director of Public Works)

This item is the first reading of an ordinance amending the Amarillo Municipal Code, Title VIII, Chapter 8-3, Article III, Section 8-3-59 to provide certain exemptions from the Collector's Permit Requirement.

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (601 South Buchanan Street) 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 27th day of September 2019.

Regular meetings of the Amarillo City Council stream live on Cable Channel 10 and are available online at:

<http://amarillo.gov/city-hall/city-government/view-city-council-meetings>

Archived meetings are also available.

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STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 24th day of September 2019, the Amarillo City Council met at 1:00 p.m. for a regular meeting held in the Council Chamber located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

- | | |
|---------------|-----------------------------------|
| GINGER NELSON | MAYOR |
| ELAINE HAYS | COUNCILMEMBER NO. 1 |
| FREDA POWELL | MAYOR PRO TEM/COUNCILMEMBER NO. 2 |
| EDDY SAUER | COUNCILMEMBER NO. 3 |
| HOWARD SMITH | COUNCILMEMBER NO. 4 |

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

- | | |
|-------------------|-------------------------------|
| JARED MILLER | CITY MANAGER |
| MICHELLE BONNER | DEPUTY CITY MANAGER |
| BRYAN MCWILLIAMS | CITY ATTORNEY |
| STEPHANIE COGGINS | ASSISTANT TO THE CITY MANAGER |
| FRANCES HIBBS | CITY SECRETARY |

The invocation was given by Vanessa Chavez. Mayor Nelson established a quorum, called the meeting to order, welcomed those in attendance and the following items of business were conducted:

PUBLIC ADDRESS

James Schenck, 6216 Gainsborough Drive, stated he was misquoted last week. He suggested the 2020 election be held in November and not in May. He also inquired about details on Item 2K. There were no further comments.

ITEM 1:

- A. Review agenda times for regular meeting and attachments;
- B. Reports and updates from City Councilmembers serving on outside Boards:
Environmental Task Force;
Pedestrian and Bicycle Safety Advisory Committee;
- C. State of the City Update;
- D. Neighborhood Planning Committee Update;
- E. Utility Billing Update; and
- F. Request future agenda items and reports from City Manager.

CONSENT ACTION ITEMS:

ITEM 2: Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Motion was made by Councilmember Powell to approve Items B-R of the consent agenda as presented, seconded by Councilmember Sauer:

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

Motion was made by Councilmember Powell to approve Item 2A, the minutes of September 17, as corrected, seconded by Councilmember Hays.

- A. **MINUTES:**
Approval of the City Council minutes for the meeting held on September 17, 2019.

B. **CONSIDERATION OF ORDINANCE NO. 7813 TO LEVY AN ASSESSMENT ON PROPERTY WITHIN THE HERITAGE HILLS PUBLIC IMPROVEMENT DISTRICT:**

(Contact: Kelley Shaw, Development Customer Service Coordinator)

An assessment against each parcel of property in the Heritage Hills Public Improvement District (PID), determined by multiplying a cost value per square foot of lot area, must be approved on an annual basis. The Heritage Hills PID Advisory Board met August 14, 2019 to review the proposed FY 2019/20 budget and service plan. The Heritage Hills PID budget projects total maintenance and operation expenses for FY 2019/20 to be \$47,623. The Board recommends maintaining property owner assessment rates of \$0.08 per square foot. This will result in assessments totaling \$319,940. This decision was made in order to cover all operating costs as well as build up an operating reserve.

A service plan covering a period of at least five years must also be reviewed and approved. This plan defines the annual indebtedness and projected costs for improvements as well as maintenance of improvements within the Heritage Hills PID. Attached are the Heritage Hills Public Improvement District Fiscal Year 2019/20 budget, service plan, and associated ordinance and exhibit.

C. **CONSIDERATION OF ORDINANCE NO. 7814 TO LEVY AN ASSESSMENT ON PROPERTY WITHIN THE TOWN SQUARE PUBLIC IMPROVEMENT DISTRICT:**

(Contact: Kelley Shaw, Development Customer Service Coordinator)

An assessment against each parcel of property in the Town Square Public Improvement District (PID), determined by multiplying a cost value per square foot of lot area, must be approved on an annual basis. The Town Square PID Advisory Board met August 19, 2019 to review the proposed FY 2019/20 budget and service plan. The Town Square PID budget projects total maintenance and operation expenses for FY 2019/20 to be \$83,113. The Board recommends property owner assessment rates remain at \$0.1111 per square foot. This will result in assessments totaling \$166,164. This decision was made in order to cover all operating costs as well as build up an operating reserve.

A service plan covering a period of at least five years must also be reviewed and approved. This plan defines the annual indebtedness and projected costs for improvements as well as maintenance of improvements within the Town Square PID. Attached are the Town Square Public Improvement District Fiscal Year 2019/20 budget, service plan, and associated ordinance and exhibit.

D. **CONSIDERATION OF ORDINANCE NO. 7815 TO LEVY AN ASSESSMENT ON PROPERTY WITHIN THE POINT WEST PUBLIC IMPROVEMENT DISTRICT:**

(Contact: Kelley Shaw, Development Customer Service Coordinator)

An assessment against each parcel of property in the Point West Public Improvement District (PID), which is allocated based on the percentage of total square footage owned within the PID, must be approved on an annual basis. The Point West PID Advisory Board met on May 21, 2019 to review the proposed FY 2019/20 budget and service plan. The Point West PID budget projects total maintenance and operation expenses for FY 2019/20 to be \$24,514. The Board believes that last year's assessment rate is adequate and recommends no assessment increase for the 2019/20 budget and service plan. As mentioned above, the current assessment level remains adequate for all expenses and operating reserve and totals \$52,000.

A service plan covering a period of at least five years must also be reviewed and approved. This plan defines the annual indebtedness and projected costs for improvements as well as maintenance of improvements within the Point West PID. Attached are the Point West Public Improvement District Fiscal Year 2019/20 budget, service plan, and associated ordinance and exhibit.

E. **CONSIDERATION OF ORDINANCE NO. 7816 TO LEVY AN ASSESSMENT ON PROPERTY WITHIN THE VINEYARDS PUBLIC IMPROVEMENT DISTRICT:**

(Contact: Kelley Shaw, Development Customer Service Coordinator)

An assessment against each parcel of property in the Vineyards Public Improvement District (PID), determined by a flat value per lot, must be approved on an annual basis. The Vineyards PID Advisory Board met August 6, 2019 to review the proposed FY 2019/20 budget and service plan. The Vineyards PID budget projects total maintenance and operation expenses for FY 2019/20 to be \$6,741. The Board recommends keeping property owner assessment rates at \$50 per lot. This will result in assessments totaling \$7,950. This decision was made in order to continue to cover all operating costs as well as build up their operating reserve.

A service plan covering a period of at least five years must also be reviewed and approved. This plan defines the annual indebtedness and projected costs for improvements as well as maintenance of improvements within the Vineyards PID. Attached are the Vineyards Public Improvement District Fiscal Year 2019/20 budget, service plan, and associated ordinance and exhibit.

F. **CONSIDERATION OF ORDINANCE NO. 7817 TO LEVY AN ASSESSMENT ON PROPERTY WITHIN THE QUAIL CREEK PUBLIC IMPROVEMENT DISTRICT:**

(Contact: Kelley Shaw, Development Customer Service Coordinator)

An assessment against each parcel of property in the Quail Creek Public Improvement District (PID), determined by a flat value per lot, must be approved on an annual basis. The Quail Creek PID Advisory Board met August 20, 2019 to review the proposed FY 2019/20 budget and service plan. The Quail Creek PID budget projects total maintenance and operation expenses for FY 2019/20 to be \$8,104. The Board recommends keeping property owner assessment rates at \$350 per lot. This will result in assessments totaling \$10,150. This decision was made in order to continue to cover all operating costs as well as build up their operating reserve.

A service plan covering a period of at least five years must also be reviewed and approved. This plan defines the annual indebtedness and projected costs for improvements as well as maintenance of improvements within the Quail Creek PID. Attached are the Quail Creek Public Improvement District Fiscal Year 2019/20 budget, service plan, and associated ordinance and exhibit.

G. **CONSIDERATION OF ORDINANCE NO. 7818 TO LEVY AN ASSESSMENT ON PROPERTY WITHIN THE TUTBURY PUBLIC IMPROVEMENT DISTRICT:**

(Contact: Kelley Shaw, Development Customer Service Coordinator)

An assessment against each parcel of property in the Tutbury Public Improvement District (PID), determined by a flat value per lot, must be approved on an annual basis. The Tutbury PID Advisory Board met July 9, 2019 to review the proposed FY 2019/20 budget and service plan. The Tutbury PID budget projects total maintenance and operation expenses for FY 2019/20 to be \$15,928. The Board recommends keeping property owner assessment rates at \$679 per lot. This will result in assessments totaling \$16,296. This decision was made in order to continue to cover all operating costs as well as build up their operating reserve.

A service plan covering a period of at least five years must also be reviewed and approved. This plan defines the annual indebtedness and projected costs for improvements as well as maintenance of improvements within the Tutbury PID. Attached are the Tutbury Public Improvement District Fiscal Year 2019/20 budget, service plan, and associated ordinance and exhibit.

H. **CONSIDERATION OF ORDINANCE NO. 7819 TO LEVY AN ASSESSMENT ON PROPERTY WITHIN THE COLONIES PUBLIC IMPROVEMENT DISTRICT:**

(Contact: Kelley Shaw, Development Customer Service Coordinator)

An assessment against each parcel of property in the Colonies Public Improvement District (PID), determined by multiplying a cost value per square foot of lot area, must be approved on an annual basis. The Colonies PID Advisory Board met July 24, 2019 to review the proposed FY 2019/20 budget and service plan. The Colonies PID budget projects total maintenance, operation and debt service expenses for FY 2019/20 to be \$950,179. The Board recommended unanimously to maintaining the property owner assessment rates at \$0.10 per square foot. This will result in assessments totaling \$1,054,399. This decision was made in order to continue to cover all operating costs and debt service payments.

A service plan covering a period of at least five years must also be reviewed and approved. This plan defines the annual indebtedness and projected costs for improvements as well as maintenance of improvements within the Colonies PID. Attached are the Colonies Public Improvement District Fiscal Year 2019/20 budget, service plan, and associated ordinance and exhibit.

I. **CONSIDERATION OF ORDINANCE NO. 7820 TO LEVY AN ASSESSMENT ON PROPERTY WITHIN THE GREENWAYS PUBLIC IMPROVEMENT DISTRICT:**

(Contact: Kelley Shaw, Development Customer Service Coordinator)

An assessment against each parcel of property in the Greenways Public Improvement District (PID), determined by the placement of the lot within the neighborhood, must be approved on an annual basis. The Greenways PID Advisory Board met August 13, 2019 to review the proposed FY 2019/20 budget and service plan. The Greenways PID budget projects total maintenance, operation and debt service expenses for FY 2019/20 to be \$628,630. The Board recommends maintaining property owner assessment rates at \$720 for type A lots, \$600 for type B lots, \$864 for type D lots, and \$1,800 per acre for commercial property. This will result in assessments totaling \$643,344. This decision was made in order to continue to cover all operating costs as well as build up their operating reserve.

A service plan covering a period of at least five years must also be reviewed and approved. This plan defines the annual indebtedness and projected costs for improvements as well as maintenance of improvements within the Greenways PID. Attached are the Greenways Public Improvement District Fiscal Year 2019/20 budget, service plan, and associated ordinance and exhibit.

J. **CONSIDER APPROVAL -- AGREEMENT FOR SERVICES WITH CENTER CITY OF AMARILLO, INC.:**

(Contact: Andrew Freeman, Planning and Development Services)

This item approves a one (1) year agreement with Center City of Amarillo, Inc. for continued services associated with the preservation, improvement and revitalization of the Central Business District of Amarillo. Two sources of funding are included in the agreement:

- The City will provide \$111,650 for administrative operations.
- The City will provide \$70,000 as matching funds for a Center City facade grant program up to \$20,000 to a business for exterior building improvements.
- The Tax Increment Reinvestment Zone #1 will provide \$150,000 for matching grants up to \$50,000 for streetscape improvements in the City's right of way.

- K. **CONSIDER AWARD – REPLACEMENT OR REPAIR OF UP TO 10 ROOF TOP UNITS ON BUILDING 602:**
(Contact: Michael W. Conner – Director of Aviation)
Awarded to Amarillo Pro Air -- \$116,500.00
This item is the award of the base bid for the removal and replacement of ten (10) roof top units at Airport Building 602, leased to Bell Helicopter. Units have exceeded useful service life. Project includes the following:
1. Removal of ten (10) roof top units that achieved end of useful service life.
 2. Installation of ten (10) new roof top units.
 3. Start-up of all ten (10) units.
- L. **CONSIDER APPROVAL -- PROFESSIONAL SERVICES TASK ORDER #46 WITH RS&H, INC., FOR CONTINUATION OF THE RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT'S "TAKING FLIGHT" COMMUNITY OUTREACH PROGRAM AND ITS AIR SERVICE DEVELOPMENT PROGRAM:**
(Contact: Michael W. Conner: Director of Aviation)
This item includes implementation phases for the Airport's community outreach program areas and professional services for the Airport's air service development program. The cost of this Task Order is \$135,000.00.
- M. **APPROVAL OF LEASE EXTENSION BETWEEN THE CITY OF AMARILLO AND GTM MANUFACTURING, LLC FOR USE OF THE FORMER BEN E. KEITH DISTRIBUTION CENTER PROPERTY:**
(Contact: Andrew Freeman, Director of Planning and Development Services)
This item is for an extension of an expiring property lease between the City and GTM Manufacturing, LLC (GTM) for a portion of the former Ben E. Keith Distribution Center property at Interstate 40 and South Spruce Street. The extension would be through May 31, 2020.
- N. **CONSIDER SALE OF CITY OWNED PROPERTY – FORMER FIRE STATION NO. 8 LOCATED AT 601 SOUTH WESTERN STREET:**
(Contact: Andrew Freeman, Director of Planning and Development Services)
This item authorizes the City Manager to execute a contract and other necessary documents for the sale of former Fire Station No. 8 located at 601 South Western Street. The sales price for this property is \$160,000 minus closing costs.
- O. **CONSIDER AWARD – AT&T CLOUD BASED SOFTWARE:**
(Contact: Rich Gagnon, IT Director)
Awarded to: inContact SaaS -- \$352,188.00
This item renews the AT&T contract for inContact's cloud-based call center software.
- P. **CONSIDER AWARD – DELL FINANCIAL SERVICES:**
(Contact: Rich Gagnon, IT Director)
Hardware Purchase -- \$349,941.00
This item purchases a Dell Isilon A2000 storage array for added data protection and encryption.
- Q. **CONSIDER APPROVAL – HILLSIDE TERRACE ESTATES UNIT 28 PARTICIPATION AGREEMENT:**
(Contact: Matthew Thomas, P.E., City Engineer)
PEGA Development -- \$344,226.83
This item is to consider approval of the Hillside Terrace Estates Unit 28 Participation Agreement. This participation agreement provides for the construction of a 1,500 LP 20-inch water main extension from the intersection of Arden Road and Ellen Hope Road to the west side of TxDot's Loop 335 right of way as part of the City's construction of the Arden Road arterial.

R. **CONSIDER APPROVAL -- AVIATION CLEAR ZONE EASEMENT:**

(Contact: Cris Valverde, Assistant Director of Planning and Development Services)

This item considers approval of an Aviation Clear Zone Easement, being 4,750 feet above mean sea level above the plat of Grand Avenue Estates Unit No. 5, a suburban subdivision to the City of Amarillo, being a replat of Lots 2 and 3, Block 3, Grand Avenue Estates Unit No. 1, in Section 143, Block 2, AB&M Survey, Randall County, Texas.

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

NON-CONSENT ITEMS

ITEM 3A: Mayor Nelson presented the second and final reading of an ordinance considering an ordinance adopting the City of Amarillo budget for the 2019/2020 fiscal year. This budget allows for the City to continue providing effective public services, programs and assistance to Amarillo residents in the upcoming year. This item was presented by Laura Storrs, Finance Director. Motion was made to adopt Ordinance No. 7811 on the second and final reading which adopts the budget for fiscal year October 1, 2019 through September 30, 2020 for the City of Amarillo by Councilmember Powell, seconded by Councilmember Smith.

ORDINANCE NO. 7811

AN ORDINANCE AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: APPROVING TAX ROLL; SETTING THE TAX RATE AND LEVYING A TAX UPON ALL PROPERTY SUBJECT TO TAXATION WITHIN THE CITY OF AMARILLO FOR THE TAX YEAR 2019; ESTABLISHING AN EFFECTIVE DATE; REPEALING CONFLICTING ORDINANCES.

Voting AYE were Mayor Nelson, Councilmembers Powell, Sauer and Smith; voting NO was Councilmember Hays; the motion carried by a 4:1 vote of the Council.

ITEM 3B: Mayor Nelson presented the second and final reading of an ordinance considering approving the City of Amarillo tax roll, setting an ad valorem property tax rate and levying a tax on all property subject to taxation within the City for the 2019 tax year. This ordinance establishes an ad valorem tax rate of \$0.34448 per \$100.00 property valuation for City maintenance and operations expenses and \$0.04403 per \$100.00 property valuation for existing debt expenses resulting in a total ad valorem rate of \$0.38851 per \$100.00 property valuation. This tax rate will raise more taxes for maintenance and operations than last year's tax rate. The tax rate will effectively be raised by 7.33 percent and will raise taxes for maintenance and operations on a \$100,000 home by approximately \$17.50. This item was presented by Laura Storrs, Finance Director. Motion was made by Councilmember Powell to adopt Ordinance No. 7812 on second and final reading which is the property tax rate to be increased by the adoption of a tax rate of \$0.38851, which is effectively 7.33 percent increase in the tax rate, seconded by Councilmember Sauer:

ORDINANCE NO. 7812

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, ADOPTING THE BUDGET FOR THE FISCAL YEAR OCTOBER 1, 2019, THROUGH SEPTEMBER 30, 2020, FOR THE CITY OF AMARILLO; APPROPRIATING MONEY FOR THE VARIOUS FUNDS AND PURPOSES OF SUCH BUDGET; AMENDING VARIOUS TERMS AND PROVISIONS OF THE AMARILLO MUNICIPAL CODE TO ADD, MODIFY, INCREASE, OR DELETE VARIOUS FEES AND RATES; CHAPTERS 4-1, 4-6, AND 4-7 CONCERNING VARIOUS BUILDING SAFETY FEES; CHAPTER 8-3 CONCERNING PUBLIC WORKS FEES; CHAPTER CHAPTERS 12-1 AND 12-4 CONCERNING PARK AND RECREATION FEES; CHAPTERS 18-2, 18-3, AND 18-4, CONCERNING VARIOUS WATER AND SEWER RATES; PROVIDING A SAVINGS AND SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Councilmembers Powell, Sauer and Smith; voting NO was Councilmember Hays; the motion carried by a 4:1 vote of the Council.

ITEM 3C: Motion was made by Councilmember Powell to ratify the Budget and Tax Rate, as adopted for Fiscal Year 2019-2020, recognizing such budget will require more revenue from property taxes than did the budget adopted last year, seconded by Councilmember Smith.

Voting AYE were Mayor Nelson, Councilmembers Powell, Sauer and Smith; voting NO was Councilmember Hays; the motion carried by a 4:1 vote of the Council.

ITEM 3D: Mayor Nelson presented the first reading of an ordinance considering an ordinance rezoning of a portion of Lot 2, Block 1, South Side Acres Unit No. 6 (also known as 4098 Business Park Drive) and a portion of Lot 3, Block 1, South Side Acres Unit No. 6 (also known as 4066 Business Park Drive) in Section 230, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 235B to Amended Planned Development District 235D for the addition of alcohol related land uses. (Vicinity: Western Street and Business Park Drive.) This item was presented by Cris Valverde, Assistant Director of Planning and Development Services. Mayor Nelson opened a public hearing. There were no comments. Mayor Nelson closed the public hearing. Motion was made that the following captioned ordinance be passed on first reading by Councilmember Powell, seconded by Councilmember Sauer. Councilmember Hays mentioned the "Making Memories" slogan presented.

ORDINANCE NO. 7821

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 WESTERN STREET AND BUSINESS PARK DRIVE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

ITEM 3E: Mayor Nelson presented a resolution approving the 2019/2020 Budget for the Convention and Visitor Council (CVC) which is funded through a tax levied upon hotel occupancy. This item was presented by Michelle Bonner, Deputy City Manager and Kashion Smith, CVC. Motion was made by Councilmember Powell, seconded by Councilmember Sauer that the following captioned resolution be passed:

RESOLUTION NO. 09-24-19-1

A RESOLUTION OF THE CITY OF AMARILLO, TEXAS: APPROVING EXPENDITURE OF HOTEL OCCUPANCY TAX REVENUE BY THE AMARILLO CONVENTION AND VISITOR COUNCIL FOR THE FISCAL YEAR OCTOBER 1, 2019 TO SEPTEMBER 30, 2020.

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

ITEM 3F: Mayor Nelson presented an item that considered the purchase of a new fire truck to be used for daily operational requirements and increased staffing at station #5. Funding for this item was approved by the voters in the November 2016 bond election (Proposition 2). This item was presented by Jared Miller, City Manager. Motion was made by Councilmember Powell, seconded by Councilmember Hays that this item be approved as presented.

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

ITEM 3G: Mayor Nelson presented an item which awards a professional services agreement with Schrickel Rollins|PSC for the design of an aquatics facility to be located in Thompson Park. This item was presented by Michael Kashuba, Parks and Recreation Director. Motion was made by Councilmember Powell, seconded by Councilmember Sauer that this item be approved as presented.

Voting AYE were Mayor Nelson, Councilmembers Hays, Powell, and Sauer; voting NO was Councilmember Smith; the motion carried by a 4:1 vote of the Council.

ITEM 3H: Mr. McWilliams advised at 2:55 p.m. that the City Council would convene in Executive Session per Texas Government Code (1) Section 551.087 – Deliberation regarding economic development negotiations; discussion of commercial or financial information received from an existing business or business prospect with which the City is negotiating for the location or retention of a facility, or for incentives the City is willing to extend, or financial information submitted by same: a. Discuss property located in the NE quadrant of the Central Business District. (2) Section 551.072 -- Discuss the purchase, exchange, lease, sale, or value of real property and public discussion of such would not be in the best interests of the City's bargaining position: a. Discuss property located in the NE quadrant of the Central Business District.

Mr. McWilliams announced that the Executive Session was adjourned at 4:47 p.m. and recessed the Regular Meeting.

ATTEST:

Frances Hibbs, City Secretary

Ginger Nelson, Mayor

B



Amarillo City Council Agenda Transmittal Memo

Meeting Date	October 1, 2019	Council Priority	Regular Agenda Item
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Department	Planning and Development Services Cris Valverde - Assistant Director of Planning and Development Services
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Agenda Caption

Consider an ordinance Rezoning of a portion of Lot 2, Block 1, South Side Acres Unit No. 6 (also known as 4098 Business Park Drive) and a portion of Lot 3, Block 1, South Side Acres Unit No. 6 (also known as 4066 Business Park Drive) in Section 230, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 235B to Amended Planned Development District 235D for the addition of alcohol related land uses.
(VICINITY: Western St. and Business Park Dr.)

Agenda Item Summary

Adjacent land use and zoning

The adjacent zoning consists of Planned Development District 235B and 235 C in all directions. Planned Development 235B and C allow for uses allowed outright in a Light Commercial District (excluding bars, lounges, taverns, outdoor storage, apartments, or facilities whose primary function is retail sales).

Adjacent land uses consist of a mix of various commercial land uses that include Auto Repair, HVAC service, Gym, Furniture Store, Driving School, Coffee Supply, and RV and Personal storage.

The applicant is seeking to allow alcohol related land uses for two specific tenant spaces (4066 Business Park Drive and 4098 Business Park Drive) within the Western Business Park.

Analysis

The tenant spaces that are the subject of this rezoning request are located within the Western Business Park development. Western Business Park is composed of various multi-tenant building that house various commercial land uses such as those mentioned-above.

Considering its location along Western Street and its close proximity to the major thoroughfares of Interstate Highway 27 and 58th Avenue, commercial activity was deemed appropriate. This is evidenced by the amount non-residential development and/or zoning in the area.

That said and considering the fact that a large portion of Western Business Park would be adjacent to residential zoning and/or development west across Western St, the developer was of the opinion that excluding alcohol related land uses would be appropriate. However, since approval in 1996-97 of the planned developments that cover the business park, there have been two tenant spaces leased for alcohol related land uses.

The first occurred in 2009 (Long Wooden Spoon - 4098 Business Park Drive) and has been in operation since. It was initially leased and operated as a brewery only, however in 2015 the brewery expanded operations to include a tasting room. This expansion of the tasting room allows on-premise consumption of alcohol and was permitted and given a certificate of occupancy in that same year.

The second leased space (Bomb City Winery - 4066 Business Park Drive) was leased this year. The tenant is planning to operate a winery only with no on-premise consumption being proposed. Considering this, Planning Department staff believed that allowing a winery, which shares very similar characteristics to the brewery that was allowed in 2009, would be appropriate and gave written approval allowing a winery only with the stipulation that no on-premise consumption of alcohol can occur.

Shortly after, the tenant submitted an application for an alcohol license related to the winery. Although no on-premise consumption is occurring, an alcohol license to produce/manufacture alcohol is required by both the City and State. The license to operate such a land use is a Winery G Permit. Upon review, Environmental Health stated that it could not process the alcohol license further due to the fact a Winery Permit G, which is ultimately issued by the State, would allow for on-premise consumption.

As a result of the above, the 2nd tenant inquired what could be done to allow the winery to operate. Planning Department Staff recommended that the 2nd tenant speak with the landowner to gauge whether or not rezoning to allow alcohol related land uses would be acceptable.

The tenant returned with an application signed by the landlord who owns the building and included all other land owned within the current planned developments; however the land did not make up the entirety of the two planned developments. Considering the owner only owns portions of land in both planned developments and rather than create patchwork zoning within Western Business Park with differing development standards (whereas the rest of the land would not be rezoned), rezoning the two tenant spaces only as discussed earlier could be an option that allows minimal changes that are in staff's opinion, not detrimental to the overall character of the planned development areas.

Considering the proposed amendment will apply to two specific tenant spaces only, the existing brewery/taproom has operated since 2009 without issue (2009 for the brewery and 2015 for the taproom addition), production only nature of the winery, and the two uses share characteristics of those allowed in retail zoning found in the area, the Planning and Zoning Commission is of the opinion that the proposed change will not be detrimental to the surrounding area.

Requested Action/Recommendation

Notices have been sent to property owners within 200 feet regarding this proposed rezoning. At the time of this writing, the Planning Department has not received any calls regarding this rezoning request.

Considering all the above the Planning and Zoning Commission recommends approval as presented.

ORDINANCE NO. 7821

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 WESTERN STREET AND BUSINESS PARK DRIVE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted the "Amarillo Comprehensive Plan" on October 12, 2010, which established guidelines in the future development of the community for the purpose of promoting the health, safety, and welfare of its citizens; and

WHEREAS, the Amarillo Municipal Code established zoning districts and regulations in accordance with such land use plan, and proposed changes must be submitted to the Planning and Zoning Commission; and

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

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

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

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

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

SECTION 2. The zoning map of the City of Amarillo adopted by Section 4-10 of the Amarillo Municipal Code and on file in the office of the Planning Director is hereby amended to reflect the following zoning use changes:

Rezoning of a portion of Lot 2, Block 1, South Side Acres Unit No. 6 (also known as 4098 Business Park Drive) and a portion of Lot 3, Block 1, South Side Acres Unit No. 6 (also known as 4066 Business Park Drive) in Section 230, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 235B to Amended Planned Development District 235D for the addition of alcohol related land uses, specifically as located on the attached and incorporated Exhibit A.

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

SECTION 5. 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 24th day of September, 2019 and **PASSED** on Second and Final Reading on this the 1st day of October, 2019.

Ginger Nelson, Mayor

ATTEST:

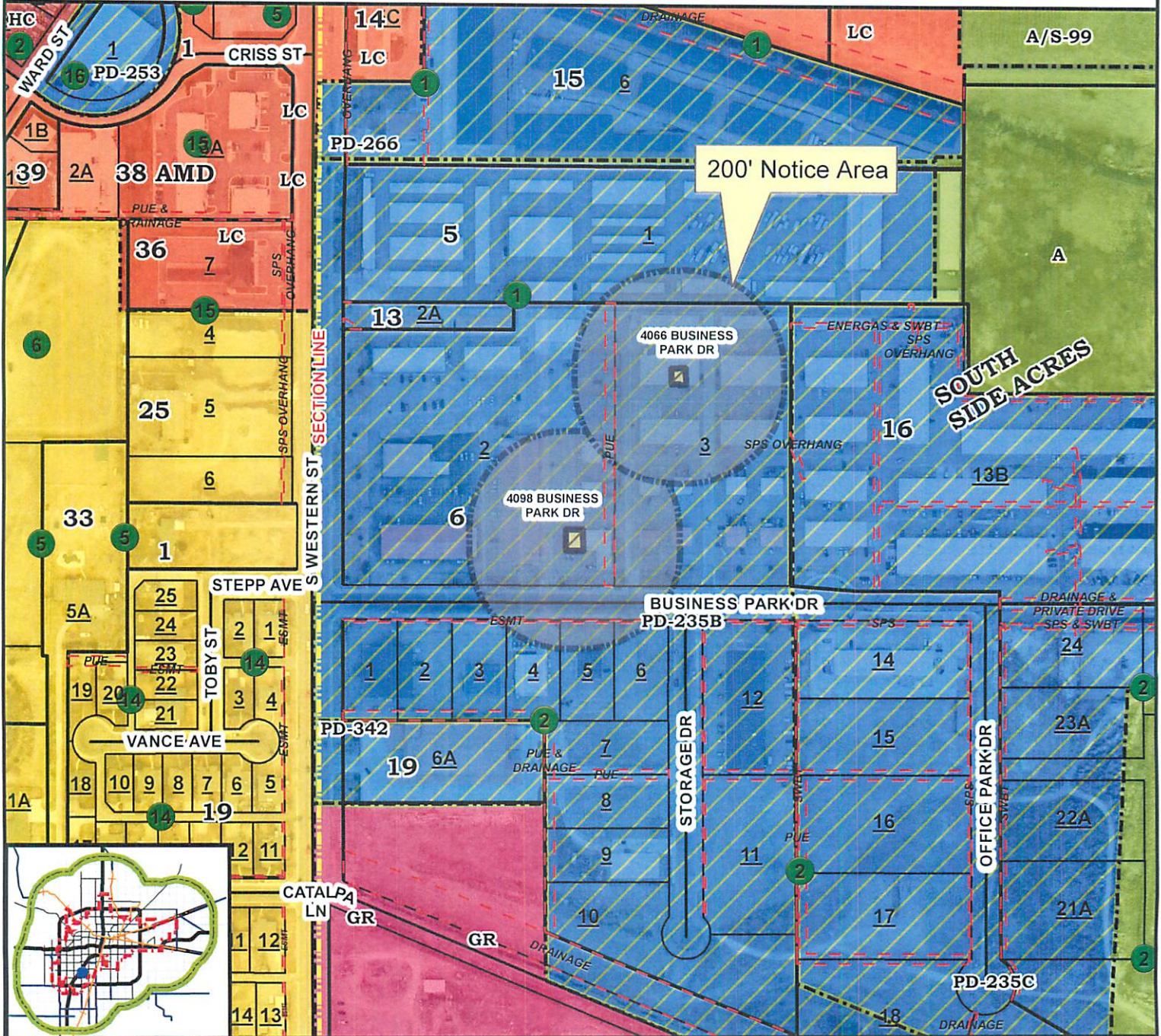
Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams,
City Attorney

EXHIBIT A

REZONING FROM PD 235B TO AMENDED PLANNED DEVELOPMENT 235D FOR THE ADDITION OF ALCOHOL RELATED LAND USES



CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 300 feet
 Date: 8/22/2019
 Case No: Z-19-19



Z-19-20 Rezoning of a portion of Lot 2, Block 1 South Side Acres Unit No. 6 (also known as 4098 Business Park Drive) and a portion of Lot 3, Block 1, South Side Acres Unit No. 6 (also known as 4066 Business Park Drive) in Section 230, Block 2, AB&M Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Planned Development District 235B to Amended Planned Development District 235D for the addition of alcohol related land uses.

Vicinity: Western Street and Business Park Drive

APPLICANT: Bennett Lewis for Wild Pony Holdings, LP

AP: M16

DISCLAIMER: The City of Amarillo is providing this information as a public service. The information shown is for information purposes only and except where noted, all of the data or features shown or depicted on this map is not to be construed as, interpreted as, or constitute an official act of the City of Amarillo. The City of Amarillo assumes no liability for any errors or omissions in the information provided.



Amarillo City Council Agenda Transmittal Memo



Meeting Date	10/01/2019	Council Priority	Infrastructure Initiative
Department	Capital Projects & Development Engineering		
Contact	Matt Thomas		

Agenda Caption

CONSIDER: Amendment to Agreement for Engineering Services with Kimley-Horn and Associates, Inc. \$(523,710.00)

The Agreement for Engineering Services, associated with RFQ 07-16, signed by the City Manager on October 13, 2016 and previously amended on March 28, 2018, is to provide professional engineering services for the design and construction of the Northwest Interceptor and Lift Station 55. The proposed amendment includes an additional task to design a sewer main extension to serve the development of the Texas Tech University Veterinary School. The amendment also includes a reduction in resident project representative (RPR) services, due to the accelerated construction schedule achieved by our construction contractor.

Original Agreement: \$2,499,500.00
 Previous Amendment: \$78,000.00
 This Amendment: \$(523,710.00)
 Amended Agreement: \$2,053,790.00

Agenda Item Summary

The proposed amendment includes survey, design, and construction documents for a sewer main extension to serve the Texas Tech University Veterinary School. It is anticipated construction will be accomplished under the contract for the Northwest Interceptor sewer project. A significant savings is also included in the amendment by reducing the RPR services necessary to complete the project.

Requested Action

Consider approval of the Amendment for execution by the City Manager.

Funding Summary

Funding is available in Job 530009, which was approved in previous budgets and funded from the water and sewer revenue bonds issued in May of 2017. This amendment is a reduction, so no new funds are required.

Community Engagement Summary

The change in professional services has minimal impact on the community. The design will be coordinated with the design of the Texas Tech campus. The community engagement process will be an integral part of the construction phase of this project, and the engineer will be involved in it.

Staff Recommendation

City staff is recommending approval of the amendment.

**AMENDMENT NO. 2
TO AGREEMENT FOR ENGINEERING SERVICES
BETWEEN CITY OF AMARILLO
AND KIMLEY-HORN AND ASSOCIATES, INC.**

The City of Amarillo (OWNER) and Kimley-Horn and Associates, Inc. (ENGINEER) have executed an Agreement for Engineering Services dated October 13, 2016 and amended on March 28, 2018 (collectively, the Agreement) for professional engineering services for the design and construction of approximately 39,000 linear feet of sanitary sewer mains ranging in size from 10 inches to 30 inches, design and construction of Lift Station 55, and all appurtenances in Potter County.

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

In consideration of the premises and other good and valuable consideration, OWNER and ENGINEER hereby agree to amend the Agreement by adding to the "Proposed Scope of Services" the additional Design Phase, Construction Phase, and Testing Services during Construction more particularly described in Exhibit A, "Proposed Scope of Services Northwest Interceptor", attached to this Amendment No. 2 and incorporated herein by reference.

ENGINEER agrees to accept for all additional services which are the subject of this Amendment No. 2 an additional lump sum fee, inclusive of expenses, of \$6,000, as more particularly detailed in Exhibits B-1 "Compensation". Payment to ENGINEER will be made in accordance with Article II of the Agreement.

Additionally, ENGINEER agrees to reduce "Task 3 - Construction Phase Services" of the original agreement by \$529,710.00 due to the Contractor completing construction before the contractual completion date.

Except as herein amended, all terms and conditions of the Agreement are hereby ratified by the parties and remain in full force and effect.

Executed as of the dates shown below, to be effective as of the date of the last of the parties to sign.

ATTEST:

Frances Hibbs, City Secretary

CITY OF AMARILLO
(OWNER)

By: _____
Jared Miller, City Manager

Date: _____

KIMLEY-HORN AND ASSOCIATES, INC.
(ENGINEER)

By: Jeff James, P.E.
Printed name: Jeff James, PE

Title: Senior Vice President

Date: 9/17/2019

**EXHIBIT A
PROPOSED SCOPE OF SERVICES
NORTHWEST INTERCEPTOR
AMARILLO, TEXAS**

TASK 1 - Texas Tech Veterinarian School Sewer Main Extension

ENGINEER will provide design services for construction of the proposed project, for the purpose of providing assistance to OWNER during construction.

Prepare the sewer main extension alignment (approximately 550 LF of 10-inch) as proposed in Exhibit A

- Prepare preliminary plan and profile sheets. Items to be included:
 - Plan:
 - Control data
 - Existing / proposed right-of-way
 - Existing topography
 - Existing pavement
 - Proposed sewer main alignment
 - Proposed centerline alignment and
 - Existing and proposed edges of pavement and/or face of curb
 - Existing water line locations
 - Existing sanitary sewer line locations
 - Existing franchise utility locations (based upon SUE information)
 - Profile:
 - Existing ground profiles at the proposed centerline of sewer main extension
 - Proposed sewer main extension alignment
- Survey
 - Data Collection and Property Research
 - Collect property owner and record information
 - Gather existing right-of-way and easement information
- Design Survey
 - The survey will include the proposed TTU Vet School sewer main extension
 - Use existing control monuments
- Perform a field survey to identify and locate existing topographic elements within the sewer main alignment including the following:
 - Property corner monuments
 - Existing pavement, curbs, sidewalks, barrier free ramps, etc.
 - Driveways
 - Existing culvert sizes and invert elevations
 - Existing driveways and swales
 - Utility manholes, vaults, water valves, water meters, telephone poles, power poles, utility markers, other public utilities, and franchise utilities
 - Traffic signal poles, cabinets, and other signal equipment
 - Signs (excluding temporary signs)
 - Trees, including species and caliper
 - Retaining walls
 - Fence limits and material types (excluding temporary fences)
 - Other applicable physical features that could impact design
- Plan sheets will be incorporated in the Northwest Interceptor Contract Documents through a Change Order.
- Additional Services

Professional services associated with bidding the project

**EXHIBIT B
COMPENSATION
DESIGN SERVICES FOR
NORTHWEST INTERCEPTOR – AMENDMENT NO. 2
AMARILLO, TEXAS**

Compensation

I. Professional Engineering Services

For Task 1 professional engineering services included in EXHIBIT A of this amendment, the OWNER agrees to pay the ENGINEER \$6,000.00 on a lump sum basis.

Task 3 – Construction Phase Services of the original agreement reduction of \$529,710.00.

D



Amarillo City Council Agenda Transmittal Memo



Meeting Date	October 1, 2019	Council Priority	N/A
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Department	Finance, Laura Storrs
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Agenda Caption

Award – IVR Call Package and Outbound Notifications:
Selectron Technologies, Inc. -- \$78,800

This item represents the purchase of an additional 200,000 calls for Utility Billing’s Selectron IVR system as well as an add-on solution to provide outbound calls and emails.

Agenda Item Summary

The Selectron IVR system went live in February 2019 in conjunction with the new Utility Billing system. Using a telephone, the IVR system allows Utility Billing customers to check their balance owed, previous billing and payment amounts, next billing date, and make a payment. The demand for this system has exceeded initial projections and this purchase is needed in order to avoid more costly, contract-rate overages through February 2020.

Selectron’s Outbound Notifications product will allow Utility Billing to alert customers via phone or email when certain utility account conditions are met, for example if an account is past due or if a water meter is about to be shut off due to non-payment.

Requested Action

Approval of award to Selectron Technologies, Inc in the amount of \$78,800.

Funding Summary

This purchase will be funded from 52100.69300.

Community Engagement Summary

N/A

Staff Recommendation

Staff recommends approval of award.

Bid No. 6596 SELECTRON IVR CALL PACKAGE AND OUTBOUND NOTIFICATIONS
Opened 4:00 p.m. September 19, 2019

To be awarded as one lot	SELECTRON TECHNOLOGIES
Line 1 Message bundle of 200,000, per specifications	
1 ea	
Unit Price	\$54,000.000
Extended Price	54,000.00
Line 2 RCS Outbound cloud services per WE5804 proposal, per specifications	
1 ea	
Unit Price	\$24,800.000
Extended Price	24,800.00
Bid Total	78,800.00
Award by Vendor	78,800.00

A



Amarillo City Council Agenda Transmittal Memo



Meeting Date	October 1, 2019	Council Priority	Customer Service
Department	Building Safety		
Contact	Ismael "Izzy" Rivera Jr.		

Agenda Caption
 Consideration of an ordinance amending the Amarillo Municipal Code to modify electric fence regulations to comply with H.B. 3371; providing for severability, repealer and effective date.

Agenda Item Summary
 Amend the Amarillo Municipal Code, Chapter 4-4, Article III, Section 4-4-51 to modify electric fence regulations to comply with new H.B. 3371 which went into effect September 1, 2019.

Requested Action
 Consider approving the ordinance as presented.

Funding Summary
 None

Community Engagement Summary
 Building Safety has sent out notices to the local design professionals' organization (AIA), the only applicants (American Freightways Corp/Fedex Freight East Inc. & American Recovery Specialists) to be issued this type of permit and its contractor (Electric Guard Dog, LLC). We received a response from the contractor who performed the work for the applicants that were issued this type of permit, and they stated they "agree that the installation of battery charged electric fences (as delineated in the new bill) will not require a permit." No other comments were received.

Staff Recommendation
 Staff recommends approving the ordinance as submitted.

ORDINANCE NO. 7822
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
AMARILLO, TEXAS: AMENDING THE AMARILLO
MUNICIPAL CODE, CHAPTER 4-4, ARTICLE III, SECTION 4-4-
51 TO MODIFY ELECTRIC FENCE REGULATIONS TO
COMPLY WITH NEW STATE LAW; PROVIDING FOR:
SEVERABILITY, REPEALER AND EFFECTIVE DATE.

WHEREAS, the City of Amarillo has for many years regulated electric fences inside the city limits; and

WHEREAS, the Texas Legislature enacted H.B. 3371 prohibiting municipal regulation of certain battery-charged fences, therefore City staff recommends amending the City's regulation to affirmatively exclude battery-charged fences per the mandate of such bill;

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

SECTION 1. The Amarillo Municipal Code, Chapter 4-4, Article III, Section 4-4-51 be and hereby is amended in part to now read as follows:

Sec. 4-4-51-Electrical fences.

(a) [TEXT UNCHANGED]

(b) [TEXT UNCHANGED]

(1) [TEXT UNCHANGED]

(2) [TEXT UNCHANGED]

(3) [TEXT UNCHANGED]

(c) Pursuant to Texas Local Government Code, section 250.009 (H.B. 3371, 86th Lege., 2019), the provisions of this section do not apply to a battery charged fence as defined and regulated by state law.

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. Subject to the provision in Section 4 (Continuation of Prior Law), all ordinances and resolutions, and parts thereof, in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. Effective Date. This ordinance shall be effective upon enactment.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the _____ day of _____, 20____; and PASSED on Second and Final Reading the _____ day of _____, 20____.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan S. McWilliams, City Attorney

AN ACT

relating to the regulation of certain battery-charged fences by municipalities and counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 250, Local Government Code, is amended by adding Section 250.009 to read as follows:

Sec. 250.009. BATTERY-CHARGED FENCES. (a) In this section, "alarm system" means an alarm system for which a permit may be issued under Subchapter F or F-1, Chapter 214, or Subchapter D, Chapter 233.

(b) This section applies only to a battery-charged fence that:

(1) interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to a burglary;

(2) is located on property that is not designated by a municipality or county for residential use;

(3) has an energizer that is driven by a commercial storage battery that is not more than 12 volts of direct current;

(4) produces an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by the International Electrotechnical Commission as published in the commission's standards on June 29, 2018;

(5) is completely surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;

(6) is not more than the higher of:

(A) 10 feet in height; or

(B) two feet higher than the height of the nonelectric perimeter fence or wall; and

(7) is marked with conspicuous warning signs that are located on the battery-charged fence at not less than 60-foot intervals and that read: "WARNING--ELECTRIC FENCE."

(c) Notwithstanding any other law, a municipality or county may not adopt or enforce an ordinance, order, or regulation that:

(1) requires a permit for the installation or use of a battery-charged fence to which this section applies that is in addition to an alarm system permit issued by the municipality or county;

(2) imposes installation or operational requirements for:

(A) the battery-charged fence that are inconsistent with the standards set by the International Electrotechnical Commission as published on June 29, 2018; or

(B) an alarm system described by Subsection (b);

or

(3) prohibits the installation or use of a battery-charged fence.

SECTION 2. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 3371 was passed by the House on April 18, 2019, by the following vote: Yeas 146, Nays 1, 2 present, not voting; that the House concurred in Senate amendments to H.B. No. 3371 on May 24, 2019, by the following vote: Yeas 132, Nays 7, 2 present, not voting; and that the House adopted H.C.R. No. 186 authorizing certain corrections in H.B. No. 3371 on May 25, 2019, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3371 was passed by the Senate, with amendments, on May 22, 2019, by the following vote: Yeas 30, Nays 1; and that the Senate adopted H.C.R. No. 186 authorizing certain corrections in H.B. No. 3371 on May 26, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

B



Amarillo City Council Agenda Transmittal Memo



Meeting Date	October 1, 2019	Council Priority	Best Practices
Department	Public Works, Solid Waste Division		
Contact	Raymond C. Lee III, Director of Public Works		

Agenda Caption

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS, AMENDING THE AMARILLO MUNICIPAL CODE, TITLE VIII, CHAPTER 8-3, ARTICLE III, SECTION 8-3-59 TO PROVIDE CERTAIN EXEMPTIONS FROM THE COLLECTOR'S PERMIT REQUIREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING A PUBLISHING AND EFFECTIVE DATE.

Agenda Item Summary

This item is to amend the City of Amarillo Code of Ordinances to provide certain exemptions from the Solid Waste permit fee.

Requested Action

Approval

Funding Summary

N/A

Community Engagement Summary

3 public meetings were held regarding permit fees before the permit fee ordinance was placed on the Council agenda. 3 public meetings were held subsequently to the ordinance change to discuss the permits with private commercial waste haulers.

Staff Recommendation

ORDINANCE NO. 1823

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS, AMENDING THE AMARILLO MUNICIPAL CODE, TITLE VIII, CHAPTER 8-3, ARTICLE III, SECTION 8-3-59 TO PROVIDE CERTAIN EXEMPTIONS FROM THE COLLECTOR'S PERMIT REQUIREMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; AND PROVIDING A PUBLISHING AND EFFECTIVE DATE.

WHEREAS, Title VIII, Chapter 8-3, Article III, Section 8-3-59 of the Municipal Code of the City of Amarillo prohibits any person (except a duly authorized agent and employee of the City) from emptying Garbage or Trash receptacles, or conveying or transporting Garbage or Trash on any Street, Alley, or other Public Right-of-way of the City without a written permit granted and issued by the City Manager or his designee;

WHEREAS, the City Council desires to encourage certain actions and practices for which a written permit is currently required;

WHEREAS, the City Council finds that it is in the best interest of the community to exempt those certain actions and practices from the permit requirement so as to encourage them;

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

SECTION 1. That the Amarillo Municipal Code, Title VIII, Chapter 8-3, Article IV, Section 8-3-59 is amended as follows:

Sec. 8-3-59. – Required; investigation of applicant; determination of necessity.

- (a) Unless exempted as provided by this chapter, No person except a duly authorized agent and employee of the City shall empty Garbage or Trash receptacles, or convey or transport Garbage or Trash on any Street, Alley or other Public Right-of-way of the City without a written permit granted and issued by the City Manager or his designee.
- (b) Any person who desires a permit for the collection, removal and disposal of Garbage and Trash shall make application for such permit to the Superintendent. The Superintendent shall make, or cause to be made, such investigation as he may consider necessary in order to determine whether or not public convenience and necessity require the granting of such permit and whether or not the applicant is fit and proper to conduct such business.
- (c) Specific Exemptions. Subsection (a) of this section does not apply to the following:
 - (1) The collection, transportation, and reuse of repairable or cleanable discards by private charitable organizations regularly engaged in such business or activity, including but not limited to Salvation Army, Goodwill, and similar organizations.

- (2) The collection, transportation, and reuse or recycling of separated recyclable materials or the operation of a collection center for recyclable materials by a religious, benevolent, or fraternal organization, which organization was not organized for nor is operated for any solid waste management purpose and which organization is using the activity for fundraising, including but not limited to scouting and religious organizations.
- (3) The collection, transportation, and reuse or recycling of separated recyclable materials or the operation of a collection center for recyclable materials by for-profit businesses that primarily collect, transport, and reuse or recycle such materials.
- (4) The transportation and disposal of Trash or Garbage by a person that generates or produces the Trash or Garbage as an incidental part of regularly carrying on the person's business or service and which business or service is not primarily solid waste management. These business and service include but are not limited to: roofing, demolition, land clearing, and construction services; janitorial services (not including primarily or solely accumulating or collecting solid wastes created, generated, or produced by a property owner or occupant); gardening, park maintenance, or landscaping services; street sweeping services; auto body recovery services; and septic tank pumping or sludge collection services.
- (5) The transportation by a person of Trash or Garbage produced or generated by such person or by the tenants or occupants of property owned by said person, to a lawful disposal site or market.

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. 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 _____, 2019; and PASSED on Second and Final Reading the _____ day of _____, 2019.

Ginger Nelson, Mayor

ATTEST:

Frances Hibbs, City Secretary

APPROVED AS TO FORM:

Bryan McWilliams, City Attorney