

**AGENDA**

**FOR A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE HELD ON FEBRUARY 21, 2023, AT 1:00 P.M., CITY HALL, 601 SOUTH BUCHANAN STREET, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.**

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*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:** Herman Moore, Carter Chapel Primitive Baptist Church

**ANNOUNCEMENT:** Government Finance Officer's Association "Award for Outstanding Achievement in Popular Annual Financial Reporting"

Texas Municipal Library Directors Association "Achievement of Excellence Award"

**PUBLIC ADDRESS:**

(For items on the agenda for City Council consideration)

The public will be permitted to offer public comment on agenda items. Public Address signup times are available from Sunday at 8:00 a.m. until Tuesday at 12:45 p.m. at <https://www.amarillo.gov/departments/city-manager/city-secretary/public-address-registration-form> or by calling the City Secretary's office at (806) 378-3014.

**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. Girls who Game Presentation;
- C. Updates from Councilmembers serving on outside boards and commissions
  - i. Beautification and Public Arts Advisory Board
  - ii. Neighborhood Plan Oversight Committee;
- D. Update on Athletic Field Lighting Project;
- E. Update on Community Development HOME-ARP Funding and Point-in-Time Count;
- F. Update on Facilities Projects; and
- G. 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:**

(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the regular meeting held on February 14, 2023.

**B. CONSIDERATION OF ORDINANCE NO. 8042:**

(Contact: Andrew Freeman, Assistant City Manager)

This item is the second and final reading to consider an ordinance ordaining the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303 of the Texas Government Code (ACT), providing tax incentives, designating a liaison for communication with interested parties, and nominating Producer Owned Beef, LLC to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (Bank) as a triple jumbo enterprise project (Project).

**C. CONSIDERATION OF ORDINANCE NO. 8043:**

(Contact: Kevin Carter, Amarillo Economic Development Corporation)

This item is the second and final reading to consider an ordinance designating certain areas of the City as Reinvestment Zone No. 22 for commercial and industrial tax abatement. The zone is approximately 400.00 acres east of Folsom Road.

**D. CONSIDERATION OF ORDINANCE NO. 8044:**

(Contact: Brady Kendrick, Planner II)

This item is the second and final reading to consider an ordinance rezoning Lot 1, Block 11, Glen Arden Addition Unit No. 12, an addition to the City of Amarillo, in Section 30, Block 9, B.S.&F. Survey, Randall County, Texas, plus one half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District. (VICINITY: Coulter St. and Arden Rd.; APPLICANT/S: Daryl Furman for The Alfred Group, LLC)

**E. CONSIDERATION OF ORDINANCE NO. 8045:**

(Contact: Brady Kendrick, Planner II)

This item is the second and final reading to consider an ordinance rezoning a 49.18-acre tract of unplatted land, in Section 31, Block 9, B.S.& F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District. (VICINITY: Coulter St. and Hollywood Rd (Loop 335); APPLICANT/S: Daryl Furman for Attebury Elevators LLC, Happy Again LP, and Rockrose Development LLC)

**F. CONSIDERATION OF ORDINANCE NO. 8046:**

(Contact: Laura Storrs, Assistant City Manager)

This item is the second and final reading to consider an ordinance adopting the budget amendments pertaining to the fiscal year 2021-2022 budget.

**G. CONSIDERATION OF ORDINANCE NO. 8047:**

(Contact: Andrew Freeman, Assistant City Manager)

This item is the second and final reading of an ordinance amending the municipal code of the City of Amarillo, adding Chapter 10-5, concerning the authorization of the City Marshal's Office to enforce certain health and safety, code enforcement, and building safety regulations; and amending various portions of the applicable code.

H. **CONSIDERATION OF ORDINANCE NO. 8048:**  
(Contact: Anthony Spanel, Environmental Health Director)

This item is the second and final reading to consider an ordinance revising Chapter 8-5, Article IV, Section 8-5-18 of the Amarillo Municipal Code. This revision will provide an exemption to a mandatory Certified Food Manager requirement set forth in the 2021 Texas Food Establishment Rules and the 2017 Food and Drug Administration Food Code.

I. **CONSIDERATION OF RESOLUTION NO. 02-21-23-1:**  
(Contact: Laura Storrs, Assistant City Manager)

This item considers a resolution suspending Southwestern Public Service Company's (SPS) proposed effective date in connection with its Statement of Intent submitted on about February 8, 2023. SPS Filed a Statement of Intent to increase its base revenues for its Texas retail service area by approximately \$148.5 million, which is an increase in base revenue of about 23%.

J. **CONSIDER APPROVAL – EMERGENCY RENTAL OF BELT PRESS AND OPERATOR:**  
(Contact: John Collins, Director of Utilities)  
Award to: WBI Inc. - \$239,700.00

This item considers an emergency rental agreement for belt press and digester improvements, including an operator, for 12 months to ensure continuous compliance with Texas Commission on Environmental Quality (TCEQ) guidelines at the Hollywood Road Wastewater Treatment Plant.

K. **CONSIDER AWARD – TOPPING OFF MOTOR FUEL ANNUAL CONTRACT:**  
(Contact: Trae Kepley, Director of Purchasing)  
Award to: Davidson Oil - \$925,745.32

This item considers an annual contract to provide topping off fuel service for various fuel tanks maintained in various City departments.

L. **CONSIDER APPROVAL – CHANGE ORDER NO. 2 TO THE ARDEN ROAD PAVING, DRAINAGE AND POTABLE WATER PROJECT:**  
(Contact: Kyle Schniederjan, Capital Projects and Development Engineering Director)  
Award to: Williams Ditching, LLC

Original award:	\$5,085,174.39
Previous change orders:	\$ 90,992.53
Current Change Order No. 2	<u>\$ (265,951.38)</u>
Total award:	\$4,910,215.54

This item considers Change Order No. 2 to the Arden Road Paving, Drainage and Potable Water Project, including changes to the design and construction of the storm drain system and price adjustments for hot mix asphalt. This item is funded through Proposition 1 voter approved bond proceeds and drainage assessment revenues.

M. **CONSIDER AWARD – NFPA 1971 COMPLIANT FIRE GARMENTS ANNUAL CONTRACT:**  
(Contact: Brandon Mason, Deputy Fire Chief)  
Award to: DACO Fire Equipment - \$439,880.00

This item considers an annual contract to provide NFPA-1971-compliant firefighting protective gear including coats, pants, helmets, hoods, gloves and boots.

**N. CONSIDER AWARD – FIRE TRUCK OEM PARTS ANNUAL SUPPLY AGREEMENT:**

(Contact: Brandon Mason, Deputy Fire Chief)

Award to: Lone Star Emergency Group – Not to exceed \$190,000.00

This item considers an annual supply agreement to purchase OEM parts to be used by Amarillo Fire Department in multiple types of Ferrara apparatus repairs.

**O. CONSIDER APPROVAL – PROPERTY LEASE BETWEEN THE CITY OF AMARILLO AND AVIS BUDGET CAR RENTAL, LLC:**

(Contact: Michael W. Conner, Director of Aviation)

This item considers a property lease between the City of Amarillo and Avis Budget Car Rental, LLC. for the lease of 47,173.26 sq. ft. of land, a two-story office/service building, covered parking canopies, and an auxiliary storage shed at the Airport. The agreement is for an initial five-year term with five additional one-year options to renew.

**3. NON-CONSENT ITEMS:**

**A. CONSIDERATION OF ORDINANCE NO. 8049:**

(Contact: Jimmy Johnson, Assistant Police Chief)

This item is the first reading to consider an ordinance converting two sergeant positions to two officer positions at the Amarillo Police Department.

**B. RECEIVE AND ACCEPT THE CITY OF AMARILLO ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE YEAR ENDING SEPTEMBER 30, 2022:**

(Contact: Laura Storrs, Assistant City Manager)

This item is the presentation, review and acceptance of the City of Amarillo Annual Comprehensive Financial Report for the year ending September 30, 2022.

Amarillo City Hall is accessible to individuals with disabilities through its main entry on the south side (601 S. 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.

Watch the meeting live: <http://amarillo.gov/city-hall/city-government/view-city-council-meetings>.

I certify that the above notice of meeting was posted on the electronic bulletin board in City Hall, 601 S. Buchanan, Amarillo, Texas, and the City website ([www.amarillo.gov](http://www.amarillo.gov)) on or before the 17th day of February 2023, at 5:00 p.m. in accordance with the Open Meetings Laws of the State of Texas, Chapter 551, Texas Government Code.

  
Stephanie Coggins, City Secretary

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 14th of February 2023 the Amarillo City Council met at 1:00 p.m. for a regular meeting held in Council Chamber, located on the third floor of City Hall at 601 South Buchanan Street, with the following members present:

GINGER NELSON	MAYOR
FREDA POWELL	MAYOR PRO TEM/COUNCILMEMBER NO.2
COLE STANLEY	COUNCILMEMBER NO. 1
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
ANDREW FREEMAN	ASSISTANT CITY MANAGER
RICH GAGNON	ASSISTANT CITY MANAGER
FLOYD HARTMAN	ASSISTANT CITY MANAGER
LAURA STORRS	ASSISTANT CITY MANAGER
BRYAN MCWILLIAMS	CITY ATTORNEY
STEPHANIE COGGINS	CITY SECRETARY
JON BARNES	ASSISTANT TO THE CITY MANAGER

A quorum was established by Mayor Nelson, Mayor Pro Tem Powell and Councilmembers Sauer, Smith and Stanley. Mayor Nelson called the meeting to order at 1:02 p.m. welcomed those in attendance, and the following items of business were conducted.

The invocation was given by Davlyn Duesterhaus.

Rosemary Robinson was recognized for 50 continuous years of service with the City. A letter of appreciation was read by Mr. Miller; a proclamation was read by Mayor Pro Tem Powell; and Martin Birkenfeld, Police Chief, made a statement.

**PUBLIC ADDRESS**

Michael Fisher, of Amarillo, spoke against Agenda Item No. 3G. James Schenck, of Amarillo, spoke on Public Address and Agenda Item No. 2O and against Agenda Item No. 3F. Jeffrey McGunugle spoke on Agenda Item No. 2N. There were no further comments.

The City’s Finance department was recognized for achieving the Government Finance Officer’s Association “Certificate of Excellence in Financial Reporting”.

**ITEM 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. Updates from Councilmembers serving on outside boards and commissions
  - i. Pedestrian and Bicycle Safety Advisory Committee
  - ii. Convention and Visitors Bureau; and
- C. Request future agenda items and reports from City Manager.

**ITEM 2 – CONSENT ACTION ITEMS:**

Mayor Nelson presented the consent agenda and asked if any item should be removed for discussion or separate consideration. A motion was made approve the consent agenda as presented by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

**A. CONSIDER APPROVAL – MINUTES:**

(Contact: Stephanie Coggins, City Secretary)

This item considers approval of the City Council minutes for the regular meeting held on January 31, 2023.

**B. CONSIDER ACCEPTANCE – HANSEN’S GRANT:**

(Contact: Casie Stoughton, Director of Public Health)

Grantor: Texas Department of State Health Services

Grant Amount: \$18,500.00

This item considers acceptance of an award from the Texas Department of State Health Services from September 1, 2023 thru August 31, 2024 to continue funding to prevent and control the transmission of Hansen’s Disease.

**C. CONSIDER ACCEPTANCE – PUBLIC HEALTH EMERGENCY PREPAREDNESS GRANT:**

(Contact: Casie Stoughton, Director of Public Health)

Grantor: Texas Department of State Health Services

Grant Amount: \$256,077.00

This item considers acceptance of an award from the Texas Department of State Health Services from July 1, 2023 thru June 30, 2024 to continue funding to provide all hazards planning and Strategic National Stockpile coordination for Potter and Randall Counties.

**D. CONSIDER ACCEPTANCE – COMMUNITY AND CLINICAL HEALTH BRIDGE GRANT:**

(Contact: Casie Stoughton, Director of Public Health)

Grantor: Texas Department of State Health Services

Grant Amount: \$250,000.00

This item considers acceptance of an award from the Texas Department of State Health Services from September 1, 2023 thru August 31, 2024 to provide obesity and related chronic disease prevention programming.

**E. CONSIDER ACCEPTANCE – TUBERCULOSIS STATE GRANT:**

(Contact: Casie Stoughton, Director of Public Health)

Grantor: Texas Department of State Health Services

Grant Amount: \$75,103.00

This item considers acceptance of an award from the Texas Department of State Health Services from September 1, 2023 thru August 31, 2024 to continue funding to prevent and control the transmission of active and latent tuberculosis.

**F. CONSIDER ACCEPTANCE – PUBLIC HEALTH INFRASTRUCTURE GRANT:**

(Contact: Casie Stoughton, Director of Public Health)

Grantor: Texas Department of State Health Services

Grant Amount: \$1,300,589.00

This item considers acceptance of an award from the Texas Department of State Health Services from execution thru December 31, 2027 to make strategic investments in public health infrastructure created during the COVID-19 pandemic. These investments are aimed at hiring, retaining, supporting and training the public health workforce and strengthening the public health infrastructure and systems related to foundational capabilities in alignment with the Strengthening U.S. Public Health Infrastructure, Workforce, and Data Systems (Funding Opportunity Number CDC RFA OE22-2203) from the Centers for Disease Control and Prevention (CDC).

**G. CONSIDER ACCEPTANCE – IMMUNIZATION GRANT:**

(Contact: Casie Stoughton, Director of Public Health)  
Grantor: Texas Department of State Health Services  
Grant Amount: \$261,049.00

This item considers acceptance of an award from the Texas Department of State Health Services from September 1, 2023 thru August 31, 2024 to continue funding to prevent and control the transmission of vaccine-preventable diseases in children and adults, with emphasis on accelerating strategic interventions to improve their vaccine coverage levels.

**H. CONSIDER ACCEPTANCE – HIV PREVENTION GRANT:**

(Contact: Casie Stoughton, Director of Public Health)  
Grantor: Texas Department of State Health Services  
Grant Amount: \$248,125.00

This item considers acceptance of an award from the Texas Department of State Health Services from September 1, 2023, thru August 31, 2024 to continue funding HIV Prevention.

**I. CONSIDER APPROVAL – APPOINTMENT OF MEMBER TO TUTBURY PUBLIC IMPROVEMENT DISTRICT ADVISORY BOARD:**

(Contact: Justin Oppel, Development Customer Service Coordinator)

This item considers the appointment of Cathy L. Bailey to serve on the Tutbury Public Improvement District Advisory Board to immediately fill an unexpired term ending December 31, 2024.

**J. CONSIDER APPROVAL – AGREEMENT BETWEEN THE CITY OF AMARILLO AND JY RANCH, LLLP TO PROVIDE WATER TAPS PER THE WATER RIGHTS DEED AND THE FIRST AMENDMENT TO THE WATER RIGHTS DEED:**

(Contact: Floyd Hartman, Assistant City Manager)

This item considers the approval of an agreement to provide water taps and water service in the Potter County Wellfield as previously agreed to for three locations on the ranch property. This agreement also includes additional piping to provide for future infrastructure maintenance or replacement. Under this agreement, the total cost to the City shall not exceed \$103,603.48.

**K. CONSIDERATION OF RESOLUTION NO. 02-14-23-1:**

(Contact: Donny Hooper, Director of Public Works)

This item considers a resolution authorizing an Advance Funding Agreement (AFA) for Highway Safety Improvement Program with the Texas Department of Transportation (TxDOT) for transportation improvements estimated to cost \$592,940.00. The AFA will allocate costs of the improvements based on federal funding of \$497,526.00 and local participation from the city of \$95,414.00 and any costs over the estimated bid.

**L. CONSIDER APPROVAL – PARTIAL ASSIGNMENT AND ASSUMPTION OF CHAPTER 380 ECONOMIC DEVELOPMENT PROGRAM AGREEMENT FOR THE PRODUCER OWNED BEEF PROJECT:**

(Contact: Andrew Freeman, Assistant City Manager)

This item considers approval of an agreement to assign the requirements of the approved June 2022 Chapter 380 agreement to Prairie View West, LLC, as well as to clarify the upcoming reorganization of the Prairie View entities into one new entity.

**M. CONSIDER APPROVAL – LANDSCAPE MAINTENANCE CONTRACT RENEWAL AND CHANGE ORDERS NO. 1 AND NO. 2:**

(Contact: Michael Kashuba, Director of Parks and Recreation)

Award to:

Lot 1: Regional Parks – Incircle Management Inc.	\$1,219,053.00
Lot 2: School Parks – Incircle Management Inc.	\$ 720,908.10
Lot 3: Community Parks – Incircle Management Inc.	\$ 170,250.30
Lot 4: Undeveloped – Reeder Landscape	\$ 96,863.20
Change Order #1 – Incircle Management Inc.	\$ 27,130.95
Change Order #2 – Incircle Management Inc.	<u>\$ 89,082.51</u>
Total Award:	\$2,323,288.06

This item considers approval of a landscape maintenance contract renewal with Change Order No. 1 and Change Order No. 2 to provide turnkey landscape maintenance of all shrubs, turf, groundcover, annuals, perennials, and mulch within the limits of the property classifications (Regional Parks, School Parks, Community Parks, Undeveloped Park areas) listed above using experienced personnel using only sound horticultural and landscape practices.

**N. CONSIDER AWARD – CIVIC CENTER COMPLEX AUDITORIUM DRAPERY REPLACEMENT:**

(Contact: Bo Fowlkes, Civic Center Complex General Manager)

Award to: Rose Brand Wipers, Inc. - \$70,190.00

This item considers awarding a contract for the full replacement of the black stage drapery located in the Auditorium.

**O. CONSIDER AWARD – CONSTRUCTION IMPROVEMENTS TO THE SANTA FE DEPOT PAVILION:**

(Contact: Jerry Danforth, Facilities Director)

Award to: Panhandle Steel Buildings, Inc. - \$786,426.00

This item considers the award of a construction contract for site preparation, site security, and construction improvements to the Santa Fe Depot Pavilion located at 401 S. Grant in Amarillo Texas.

**P. CONSIDER AWARD – EAST PARK PLAYGROUND REPLACEMENT:**

(Contact: Michael Kashuba, Director of Parks and Recreation)

Award to: Exerplay Inc. - \$148,665.00 (Buyboard # 679-22)

This item considers award of a contract to replace playground equipment within the existing East Park in Amarillo, Texas.

**Q. CONSIDER AWARD – WEST HILLS PLAYGROUND REPLACEMENT:**

(Contact: Michael Kashuba, Director of Parks and Recreation)

Award to: Exerplay Inc. - \$146,385.25 (Buyboard # 592-19)

This item considers award of a contract to replace playground equipment within the existing West Hills Park in Amarillo, Texas.

**R. CONSIDER AWARD – PRE-COATED B-4 AGGREGATE SUPPLY CONTRACT:**

(Contact: Donny Hooper, Director of Public Works)

Award to: J. Lee Milligan Inc. - \$782,700.00

This item is to consider the award of a contract for the purchase of up to 7,500 cubic yards of Pre-coated B-4 Aggregate to be used by the Street Division during the summer for sealcoating of paved streets.



**S. CONSIDER AWARD – LIQUID FERROUS CHLORIDE ANNUAL SUPPLY AGREEMENT:**

(Contact: John Collins, Director of Utilities)  
Award to: OFS – Not to exceed \$194,909.49

This item considers a contract to purchase Liquid Ferrous Chloride to help control odor in sewer mains.

**T. CONSIDER APPROVAL – AVIATION CLEAR ZONE EASEMENT:**

(Contact: Brady Kendrick, Planner II)

This item considers approval of an Aviation Clear Zone Easement, being 4,700 feet above mean sea level above the plat of Holiday South Unit No. 15, a suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 177, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: Valencia Dr. and Burlington Rd.; APPLICANT/S: Quigley Builders, LLC)

**U. CONSIDER APPROVAL – AVIATION CLEAR ZONE EASEMENT:**

(Contact: Brady Kendrick, Planner II)

This item considers approval of an Aviation Clear Zone Easement, being 4,750 feet above mean sea level above the plat of Usherwood Acres Unit No. 2, a suburban subdivision to the City of Amarillo, being an unplatted tract of land, in Section 181, Block 2, A.B.&M. Survey, Randall County, Texas. (VICINITY: F.M. Highway 1541 and Sundown Lane; APPLICANT/S: Eric White and Cristine White)

**V. CONSIDER ACCEPTANCE – EASEMENT AGREEMENT BETWEEN THE CITY OF AMARILLO AND AMARILLO JUNIOR COLLEGE:**

(Contact: Brady Kendrick, Planner II)

This item considers the acceptance of an Easement Agreement for Access and Parking between the City of Amarillo and Amarillo Junior College, being a 0.94 acre tract of land out of a portion of Lot 1 and 4, Block 127, Lot 1 and 4, Block 144, plus portions of vacated right-of-way, in the Amended, Corrected, & Revised map of Mrs. M.D. Oliver Eakle's Addition, an addition to the City of Amarillo, in Section 171, Block 2, A.B.&M. Survey, Potter County, Texas. (GRANTOR: City of Amarillo; GRANTEE: Amarillo Junior College)

**W. CONSIDERATION OF RESOLUTION NO. 02-14-23-2:**

(Contact: Martin Birkenfeld, Chief of Police)

This item considers a resolution authorizing the application for and administration of a Rifle-Resistant Body Armor Grant Program award from the Office of The Governor, Criminal Justice Division.

**X. CONSIDER AWARD – MASTER SERVICES AGREEMENT FOR VOICE AND INTERNET SERVICES:**

(Contact: Missy Tucker, Information Technology Director)  
Award to: Optimum/Suddenlink – Not to exceed \$475,000.00

This item considers the award of a three-year master services agreement for voice and internet services across 35 city locations.

**Y. CONSIDER APPROVAL – FINAL CHANGE ORDER NO. #4 TO THE SRE BUILDING MODIFICATIONS CONSTRUCTION PROJECT AT RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT:**

(Contact: Michael Conner, Director of Aviation)

Award to: Panhandle Steel Buildings, Inc.

Original Award:	\$ 911,687.00
Previous change orders:	\$ 66,047.43
Current change order #4:	\$ 174,962.63

Liquidated dmgs:	\$ (14,000.00)
Total Award:	\$1,138,697.06

This item considers a final Change Order No. 4 to the SRE Building Modifications construction contract to include silicone roofing system costs, required gas line rerouting, and required miscellaneous electrical work. All these elements were necessary to complete the project, as well as liquidated damages resulting from a 14-day overage from the contract period.

**Z. CONSIDER APPROVAL – FINAL CHANGE ORDER NO. #2 TO THE AIRPORT TAXIWAY P4 AND J RECONSTRUCTION PROJECT AT THE RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT:**

(Contact: Michael Conner, Director of Aviation)

Award to:IHC-Scott – Original Award:	\$8,743,955.32
Previous change order:	\$ 103,507.03
Change Order No. 2:	\$ (46,368.57)
Total Award:	\$8,801,903.78

This item considers the second and final change order to make final rectifying quantity adjustments to the construction contract for the Taxiway P4 and J Reconstruction project.

**AA. CONSIDER APPROVAL – CHANGE ORDER NO. 1 TO THE AUTOMATED METERING INFRASTRUCTURE CONSTRUCTION CONTRACT:**

(Contact: Floyd Hartman, Assistant City Manager)

Award to: Thirkettle Corporation dba Utiliuse	
Original Award:	\$22,528,581.00
Change Order No. 1	\$ 1,281,242.00
Total Award:	\$23,809,823.00

This item is to consider approval of Change Order No. 1 adjusting quantities on meters, boxes, curb stop, and other adjustments.

**BB. CONSIDERATION OF RESOLUTION NO. 02-14-23-3:**

(Contact: Laura Storrs, Assistant City Manager)

This item considers a resolution supporting proposed 2023 legislation for Texas Municipal Retirement System (“TMRS”) Cost of Living Adjustment (“COLA”) bill.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3 – NON-CONSENT ITEMS:**

**ITEM 3A:** Mayor Nelson introduced an ordinance ordaining the City’s participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303 of the Texas Government Code (ACT), providing tax incentives, designating a liaison for communication with interested parties, and nominating Producer Owned Beef, LLC to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (Bank) as a triple jumbo enterprise project (Project). Mr. Freeman presented the item. Mayor Nelson opened a public hearing. Speaking for the item were none; speaking against the item was Mr. McGunugle; speaking on the item were none. Mayor Nelson closed the public hearing. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Smith.

ORDINANCE NO. 8042  
 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
 AMARILLO, TEXAS: ORDAINING THE CITY’S  
 PARTICIPATION IN THE TEXAS ENTERPRISE ZONE

PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303 OF THE TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING PRODUCER OWNED BEEF, LLC TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS A TRIPLE JUMBO ENTERPRISE PROJECT (PROJECT).

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3B:** Mayor Nelson introduced an ordinance designating certain areas of the City as Reinvestment Zone No. 22 for commercial and industrial tax abatement, a zone of approximately 400.00 acres, east of Folsom Road. Kevin Carter, Amarillo Economic Development Corporation, presented the item. Mayor Nelson opened a public hearing. There were no speakers. Mayor Nelson closed the public hearing. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Smith.

ORDINANCE NO. 8043

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS CITY COUNCIL: DESIGNATING CERTAIN AREAS AS REINVESTMENT ZONE NO. 22 FOR COMMERCIAL / INDUSTRIAL TAX ABATEMENT, CITY OF AMARILLO, TEXAS, PURSUANT TO TEXAS TAX CODE, CHAPTER 312, SUBCHAPTERS A & B, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3C:** Mayor Nelson introduced an ordinance rezoning Lot 1, Block 11, Glen Arden Addition Unit No. 12, an addition to the City of Amarillo, in Section 30, Block 9, B.S.&F. Survey, Randall County, Texas, plus one half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District in the vicinity of Coulter St. and Arden. Brady Kendrick, Planner II, presented the item. Mayor Nelson opened a public hearing. There were no speakers. Mayor Nelson closed the public hearing. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Stanley.

ORDINANCE NO. 8044

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 ARDEN ROAD AND COULTER STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3D:** Mayor Nelson introduced an ordinance rezoning a 49.18-acre tract of unplatted land, in Section 31, Block 9, B.S.& F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District in the vicinity of Coulter St. and Hollywood Rd (Loop 335). Mr. Kendrick presented the item. Mayor Nelson opened a public hearing. Speaking for the item were none; speaking against the item was Mr. McGunugle; speaking on the item were none. Mayor Nelson closed the public hearing. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 8045

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 LOOP 335 (HOLLYWOOD ROAD) AND COULTER STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3E:** Mayor Nelson introduced an ordinance adopting the budget amendments pertaining to the fiscal year 2021-2022 budget. Ms. Storrs presented the item. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Smith.

ORDINANCE NO. 8046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, ADOPTING THE BUDGET AMENDMENTS PERTAINING TO THE FISCAL YEAR 2021-2022 BUDGET; AND PROVIDING AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3F:** Mayor Nelson introduced an ordinance amending the municipal code of the City of Amarillo, adding Chapter 10-5, concerning the authorization of the City Marshal's Office to enforce certain health and safety, code enforcement, and building safety regulations; and amending various portions of the applicable code. Mr. Freeman presented the item. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

ORDINANCE NO. 8047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, ADDING CHAPTER 10-5, CONCERNING THE AUTHORIZATION OF THE CITY MARSHAL'S OFFICE TO ENFORCE CERTAIN HEALTH AND SAFETY, CODE ENFORCEMENT, AND BUILDING SAFETY REGULATIONS; AMENDING VARIOUS PORTIONS OF APPLICABLE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3G:** Mayor Nelson introduced an ordinance revising Chapter 8-5, Article IV, Section 8-5-18 of the Amarillo Municipal Code; such revision will provide an exemption to a mandatory Certified Food Manager requirement set forth in the 2021 Texas Food Establishment Rules and the 2017 Food and Drug Administration Food Code. Mr. Spanel presented the item. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Stanley.

ORDINANCE NO. 8048

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-5, ARTICLE IV, SECTION 8-5-18, TO ESTABLISH CRITERIA FOR WHAT TYPES OF PERMITTED FOOD ESTABLISHMENTS COULD BE EXEMPT FROM THE MANDATORY MANAGER CERTIFICATION REQUIREMENTS; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, PENALTY, PUBLICATION, AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3H:** Mayor Nelson introduced a resolution providing support for an Affordable Housing Tax Credit Application to the Texas Department of Housing and Community Affairs, Housing Tax Credit Program by SCF Amarillo 23, LP, a private entity, Westwind of Amarillo, a development, for affordable housing located at 2505 South Grand Street. Cody Balzen, Economic Development Specialist, presented the item. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Smith.

RESOLUTION NO. 02-14-23-4

A RESOLUTION OF THE CITY OF AMARILLO CITY COUNCIL SUPPORTING A HOUSING TAX CREDIT APPLICATION FOR WESTWIND OF AMARILLO DEVELOPMENT; COMMITTING TO A DEVELOPMENT INCENTIVE; AUTHORIZING CITY MANAGER AND/OR HIS DESIGNEE TO SIGN DOCUMENTATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3I:** Mayor Nelson introduced a resolution providing support for an Affordable Housing Tax Credit Application to the Texas Department of Housing and Community Affairs, Housing Tax Credit Program by KCG Lomond Lofts, LP, a private entity, Lomond Lofts, a development, for affordable housing located at 2901 South Osage Street. Mr. Balzen presented the item. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Stanley.

RESOLUTION NO. 02-14-23-5

A RESOLUTION OF THE CITY OF AMARILLO CITY COUNCIL SUPPORTING A HOUSING TAX CREDIT APPLICATION FOR THE LOMOND LOFTS DEVELOPMENT; COMMITTING TO A DEVELOPMENT INCENTIVE; AUTHORIZING CITY MANAGER AND/OR HIS DESIGNEE TO SIGN DOCUMENTATION; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3J:** Mayor Nelson introduced a resolution making a nomination to fill a vacancy on the Board of Directors of the Randall County Appraisal District. Ms. Coggins presented the item. A motion was made to adopt the below captioned resolution and nominate Jinger White by Mayor Pro Tem Powell, seconded by Councilmember Smith.

RESOLUTION NO. 02-14-23-6  
A RESOLUTION TO MAKE A NOMINATION TO FILL A  
VACANCY ON THE BOARD OF DIRECTORS OF THE  
RANDALL COUNTY APPRAISAL DISTRICT.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 3J:** Mayor Nelson introduced a resolution ordering the regular municipal election of the City of Amarillo, Texas to be conducted on May 6, 2023 in the City of Amarillo, Texas. Ms. Coggins presented the item. A motion was made to adopt the below captioned resolution by Mayor Pro Tem Powell, seconded by Councilmember Sauer.

RESOLUTION NO. 02-14-23-7  
A RESOLUTION OF THE AMARILLO CITY COUNCIL:  
ORDERING THE REGULAR MUNICIPAL ELECTION OF  
THE CITY OF AMARILLO, TEXAS TO BE CONDUCTED ON  
MAY 6, 2023 IN THE CITY OF AMARILLO, TEXAS; AS A  
JOINT ELECTION WITH ONE OR MORE OTHER ENTITIES;  
DESIGNATING POLLING PLACES AND VOTE CENTERS;  
DESIGNATING JUNE 24, 2023 AS THE RUN-OFF  
ELECTION DATE; AND PROVIDING FOR THE CONDUCT  
OF SUCH ELECTION, EARLY VOTING, PAYMENT OF  
ELECTION EXPENSES, PROVIDING FOR OTHER  
ADMINISTRATIVE CLAUSES.

Voting AYE were Mayor Nelson, Mayor Pro Tem Powell, and Councilmembers Sauer, Smith and Stanley; voting NO were none; absent were none; the motion passed by a 5-0 vote.

**ITEM 4 – EXECUTIVE SESSION:**

Mr. McWilliams advised at 2:53 p.m. that the City Council would convene in Executive Session per Texas Government Code: A) Section 551.074 – Discuss the appointment, employment, evaluation, reassignment, duties, and qualifications of a public officer or employee: i) Discussion of Municipal Court Judge Laura Hamilton’s performance evaluation; and B) Section 551.072 – Discussion regarding commercial or financial information received from a business prospect and/or to deliberate the offer of a financial or other incentive to a business prospect: i) 22-09-03 (Manufacturing); ii) 22-12-02 (Warehousing & Distribution); and iii) 23-01-01 (Warehousing & Distribution).

Mr. McWilliams announced that Executive Session was adjourned at 4:24 p.m. and recessed the Regular Meeting.

ATTEST:

\_\_\_\_\_  
Stephanie Coggins, City Secretary

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

# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Economic Development/Redevelopment
<b>Department</b>	Planning	<b>Contact Person</b>	Andrew Freeman, Assistant City Manager

**Agenda Caption**

CONSIDERATION OF ORDINANCE NO. 8042:

Second and final reading to consider an ordinance of the City Council of the City of Amarillo, Texas ordaining the City’s participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303 of the Texas Government Code (ACT), providing tax incentives, designating a liaison for communication with interested parties, and nominating Producer Owned Beef, LLC to the Office of the Governor Economic Development & Tourism (EDT) through the Economic Development Bank (Bank) as a triple jumbo enterprise project (Project).

**Agenda Item Summary**

The Texas Enterprise Zone (EZ) program is an economic development tool for local communities to collaborate with the State of Texas to encourage job creation/retention and capital investment in economically distressed areas of the State. To participate in the program, a municipality must approve an ordinance authorizing participation in the Texas Enterprise Zone Program, establishing local incentives offered to businesses seeking enterprise project designation, and nominate a qualified business for enterprise project status. Subsequent project nominations may be considered by resolution if the local incentives offered are the same as outlined in the original ordinance.

The City of Amarillo originally adopted Ordinance 6915 in 2006 when participating in the EZ program for the first time to nominate Bell Helicopter Textron, Inc. Since that time, multiple others have been submitted via resolution but it is now necessary to update our ordinance to better reflect all the possible incentives available so the nomination will score better during the State review process.

Producer Owned Beef, LLC (“POB”) is requesting nomination from the City for an Enterprise Project designation. Over the next 5 years, POB plans to build a producer-owned 700,000+ square foot beef processing plant off Jack Rabbit Road that will harvest 3,000 fed beef animals per day and sell the beef and by-products both in Texas and outside of Texas. POB will partner with Producer Owned Beef Cooperative, Inc. (POBC) to employ up to 1,500 employees within 5 years, with average annual wages of \$60,000-\$65,000. POB plans to invest approximately \$670 million consisting of ~\$34 million for land, ~\$289 million for the building and ~\$347 million for machinery and equipment. A producer-owned fed cattle plant in the Amarillo area would help address the significant shortfall in fed cattle slaughter capacity in the Texas Panhandle and entire High Plains region. Multiple plant closings from 2004 through 2013 severely limited throughput for fed cattle harvest. This restriction was exacerbated by Covid-19 pressures and the industry lost an additional 2-3% of annual fed cattle harvest throughput. Texas is number one in fed cattle production and number three in fed cattle processing capacity. A producer-owned plant will allow Texas cattle producers to access the value chain and record packing industry profits and keep hundreds of millions of dollars in Texas and Amarillo.

This project as proposed will meet all criteria for Enterprise Project consideration. Similar to previous EZ designations provided by the city for Bell, BSA, and NWTHS this project would be for incentives provided by the State. No additional local incentives are being sought as the City and AEDC have previously approved economic development agreements for this project. By receiving a nomination and consideration for approval by the State, POB would be eligible to receive state sales and use tax refunds on qualified expenditures with caps based on the level of capital investment made and jobs created/retained.

**Requested Action**

Hold public hearing and approve on first reading as presented

**Funding Summary**

N/A

**Community Engagement Summary**

N/A

**Staff Recommendation**

Staff recommends approval as presented

ORDINANCE NO. 8042

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: ORDAINING THE CITY'S PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM PURSUANT TO THE TEXAS ENTERPRISE ZONE ACT, CHAPTER 2303 OF THE TEXAS GOVERNMENT CODE (ACT), PROVIDING TAX INCENTIVES, DESIGNATING A LIAISON FOR COMMUNICATION WITH INTERESTED PARTIES, AND NOMINATING PRODUCER OWNED BEEF, LLC TO THE OFFICE OF THE GOVERNOR ECONOMIC DEVELOPMENT & TOURISM (EDT) THROUGH THE ECONOMIC DEVELOPMENT BANK (BANK) AS A TRIPLE JUMBO ENTERPRISE PROJECT (PROJECT).

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WHEREAS, the City Council of the City of Amarillo, Texas (City) desires to create the proper economic and social environment to induce the investment of private resources in productive business enterprises located in severely distressed areas of the city and to provide employment to residents of such areas; and

WHEREAS, the project or activity is located in an area designated as an enterprise zone; and

WHEREAS, pursuant to Chapter 2303, Subchapter F of the Act, PRODUCER OWNED BEEF, LLC has applied to the City for designation as a triple jumbo enterprise project; and

WHEREAS, the City finds that PRODUCER OWNED BEEF, LLC meets the criteria for tax relief and other incentives adopted by the City on the grounds that it will be located at the qualified business site, will create a higher level of employment, economic activity and stability; and

WHEREAS, notice of the public hearing was published in a newspaper of general circulation in the City on February 14, 2023, which satisfies the requirement of Section 2303.4051(e) of the Texas Government Code and that publication of the notice occurred not later than the seventh day before the date of the public hearing; and

WHEREAS, notice of the public hearing was posted at City Hall, on the City's webpage, in the Amarillo Globe Newspaper, and provided to the Economic Development Bank no later than the seventh day before the date of the public hearing; and

WHEREAS, a public hearing to consider this Ordinance was held by the City Council on February 14, 2023;

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

SECTION 1. The City Council for the City of Amarillo, Texas nominates PRODUCER OWNED BEEF, LLC for triple jumbo enterprise project status.

SECTION 2. The following local incentives, at the election of the governing body, are or will be made available to the nominated project or activity of the qualified:

- a) The City may abate taxes on the increase in value of real property improvements and eligible personal property that locate in a designated enterprise zone. The level of abatement shall be based upon the extent to



which the business receiving the abatement creates jobs for qualified employees, in accordance with the City of Amarillo Tax Abatement Policy, and with qualified employee being defined by the Act.

- b) The City may provide for Freeport Exemption.
- c) The City may provide an Economic Development Sales Tax (4A/4B) contribution.
- d) The City may provide local sales tax refunds and other tax deferrals, refunds or incentives allowed under Chapter 380 of the Local Government Code.
- e) The City may provide Industrial District property tax reductions for companies located in a City Industrial District.
- f) The City may provide Tax Increment Financing.
- g) The City may provide regulatory relief to businesses, including:
  - 1) zoning changes or variances;
  - 2) exemption from unnecessary building code requirements, impact fees, or inspection fees; or
  - 3) streamlined permitting.
- h) The City may provide enhanced municipal services to businesses, including
  - 1) improved police and fire protection;
  - 2) institution of community crime prevention programs; or
  - 3) special public transportation routes or reduced fares.
- i) The City may provide improvements in community facilities, including:
  - 1) capital improvements in water and sewer facilities;
  - 2) road repair; or
  - 3) creation or improvement of parks.
- j) The City may provide improvements to housing, including:
  - 1) low-interest loans for housing rehabilitation, improvement, or new construction; or
  - 2) transfer of abandoned housing to individuals or community groups.
- k) The City may provide business and industrial development services, including:
  - 1) low-interest loans for business;
  - 2) use of surplus school buildings or other underutilized publicly owned facilities as small business incubators;
  - 3) provision of publicly owned land for development purposes, including residential, commercial, or industrial development;
  - 4) creation of special one-stop permitting and problem resolution centers or ombudsmen; or
  - 5) promotion and marketing services.
- l) The City may provide job training and employment services to businesses, including:
  - 1) retraining programs;
  - 2) literacy and employment skills programs;
  - 3) vocational education; or
  - 4) customized job training.

SECTION 3. The enterprise zone areas within the City are reinvestment zones in accordance with the Texas Tax Code, Chapter 312.

SECTION 4. The City of Amarillo City Council directs and designates its Planning Director as the City's liaison to communicate and negotiate with the EDT through the Bank and enterprise project(s) and to oversee zone activities and communications with qualified businesses and other entities in an enterprise zone or affected by an enterprise project.

SECTION 5. The City finds that PRODUCER OWNED BEEF, LLC meets the criteria for designation as an enterprise project under Chapter 2303, Subchapter F of the Act on the following grounds:

- (a) PRODUCER OWNED BEEF, LLC is a “qualified business” under Section 2303.402 of the Act since it will be engaged in the active conduct of a trade or business at a qualified business site within the governing body’s jurisdiction, located outside of an enterprise zone and at least twenty-five percent (25%) of the business’ new employees will be residents of an enterprise zone, economically disadvantaged individuals, or veterans; and
- (b) There has been and will continue to be a high level of cooperation between public, private, and neighborhood entities in the area; and
- (c) The designation of PRODUCER OWNED BEEF, LLC as a triple jumbo enterprise project will contribute significantly to the achievement of the plans of the City for development and revitalization of the area.

SECTION 6. The enterprise project shall take effect on the date of designation of the enterprise project by EDT and terminate five (5) years after the date of designation.

SECTION 7. This Ordinance shall take effect from and after its passage as the law and charter in such case provides.

SECTION 8. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 or the Texas Government Code.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on this 14th day of February 2023, and PASSED on Second and Final Reading on this the 21st day of February 2023.

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

ATTEST:

\_\_\_\_\_  
Stephanie Coggins, City Secretary

APPROVE AS TO FORM:

\_\_\_\_\_  
Bryan McWilliams, City Attorney

# Amarillo City Council

## Agenda Transmittal Memo



<b>Meeting Date</b>	February 21, 2023	<b>Council Pillar</b>	Economic Development
<b>Department</b>	Amarillo Economic Development Corporation		
<b>Contact</b>	Kevin Carter, President and CEO		

### Agenda Caption

#### CONSIDERATION OF ORDINANCE NO. 8043

Second and final reading of an ordinance to consider designating certain areas of the City as Reinvestment Zone No. 22 for commercial and industrial tax abatement. The zone is approximately 400.00 acres east of Folsom Road.

### Agenda Item Summary

Designating a reinvestment zone is a step in the property tax abatement process under Chapter 312 of the Tax Code. Local governments often use tax abatements to attract new industry and commercial enterprises and to encourage the retention and development of existing businesses. Designation of an area as a reinvestment zone is required before City Council has the ability to offer a tax abatement.

The 400.00 acres proposed for Reinvestment Zone No. 22 is located east of Folsom Road and 1/2 mile north of 24<sup>th</sup> street. The reason for creating this zone is to provide Council the option to offer an economic development incentive to a prospective manufacturing facility.

Before Council may consider a new zone, it must be preceded by a public hearing, with 7 days written notice of the hearing provided to the presiding officer of each of the other taxing entities with jurisdiction in the zone and notice of the hearing in a newspaper of general circulation in the city.

Council must make findings that the improvements sought in the zone are feasible and practical and would be a benefit to the zone after expiration of a tax abatement agreement. Zones must also meet one of the applicable criteria for reinvestment zones. For the case of this zone, the criteria met is that with designation of the zone it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the City.

### Requested Action

Conduct a public hearing and first reading of the Ordinance on February 14, 2023. The final reading is scheduled for March 14, 2023.

### Funding Summary

N/A

### Staff Recommendation

AEDC staff is recommending approval of the designation of Reinvestment Zone 22.

ORDINANCE NO. 8043

AN ORDINANCE OF THE CITY OF AMARILLO, TEXAS CITY COUNCIL: DESIGNATING CERTAIN AREAS AS REINVESTMENT ZONE NO. 22 FOR COMMERCIAL / INDUSTRIAL TAX ABATEMENT, CITY OF AMARILLO, TEXAS, PURSUANT TO TEXAS TAX CODE, CHAPTER 312, SUBCHAPTERS A & B, ESTABLISHING THE BOUNDARIES THEREOF AND OTHER MATTERS RELATING THERETO; PROVIDING A SEVERANCE CLAUSE; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the City Council of the City of Amarillo, Texas ("City"), desires to promote the development or redevelopment of a certain contiguous geographic area within its extra territorial jurisdiction by the creation of a Reinvestment Zone for commercial/industrial tax abatement, as authorized by Texas Tax Code Chapter 312, Subchapters A & B;

WHEREAS, City has elected by Resolution No. 08-24-21-1 to become eligible to participate in tax abatements;

WHEREAS, a public hearing in a regularly scheduled meeting before the City Council was held on February 14, 2023, such date being at least seven (7) days after the date of publication of the notice of such public hearing as required by the Texas Tax Code; and

WHEREAS, notice of the public hearing was delivered to the presiding officer of the governing body of each taxing unit located within the proposed Reinvestment Zone at least seven (7) days before the date of the public hearing; and

WHEREAS, the City at such hearing invited all interested persons, or their counsel, to appear and speak for or against the creation of the proposed Reinvestment Zone, the boundaries of the proposed Reinvestment Zone, and whether all or part of the property described in this ordinance should be included in such proposed Reinvestment Zone; and

WHEREAS, all interested persons were given the opportunity to be heard and the proponents of the Reinvestment Zone offered evidence in favor of the creation of the proposed Reinvestment Zone and the proponents also submitted evidence as to the proposed improvements, and any opponents of the proposed Reinvestment Zone were given the opportunity to contest creation of the proposed Reinvestment Zone; and

WHEREAS, the area to be designated meets the statutory requirement that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the zone that would be a benefit to the property and that would contribute to the economic development of the municipality, and/or meets other criteria that satisfies state law for establishment of a reinvestment zone;

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

SECTION 1. That the facts and recitations contained in the preamble of this ordinance are hereby found and declared to be true and are adopted as findings of fact by this body and as part of its official record.

SECTION 2. The City, after conducting such hearing and having heard such evidence and testimony, has made the following findings and determinations based on the testimony and evidence presented to it:

- a) That a public hearing on the designation of the Reinvestment Zone has been properly called, held and conducted and that notice of such hearing was published as required by law and delivered to all taxing units overlapping the territory inside the proposed reinvestment zone; and
- b) That the boundaries of the area to be known as City of Amarillo Reinvestment Zone No. 22 shall be the area of land described on the document attached hereto as Exhibit "A", which is incorporated herein for all purposes; and
- c) That the creation of the City of Amarillo Reinvestment Zone No. 22 with the boundaries as described in (b) above, will result in benefits to the City and to the land included in the zone and to the City after the expiration of any Tax Abatement Agreement entered into, and the improvements sought are feasible and practical; and
- d) That the Reinvestment Zone as described in (b) above meets the criteria for the creation of a Reinvestment Zone as set forth in Texas Tax Code Chapter 312, Subchapters A & B in that it is reasonably likely as a result of the designation to contribute to the retention or expansion of primary employment or to attract major investment in the Reinvestment Zone that would be a benefit to the property and that would contribute to the economic development of the City; and
- e) That the City of Amarillo Reinvestment Zone No. 22 as defined herein satisfies the requirement of a Reinvestment Zone and is eligible under the Guidelines and Criteria for Tax Abatement in the City of Amarillo, Resolution No. 08-24-21-1.

SECTION 3. That pursuant to Texas Tax Code Chapter 312, Subchapter B, the City hereby creates a Reinvestment Zone for commercial/industrial tax abatement encompassing the area described by the legal description in Section 2 (b) above and such Reinvestment Zone is hereby designated and shall hereafter be designated City of Amarillo Reinvestment Zone No. 22 for a period of five (5) years.

SECTION 4. If any portion of this ordinance shall, for any reason, be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining provisions hereof.

SECTION 5. That the establishment of City of Amarillo Reinvestment Zone No. 22 shall take effect on the date of the final passage of this Ordinance.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading on the 14th day of February, 2023, and PASSED on Second and Final Reading on this the 21st day of February, 2023.

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

ATTEST:

\_\_\_\_\_  
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Bryan McWilliams, City Attorney

DRAFT

**EXHIBIT A**  
**LEGAL DESCRIPTION OF REINVESTMENT ZONE NO. 22**

LEGAL DESCRIPTION for a 400.00 acre tract of land out of Section 62, Block 2, A. B. & M. Survey, Potter County, Texas, and more particularly described as follows:

BEGINNING at the intersection of the north section line of said Section 62 and the east right-of-way line of Folsom Road which bears S. 89° 56' 54" E. a distance of 30.00 feet from the northwest corner of said Section 62 for the northwest corner of this tract.

THENCE S. 89° 56' 31" E. a distance of 3665.28 feet to the northeast corner of this tract.

THENCE S. 00° 03' 29" W. a distance of 3977.05 feet to the most easterly southeast corner of this tract.

THENCE N. 89° 54' 54" W. a distance of 114.38 feet to a corner of this tract.

THENCE S. 00° 18' 01" W. a distance of 109.66 feet to a corner of this tract.

THENCE N. 84° 39' 47" W. a distance of 143.19 feet to a corner of this tract.

THENCE S. 51° 27' 30" W. a distance of 219.83 feet to a corner of this tract.

THENCE S. 15° 40' 31" E. a distance of 113.24 feet to a corner of this tract.

THENCE S. 26° 13' 18" W. a distance of 161.95 feet to a corner of this tract.

THENCE S. 46° 31' 13" E. a distance of 116.96 feet to a corner of this tract.

THENCE S 12° 32' 07" W. a distance of 322.68 feet to a corner of this tract.

THENCE S. 34° 05' 49" W. a distance of 165.07 feet to a corner of this tract.

THENCE S. 79° 37' 23" W. a distance of 295.84 feet to a corner of this tract.

THENCE S. 22° 46' 41" W. a distance of 220.28 feet to the most southerly southeast corner of this tract.

THENCE N. 89° 48' 54" W. a distance of 2065.13 feet to the most southerly southwest corner of this tract.

THENCE N. 00° 38' 24" E. a distance of 19.95 feet to the beginning of a curve to the right for a corner of this tract.

THENCE in a northeasterly direction along said curve with a radius equal to 50.00 feet, with long chord bearing of N. 18° 29' 05" E. and a long chord distance of 95.29 feet, a curve length of 126.27 feet to the end of said curve for a corner of this tract.

THENCE N. 00° 04' 25" E. a distance of 1599.96 feet to a corner of this tract.

THENCE N. 89° 51' 12" W. a distance of 708.99 feet to said east right-of-way line of said Folsom Road for the most westerly southwest corner of this tract.

THENCE N. 00° 04' 37" E. a distance of 3538.01 feet to the place of BEGINNING and containing 400.00 acres (17,423,969 square feet) of land.

# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Economic Development/Redevelopment
<b>Department</b>	Planning Department		
<b>Contact Person</b>	Brady Kendrick – Planner II		

**Agenda Caption**

Second and final reading to consider an ordinance Rezoning Lot 1, Block 11, Glen Arden Addition Unit No. 12, an addition to the City of Amarillo, in Section 30, Block 9, B.S.&F. Survey, Randall County, Texas, plus one half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District.  
 VICINITY: Coulter St. and Arden Rd.  
 APPLICANT/S: Daryl Furman for The Alfred Group, LLC

**Agenda Item Summary**

**Adjacent land use and zoning**

Adjacent zoning consist of Agricultural District to the north, General Retail District and Residential District 2 to the south, Residential District 2 to the east, and General Retail to the west.

Adjacent land uses consist of a church to the north, a Walmart Market and single family detached homes to the south, single family detached homes to the east, and undeveloped land to the west.

**Proposal**

The applicant is proposing a change in zoning in order to develop the tract with a Dollar Tree retail store.

**Analysis**

The Planning and Zoning Commission’s analysis of a zoning change begins with referring to the Comprehensive Plan’s Future Land Use and Character Map, impact on existing zoning and development patterns, if any, and conformity to the Neighborhood Unit Concept of Development (NUC).

The Future Land Use Map category for the applicant’s tract is Suburban Commercial. Suburban Commercial calls for a range of commercial retail and service uses at varying scales depending on the site and location. Given the proposed zoning district and proposed use for the site, the Planning and Zoning Commission is of the opinion that the request would conform with the Future Land Use Map.

Regarding the Neighborhood Unit Concept of Development (NUC), the concept calls for more intensive uses such as commercial, retail, office, and multi-family development to be located at or near Section Line Arterial Intersections with intensity of use and/or zoning decreasing inward towards the center/middle of a section.

The applicant’s tract is located at the northeast corner of the section line intersection of Arden Road and Coulter Street. Given the tracts location at this intersection, the request for General Retail in this area would conform with the NUC.

Considering the just mentioned information and existing zoning and development patterns in the area, The Planning and Zoning Commission is of the opinion that if approved, the request would not result in any detrimental impacts to the surrounding area.

**Requested Action/Recommendation**

Notices were sent as required by State Law. As of this writing, one call has been received that did not express opposition to the request. Considering the previously mentioned, the Planning and Zoning Commission recommends APPROVAL of the request as presented with a unanimous vote.



**ORDINANCE NO. 8044**

**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 ARDEN ROAD AND COULTER STREET, 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 Lot 1, Block 11, Glen Arden Addition Unit No. 12, an addition to the City of Amarillo, in Section 30, Block 9, B.S.&F. Survey, Randall County, Texas, plus one half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District.

**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 14th day of February, 2023 and PASSED on Second and Final Reading on this the 21st day of February, 2023.

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Ginger Nelson, Mayor

ATTEST:

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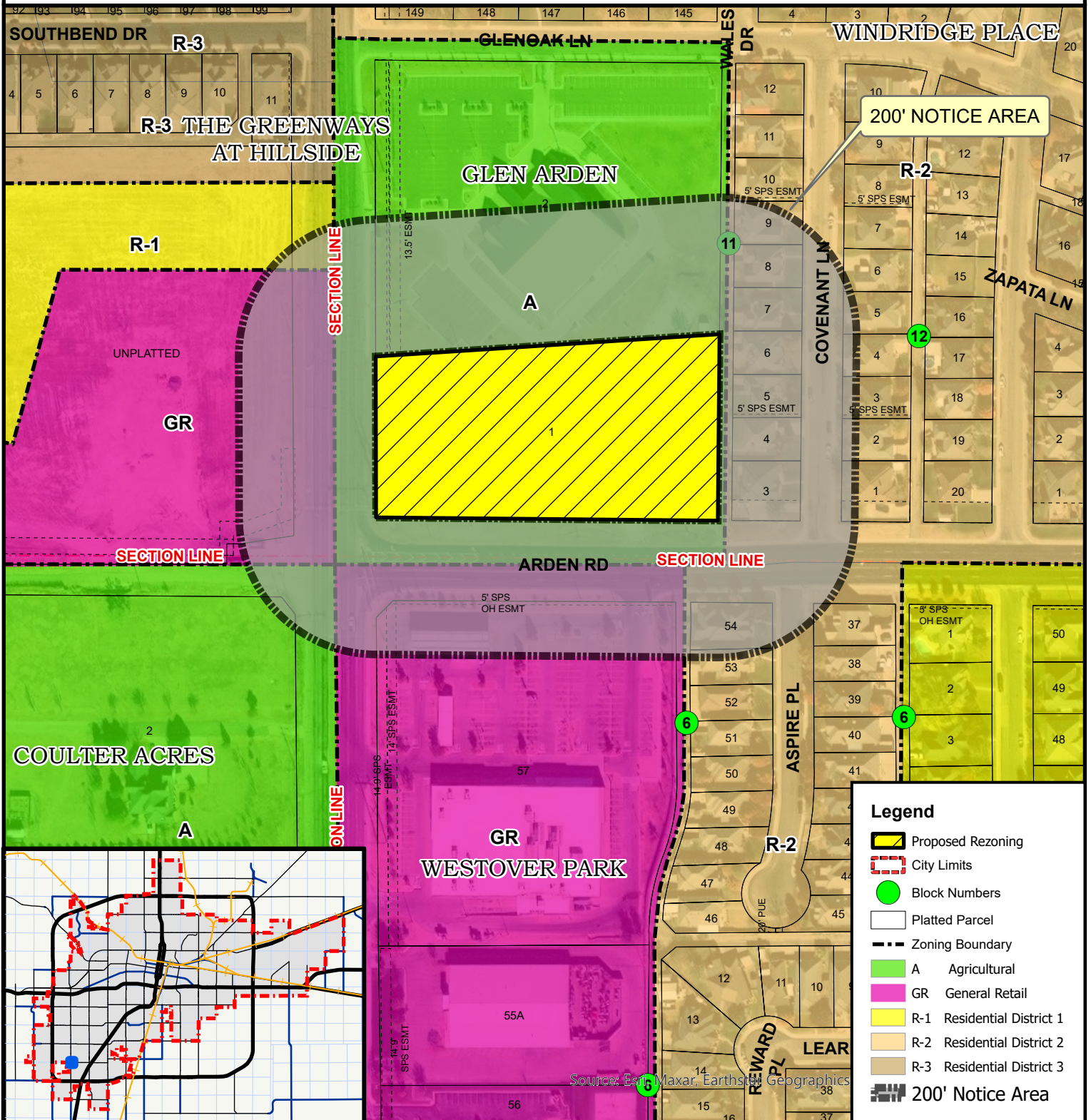
Stephanie Coggins  
City Secretary

APPROVED AS TO FORM:

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Bryan McWilliams,  
City Attorney

# REZONING FROM A TO GR



**Legend**

- Proposed Rezoning
- City Limits
- Block Numbers
- Platted Parcel
- Zoning Boundary
- A Agricultural
- GR General Retail
- R-1 Residential District 1
- R-2 Residential District 2
- R-3 Residential District 3
- 200' Notice Area

## CITY OF AMARILLO PLANNING DEPARTMENT

Scale 1 inch = 200 Feet  
 Date: 12/27/2022  
 Case No: Z-22-36



**Z-22-36 Rezoning of Lot 1, Block 11, Glen Arden Addition Unit No. 12, an addition to the City of Amarillo, in Section 30, Block 9, B.S.& F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District.**

VICINITY: Arden Rd. and Coulter St.  
 APPLICANT/S: Daryl Furman for The Alfred Group LLC

AP: J-16

# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Economic Development/Redevelopment
<b>Department</b>	Planning Department		
<b>Contact Person</b>	Brady Kendrick – Planner II		

**Agenda Caption**

Second and final reading to consider an ordinance rezoning a 49.18 acre tract of unplatted land, in Section 31, Block 9, B.S.& F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District.

VICINITY: Coulter St. and Hollywood Rd (Loop 335)

APPLICANT/S: Daryl Furman for Attebury Elevators LLC, Happy Again LP, and Rockrose Development LLC

**Agenda Item Summary**

**Adjacent land use and zoning**

Adjacent zoning consists of General Retail District, Residential District 2 and 3, and Agricultural District to the north, Agricultural District, General Retail District, and Light Commercial District to the south, Light Commercial District to the east, and General Retail District and Agricultural District to the west.

Adjacent land uses consist of single family detached homes, vacant land, and two churches to the north, vacant land and a hotel to the south, a coffee shop to the east, and vacant land and a medical clinic to the west.

**Proposal**

The applicant is proposing a change in zoning in order to develop the tract with retail land uses in the form of a proposed development that will feature multiple retail sites in the area to be rezoned.

**Analysis**

The Planning and Zoning Commission’s analysis of a zoning change begins with referring to the Comprehensive Plan’s Future Land Use and Character Map, impact on existing zoning and development patterns, if any, and conformity to the Neighborhood Unit Concept of Development (NUC).

The Future Land Use Map identifies the approximate west 600 feet of the tract as being in the General Commercial category while the remaining portion falls within the Suburban Commercial category.

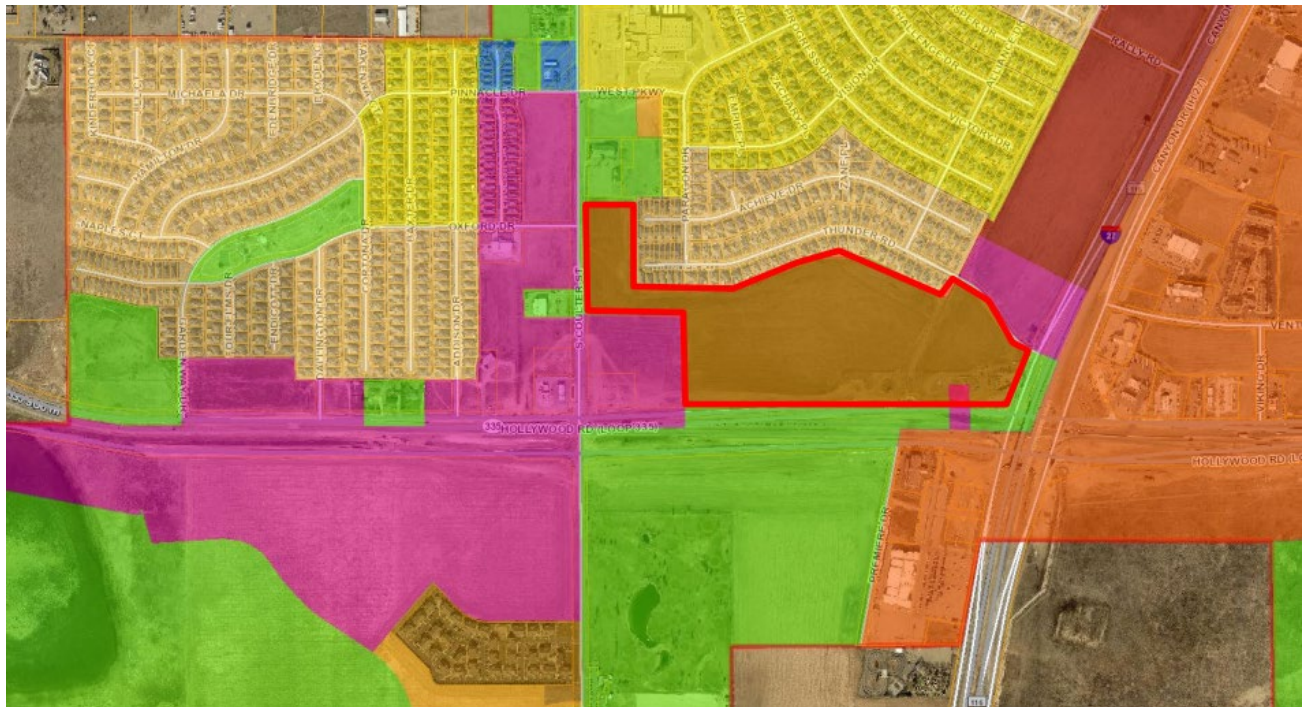
Both categories regarding proposed land uses allowed call for a range of commercial retail and service uses at varying scales. General Commercial however is intended to be more auto oriented in nature while Suburban Commercial is intended to be more suburban in nature regarding development types.

The Planning and Zoning Commission notes that since the Future Land Use Map’s adoption, the nature of Loop 335 across the south side of this site has begun to transition from an undivided highway to a freeway style highway that will eventually feature a freeway interchange at its intersection with Interstate 27 at the southeast corner of the applicant’s tract resulting in the Loop 335 corridor seeing increasing levels of traffic. With the property in question being located along Loop 335 between Coulter Street on the west and Interstate 27 on the east, this would in the Planning and Zoning Commission’s opinion make the property more conducive to being developed with retail uses that are more auto oriented in nature given the proximity to major travel corridors on three sides of the property (two highways and a heavily traveled section line arterial). Given these factors, the Planning and Zoning Commission believes that retail type land uses that may be more auto oriented in nature is appropriate in this area.



Regarding the Neighborhood Unit Concept of Development (NUC), the concept calls for more intensive uses such as commercial, retail, office, and multi-family development to be located at or near Section Line Arterial Intersections with intensity of use and/or zoning decreasing inward towards the center/middle of a section.

The section of land that the applicant's tract is located within is unique in that it is bisected by the Interstate 27 corridor through the center of the section and also features the new Loop 335 freeway running across the south line of the section as noted previously.



Given the tract's location along these corridors, the Planning and Zoning Commission is of the opinion that General Retail zoning is an appropriate zoning district to establish for this property.

Regarding existing zoning and development patterns in the area, the Planning and Zoning Commission does note that while there is a single family neighborhood located on the northern periphery of the applicant's tract, the Planning and Zoning Commission believes that existing development standards (screening requirements, increased setbacks, etc.), along with the fact that a 20 foot wide alley is located between the neighborhood and the applicant's tract will help mitigate any potential impacts from future development on the tract.

Additionally, the Planning and Zoning Commission does note that similar zoning patterns can be seen in multiple areas in Amarillo, including to the southwest of the applicant's tract on the south side of Loop 335 and is similar in nature to what is seen in the Westgate Mall area that is located next to the Puckett West subdivision.

Regarding the portion of the tract along Coulter Street, the Planning and Zoning Commission notes that given the frontage of Coulter Street across from the applicant's tract is mostly zoned General Retail already, the applicant's request would fit with the existing zoning patterns in the area along Coulter Street.

Taking all of the just mentioned into account, the Planning and Zoning Commission believes the request is appropriate and would not negatively impact existing zoning or development patterns in the area.

**Requested Action/Recommendation**

Notices were sent to all property owners as required by State Law. As of this writing, one comment has been received in support of the request. Considering all the just mentioned, the Planning and Zoning Commission recommends APPROVAL of the request as presented with a unanimous vote.

**ORDINANCE NO. 8045**

**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 LOOP 335 (HOLLYWOOD ROAD) AND COULTER STREET, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City Council adopted the “Amarillo Comprehensive Plan” on October 12, 2010, which established 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 49.18 acre tract of unplatted land, in Section 31, Block 9, B.S.& F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District and being further described in Exhibit A attached herein.

**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 14th day of February, 2023 and PASSED on Second and Final Reading on this the 21st day of February, 2023.

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Ginger Nelson, Mayor

ATTEST:

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Stephanie Coggins  
City Secretary

APPROVED AS TO FORM:

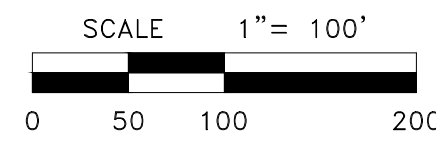
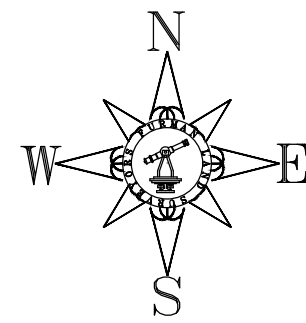
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Bryan McWilliams,  
City Attorney



# EXHIBIT A

- LEGEND:**
- 1/2" IRON ROD SET W/CAP STAMPED "FURMAN RPLS"
  - 5/8" IRON ROD W/ ALUMINUM CAP STAMPED "TXDOT"
  - 1/2" IRON ROD W/CAP FND
  - 1/2" IRON ROD FND
- (XXXX) NAME OR NUMBER IN ( ) INDICATES MONUMENT ORIGIN



**NOTES**

1. Original seal and signature of the surveyor must be present on each page for survey to be valid.
2. This plat is the property of Furman Land Surveyors Inc. Furman Land Surveyors Inc. accepts no responsibility for the use of this plat for any purpose other than its original intended use. The intended use being the consummation of the original transaction between the parties listed in the certificate hereon and issuance of title insurance for the property surveyed. Reproduction of this plat for any purpose other than its original intended use is expressly forbidden without the written consent of an authorized agent of Furman Land Surveyors Inc. Copyright 2022.
3. No investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose have been made by this Surveyor.
4. Bearings based on GPS observation.

**DESCRIPTION (cont.)**

THENCE Southeasterly 177.27 feet along said Southern Right-of-Way line of Thunder Road and said curve to the right with a long chord of S. 48° 41' 55" E. 175.58 feet to a 1/2 inch iron rod found for the end of said curve;

THENCE S. 34° 58' 24" E. 264.07 feet to a 1/2 inch iron rod with cap (5499) found for the beginning of a curve to the left whose center bears N. 55° 01' 36" E. 430.00 feet;

THENCE Southeasterly 206.52 feet along said Southern Right-of-Way line of Thunder Road and said curve to the right with a long chord of S. 48° 43' 57" E. 204.54 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set for the end of said curve;

THENCE S. 62° 29' 29" E. 11.88 feet to an aluminum cap Right-of-Way monument (TxDOT) found as called for in the Westerly Right-of-Way line of Interstate Highway No. 27 (Parcel 29) as described in that certain instrument recorded under Clerk's File No. 2017005277 of the Official Public Records of Randall County, Texas, same being the most East corner of this tract of land;

THENCE S. 34° 54' 06" W. 146.54 feet along said Westerly Right-of-Way line of Interstate Highway No. 27 to an aluminum cap Right-of-Way monument (TxDOT) found as called for in the Northerly Right-of-Way line of State Loop 335 (Parcel 18-2) as described in that certain instrument recorded under Clerk's File No. 2017005275 of the Official Public Records of Randall County, Texas;

THENCE S. 40° 56' 35" W. 102.69 feet along said Northerly Right-of-Way line of State Loop 335 to an aluminum cap Right-of-Way monument (TxDOT) found as called for;

THENCE S. 54° 10' 40" W. 115.47 feet along said Northerly Right-of-Way line of State Loop 335 to an aluminum cap Right-of-Way monument (TxDOT) found as called for;

THENCE S. 72° 36' 07" W. 158.70 feet along said Northerly Right-of-Way line of State Loop 335 to a 1/2 inch iron rod with cap (CEC) found for the Northwest corner of said Right-of-Way line of State Loop 335 (Parcel 182), same being the Southeast corner of that certain 0.308 acre tract of land being described in that certain instrument recorded under Clerk's File No. 2018003829 of the Official Public Records of Randall County, Texas;

THENCE N. 00° 08' 25" W. 95.23 feet along the East line of said 0.308 acre tract of land to a 1/2 inch iron rod with cap (CEC) found for the Northeast corner of said 0.308 acre tract of land;

**DESCRIPTION (cont.)**

THENCE N. 89° 24' 46" W. 140.54 feet along the North line of said 0.308 acre tract of land to a 1/2 inch iron rod found for the Northwest corner of said 0.308 acre tract of land;

THENCE S. 00° 01' 59" E. 95.35 feet along the West line of said 0.308 acre tract of land to an aluminum cap Right-of-Way monument (TxDOT) found as called for in the North Right-of-Way of State Loop 335 (Parcel 18-1) as described in said instrument recorded under Clerk's File No. 2017005275;

THENCE N. 89° 27' 47" W. 185.53 feet along said North Right-of-Way line of State Loop 335 to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set;

THENCE 42° 17' 54" W. 41.34 feet to an aluminum cap Right-of-Way monument (TxDOT) found as called for;

THENCE N. 89° 27' 47" W. 82.46 feet to an aluminum cap Right-of-Way monument (TxDOT) found as called for;

THENCE S. 46° 14' 06" W. 37.09 feet to a 1/2 inch iron rod with cap stamped "FURMAN RPLS" set;

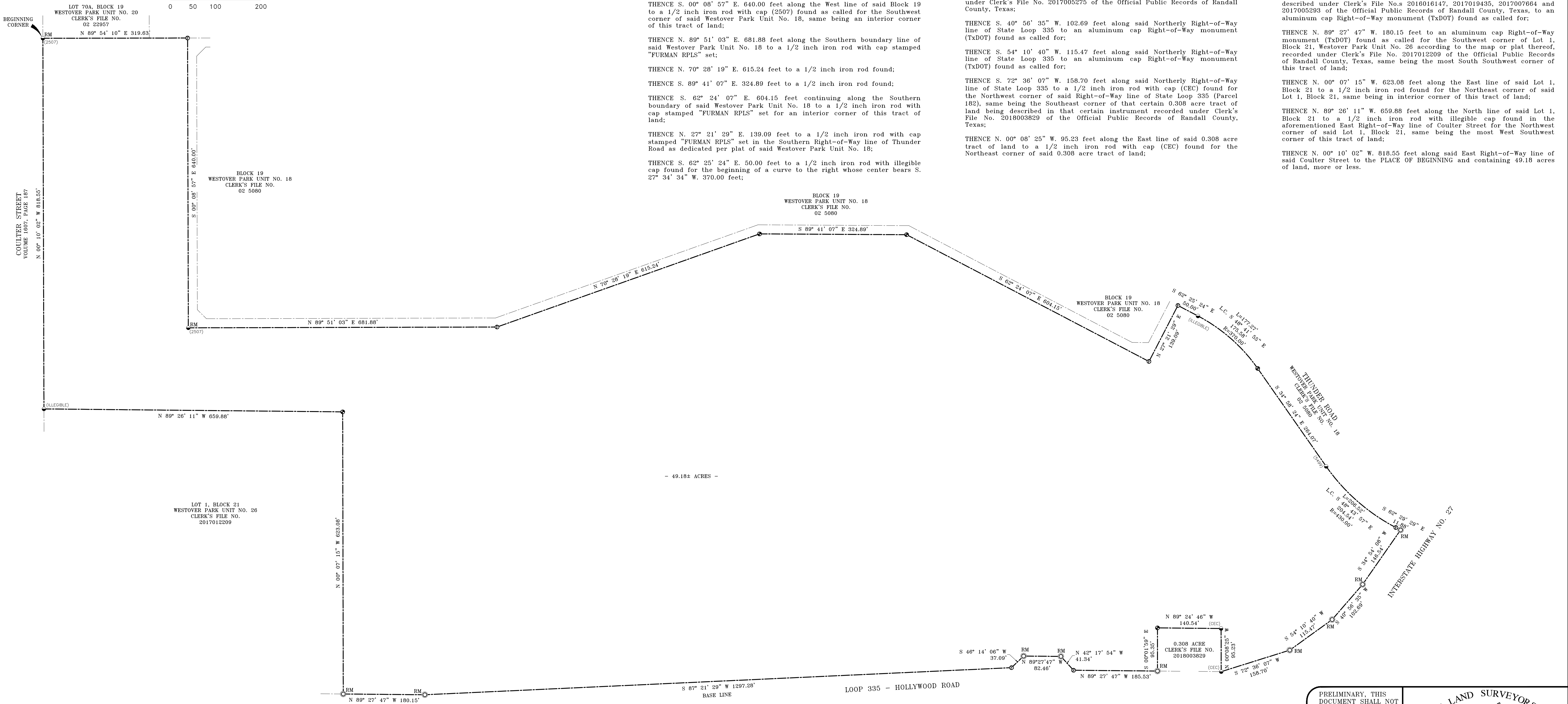
THENCE S. 87° 21' 29" W. (Base line) 1297.28 feet along said North Right-of-Way line of State Loop 335 (Parcels 17, 18, 15 and 14) as described under Clerk's File No.s 2016016147, 2017019435, 2017007664 and 2017005293 of the Official Public Records of Randall County, Texas, to an aluminum cap Right-of-Way monument (TxDOT) found as called for;

THENCE N. 89° 27' 47" W. 180.15 feet to an aluminum cap Right-of-Way monument (TxDOT) found as called for the Southwest corner of Lot 1, Block 21, Westover Park Unit No. 26 according to the map or plat thereof, recorded under Clerk's File No. 2017012209 of the Official Public Records of Randall County, Texas, same being the most South Southwest corner of this tract of land;

THENCE N. 00° 07' 15" W. 623.08 feet along the East line of said Lot 1, Block 21 to a 1/2 inch iron rod found for the Northeast corner of said Lot 1, Block 21, same being in interior corner of this tract of land;

THENCE N. 89° 26' 11" W. 659.88 feet along the North line of said Lot 1, Block 21 to a 1/2 inch iron rod with illegible cap found in the aforementioned East Right-of-Way line of Coulter Street for the Northwest corner of said Lot 1, Block 21, same being the most West Southwest corner of this tract of land;

THENCE N. 00° 10' 02" W. 818.55 feet along said East Right-of-Way line of said Coulter Street to the PLACE OF BEGINNING and containing 49.18 acres of land, more or less.



- 49.18± ACRES -

PRELIMINARY. THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT. THIS DOCUMENT HAS BEEN RELEASED BY DARYL R. FURMAN RPLS 5374 FOR REVIEW PURPOSES ONLY. DATE: 12/19/2022

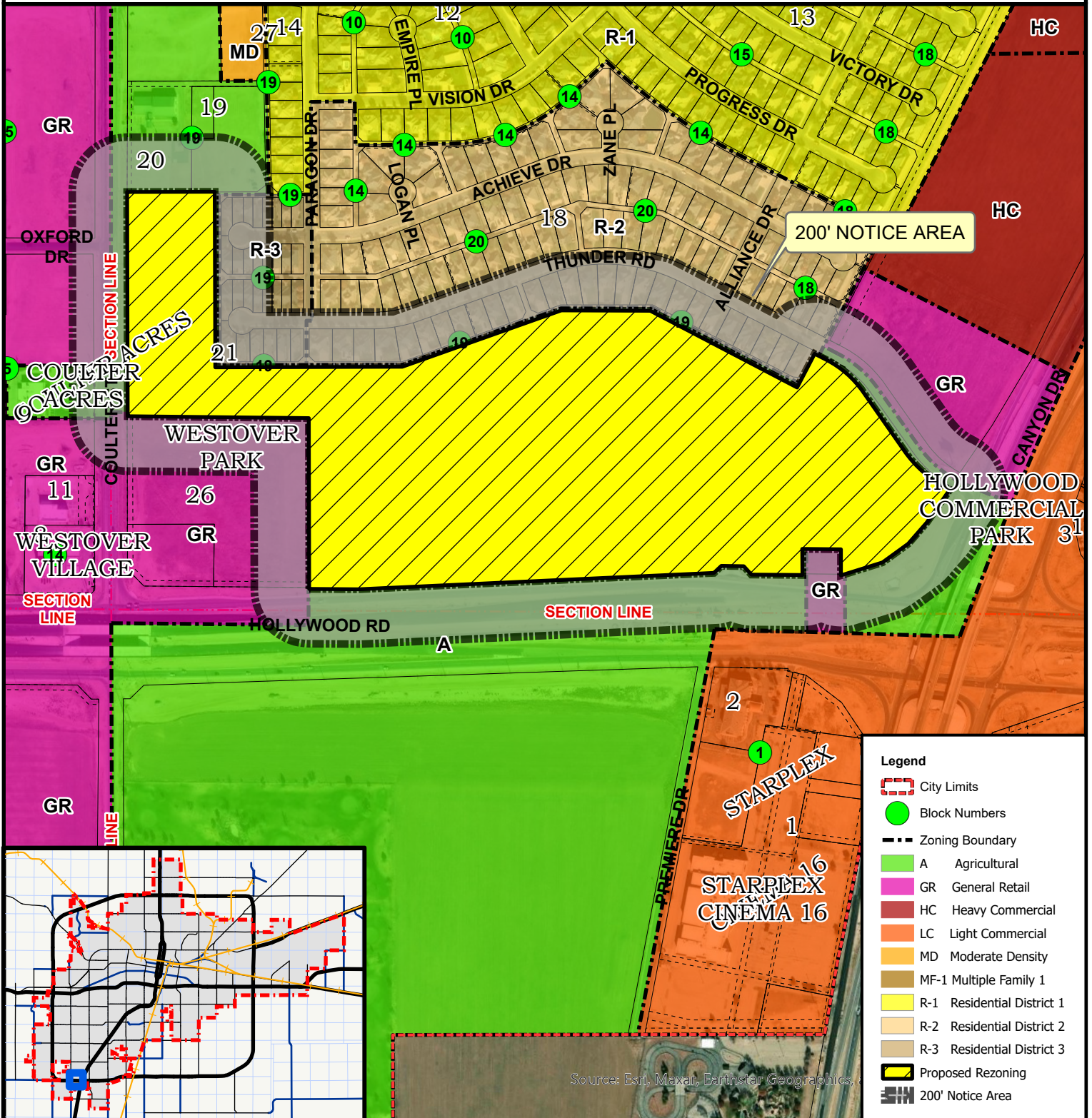
**FURMAN LAND SURVEYORS, INC.**  
SURVEYING · MAPPING · CONSULTING  
TEXAS · OKLAHOMA · NEW MEXICO  
KANSAS · COLORADO

DARYL R. FURMAN, RPLS - DANIEL R. FURMAN, RPLS - DONALD R. FURMAN, RPLS  
CASEY A. MANN, RPLS - LANDON M. STOKES, RPLS  
HEATHER LYNN LEMONS, RPLS - KYLIE L. BRADY, RPLS  
CHASE ROME, RPLS - LEONARD A. MCLAUGHLIN, SIT  
TEXAS FIRM #1009280 & 10092801  
P.O. BOX 1416 - AMARILLO, TEXAS 79105 - (806) 374-4246 - FAX (806) 374-4248  
PROJECT NO. 2231496Z FILE NO. J-17  
DRAWING NO. P\DWg 2\2 RANDALL\J-17\2231496\2231496Z

REZONING EXHIBIT  
SECTION 31, BLOCK 9  
BS&F SURVEY  
RANDALL COUNTY



# REZONING FROM A TO GR



## CITY OF AMARILLO PLANNING DEPARTMENT

Scale 1 inch = 500 Feet  
 Date: 12/22/2022  
 Case No: Z-22-37



Z-22-37 Rezoning of a 49.18 acre tract of unplatted land, in Section 31, Block 9, B.S. & F. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways, to change from Agricultural District to General Retail District.

VICINITY: Coulter St. and Hollywood Rd (Loop 335)

APPLICANT/S: Daryl Furman for Attebury Elevators LLC, Happy Again LP, and Rockrose Development LLC

AP: J-17

# Amarillo City Council Agenda Transmittal Memo



ITEM 2F

<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Fiscal Responsibility
<b>Department</b>	City Manager's Office		
<b>Contact</b>	Laura Storrs, Assistant City Manager		

## Agenda Caption

Ordinance – City of Amarillo 2021/2022 Budget Amendment

This is the second and final reading of an ordinance to amend the City of Amarillo 2021/2022 Budget.

## Agenda Item Summary

This is the second and final reading of an ordinance to amend the City of Amarillo 2021/2022 Budget. This Budget Amendment specifically amends the 2021/2022 fiscal year budgets for the following funds:

- General Fund - \$22,500,000
- Local Seized Property Fund - \$95,000
- LEOSE - \$11,000
- Compensated Absences Fund - \$600,000
- Public Health Fund - \$4,200,000
- Greenways Public Improvement District - \$5,000
- Heritage Hills Public Improvement District - \$50,000

## Requested Action

Approval of the ordinance to amend the City of Amarillo 2021/2022 Budget.

## Funding Summary

N/A

## Community Engagement Summary

N/A

## Staff Recommendation

Staff recommendation is to approve the 2021/2022 fiscal year budget amendment.

02/09/23

ORDINANCE NO. 8046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, ADOPTING THE BUDGET AMENDMENTS PERTAINING TO THE FISCAL YEAR 2021-2022 BUDGET; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, City ordinance requires City Council to approve a budget amendment and upon approval such amendment shall become an attachment to the original budget; and

WHEREAS, a budget amendment has been prepared for certain appropriations and expenditures in the 2021-2022 budget and submitted to the City Council for approval and a true and correct copy is attached hereto as Exhibit "A".

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

SECTION 1. Pursuant to City ordinance, a budget amendment attached as Exhibit "A" is hereby authorized and approved for the fiscal year 2021-2022.

SECTION 2. That this ordinance shall be effective on and after its adoption;

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading the 14th day of February 2023; and PASSED on Second and Final Reading the 21st day of February 2023.

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Ginger Nelson, Mayor

ATTEST:

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Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

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Bryan McWilliams, City Attorney

EXHIBIT "A"

1. General Fund Expenditure Budget	1350.92130	\$19,000,000 addition
	1350.92145	<u>3,500,000</u> addition
	Total	<u>\$22,500,000</u> addition
2. Local Seized Property Fund	26200.68710	\$ 53,000 addition
	26400.51850	<u>42,000</u> addition
	Total	<u>\$ 95,000</u> addition
3. LEOSE	26610.61412	<u>\$ 11,000</u> addition
4. Compensated Absences Fund	31100.41100	<u>\$ 600,000</u> addition
5. Public Health Fund	250000.17400.1040	<u>\$ 4,200,000</u> addition
6. Greenways Public Improvement District	27100.68400	<u>\$ 5,000</u> addition
7. Heritage Hills Public Improvement District	27110.83200	<u>\$ 50,000</u> addition



# Amarillo City Council Agenda Transmittal Memo

<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Civic Pride and Customer Service
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<b>Department</b>	City Manager’s Office	<b>Contact Person</b>	Andrew Freeman, Assistant City Manager
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**Agenda Caption**

CONSIDERATION OF ORDINANCE NO. 8047

Second and final reading to consider an ordinance of the City Council of the City of Amarillo, Texas amending the municipal code of the City of Amarillo, adding chapter 10-5, concerning the authorization of the City Marshal’s Office to enforce certain health and safety, code enforcement, and building safety regulations; and amending various portions of the applicable code.

**Agenda Item Summary**

The City Manager’s Office has recently approved a re-organization of the Fire Marshal’s Office with staff and responsibilities found within Building Safety and other departments to create a new department named the City Marshal’s Office. The City Marshal’s Office will have broader influence on code compliance city-wide as well as specialized focus areas such as parking enforcement. In the future, there will be opportunities to expand and provide additional services, which would allow other departments to focus on their other core missions and services.

Initial areas of responsibility for the City Marshal’s Office include:

- City wide inspections and follow-up of violations related to overgrown vegetation, junk and debris, junk vehicles, substandard/dangerous structures, littering/dumping investigations, and zoning violations.
- Oversight of the dangerous structure process which coordinates with property owners to mitigate hazardous structures, which may ultimately lead to the demolition of a structure after other compliance measures fail.
- Oversight or coordination with the following city boards: Zoning Board of Adjustment, Construction Advisory and Appeals Commission, Condemnation Appeals Commission.
- Fire investigations; arson investigations; fire prevention plan review, inspection, and testing services; fire sprinklers and alarms.
- Parking enforcement downtown, parking and junk vehicle enforcement city-wide, taxi/limo inspection/permitting, and animal drawn vehicle permitting.

The ordinance included for consideration is in relation to formalizing the creation of the City Marshal’s Office, as well as updating all the applicable sections of the code that reference the Fire Marshal, Building Official, or other personnel related to all the areas of responsibility now under the new department. The ordinance also clarifies the difference between a peace officer located within the City Marshal’s Office compared to those within the Amarillo Police Department.

One of the immediate benefits with this new department is going from seven inspectors focused on city-wide code issues to now having fifteen (not including the City Marshal and Assistant City Marshal) with authority to address cases as needed and based on staff workloads. This change will place the city in better alignment with other communities for the number of code enforcement related inspectors based on population size:

City	Population	Code Enforcement Inspectors	Ratio of Pop per Insp
Amarillo	200,393	15	13,359
Lubbock	260,993	18	14,500
Wichita Falls	104,576	7	14,939
San Marcos	67,553	5	13,511
Bryan	83,980	10	8,398
Plano	285,494	22	12,977
Galveston	53,695	8	6,711

# Amarillo City Council

## Agenda Transmittal Memo



The new department will also allow for safer coordination of enforcement with six of the City Marshal's Office employees required to be a licensed peace officer through the Texas Commission on Law Enforcement (TCOLE).

### **Requested Action**

Approval on first reading as presented.

### **Funding Summary**

All positions and salaries involved in the reorganization are currently approved within the fiscal year 2022-2023 budget.

### **Community Engagement Summary**

N/A

### **Staff Recommendation**

Staff recommends approval of the ordinance as presented.

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ORDINANCE NO. 8047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, ADDING CHAPTER 10-5, CONCERNING THE AUTHORIZATION OF THE CITY MARSHAL'S OFFICE TO ENFORCE CERTAIN HEALTH AND SAFETY, CODE ENFORCEMENT, AND BUILDING SAFETY REGULATIONS; AMENDING VARIOUS PORTIONS OF APPLICABLE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, the violation of certain health and sanitation, code enforcement, and building safety related regulations is very common and occurs at diverse hours of the day or night; and

WHEREAS, the City Marshal's Office will employ certified Texas peace officers that pursuant to state and local law may cite and arrest for violations of the health and safety code, code enforcement, and of city ordinance and all other violations of applicable state and local law provisions; and

WHEREAS, the City Council now finds that it is in the best interest of the public health, safety, and welfare to authorize the City Marshal's Office to enforce certain specified health and safety laws, code enforcement, traffic, and building safety regulations without the necessity, delay, and cost of summoning a health sanitation officer, code enforcement officer, Amarillo Police officers or inspectors (possibly on overtime pay rates) to a premises to issue a notice of violation;

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

SECTION 1. That Chapter 10-5, be and is hereby added as follows:

**Chapter 10-5. - CITY MARSHAL**

**Sec. 10-5-1. - Appointment and duties of City Marshal.**

There is hereby created the office of City Marshal. The city manager, or designee, shall be responsible for appointing the City Marshal as allocated in each year's budget. If appointed the city marshal shall be certified by the Texas Commission on Law Enforcement as a peace officer. The duties of the City Marshal, Assistant City Marshal, and deputies shall have full authority as Texas peace officers as allowed by state law and local ordinance and as set forth in applicable job descriptions.

**Section 10-5-2. - Authority of City Marshal.**

(a) The City Marshal shall serve as a police officer and shall have full police authority in the exercise of assigned duties.

(b) The City Marshal shall not be deemed to be a member of the police department of the city or a member of the meet and confer agreement between the city and the city police association.

**Sec. 10-5-3. - Oath of office and bond.**

(a) Each city marshal shall be required to take an oath of office before entering upon the discharge of duties. The oath shall be subscribed by the person taking it and shall be filed and preserved in the office of the city secretary. The form of oath shall be as set forth by applicable law.

(b) Before entering upon the duties as city marshal, each marshal shall give a good and sufficient surety company bond to the city in the amount as the city council may demand, duly approved by the city risk manager. The city shall pay the cost of such bond.

SECTION 2. That Sections 2-6-72, 2-6-73, 16-2-82, 14-4-19, 10-3-102, 10-3-104, 10-2-16, 10-3-56, 10-3-57, 2-6-72, 2-6-73, 8-3-116, 4-3-3, 4-7-3, and 8-5-21 of the Amarillo Municipal Code shall be amended to delete all references to Fire Marshal and replaced with City Marshal.

SECTION 3. That Sections 16-3-377 and 16-3-378 of the Amarillo Municipal Code shall be amended to delete all references to Traffic Engineer and replaced with City Marshal and Traffic Engineering Department shall be replaced with City Marshal's Office.

SECTION 4. That Sections 42,57,58,59,61,63,75,77,80,81, 82, 83, 96, 98, 99,111, and 126 of Chapter 16-4 of the Amarillo Municipal Code shall be amended to delete all references to Chief of Police and replaced with City Marshall.

SECTION 5. That Section 16-5-51 is hereby amended as follows:

\*\*\*\*\*

(c) *Enforcement.* The Amarillo Police Department and City Marshal's Office is authorized to both issue a parking citation to an unauthorized or obstructing vehicle and to cause such vehicle to be towed from an area described in (a) that is under a posted restriction, closure, or control described in (b).

\*\*\*\*\*

SECTION 6. That Section 2-8-136 of the Amarillo Municipal Code is hereby amended as follows:

**Sec. 2-8-136. - Definitions.**

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

*Inspector:* Any employee of the Animal Control Department, Code Enforcement Department, ~~Fire Prevention Department~~ City Marshal, Health Department and Utility Department



who is charged with the enforcement of city ordinances, and any civilian employee of the Police Department responsible for abatement of junk and abandoned vehicle nuisances.

*Magistrate:* Any Judge of a Municipal Court for the City.

*Search Warrant:* A written order, issued by a Magistrate and directed to any Inspector commanding him to inspect any specified premises to determine the presence of a violation of any ordinance of the City.

SECTION 7. That Section 4-6-2 of the Amarillo Municipal Code is hereby amended as follows:

**Sec. 4-6-2. - Definitions.**

\*\*\*\*\*

*Development Review Committee:* Staff may include but is not limited to members from Building Safety, Engineering, Environmental Health, ~~Fire Prevention~~ City Marshal, Parks, Planning, Public Works, and Utilities.

\*\*\*\*\*

SECTION 8. That Section 10-2-16 of the Amarillo Municipal Code is hereby amended as follows:

\*\*\*\*\*

*113.2.1 Fees for Required Inspections and Permits.* An inspection is required from the ~~Department of Fire Prevention~~ City Marshal for obtaining a license or approval from any agency other than the City of Amarillo to engage in an activity, operation, practice or function will be charged a fee as outlined in Table 113.2.1. The fee shall be paid at the time of request and prior to any inspection being performed. A permit required from the ~~Department of Fire Prevention~~ City Marshal will require a fee as outlined in Table 113.2.2. The fee shall be paid at the time of permit application.

\*\*\*\*\*

~~FIRE CITY MARSHAL~~ - The fire code official for the City of Amarillo ~~of the Department of Fire Prevention~~.

SECTION 9. 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 10. 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 11 Effective Date. This ordinance shall be effective in accordance with applicable law.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 14th day of February 2023; and PASSED on Second and Final Reading the 21st day of February 2023.

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

ATTEST:

\_\_\_\_\_  
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Bryan S. McWilliams, City Attorney

DRAFT

# Amarillo City Council Agenda Transmittal Memo



ITEM 2H

<b>Meeting Date</b>	February 14, 2023	<b>Council Priority</b>	Civic Pride
<b>Department</b>	Environmental Health 1750		
<b>Contact</b>	Anthony Spanel, M.B.A., R.S Environmental Health Director		

## Agenda Caption

CONSIDERATION OF ORDINANCE NO. 8048

(Contact: Anthony Spanel, Environmental Health Director)

This is a second and final reading of an ordinance revising Chapter 8-5, Article IV, Section 8-5-18 of the Amarillo Municipal Code. This revision will provide an exemption to a mandatory Certified Food Manager requirement set forth in the 2021 Texas Food Establishment Rules and the 2017 Food and Drug Administration Food Code.

## Agenda Item Summary

This ordinance amends Section 8-5-18 of the municipal code to allow low risk facilities, risk level 1 and risk level 2, and exemption from having a Certified Food Manager present at the establishment at all hours of operation if they have at least 1 on staff that is available during off hours and all others are Certified Food Handlers.

## Requested Action

Approval of ordinance number 8048 revising Chapter 8-5-18.

## Funding Summary

N/A

## Community Engagement Summary

N/A

## Staff Recommendation

Staff recommends approval of the revisions to Chapter 8-5-18.

ORDINANCE NO. 8048

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: AMENDING THE AMARILLO MUNICIPAL CODE, CHAPTER 8-5, ARTICLE IV, SECTION 8-5-18, TO ESTABLISH CRITERIA FOR WHAT TYPES OF PERMITTED FOOD ESTABLISHMENTS COULD BE EXEMPT FROM THE MANDATORY MANAGER CERTIFICATION REQUIREMENTS; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, PENALTY, PUBLICATION, AND EFFECTIVE DATE.

---

WHEREAS, the Texas Food Establishment Rules now require a Certified Food Manager to be present at licensed food establishments at all hours of operation; and

WHEREAS, the Texas Food Establishment Rules provides an exemption to the mandatory Food Manager requirement if a food establishment is deemed by the regulatory authority to pose minimal risk of causing, or contributing to, foodborne illness based on the nature of the operation and extend of food preparation; and

WHEREAS, current compliance levels indicate that the public health, safety, and welfare can be adequately protected by requiring only certain food establishment risk types to comply with the mandatory Food Manager requirement; and

WHEREAS, the Amarillo Municipal Code requires at least one (1) supervisory employee to retain a valid Certified Food Manager certification; and

WHEREAS, the Texas Food Establishment Rules require all other food employees to retain a valid Certified Food Handler certification.

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

SECTION 1. The Amarillo Municipal Code, Chapter 8-5, Article IV, Section 8-5-18 be and hereby is amended to read as follows:

**Sec. 8-5-18. - Certificate; Food Manager, Pool Technician.**

- (a) It shall be unlawful for any food establishment to operate for a period of ~~sixty (60)~~ thirty (30) days or more without a valid Certified Food Manager registered with the Environmental Health Department. Every permitted establishment must have at least one (1) individual certified and registered annually. The Director of Environmental Health may modify the requirements of this section based upon the permitting structure or type of food service provided at the licensed facility.

(1)-(3) [NO TEXT CHANGE]

- (b) A Certified Food Manager with a valid certification must be present at the food establishment during all hours of operation as required in the Food Code. Food establishments with an assigned risk level of one (1) or two (2) are deemed low risk and are exempted from this requirement if the following provisions are met:

(1) At least one (1) supervisory employee is certified as a Food Manager and is registered with the Environmental Health department.

(2) All other food employees have successfully completed an accredited food handler training course within thirty (30) days of employment and the certification is kept valid.

(c) It shall be unlawful for the operator of a Public or Semi-public Pool, Spa or PIWF to operate for without conducting or causing to be conducted daily water quality monitoring by a Certified Pool Service Technician (CPT) or Certified Pool Operator (CPO) who is registered with the Environmental Health Department. Annually and sooner as needed for an amendment, the operator of a Public or Semi-public Pool, Spa or PIWF location shall report to the Environmental Health Department the name of the Certified Pool Service Technician or Certified Pool Operator.

(1)-(3) [NO TEXT CHANGE]

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, or parts thereof, in conflict with this ordinance are hereby repealed to the extent of conflict with this ordinance.

SECTION 4. Continuation. Nothing in this ordinance or any code hereby adopted 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; nor shall any just, vested, or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 5. Penalty. A violation of this ordinance is an offense punishable in accordance with Section 1-1-5 of this Code of Ordinances.

SECTION 6. Publication. This ordinance shall be published as required by law.

SECTION 7. Effective Date. This ordinance shall become effective ten (10) days after the date of its second publication as required by the Charter of the City of Amarillo.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading this the 14th day of February 2023; and PASSED on Second and Final Reading the 21st day of February 2023.

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

ATTEST:

\_\_\_\_\_  
Stephanie Coggins, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Bryan S. McWilliams, City Attorney

DRAFT

# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Fiscal Responsibility
<b>Department</b>	City Manager's Office	<b>Contact Person</b>	Laura Storrs, Assistant City Manager

**Agenda Caption**

DISCUSSION AND CONSIDERATION OF RESOLUTION NO. 02-21-23-1  
(Contact: Laura Storrs, Assistant City Manager)

CONSIDER A RESOLUTION BY THE CITY OF AMARILLO, TEXAS ("CITY") SUSPENDING SOUTHWESTERN PUBLIC SERVICE COMPANY'S PROPOSED EFFECTIVE DATE IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT FEBRUARY 8, 2023; AUTHORIZING THE CITY'S CONTINUED PARTICIPATION WITH OTHER CITIES IN THE ALLIANCE OF XCEL MUNICIPALITIES ("AXM") TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS AND PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING PROOF OF NOTICE; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE

**Agenda Item Summary**

On about February 8, 2023, Southwestern Public Service Company (SPS) filed with the City and the Public Utility Commission of Texas ("PUCT") an application to increase its base revenues by approximately \$148.5 million, which represents an increase in base revenue of about 20.6% compared to its current base revenue. Including fuel factor and energy efficiency cost recovery factor, charges for advanced meters, and prior rate-case expenses SPS's proposal is an overall increase of about 13.9%. SPS's application to increase rates is based a test year of October 1, 2021 through September 30, 2022 ("Test Year"), which includes estimated data for an "update period" of October 1, 2022 through December 31, 2022 ("Update Period"), as allowed by state law. SPS proposes to replace the estimated data with actual data for the "update period," which will effectively result in a historical test year of January 1, 2022 through December 31, 2022.

SPS requests an effective date of March 15, 2023, for its proposed increase in rates. The City, however, has the authority to suspend the effective date by a total of 135 days (90 days in the ordinary course, and an additional 45 days when a utility files estimated data as SPS has done in this case). In addition, pursuant to statute, the final rates set in this proceeding will relate back to usage occurring 155 days after the filing of the application, or July 13, 2023.

Below are some of the key elements of SPS's rate application:

1. SPS proposes to allocate the increase among the customer classes as follows:

Rate Class	Base Rate Revenue Increase/(Decrease) (\$)	Base Rate Revenue Increase/(Decrease) (%)	Overall Revenue Increase/(Decrease) (%) (includes fuel factors, energy efficiency cost recovery factor revenues, and advanced meter services charge)
Residential	\$26,942,586	10.1%	8.3%
Small General Service	\$6,246,731	22.0%	17.9%
Secondary General Service	\$25,815,890	18.5%	14.1%

# Amarillo City Council Agenda Transmittal Memo



Primary General Service	\$21,850,780	27.3%	17.8%
Large General Service -- Transmission	\$62,644,492	34.6%	20.4%
Small Municipal and School Service	\$465,506	27.0%	21.2%
Large Municipal Service	\$2,518,456	23.2%	16.0%
Large School Service	\$1,660,765	13.0%	10.2%
Municipal and State Street Lighting	\$359,030	6.1%	1.1%
Guard and Flood Lighting	\$(8,430)	-0.2%	0.0%
<b>TOTAL</b>	<b>\$148,495,826</b>	<b>20.6%</b>	

2. SPS requests approval of an overall rate of return of 7.71%, based on the following components:

- **Return on Equity:** 10.65%
- **Capital Structure of:**
  - 54.60% common equity
  - 45.40% long-term debt
- **Cost of Long-Term Debt:** 4.19%

3. **Residential Customer – Impact on Bill:**

- a. SPS proposes an increase in the fixed, monthly charge for Residential customers (that is, the “Service Availability Charge”) from \$11.40 to \$13.10 per month.
- b. For a Residential customer using 1200 kWh per month, SPS’s proposed increase would result in a monthly increase of about \$14.28 in the Summer, and an increase of \$11.46 in the Winter (which equates to about a 9.55% increase in the Summer and in the Winter, over current rates); these amounts include only base rate revenues.
- c. The estimated effect of SPS’s *proposed* increase on a Residential Customer’s bill, with and without fuel factor, energy efficiency recovery factor (EECRF) and rate case expense (RCE) rider costs, and excluding franchise fees, at varying levels of consumption is as shown below:

4.

Proposed Increase in Residential Customer's Bill (excluding franchise fees)				
	Amounts Shown Below Exclude Franchise Fees			
	1000 kWh	1200 kWh	2000 kWh	3000 kWh
Consumption				
<b>SUMMER BILLS</b>				
<b>Summer – Current Base Rates Only</b>	\$126.80	\$149.50	\$240.27	\$353.74
<b>Summer – Proposed Base Rates Only</b>	\$139.01	\$163.78	\$262.88	\$386.76
<b>Summer – Increase in Base Rates Only</b>	<b>\$12.21</b>	<b>\$14.28</b>	<b>\$22.61</b>	<b>\$33.02</b>



# Amarillo City Council Agenda Transmittal Memo



Summer – Percent Increase in Base Rates	9.63%	9.55%	9.41%	9.33%
<b>Summer – Current Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$160.29	\$189.41	\$305.92	\$451.56
<b>Summer – Proposed Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$173.71	\$205.11	\$330.77	\$487.85
Summer - Increase in Base Rates & Fuel, EECRF and RCE Costs	\$13.42	\$15.70	\$24.85	\$36.29
Summer -- Percent Increase in Base & Fuel, EECRF and RCE Costs	8.37%	8.29%	8.12%	8.04%
<b>WINTER BILLS</b>				
<b>Winter – Current Base Rates Only</b>	\$107.77	\$119.96	\$168.76	\$229.75
<b>Winter – Proposed Base Rates Only</b>	\$118.14	\$131.42	\$184.52	\$250.90
Winter – Increase in Base Rates Only	\$10.37	\$11.46	\$15.76	\$21.15
Winter – Percent Increase in Base Rates	9.62%	9.55%	9.34%	9.21%
<b>Winter – Current Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$107.77	\$119.96	\$168.76	\$229.75
<b>Winter – Proposed Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$118.14	\$131.42	\$184.52	\$250.90
Winter - Increase in Base Rates & Fuel, EECRF and RCE Costs	\$11.40	\$12.59	\$17.32	\$23.25
Winter – Percent Increase in Base & Fuel, EECRF and RCE Costs	8.20%	8.04%	7.64%	7.39%

## 5. Small General Service Customer – Impact on Bill:

- a. SPS proposes to increase the fixed, monthly charge (that is, the “Service Availability Charge”) for the Small General Service customers from \$13.40 to \$17.10 per month.
- b. For a Small General Service customer using 2000 kWh per month, SPS’s increase would result in a monthly increase of about \$37.03 in the Summer (which equates to about a 19.65% increase in the Summer), and an increase of \$35.63 in the Winter (which equates to about a 21.99% increase in the Winter) over current rates; these amounts include only base rate revenues.
- c. The estimated effect of SPS’s *proposed* increase on a Small General Service Customer’s bill, with and without fuel factor, energy efficiency recovery factor (EECRF) and rate case expense (RCE) rider costs, and excluding franchise fees, at varying levels of consumption is as shown below:

# Amarillo City Council Agenda Transmittal Memo



Proposed Increase in Small General Service Customer's Bill (excluding franchise fees)				
	Amounts Shown Below Exclude Franchise Fees			
Consumption	1000 kWh	1500 kWh	2000 kWh	3000 kWh
<b>SUMMER BILLS</b>				
<b>Summer – Current Base Rates Only</b>	\$102.10	\$145.25	\$188.41	\$274.72
<b>Summer – Proposed Base Rates Only</b>	\$122.51	\$173.97	\$225.44	\$328.37
<b>Summer – Increase in Base Rates Only</b>	<b>\$20.41</b>	<b>\$28.72</b>	<b>\$37.03</b>	<b>\$53.65</b>
<b>Summer – Percent Increase in Base Rates</b>	<b>19.99%</b>	<b>19.77%</b>	<b>19.65%</b>	<b>19.53%</b>
<b>Summer – Current Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$123.21	\$176.90	\$230.59	\$337.98
<b>Summer – Proposed Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$143.66	\$205.67	\$267.70	\$391.74
<b>Summer - Increase in Base Rates &amp; Fuel, EECRF and RCE Costs</b>	<b>\$20.45</b>	<b>\$28.77</b>	<b>\$37.11</b>	<b>\$53.76</b>
<b>Summer -- Percent Increase in Base &amp; Fuel, EECRF and RCE Costs</b>	<b>16.60%</b>	<b>16.26%</b>	<b>16.09%</b>	<b>15.91%</b>
<b>WINTER BILLS</b>				
<b>Winter – Current Base Rates Only</b>	\$88.90	\$125.45	\$162.01	\$235.12
<b>Winter – Proposed Base Rates Only</b>	\$108.61	\$153.12	\$197.64	\$286.66
<b>Winter – Increase in Base Rates Only</b>	<b>\$19.71</b>	<b>\$27.67</b>	<b>\$35.63</b>	<b>\$51.54</b>
<b>Winter – Percent Increase in Base Rates</b>	<b>22.17%</b>	<b>22.06%</b>	<b>21.99%</b>	<b>21.92%</b>
<b>Winter – Current Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$109.70	\$156.64	\$203.57	\$297.45
<b>Winter – Proposed Base Rates &amp; Fuel, EECRF and RCE Costs</b>	\$129.45	\$184.36	\$239.27	\$349.09
<b>Winter - Increase in Base Rates &amp; Fuel, EECRF and RCE Costs</b>	<b>\$19.75</b>	<b>\$27.72</b>	<b>\$35.70</b>	<b>\$51.64</b>

# Amarillo City Council

## Agenda Transmittal Memo



<b>Winter – Percent Increase in Base &amp; Fuel, EECRF and RCE Costs</b>	<b>18.00%</b>	<b>17.70%</b>	<b>17.54%</b>	<b>17.36%</b>
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6. SPS identifies the following items as the major drivers of its request for its proposed rate increase request:
  - a. Capital additions placed into service since SPS’s last rate case, particularly in distribution plant;
  - b. Updated depreciation rates related to the shortened operating lives for the Tolk and other coal generation plant assets and related net salvage costs;
  - c. Continued migration of the Lubbock Power & Light transmission load to ERCOT and increase in transmission costs allocated to retail customers
  - d. SPS’s requested return on equity & capital structure

The City must take action by no later than **March 15, 2023**, SPS’s proposed effective date for its requested increase in rates. If the City does not take action by **March 15, 2023**, SPS’s proposed increase in rates as filed will be deemed approved by operation of law.

**REPRESENTATION AND PARTICIPATION IN AXM:**

The law firm of Herrera Law and Associates, PLLC has previously represented the City and its participation in the coalition of cities named the “Alliance of Xcel Municipalities” (AXM) in rate matters involving SPS, including SPS’s most recent rate and fuel cases. The accompanying Resolution authorizes retention of Herrera Law & Associates, PLLC as Special Counsel and continued participation in the AXM coalition.

**INTERVENTION AT THE PUBLIC UTILITY COMMISSION OF TEXAS**

SPS filed its Statement of Intent to raise rates with the City and with the Public Utility Commission of Texas on the same date, February 8, 2023. It is important to participate in these proceedings because the Commission’s decisions could impact rates within the City. Thus, the accompanying Resolution authorizes intervention in proceedings at the Commission as well as any appeals taken from the Commission’s decision.

**RATE CASE EXPENSES:**

The Alliance of Xcel Municipalities’ (AXM) reasonable rate case expenses are subject to reimbursement by the Company.

**RECOMMENDATION: SUSPEND PROPOSED EFFECTIVE DATE FOR THE PERIOD ALLOWED BY LAW**

SPS’s rate-filing package presents a complex set of ratemaking issues. Moreover, given the volume of data presented in SPS’s application, AXM’s lawyers and consultants cannot reasonably conclude their review and analysis of SPS’s filing by March 15, 2023.

Therefore, AXM’s Special Counsel recommends that the City suspend SPS’s proposed effective date for its rate increase for the period allowed by law. The standard period of suspension is 90 days. Based on SPS’s proposed effective date of March 15, 2023, the 90<sup>th</sup> day is June 13, 2023. Because SPS included estimated data in its application to increase rates, the suspension period extends for an additional 45 days, or to July 28, 2023. Should SPS, however, extend its proposed effective date of March 15, 2023, the 90-day suspension period and 45-day extension would extend accordingly to correspond to the revised effective date. Also, should SPS’s published notice or its application be found deficient, then SPS’s proposed effective date would change as would the period of suspension.

Because it is recommended that the City *suspend* SPS’s proposed effective date to undertake its review of SPS’s proposed increase in rates, the City will need to take a second step and final

# Amarillo City Council

## Agenda Transmittal Memo



action on SPS' proposed increase in the near future. But the attached Resolution allowing for a suspension does nothing more than to suspend SPS's proposed effective date to allow AXM's attorneys and consultants review SPS's application.

In addition, it is recommended that: 1) the City authorize participation in AXM and intervention in PUCT proceedings as a member of AXM; 2) retain the law firm of Herrera Law & Associates, PLLC as Special Counsel to represent the City as part of AXM in proceedings at the PUCT related to SPS's application to increase rates, including appeals to court, if any; and direct SPS to reimburse the City's reasonable rate case expenses on a monthly basis upon presentation of AXM's invoices for its rate case expenses.

**RESOLUTION NO. 02-21-23-1**

**A RESOLUTION BY THE CITY OF AMARILLO, TEXAS (“CITY”) SUSPENDING SOUTHWESTERN PUBLIC SERVICE COMPANY’S PROPOSED EFFECTIVE DATE IN CONNECTION WITH ITS STATEMENT OF INTENT SUBMITTED ON ABOUT FEBRUARY 8, 2023; AUTHORIZING THE CITY’S CONTINUED PARTICIPATION WITH OTHER CITIES IN THE ALLIANCE OF XCEL MUNICIPALITIES (“AXM”) TO DIRECT THE ACTIVITIES OF LAWYERS AND CONSULTANTS AND PARTICIPATION IN RELATED RATE PROCEEDINGS; AUTHORIZING THE HIRING OF ATTORNEYS AND CONSULTANTS; REQUIRING REIMBURSEMENT OF REASONABLE LEGAL AND CONSULTANT EXPENSES; REQUIRING PROOF OF NOTICE; FINDING THAT THE MEETING COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN EFFECTIVE DATE**

**WHEREAS**, Southwestern Public Service Company (“SPS” or the “Company”) filed a Statement of Intent with the City and with the Public Utility Commission of Texas (“PUCT”) on or about February 8, 2023, to increase its base revenues for its Texas retail service area by approximately \$148.5 million, which is an increase in base revenue of about 23%; and

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

**WHEREAS**, under PURA § 33.025(a), the City has standing in each case before the Public Utility Commission of Texas that relates to an electric utility providing service in the City; and

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

**WHEREAS**, the City, in matters regarding applications by SPS to change rates, has in the past joined with other local regulatory authorities to form the Alliance of Xcel Municipalities (“AXM”) and hereby continues its participation in AXM; and

**WHEREAS**, SPS’s rate request consists of a voluminous amount of information including SPS’s rate-filing package, pre-filed direct testimony, exhibits, schedules, and workpapers; and

**WHEREAS**, SPS proposed March 15, 2023, as the effective date for its requested increase in rates, which is the 35<sup>th</sup> day after the date SPS submitted its application; and

**WHEREAS**, it is not possible for the City to complete its review of SPS’s filing within 35 days; and

**WHEREAS**, SPS’s application to increase rates includes estimated data that SPS will update within 45 days after the date it filed its application to increase rates; and

**WHEREAS**, because SPS included estimated data it intends to update, under State law, the suspension period may be extended by an additional 45 days, for a total suspension period of 135 days; and

**WHEREAS**, the City will need an adequate amount of time to review and evaluate SPS’s rate application to enable the City to adopt a final decision as a local regulatory authority with regard to SPS’s requested rate increase; and

**WHEREAS**, SPS filed its Statement of Intent to raise rates with the City and with the Public Utility Commission of Texas on the same date, February 8, 2023, and it is important to intervene in the PUCT proceeding because the PUCT’s decisions could impact rates within the City.

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

**Section 1.** The findings set out in the preamble are in all things hereby approved.

**Section 2.** Consistent with PURA § 36.108(a)(1) and § 36.112(d), SPS’s proposed effective date of March 15, 2023, to increase base rates, is hereby suspended one hundred and thirty-five (135) days, or at least until July 28, 2023.

**Section 3.** The statutory suspension period will be extended automatically day for day should SPS extend its proposed effective date, and may be further extended if SPS does not provide timely, meaningful, and proper public notice of its request to increase rates, or if its rate-filing package is materially deficient.

**Section 4.** The City authorizes intervention in proceedings related to SPS’s Statement of Intent before the Public Utility Commission of Texas and any related proceedings, including proceedings in any courts of law.

**Section 5.** The City continues its participation with other cities in a coalition of cities known as the Alliance of Xcel Municipalities (“AXM”) with the understanding that the Steering Committee of AXM is to provide direction and guidance to Special Counsel representing said cities.

**Section 6.** The City hereby retains Herrera Law & Associates, PLLC as Special Counsel to represent the City with regard to SPS’s statement of intent to increase rates and related proceedings, including before local and state regulatory authorities and any court of law and authorizes Special Counsel to employ such rate experts as may be necessary for review and evaluation of SPS’s rate application.

**Section 7.** The City, in coordination with the Steering Committee, shall review the invoices of the lawyers and rate experts for reasonableness before submitting the invoices to SPS for reimbursement.

**Section 8.** SPS shall reimburse the City on a monthly basis, through AXM's coordinating city, the City of Amarillo, Texas, for the reasonable costs of attorneys and consultants and expenses related thereto, upon the presentation of invoices reviewed by the City of Amarillo.

**Section 9.** Not later than seven days after SPS has completed publication of notice of its proposed increase in rates, SPS shall notify AXM that it has completed notice by providing proof of notice to AXM's Special Counsel, Herrera Law & Associates, PLLC, and such proof shall be in the form of an affidavit from a representative from SPS that has personal knowledge that SPS has published notice; such affidavit shall include a copy of notice SPS published.

**Section 10.** The City Secretary or other appropriate city official shall provide a copy of this Resolution to **Mr. Alfred R. Herrera, Herrera Law & Associates, PLLC, 4524 Burnet Road, Austin, Texas 78756**, and as a courtesy, provide SPS a copy of this Resolution by **sending a copy of the Resolution to Mr. Jeremiah W. Cunningham, Rate Case Manager, Southwestern Public Service Company, 790 S. Buchanan St. Amarillo, Texas 79101.**

**Section 12.** The meeting at which this Resolution was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

**Section 13.** To the extent any Resolution previously adopted by the City Council is inconsistent with this Resolution, it is hereby superseded.

**Section 14.** The findings set out in the preamble are in all things hereby approved.

**Section 15.** This Resolution shall become effective from and after its passage.

**PASSED AND APPROVED by the City Council of the City of Amarillo, Texas, this 21st day of February 2023.**

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**MAYOR**

**ATTEST:**

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**CITY SECRETARY**

# Amarillo City Council Agenda Transmittal Memo



ITEM 2J

<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	EMERGENCY
<b>Department</b>	Director of Utilities		
<b>Contact</b>	John Collins, Director of Utilities		

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### Agenda Caption

Award req 48847 for Contract for emergency rental of belt press and operator for 12 months.

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### Agenda Item Summary

This is an emergency contract for belt press and digester improvements and for operator for 12 months in the amount of \$239,700.00

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### Requested Action

Consider emergency approval to purchase belt press rental as well as operator for 12 months to remain compliant at the Hollywood Road Wastewater Treatment plant with TCEQ guidelines. WBI is the lowest bidder at \$239,700.00

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### Funding Summary

Funding will be from project number 521902.17400.1040 which has been funded with a balance of \$250,000.00.

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### Community Engagement Summary

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### Staff Recommendation

City Staff is recommending the award of purchase

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Bid NO 7466 Emergency Rental Belt Press  
Quick Bid 1-Feb-23

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To be awarded as one lot W.B.I. INC

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Lease of a 2 Meter Belt Press

Per Month 12 Months

Unit Price \$10,000.00

Extended Price 120,000.00

Line 2 Freight Transfer to WWTP

Unit Price 4,000.00

Unit Price 4,000.00

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Line 3 1-Technician

Includes per diem & hotel

Unit Price \$2,225.000

Extended Price 115,700.00

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Bid Total 239,700.00

Award by Vendor 239,700.00



# Amarillo City Council

## Agenda Transmittal Memo



ITEM 2K

<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	N/A
<b>Department</b>	Purchasing		
<b>Contact</b>	Trae Kepley, Director of Purchasing		

### AGENDA CAPTION

AWARD – TOPPING OFF MOTOR FUEL ANNUAL CONTRACT

Recommend award to Davidson Oil for an estimated amount of \$925,745.32. The City purchases fuel based off “Oil Price Information Service” (OPIS). Vendors submit pricing back to the city based on a markup the vendor charges on a gallon of fuel. The City pays the vendor for the fuel as well as the markup for the fuel. The award is for a markup price of \$52,524.16 for all fuel. Based on the price of a gallon of fuel today the total amount of all fuel on this contract would be \$925,745.32. This contract has a provision allowing Randall County to utilize this contract to purchase their fuel. Randall County will order and pay for their own delivery of fuel. This allows the City and Randall County to purchase with a better price for obtaining fuel.

### Agenda Item Summary

Award Topping Off Motor Fuel Annual Contract to be used by various City Departments.

### Requested Action

Consider approval and award for Topping Off Motor Fuel Annual Contract

### Funding Summary

Funding for this award is available in the Fire, Airport, Ross Rogers, Comanche, Parks, Hollywood Road And River Road 51800 departments’ motor fuel account.

### Community Engagement Summary

N/A

### Staff Recommendation



Extended Price		10,700.96
<hr/>		
Line 6 Gasoline, Randall County, per specifications		
30,128 ga		
Unit Price	\$0.160	
Extended Price		4,820.48
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Bid Total		52,524.16
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Award by Vendor 925,745.32



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Infrastructure Initiative
<b>Department</b>	Capital Projects & Development Engineering		
<b>Contact</b>	Kyle Schniederjan, P.E., Director of Capital Projects and Development Engineering		

**Agenda Caption**

CONSIDER APPROVAL – Change Order No. 2 for BID #6964 Construction of Arden Road - Community Investment Program Proposition 1.

Williams Ditching, LLC: \$(265,951.38)

**Agenda Item Summary**

Change Order No. 2 includes changes to the construction of the storm drain system on the project. Changes are being made to the design of the storm drain system that will allow the contractor to construct it while the water level remains high in order to proceed timely.

Also included is a deductive price adjustment for hot mix asphalt due to the installed product not meeting project specifications for ride quality and workmanship.

Original Contract Amount:	\$5,085,174.39
Previous Change Order:	\$90,992.53
This Change Order:	\$(265,951.38)
Total Revised Contract:	\$4,910,215.54

**Requested Action**

Consider approval of the change order for execution by the City Manager.

**Funding Summary**

The portion of the project funded in Job 462007 approved in the FY 16/17 – FY 20/21 Community Investment Program Budget from Proposition 1 bond funds is being deducted by \$(312,609.82). The portion funded by Job 560080 with drainage utility revenues has a cost increase of \$46,658.44.

**Community Engagement Summary**

The work associated with this change order will have minimal additional impact on the community, as it will be incorporated into the original scope of the work. Affected property owners and developers have been engaged throughout the design and construction of this project.

**Staff Recommendation**

City staff is recommending approval of the agreement.

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUCTION
<b>PROJECT NO 462007 - PAVING</b>				
Line 1 Earthwork - Excavation (COA 4.02), per specifications.				
40010.8 CY				
Unit Price	\$1.51	\$4.40	\$13.75	\$6.00
Extended Price	60,416.31	176,047.52	550,148.50	240,064.80
Line 2 Earthwork - Embankment (COA 4.02) per specifications.				
1385.4 CY				
Unit Price	\$3.55	\$5.50	\$10.00	\$49.00
Extended Price	4,918.17	7,619.70	13,854.00	67,884.60
Line 3 Earthwork - Subgrad (8") (Density Controlled) (COA 4.02) per specifications.				
47777.6 sy				
Unit Price	\$3.42	\$2.04	\$1.80	\$2.00
Extended Price	163,399.39	97,466.30	85,999.68	95,555.20
Line 4 Flexible Base - 6" Type A, B, or E, Grade 1, (COA 4.07) per specifications.				
574.2 sy				
Unit Price	\$11.04	\$16.78	\$28.25	\$38.00
Extended Price	6,339.17	9,635.08	16,221.15	21,819.60
Line 5 Flexible Base - 11" Type A, B or E, Grade 2, (COA 4.07), per specifications.				
43001.2 sy				
Unit Price	\$18.42	\$15.68	\$18.15	\$54.00
Extended Price	792,082.10	674,258.82	780,471.78	2,322,064.80

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUTION
Line 6 Flexible Base - 10" Type A, B or E, Grade 2, (COA 4.07) , per specifications. 1113.8 sy				
Unit Price	\$9.13	\$16.78	\$18.75	\$52.00
Extended Price	10,168.99	18,689.56	20,883.75	57,917.60
Line 7 Flexible Base - 12" Type A, B or E, Grade 2, (COA 4.07), per specifications. 1859.8 sy				
Unit Price	\$9.94	\$16.78	\$27.00	\$57.00
Extended Price	18,486.41	31,207.44	50,214.60	106,008.60
Line 8 Concrete separate curb, curb and gutter - 7 in standard curb & gutter (COA 4.09), per specifications. 9696.6 lf				
Unit Price	\$10.43	\$20.21	\$18.95	\$28.00
Extended Price	101,135.54	195,968.29	183,750.57	271,504.80
Line 9 Miscellaneous concrete islands, (COA 4.1), per specifications. 429.2 sf				
Unit Price	\$14.19	\$20.74	\$13.20	\$28.00
Extended Price	6,090.35	8,901.61	5,665.44	12,017.60
Line 10 Miscellaneous concrete 11" Median, (COA 4.1), per specifications. 10407.9 sf				
Unit Price	\$6.49	\$13.65	\$11.10	\$9.00
Extended Price	67,547.27	142,067.84	115,527.69	93,671.10
Line 11 Miscellaneous concrete - channels (COA 4.1) , per specifications. 1900.7 sf				
Unit Price	\$3.47	\$12.86	\$8.25	\$8.00
Extended Price	6,595.43	24,443.00	15,680.78	15,205.60
To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUTION

Line 12 Miscellaneous concrete - ADA ramps (COA 4.1),  
per specifications.

12 ea

Unit Price	\$661.28		\$2,625.00		\$1,995.00		\$1,300.00	
Extended Price		7,935.36		31,500.00		23,940.00		15,600.00

Line 13 Miscellaneous concrete - Sidewalk (COA 4.1),  
per specifications.

16888.2 sf

Unit Price	\$3.22		\$5.51		\$5.30		\$6.00	
Extended Price		54,380.00		93,053.98		89,507.46		101,329.20

Line 14 Structural Concrete - concrete valleys and  
spandrels, (COA 4.11) per specifications.

4985.4 sf

Unit Price	\$5.50		\$13.13		\$8.05		\$10.00	
Extended Price		27,419.70		65,458.30		40,132.47		49,854.00

Line 15 Structural concrete - concrete manhole collars  
(COA 4.11) per specifications.

338.9 sf

Unit Price	\$4.38		\$17.85		\$29.00		\$11.00	
Extended Price		1,484.38		6,049.37		9,828.10		3,727.90

Line 16 Concrete pavement 8 in concrete pavement  
(COA 4.14) per specifications.

1113.8 sy

Unit Price	\$54.27		\$9.45		\$74.25		\$123.00	
Extended Price		60,445.93		10,525.41		82,699.65		136,997.40

Line 17 Planing and texturing pavement - 2" planing  
(COA 4.15), per specifications.

2770.2 sy

Unit Price	\$0.88		\$6.00		\$3.85		\$4.00	
Extended Price		2,437.78		16,621.20		10,665.27		11,080.80



To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUCTION
Line 18 Dense graded hot-mix asphalt, 1-1/2" D-GR HMA TY-D PG64.28 (COA 4.47), per specifications. 574.2 sy				
Unit Price	\$12.75	\$19.55	\$46.35	\$29.00
Extended Price	7,321.05	11,225.61	26,614.17	16,651.80
Line 19 Dense graded hot-mix asphalt - 2" D-GR HMA TY-D PG64-28 (COA 4.17) , per specifications. 42763.2 sy				
Unit Price	\$11.23	\$12.68	\$14.40	\$32.00
Extended Price	480,230.74	542,237.38	615,790.08	1,368,422.40
Line 20 Dense graded hot-mix asphalt, 2-1/2" D-GR HMA TY-B PG64-28 (COA 4.17), per specifications. 42072.9 sy				
Unit Price	\$14.27	\$15.25	\$15.85	\$32.00
Extended Price	600,380.28	641,611.73	666,855.47	1,346,332.80
Line 21 Dense graded hot-mix asphalt - 2-1/2" D-GR HMA TY-B PG64-28 (COA 4.17), per specifications. 42072.9 sy				
Unit Price	\$14.26	\$15.25	\$15.85	\$36.00
Extended Price	599,959.55	641,611.73	666,855.47	1,514,624.40
Line 22 REFLECTORIZED Pavement Markings-Type 2 Markings, 7 in., White, Dashed, (COA 4.2) , per specifications. 2653.7 lf				
Unit Price	\$0.47	\$0.44	\$0.42	\$2.00
Extended Price	1,247.24	1,167.63	1,114.55	5,307.40
Line 23 Refectorized Pavment Markings-Type 2 Markings, 4 in., White Solide (COA 4.2) , per specifications. 3050 lf				
Unit Price	\$0.47	\$0.44	\$0.42	\$2.00
Extended Price	1,433.50	1,342.00	1,281.00	6,100.00

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUTION
Line 24 Refectorized Pavment Markings-Type 2				
Markings, 8 in., White Solide (COA 4.2), per specifications.				
863.4 lf				
Unit Price	\$1.17	\$1.10	\$1.05	\$3.00
Extended Price	1,010.18	949.74	906.57	2,590.20
Markings, 12 in., White Solid (COA 4.2), per specifications.				
331 lf				
Unit Price	\$1.75	\$1.65	\$1.60	\$4.00
Extended Price	579.25	546.15	529.60	1,324.00
Line 26 Prefabricated Pavement Markings-Type 1				
Markings, 24 in, White, Solid, Cross Walk Stripe, (COA 4.2), per specifications.				
8 ea				
Unit Price	\$291.50	\$275.00	\$265.00	\$52.00
Extended Price	2,332.00	2,200.00	2,120.00	416.00
Line 27 Prefabricated Pavement Markings-Type 1				
Markings, 24 in, White, Solid Stop Bar, (COA 4.2), per specifications.				
1 ea				
Unit Price	\$291.50	\$275.00	\$265.00	\$84.50
Extended Price	291.50	275.00	265.00	84.50
Markings, 4 in., Yellow, Dashed, (COA 4.2) per specifications.				
2047.6 lf				
Unit Price	\$0.47	\$0.44	\$0.42	\$1.50
Extended Price	962.37	900.94	859.99	3,071.40
To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUTION

Line 29 Refectorized Pavement Markings-Type 2  
Markings, 4 in., Yellow Solid, (COA 4.2) per  
specifications.

9649.8 lf

Unit Price	\$0.47		\$0.44		\$0.42		\$1.50	
Extended Price		4,535.41		4,245.91		4,052.92		14,474.70

Line 30 Prefabricated Pavement Markings-Type 2  
Markings, 8 in, White Dotted (COA 4.2), per  
specifications.

267.5 lf

Unit Price	\$1.17		\$1.10		\$1.05		\$2.00	
Extended Price		312.98		294.25		280.88		535.00

Line 31 Prefabricated Pavement Markings-Type 1  
Markings, 12 in, White Dotted (COA 4.2) , per  
specifications.

516 lf

Unit Price	\$1.75		\$1.65		\$1.60		\$2.50	
Extended Price		903.00		851.40		825.60		1,290.00

Line 32 Refectorized Pavment Markings-Type 2  
Markings, 8 in., Chevron (COA 4.2), per specifications.

133.6 lf

Unit Price	\$11.66		\$11.00		\$10.55		\$3.00	
Extended Price		1,557.78		1,469.60		1,409.48		400.80

Line 33 Prefabricated Pavement Markings-Type 1  
Markings, Symbol, (COA 4.2), per specifications.

21 ea

Unit Price	\$845.35		\$787.50		\$765.00		\$250.00	
Extended Price		17,752.35		16,537.50		16,065.00		5,250.00

Line 34 Refectorized Pavment Markings-Type 2  
Markings, Median Nose, (COA 4.2), per specifications.

6 ea

Unit Price	\$466.40		\$440.00		\$425.00		\$150.00	
Extended Price		2,798.40		2,640.00		2,550.00		900.00

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUTION
Line 35 Prime Coat- *MC-30, (COA 4.28) per specifications.				
12794.1 gal				
Unit Price	\$12.30	\$1.65	\$4.15	\$3.00
Extended Price	157,367.43	21,110.27	53,095.52	38,382.30
Line 36 Remove Treated and Untreated Base and Asphalt Pavement-Remove Treated and Untreated Base and Asphalt Pavement @ 18" Depth, (COA 4.3), per specifications.				
1125.6 sy				
Unit Price	\$3.15	\$5.75	\$13.00	\$54.00
Extended Price	3,545.64	6,472.20	14,632.80	60,782.40
Line 37 Delineators and Object Marker Assemblies- Yellow Surface Mount Delineators (D-SY) SZ 1 (FLX)(SRF),(TXDOT 658), per specifications.				
14 ea				
Unit Price	\$180.73	\$82.50	\$115.00	\$200.00
Extended Price	2,530.22	1,155.00	1,610.00	2,800.00
Line 38 Delineators and Object Marker Assemblies- Yellow Surface Mount Bi-Directional Delineators (D-SY)				
3 ea				
Unit Price	\$186.56	\$82.50	\$130.00	\$200.00
Extended Price	559.68	247.50	390.00	600.00
Line 39 Waste Water-Adjust Manhole Rim Elevations, (COA 7.01-7.04)				
10 ea				
Unit Price	\$1,164.14	\$1,353.00	\$550.00	\$200.00
Extended Price	11,641.40	13,530.00	5,500.00	2,000.00

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUCTION
Line 40 Construction Signing and Barricades-Traffic Control Plan, (COA 9.04), per specifications.				
1 ls				
Unit Price	\$75,906.60	\$27,500.00	\$20,000.00	\$11,000.00
Extended Price	75,906.60	27,500.00	20,000.00	11,000.00
Line 41 Mobilization, (COA 10.01) per specifications.				
1 ls				
Unit Price	\$282,423.47	\$225,000.00	\$470,000.00	\$147,703.60
Extended Price	282,423.47	225,000.00	470,000.00	147,703.60
Line 42 Air and Water Pollution, Soil Erosion and Siltation Control-Construction Exits, (COA 10.02), per				
111.1 sy				
Unit Price	\$304.36	\$27.50	\$63.75	\$37.00
Extended Price	33,814.40	3,055.25	7,082.63	4,110.70
Siltation Control-Temporary Sediment Control Fence, (COA 10.02), per specifications.				
6887 lf				
Unit Price	\$3.79	\$2.88	\$3.40	\$3.00
Extended Price	26,101.73	19,834.56	23,415.80	20,661.00
Line 44 Air and Water Pollution, Soil Erosion and Siltation Control-Biodegradable Erosion Control Logs,				
360 lf				
Unit Price	\$1.94	\$2.30	\$7.85	\$11.00
Extended Price	698.40	828.00	2,826.00	3,960.00
Line 45 Milled Rumble Strips-Rumble Strips, (TXDOT 533), per specifications.				
1438.7 lf				
Unit Price	\$2.72	\$3.15	\$12.80	\$25.00
Extended Price	3,913.26	4,531.91	18,415.36	35,967.50
Project No. 460027-Paving Total	3,713,392.08	3,802,884.65	4,720,534.78	8,238,046.50

**PROJECT NO 560080 - STORM WATER**

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUCTION
Line 46 Reinforced Concrete Sewer Pipe-24 In. RCP, (COA 5.01), per specifications. 1144 lf				
Unit Price	\$82.66	\$91.71	\$114.70	\$168.00
Extended Price	94,563.04	104,916.24	131,216.80	192,192.00
Line 47 Reinforced Concrete Sewer Pipe-30 In. RCP, (COA 5.01) per specifications. 306.9 lf				
Unit Price	\$110.52	\$122.62	\$137.65	\$208.00
Extended Price	33,918.59	37,632.08	42,244.79	63,835.20
Line 48 Reinforced Concrete Sewer Pipe-36 In. RCP, (COA 5.01) , per specifications. 699.2 lf				
Unit Price	\$194.88	\$216.21	\$183.55	\$254.00
Extended Price	136,260.10	151,174.03	128,338.16	177,596.80
Line 49 Reinforced Concrete Sewer Pipe-42 In. RCP, (COA 5.01), per specifications. 1409.1 lf				
Unit Price	\$198.64	\$220.38	\$286.75	\$301.00
Extended Price	279,903.62	310,537.46	404,059.43	424,139.10
Line 50 Reinforced Concrete Sewer Pipe-48 In. RCP, (COA 5.01), per specifications. 338.9 ea				
Unit Price	\$236.95	\$262.89	\$303.95	\$339.00
Extended Price	80,302.36	89,093.42	103,008.66	114,887.10
Line 51 Reinforced Concrete Sewer Pipe-60 In. RCP, (COA 5.01), per specifications. 501 lf				
Unit Price	\$355.05	\$393.91	\$458.80	\$531.00
Extended Price	177,880.05	197,348.91	229,858.80	266,031.00

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUCTION
Line 52 Reinforced Concrete Sewer Pipe Concrete Encasement Removal, (COA 5.01) , per specifications.				
1 ea				
Unit Price	\$1,198.78	\$1,329.97	\$9,635.00	\$12,400.00
Extended Price	1,198.78	1,329.97	9,635.00	12,400.00
Line 53 Storm Sewer Manholes and Inlets-Precast Junction Box, 48 In. x 48 In., (COA 5.05) , per specifications.				
1 ea				
Unit Price	\$4,915.54	\$5,453.47	\$8,145.00	\$10,000.00
Extended Price	4,915.54	5,453.47	8,145.00	10,000.00
Junction Box, 60 In. x 60 In., (COA 5.05), per specifications.				
1 ea				
Unit Price	\$4,915.54	\$5,453.47	\$14,900.00	\$13,100.00
Extended Price	4,915.54	5,453.47	14,900.00	13,100.00
Junction Box, 60 In. x 84 In., (COA 5.05) per specifications.				
2 ea				
Unit Price	\$5,883.06	\$6,526.87	\$16,975.00	\$19,800.00
Extended Price	11,766.12	13,053.74	33,950.00	39,600.00
Line 56 Storm Sewer Manholes and Inlets-Precast Junction Box, 72 In. x 72 In., (COA 5.05) , per specifications.				
2 ea				
Unit Price	\$5,881.80	\$6,525.48	\$19,270.00	\$14,200.00
Extended Price	11,763.60	13,050.96	38,540.00	28,400.00
Line 57 Storm Sewer Manholes and Inlets- B-5 Curb Inlet, (COA 5.05), per specifications.				
10 ea				
Unit Price	\$4,742.92	\$5,261.95	\$5,735.00	\$10,000.00
Extended Price	47,429.20	52,619.50	57,350.00	100,000.00

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUTION
Line 58 Storm Sewer Manholes and Inlets- B-10 Curb Inlet, (COA 5.05), per specifications.				
2 ea				
Unit Price	\$4,649.89	\$5,158.74	\$8,600.00	\$12,000.00
Extended Price	9,299.78	10,317.48	17,200.00	24,000.00
Line 59 Storm Sewer Manholes and Inlets-B-10 Open Back Curb Inlet, (COA 5.05), per specifications.				
4 ea				
Unit Price	\$4,649.89	\$5,158.74	\$9,175.00	\$15,000.00
Extended Price	18,599.56	20,634.96	36,700.00	60,000.00
Line 60 Storm Sewer Manholes and Inlets-Relocate 48 In. X 48 In. Precast Area Drain, (COA 5.05), per specifications.				
2 ea				
Unit Price	\$5,055.10	\$5,608.30	\$4,590.00	\$11,000.00
Extended Price	10,110.20	11,216.60	9,180.00	22,000.00
Concrete Pipe 45deg Bend, (COA 5.05), per specifications.				
2 ea				
Unit Price	\$4,739.58	\$5,258.25	\$2,295.00	\$4,000.00
Extended Price	9,479.16	10,516.50	4,590.00	8,000.00
Line 62 Headwalls, Wingwalls and Safety End Treatments-Sidewalk Chase, (COA 5.05) , per specifications.				
2 ea				
Unit Price	\$3,126.96	\$3,469.16	\$3,600.00	\$4,600.00
Extended Price	6,253.92	6,938.32	7,200.00	9,200.00
Line 63 Storm Water Trench Protection, (COA 5.08) , per specifications.				
3642.2 lf				
Unit Price	\$1.34	\$1.48	\$1.15	\$1.00
Extended Price	4,880.55	5,390.46	4,188.53	3,642.20
Project No. 560080-Storm Water Total	943,439.70	1,046,677.57	1,280,305.17	1,569,023.40



PROJECT NO 523384 - POTABLE WATER

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUCTION
Line 64 Potable Water-Polyvinyl Chloride Pressure Pipe- 6 In. C900 (COA 6.01-6.04), per specifications.				
47.3 lf				
Unit Price	\$10.67	\$11.84	\$40.25	\$44.00
Extended Price	504.69	560.03	1,903.83	2,081.20
Line 65 Potable Water-Polyvinyl Chloride Pressure Pipe- 6 In. C900 Restrained Joint, (COA 6.01-6.04) per specifications.				
210.8 lf				
Unit Price	\$26.93	\$29.87	\$57.45	\$76.00
Extended Price	5,676.84	6,296.60	12,110.46	16,020.80
Line 66 Potable Water-Polyvinyl Chloride Pressure Pipe- 8 In. C900 (COA 6.01-6.04) , per specifications.				
163 lf				
Unit Price	\$22.34	\$24.79	\$57.45	\$73.00
Extended Price	3,641.42	4,040.77	9,364.35	11,899.00
Line 67 Potable Water-Polyvinyl Chloride Pressure Pipe- 12 In. C900 (COA 6.01-6.04), per specifications.				
9 lf				
Unit Price	\$28.59	\$31.72	\$206.85	\$134.00
Extended Price	257.31	285.48	1,861.65	1,206.00
Line 68 Potable Water-Polyvinyl Chloride Pressure Pipe- 12 In. C900, Restrained Joint (COA 6.01-6.04, per specifications.				
112.3 lf				
Unit Price	\$59.99	\$66.55	\$132.15	\$134.00
Extended Price	6,736.88	7,473.57	14,840.45	15,048.20

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUCTION
Line 69 Potable Water-Polyvinyl Chloride Pressure Pipe- 20 In. C900 (COA 6.01-6.04, per specifications. 2482.2 lf				
Unit Price	\$83.71	\$92.86	\$97.65	\$142.00
Extended Price	207,784.96	230,497.09	242,386.83	352,472.40
Line 70 Potable Water-Polyvinyl Chloride Pressure Pipe- 20 In. C900 Restrained Joint, (COA 6.01-6.04) per specifications. 326 lf				
Unit Price	\$87.40	\$96.97	\$183.85	\$207.00
Extended Price	28,492.40	31,612.22	59,935.10	67,482.00
Line 71 Potable Water- Fittings, (COA 6.01-6.04) , per specifications. 4.1 tn				
Unit Price	\$6,598.86	\$7,321.01	\$11,490.00	\$5,700.00
Extended Price	27,055.33	30,016.14	47,109.00	23,370.00
Line 72 Potable Water-Valves and Valve Boxes-6 In., (COA 6.01-6.04), per specifications. 10 ea				
Unit Price	\$1,220.71	\$1,354.29	\$1,380.00	\$1,500.00
Extended Price	12,207.10	13,542.90	13,800.00	15,000.00
Line 73 Potable Water-Valves and Valve Boxes- 8 In., (COA 6.01-6.04), per specifications. 2 ea				
Unit Price	\$1,604.68	\$1,780.29	\$1,840.00	\$2,700.00
Extended Price	3,209.36	3,560.58	3,680.00	5,400.00
Line 74 Potable Water-Valves and Valve Boxes -12 In., (COA 6.01-6.04), per specifications. 3 ea				
Unit Price	\$2,578.29	\$2,860.44	\$4,600.00	\$3,400.00
Extended Price	7,734.87	8,581.32	13,800.00	10,200.00

To be awarded as one lot	WILLIAMS DITCHING	HOLMES CONSTRUCTION CO.	J. LEE MILLIGAN	MH CIVIL CONSTRUCTION
Line 75 Potable Water- Valves and Valve Boxes -20 In., (COA 6.01-6.04) , per specifications.				
6 ea				
Unit Price	\$14,378.28	\$15,951.75	\$27,575.00	\$19,000.00
Extended Price	86,269.68	95,710.50	165,450.00	114,000.00
Line 76 Potable Water-Hydrant Assemblies, (COA 6.01-6.04), per specifications.				
3 ea				
Unit Price	\$4,080.40	\$4,526.94	\$3,565.00	\$3,800.00
Extended Price	12,241.20	13,580.82	10,695.00	11,400.00
Line 77 Potable Water-Deep Burial Fire Hydrant Assemblies, (COA 6.01-6.04), per specifications.				
5 ea				
Unit Price	\$4,408.18	\$4,890.57	\$5,170.00	\$4,000.00
Extended Price	22,040.90	24,452.85	25,850.00	20,000.00
Line 78 Potable Water-Trench Protection, (COA 6.01-6.04), per specifications.				
3350.5 lf				
Unit Price	\$1.34	\$1.48	\$1.15	\$1.00
Extended Price	4,489.67	4,958.74	3,853.08	3,350.50
Project No. 523384 Potable Water Total	428,342.61	475,169.61	626,639.75	668,930.10
Bid Total	5,085,174.39	5,324,731.83	6,627,479.70	10,476,000.00
City	Amarill, TX			
Change Order #1	\$ 90,992.53			
Change Order #1	\$ (265,951.38)			
Revised Total	\$ 4,910,215.54			

# Amarillo City Council Agenda Transmittal Memo



ITEM 2M

<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Public Safety
<b>Department</b>	Amarillo Fire Department		
<b>Contact</b>	Brandon Mason, Deputy Fire Chief		

## Agenda Caption

CONSIDER AWARD – NFPA 1971 Compliant Fire Garments Annual Contract  
(Contact: Brandon Mason, Deputy Fire Chief)

Award to Daco Fire Equipment – Total amount of contract - \$439,880

This is an annual contract to provide NFPA 1971-compliant firefighting protective gear to AFD.

## Agenda Item Summary

This is an annual contract for the purchase of NFPA-approved personal protective equipment. Structural firefighter garments (Coats, Pants, Helmets, Hoods, Gloves, and Boots) that are compliant with NFPA 1971 will be purchased.

## Requested Action

To approve the award of the annual contract for providing NFPA 1971 Compliant Fire Garments to DACO in the amount of \$439,880.

## Funding Summary

1910.51300- *Fire Clothing and Linen* will be used to fund this purchase.

## Community Engagement Summary

N/A

## Staff Recommendation

Staff recommends award of the annual contract for NFPA 1971 Compliant Fire Garments to DACO in the amount of \$439,880, authorizing the City Manager to execute the purchasing agreement.

Bid No. 7399 NFPA 1971 Compliant Fire Garments - Annual Contract  
Opened 4:00 p.m. December 12, 2022

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To be awarded as one lot. DACO FIRE EQUIPMENT CO  
INC

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Line 1 Leather Fire Boots  
Current Edition NFPA 1971 Compliant  
per bid specifications

50 Pr  
Unit Price \$325.000  
Extended Price 16,250.00

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Line 2 Helmets  
Legacy 5 Helmet per bid specifications

65 Ea  
Unit Price \$362.000  
Extended Price 23,530.00

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Line 3 Fire Gloves  
Commander, Black and Gold premium  
split leather per bid specifications

60 Pr  
Unit Price \$108.000  
Extended Price 6,480.00

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Line 4 Hoods  
Redzone Particulate Hood per bid  
specifications

100 ea  
Unit Price \$102.000  
Extended Price 10,200.00

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Line 5 Fire Coats  
V-Force Coat - Armor AP Outer shell per  
bid specifications

95 Ea  
Unit Price \$1,771.000  
Extended Price 168,245.00

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DACO FIRE EQUIPMENT CO  
INC

To be awarded by line item.

Line 6 Fire Pants  
V-Force Pant, Armor AP Outer Shell per  
bid specifications

95	Ea		
	Unit Price	\$1,145.000	
	Extended Price		108,775.00

Line 7 Clothing Maintenance & Repair  
(Including uniforms) Stay safe per each  
garment for seven (7) years per bid  
specifications

1,330	Ea		
	Unit Price	\$80.000	
	Extended Price		106,400.00

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Bid Total		\$439,880.00
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Award by Vendor		<u>\$439,880.00</u>
City		Lubbock, TX

# Amarillo City Council

## Agenda Transmittal Memo



ITEM 2N

<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Public Safety
<b>Department</b>	1910-Fire Department		
<b>Contact</b>	Deputy Chief Brandon Mason		

### Agenda Caption

#### Supply Agreement for the Purchase of Fire Truck Parts:

The supply agreement for Ferrara OEM parts for \$190,000. The parts will be used on multiple types of Ferrara apparatus repairs.

### Agenda Item Summary

This request is to provide a source for OEM Ferrara fire truck parts to repair our fleet. The supply agreement is listed at \$190,000 and ensures a steady supply of repair parts in a timely manner. The agreement can expire in one year or if the funding is expended prior to a year.

### Requested Action

The Fire Department is requesting approval for \$190,000 to source Ferrara fire parts.

### Funding Summary

The funding source is AFD auto parts account 1910.52050-Fire Auto Parts.

### Community Engagement Summary

None

### Staff Recommendation

Staff recommends the award of the annual supply agreement to Lone Star Emergency Group in the amount of \$190,000, authorizing the City Manager to execute the purchasing agreement.

Bid 7478 Ferrara Fleet Part Maintenance Supply Agreement  
Opened 4:00 p.m. February 10, 2023

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To be awarded as one lot

LONE STAR EMERGENCY GROUP,  
LLC

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Line 1 Miscellaneous Ferrara Fleet Parts,  
per specifications

1 ea

Unit Price \$190,000.00

Extended Price 190,000.00

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**Bid Total 190,000.00**

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Award by Vendor

\$ 190,000.00

City

Houston, TX





# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Transportation Systems
<b>Department</b>	Aviation		
<b>Contact</b>	Michael W. Conner, Director of Aviation		

**Agenda Caption**

CONSIDER APPROVAL – PROPERTY LEASE BETWEEN THE CITY OF AMARILLO AND AVIS BUDGET CAR RENTAL, LLC, FOR THE LEASE OF RENTAL CAR SERVICE AREA LAND AND ASSOCIATED BUILDINGS AT THE RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT.

**Agenda Item Summary**

This item includes the lease of 47,173.26 sq. ft. of land, a two-story office/service building, covered parking canopies, and an auxiliary storage shed at the Airport. This space will be used by AVIS car rental for administration and servicing of their rental cars at the Airport. The agreement is for an initial 5-year term with 5 additional 1-year option terms. Rent is \$1,380.35 per month and increases annually by 1%. AVIS is the current tenant of this property.

**Requested Action**

Request that the City Council approve this property lease.

**Funding Summary**

N/A

**Community Engagement Summary**

N/A

**Staff Recommendation**

Airport staff recommends approval of this property lease.

ORDINANCE NO. 8049

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, CONVERTING TWO SERGEANT POSITIONS TO TWO OFFICER POSITIONS AT THE AMARILLO POLICE DEPARTMENT; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the Chief of Police recommends that two (2) sergeant positions be converted to two (2) police officer positions in support of the department's staffing strategy to reduce the number of sergeants and increase the number of police officers.

WHEREAS, the Amarillo City Council finds that the conversion of two sergeant positions to officer positions in these circumstances enhances the efficiency of operations of the Amarillo Police Department, promotes public safety, and is to the betterment of municipal service.

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

SECTION 1. That in accordance with the annual personnel budget for the City, two (2) sergeant positions be converted to two (2) police officer positions thereby keeping the number of sworn positions at three hundred seventy-six (376).

SECTION 2. That all ordinances, resolutions, and appropriations for which provisions have heretofore been made are hereby expressly repealed to the extent of any conflict with the provisions of this ordinance.

SECTION 3. That this ordinance shall be effective on and after its adoption.

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading the 21st day of February, 2023; and PASSED on Second and Final Reading the 14th day of March, 2023.

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Ginger Nelson, Mayor

ATTEST:

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Stephanie Coggins, City Secretary

APPROVED AS TO FORM

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Bryan McWilliams, City Attorney

# Amarillo City Council Agenda Transmittal Memo



ITEM 3A

<b>Meeting Date</b>	February 21, 2023	<b>Council Priority</b>	Public Safety
<b>Department</b>	Amarillo Police Department		
<b>Contact</b>	Jimmy Johnson, Assistant Chief		

## Agenda Caption

CONSIDERATION OF ORDINANCE NO. 8049

This item is the first reading to consider an ordinance converting two sergeant positions to two officer positions at the Amarillo Police Department .

## Agenda Item Summary

The ordinance supports the department strategy of reducing the number of sergeant positions by attrition and increasing the number of officer positions. The resulting changes will make the total authorized sergeants at 72 and officers at 201. Total police sworn positions will still be 376.

## Requested Action

Approve the ordinance converting two (2) sergeant positions to two (2) officer positions.

## Funding Summary

This adjustment will create a budget savings.

## Community Engagement Summary

N/A

## Staff Recommendation

Staff recommends approval of the ordinance, authorizing the Chief of Police to make the appropriate staffing adjustments.

# Amarillo City Council Agenda Transmittal Memo



ITEM 3B

<b>Meeting Date</b>	February 21, 2023	<b>Council Pillar</b>	Fiscal Responsibility
<b>Department</b>	City Manager's Office		
<b>Contact</b>	Laura Storrs, Assistant City Manager		

## Agenda Caption

### **RECEIVE AND ACCEPT THE CITY OF AMARILLO ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR THE YEAR ENDING SEPTEMBER 30, 2022:**

(Contact: Laura Storrs, Assistant City Manager)

Presentation and review of the City of Amarillo Annual Comprehensive Financial Report for the year ending September 30, 2022.

## Agenda Item Summary

Presentation and review of the City of Amarillo Annual Comprehensive Financial Report for the year ending September 30, 2022.

## Requested Action

Council to review and accept the City of Amarillo Annual Comprehensive Financial Report for the year ending September 30, 2022.

## Funding Summary

N/A

## Community Engagement Summary

The City of Amarillo Audit Committee will meet on February 21, 2023 and review the Annual Comprehensive Financial Report for the year ending September 30, 2022.

## Staff Recommendation

Staff recommendation is to accept the City of Amarillo Annual Comprehensive Financial Report for the year ending September 30, 2022.