

**AGENDA**

**FOR A REGULAR MEETING OF THE AMARILLO CITY COUNCIL TO BE HELD ON TUESDAY, NOVEMBER 9, 2021 AT 1:00 P.M., CITY HALL, 601 SOUTH BUCHANAN STREET, COUNCIL CHAMBER ON THE THIRD FLOOR OF CITY HALL, AMARILLO, TEXAS.**

---

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

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

**INVOCATION:** Larry Miles, Trinity Fellowship Church

**PROCLAMATION:** "WRCA World Championship Ranch Rodeo Day"

**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. Report on San Jacinto Arts Project
- C. Discuss Parks and Recreation Service Adjustments to Include Potential Future Park Closures
- D. Updates from Councilmembers serving on outside boards and commissions:
  - a. Amarillo Local Government Corporation
  - b. Bicycle and Pedestrian Safety Task Force
  - c. Environmental Task Force
- E. Discuss Renovation/Construction Costs for City Hall; and
- F. Request future agenda items and reports from City Manager.

**2. CONSENT ITEMS**

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

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

**A. CONSIDER APPROVAL - MINUTES:**

Approval of the City Council minutes for the regular meeting held on October 26, 2021.

**B. CONSIDERATION OF RESOLUTION NO. 11-09-21-1:**

(Contact: Laura Storrs, Assistant City Manager)

This item considers a resolution to approve and adopt the opioid settlement proceeds set forth in the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.

**C. CONSIDERATION OF RESOLUTION NO. 11-09-21-2:**

(Contact: Bryan McWilliams, City Attorney)

This item considers a resolution authorizing the City Manager to execute a contingent fee legal services contract, subject to the approval of the City Attorney and the Texas Attorney General and the requirements of State law.

**D. CONSIDER AWARD - PROFESSIONAL SERVICES AGREEMENT WITH KSA ENGINEERS:**

(Contact: Matthew Thomas, City Engineer)

Award to: KSA Engineers - \$1,552,000

This item is to consider approval of the professional engineering services agreement for the design and construction phase services related to the construction of Georgia Street widening from Stardust Lane to Loop 335, RFQ 06-21, Job 462011.

**E. CONSIDER PURCHASE - TOP DRESS SAND:**

(Contact: Brad Nalley, Park Maintenance)

Award to: Rogers Group - \$81,000

This item is to consider the purchase of top dress sand for athletic and golf turf finish areas for safety and playability.

**F. CONSIDER LEASE - LANDFILL COMPACTOR:**

(Contact: Donny Hooper, Director of Public Works)

Awarded using Buy Board Contract #517-19 to: Warren Cat/Caterpillar Financial - \$16,427.40 per month

Total award based on 60-month lease: \$ 985,644.00

Purchase option at end of lease: \$ 193,200.00

Total obligation if option exercised: \$1,178,844.00

This item is to consider the scheduled lease replacement of unit 8882, 2016 Caterpillar Compactor. New equipment will be leased for a sixty (60) month period with full-service factory recommended service and all repairs under normal usage, including full machine 5yr - 10,000 hour warranty. Lease does not include fuel. Equipment will be used at City of Amarillo Landfill for daily operational requirements under TCEQ permits.

**G. CONSIDER PURCHASE - TOWABLE BRUSH CHIPPERS:**

(Contact: Donny Hooper, Director of Public Works)

Award to: Vermeer Texas-Louisiana - \$182,000.00 (thru Buyboard Contract 597-19)

This item is to consider the purchase of four towable brush chippers to expand Solid Waste daily operations to maintain City of Amarillo right of ways and alley ways.

**H. CONSIDER AWARD - EXTENSION OF LANDFILL ENGINEERING PROFESSIONAL SERVICES AGREEMENT:**

(Contact: Donny Hooper, Director of Public Works)

Award to Parkhill, Smith & Cooper - \$392,490.00

This item is to consider the award of a two-year extension to the agreement approved with Parkhill, Smith & Cooper, Inc. for Landfill Professional Services and Operational Review, for an amount not-to-exceed \$392,490.00. Services include Groundwater Monitoring; Landfill Gas Reporting & Oversight; Drone Surveying and Airspace Calculations; Quarterly & Annual TCEQ MSW Reporting; ADC Permitting, Oversight and Reporting; and other miscellaneous on-call services.

I. **CONSIDER PURCHASE - DRIVE CARRIAGE AND RAKE ASSEMBLIES:**

(Contact: Jonathan Gresham, Director of Utilities)

Award to: WSG & Solutions - \$166,500.00

This item is to consider approval of purchase requisition #46345 for two bar screen rake assemblies to replace existing equipment at the River Road Water Reclamation Plant to WSG & Solutions, Inc for \$166,500.00.

J. **CONSIDER AWARD - INSTALLATION OF DIGITAL CLOSED CIRCUIT TELEVISION SYSTEM:**

(Contact: Donna Knight, Court Administrator)

Award to: Lakeway Security, LLC - \$120,407.40

This item is to consider the award of Bid No. RFP 23-21 - Installation of a digital closed circuit television security system at the Police Department and Municipal Court Building located at 200 SE 3rd Avenue.

K. **CONSIDER AWARD - AMMUNITION FOR POLICE RANGE, SWAT, NARCOTICS, AIRPORT POLICE:**

(Contact: Trent Davis, Director of Purchasing)

Award to: GT Distributors - \$212,552.24

This award consists of the purchase of ammunition for the Amarillo Police Department Range, SWAT, Narcotics, and Rick Husband International Airport Police Department.

L. **CONSIDER AWARD - HEXAGON COMPUTER-AIDED DISPATCH (CAD) MAINTENANCE CONTRACT:**

(Contact: Lieutenant Chaz Williams & Captain Jeremy Hill)

Award to: Intergraph Cooperation - \$211,601.64

This item is to consider the award of an annual contract for the maintenance of the CAD system at the Amarillo Emergency Communications Center (AECC).

M. **CONSIDER AWARD - SSC SIGNS AND LIGHTING CONTRACT FOR SIGN MAKING SERVICES RELATED TO THE DOWNTOWN WAYSHOWING/WAYFINDING PLAN:**

(Contact: Emily Koller, Assistant Director of Planning)

Award to: SSC Signs - \$799,626.45

This item is to consider the award of a contract for sign making services for the manufacturing and installation of a system of wayshowing/wayfinding signs for the downtown district. This item has been recommended for Council approval by the TIRZ #1 Board, and will be funded with TIRZ #1 budgeted funding, including a \$75,000 grant received through Center City, Inc. from the Texas Commission on the Arts for the Amarillo Culture District.

N. **CONSIDER APPROVAL - AGREEMENT-IN-PRINCIPLE (AIP) CONTRACT NO. CP22003:**

(Contact: Chip Orton, Emergency Management Coordinator)

This item is to consider approval of Contract No. CP22003 between the City of Amarillo, Texas and the Texas Comptroller of Public Accounts: State Energy Conservation Office (Agreement-In-Principle Program).

O. **CONSIDER APPROVAL – PROPERTY SALE:**

(Contact: Laura Storrs, Assistant City Manager)

This item is to consider authorizing Potter County, as the Trustee, to sell the property located at 1309 N Harrison St. The County is requesting authorization of the property sale from all taxing entities. The property sale process provides for the taxing entities, depending on the amount of bids/sale amount, to recoup all or a portion of delinquent taxes.

- P. **CONSIDER ACCEPTANCE - SHUTTERED VENUE OPERATORS GRANT:**  
(Contact: Sherman Bass, Civic Center Manager)  
Grant Amount: up to \$1,578,994.37  
Grantor: Small Business Administration (SBA)

This item is to consider acceptance of a Shuttered Venue Operators Grant (SVOG) to recover expenses incurred from May 2020 thru June 2021 due to the closures and loss of business at the Amarillo Civic Center Complex related to the COVID-19 pandemic.

- Q. **CONSIDER APPROVAL - INTERLOCAL AGREEMENT WITH RANDALL COUNTY FOR COOPERATIVE USE OF FIRE TRAINING FACILITIES:**  
(Contact: Sam Baucom, Deputy Fire Chief)

This item is to consider approval of an Interlocal Agreement with Randall County Fire Department (RCFD) for their use of the City of Amarillo's Fire Department Training Facilities located at 12400 NE 8th Ave. Amarillo, TX 79111; and for AFD's use of the Randall County Fire Department Training Facilities located at 1111 South Loop 335 East and other RCFD training locations, when available.

- R. **CONSIDER APPROVAL - INTERLOCAL AGREEMENT WITH THE CITY OF RICHARDSON FOR FIRE DEPARTMENT CLASS "A" UNIFORM PURCHASE:**  
(Contact: Trent Davis, Director of Purchasing)

This item is to consider authorizing the City Manager to execute an interlocal agreement with the City of Richardson establishing a cooperative purchasing program per Subchapter F, Chapter 271, Tex. Local Govt Code between the City of Amarillo and the City of Richardson authorizing the purchase of Fire Department Class A Uniforms by the City of Richardson on a contract competitively procured by the City of Amarillo for such uniforms. (CLASS "A" Uniform Jacket and Pants per Bid Specification FD-206, issuance Dated 03/05/2021.)

- S. **CONSIDER APPROVAL - PURCHASE OF AUTO PHYSICAL DAMAGE INSURANCE POLICY:**  
(Contact: Wesley Hall, Risk Management Director)  
Award to: USI Southwest - \$59,454

This item is to consider approving the purchase of an Auto Physical Damage Insurance policy for Amarillo Fire Department's High-Value equipment.

- T. **CONSIDER APPROVAL - AGREEMENT FOR DESIGN SERVICES FOR ATHLETIC FACILITIES WITHIN CITY OF AMARILLO PARKS:**  
(Contact: Michael Kashuba, Director of Parks and Recreation)  
Award to: Parkhill - \$99,500.00

This item is to consider approving an agreement for design services for a project consisting of a concept study for redevelopment of five sports complexes within existing parks in Amarillo, Texas (Martin Road Park, John Stiff Memorial Park, Southeast Park, Rick Klein Park, River Road Park and Thompson Park). Proposed development will include lighted baseball/softball fields, parking, restroom/concession buildings, playgrounds, and other miscellaneous facilities appropriate to a regional sports complex.

- U. **CONSIDER APPROVAL - PROFESSIONAL SERVICES AGREEMENT FOR POLK ST. STREETSCAPE IMPROVEMENTS:**  
(Contact: Kyle Schniederjan, Director of Capital Projects & Development Engineering)  
Award to: Parkhill - Not to exceed \$165,000.00

This item is to consider approval of the professional engineering services agreement for the public engagement, conceptual development, and preliminary design phase services related to the construction of Polk St. Streetscape Improvements.

### **3. NON-CONSENT ITEM:**

**A. PUBLIC HEARING AND CONSIDERATION OF A ROUTE 66 EMBLEM ON THE INDEPENDENCE WATER TOWER LOCATED IN THE VICINITY OF S INDEPENDENCE ST AND SW 6TH AVE:**

(Contact: Emily Koller, Assistant Director of Planning)

This item is to hold a public hearing and consider approving the addition of a "Route 66" emblem on the Independence water tower located in the vicinity of S. Independence Street and S.W. 6th Avenue.

**B. CONSIDERATION OF ORDINANCE NO. 7940:**

(Contact: Kashion Smith, Executive Director, Convention Visitor Bureau)

This item is the first reading of an ordinance to amend the Convention and Visitor Bureau (CVB) 2021/2022 Budget.

**C. PUBLIC HEARING AND CONSIDERATION OF ORDINANCE NO. 7941:**

(Contact: Brady Kendrick, Planner II)

This item is a public hearing and first reading of an ordinance to approve rezoning of a 4.84 acre tract of unplatted land in Section 183, Block 2, A.B.&M. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to Planned Development District 397 for a Self-Storage Facility with General Retail District Development Standards, in the vicinity of Georgia St. and Farmers Ave.

**D. CONSIDERATION OF RESOLUTION NO. 11-09-21-3:**

(Contact: Stephanie Coggins, City Secretary)

This item considers a resolution to canvass the returns and declare the results of the special election held on November 2, 2021.

**E. CONSIDERATION OF RESOLUTION NO. 11-09-21-4:**

(Contact: Stephanie Coggins, City Secretary)

This item considers a resolution to vote for members to the Potter County Appraisal District Board.

**F. CONSIDERATION OF RESOLUTION NO. 11-09-21-5:**

(Contact: Stephanie Coggins, City Secretary)

This item considers a resolution to vote for members to the Randall County Appraisal District Board.

**G. DISCUSS AND APPROVE - PARTNERS FOR DEVELOPMENT PROGRESS ADVISORY COMMITTEE:**

(Contact: Floyd Hartman, Assistant City Manager)

This item is to discuss and approve a Partners for Development Progress (PDP) citizens advisory committee to guide the review and evaluation of the City's development policies with a focus on long range vision, planning, process efficiency and funding of public improvements.

**H. CONSIDERATION OF APPOINTMENTS TO BOARDS AND COMMISSIONS:**  
(Contact: Stephanie Coggins, City Secretary)

This item is to consider annual appointments needed for the following boards and commissions:

Advisory Committee for People with Disabilities  
Amarillo Area Public Health Board  
Amarillo Animal Management and Welfare Advisory Board  
Amarillo Economic Development Corporation  
Amarillo Local Government Corporation  
Amarillo Hospital District Board of Managers  
Amarillo-Potter Events Venue District  
Beautification And Public Arts Advisory Board  
Board Of Review for Landmarks, Historic Districts, And Downtown Design  
Canadian River Municipal Water Authority  
Center City Tax Increment Reinvestment Zone #1 Board of Directors (including appointment of chair)  
Colonies Public Improvement District  
Construction Advisory and Appeals Commission  
Condemnation Appeals Commission  
Convention And Visitor Bureau  
Council Audit Committee  
East Gateway Tax Increment Reinvestment Zone #2 Board of Directors (including appointment of chair)  
Environmental Task Force  
First Responders' Excellence and Innovation Fund  
Heritage Hills Public Improvement District  
Library Advisory Board  
Parks And Recreation Board  
Pedestrian And Bicycle Safety Advisory Committee  
Pinnacle Public Improvement District  
Planning And Zoning Commission  
Point West Public Improvement District  
Quail Creek Public Improvement District  
Texas Panhandle Centers  
Town Square Public Improvement District  
Traffic Advisory Board  
Zoning Board of Adjustment

**4. EXECUTIVE SESSION:**

The City Council may convene in Executive Session to receive reports on or discuss any of the following pending projects or matters:

- A. Sec. 551.087 - 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:
  - a. Economic development incentive request in the vicinity of Research St. and Outlook Dr.
  - b. Economic development incentive request in the vicinity of East Interstate 40 and Airport Boulevard

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.

Posted this 5th day of November 2021.

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

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

*Archived meetings are also available.*

STATE OF TEXAS  
COUNTIES OF POTTER  
AND RANDALL  
CITY OF AMARILLO

On the 26th of October 2021 the Amarillo City Council met at 1:00 p.m. for a regular meeting held in Council Chambers, 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                 |

Absent was Councilmember Howard Smith. Also in attendance were the following administrative officials:

- |                   |                               |
|-------------------|-------------------------------|
| FLOYD HARTMAN     | ACTING CITY MANAGER           |
| LAURA STORRS      | ASSISTANT CITY MANAGER        |
| ANDREW FREEMAN    | ASSISTANT CITY MANAGER        |
| BRYAN MCWILLIAMS  | CITY ATTORNEY                 |
| JENIFER RAMIREZ   | ASSISTANT TO THE CITY MANAGER |
| STEPHANIE COGGINS | CITY SECRETARY                |

The invocation was given by Bennie Anderson of New Hope Baptist Church. Mayor Nelson led the Pledge of Allegiance.

Proclamations were presented for "Dyslexia Awareness Month", "National Chiropractic Health Month", and "National Family Caregiver's Month".

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

**PUBLIC ADDRESS:**

Amber Richardson, of Amarillo, Texas, spoke to agenda item no. 1D. Ryan Brightbill, of Amarillo, Texas, spoke to agenda item no. 1D. Tyler Pinson, of Amarillo, Texas, spoke to agenda item no. 1D. There were no further comments.

**ITEM 1 – CITY COUNCIL DISCUSSED OR RECEIVED REPORTS ON THE FOLLOWING CURRENT MATTERS OR PROJECTS:**

- A. Review agenda items for regular meeting and attachments;
- B. Discuss Texas Police Chiefs Association Foundation re-recognition of the Amarillo Police Department's Accreditation
- C. Discuss Tax Increment Reinvestment Zone #1 Extension;
- D. Update on Point-in-Time Count; and
- F. 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. Motion was made to approve the consent agenda as presented by Councilmember Powell, seconded by Councilmember Sauer.

- A. **CONSIDER APPROVAL – MINUTES:**  
Approval of the City Council minutes for the regular meeting held on October 12, 2021.
- B. **CONSIDERATION OF RESOLUTION NO. 10-26-21-1:**  
(Contact: Mitchell Normand, Human Resources Director)

This item considers a resolution approving a Paid Quarantine Leave Policy for firefighters and peace officers, pursuant to Texas Local Government Code Section 180.008.

**C. CONSIDERATION OF RESOLUTION NO. 10-26-21-2:**

(Contact: Kevin Carter, Executive Director of Amarillo Economic Development Corporation)

This item considers a resolution authorizing the submission of an economic development administration application to the U.S. Department of Commerce for the Economic Adjustment Assistance Program; and authorizing the city manager to act as the City of Amarillo's executive officer and authorized representative in all matters pertaining to the City of Amarillo's participation in the program.

**D. CONSIDERATION OF RESOLUTION NO. 10-26-21-3:**

(Contact: Andrew Freeman, Assistant City Manager)

This item considers a resolution naming the official enterprise zone for a previously approved tax abatement with Illinois Tool Works, Inc. and Panhandle Pure, LLC.

**E. CONSIDERATION OF RESOLUTION NO. 10-26-21-4:**

(Contact: David Wilson, Assistant Director of Parks and Recreation)

This item considers a resolution authorizing the City Manager to apply for the Texas Parks and Wildlife Department's CO-OP Grant Program on behalf of the City of Amarillo.

**F. CONSIDER AWARD – MODIFICATIONS TO SNOW REMOVAL EQUIPMENT (SRE) BUILDING AT THE RICK HUSBAND AMARILLO INTERNATIONAL AIRPORT:**

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

Total Base Bid Amount: \$1,175,753.00

Bid Alternate No. 1: (\$264,066.00) (Provide silicone Roof Coating Restoration system in lieu of metal panel replacement)

Total Bid Amount: \$911,687.00 to be awarded to Panhandle Steel Buildings, Inc.

This item considers approval of a project involving modifications to the Snow Removal Equipment (SRE) Building that include roof repair, internal lighting modernization to LED, new infrared heating in the shop portion, HVAC replacement in the two adjoining annexes, and replacement of overhead doors. This item will be funded through a Federal Aviation Administration grant at 100% reimbursement.

**G. CONSIDER APPROVAL – REMODEL OF THE PUBLIC HEALTH ANNEX LOCATED AT 850 MARTIN ROAD:**

(Contact: Casie Stoughton, Director of Public Health)

Award to: Plains Builders – \$1,026,030

This item approves a construction project for the remodel of the Public Health Annex located at 850 Martin Road.

**H. CONSIDER AWARD – DESKTOP COMPUTER HARDWARE:**

(Contact: Rich Gagnon, Managing Director of Information Technologies)

Award to: Dell Marketing, LP – \$140,820 (through DIR Contract # DIR-TSO-3763)



This item approves the purchase of equipment to replace 240 desktop computers and 90 monitors which have exceeded their useful life.

- I. **CONSIDER AWARD – DESKTOP COMPUTER HARDWARE:**  
(Contact: Rich Gagnon, Managing Director of Information Technologies)  
Award to: Dell Marketing, LP – \$63,271.32 (through DIR Contract # DIR-TSO-3763)

This item approves the purchase of equipment to replace 28 ruggedized laptops for Amarillo Fire Department that are used in fire trucks.

- J. **CONSIDER AWARD – GOLF PRODUCTS:**  
(Contact: George Priolo, GM of Golf Operations)  
Award to: Acushnet Golf Products – \$200,000

This item awards a contract to allow the Parks and Recreation department – Golf Operations to provide Titleist, Foot-Joy, and Pinnacle products in the pro shops located at Ross Rogers Golf Complex and Comanche Trail Golf Complex.

- K. **CONSIDER APPROVAL – LEASE AGREEMENT FOR LIMITED USES – LEASE AGREEMENT BETWEEN THE CITY OF AMARILLO AND A LOCAL ORGANIZATION FOR THE LIMITED USE OF OFFICE SPACE BY THE AMARILLO POLICE DEPARTMENT NEIGHBORHOOD POLICE OFFICER (NPO) UNITS:**  
(Contact: Martin Birkenfeld, Police Chief)  
Bethesda Outreach Center

This item approves a lease agreement for limited uses and provides for office space in a designated neighborhood to be used by the Amarillo Police department for the Neighborhood Police Officer units. The office will be utilized for the purpose of general police activity, research, preparing reports, meetings with citizens, etc. The organization that has agreed to provide an office is: Bethesda Outreach Center.

Voting AYE were Mayor Nelson and Councilmembers Powell, Stanley, and Sauer; voting NO were none; the motion carried by a 4-0 vote.

### **ITEM 3 - NON-CONSENT ITEMS:**

**ITEM 3A:** Mayor Nelson introduced the second reading of Ordinance No. 7938 to consider a variance to distance regulations prohibiting the sale of alcoholic beverages within 300' of a public school. Anthony Spanel, Environmental Health Director, presented the item. A motion was made to approve Ordinance No. 7938 and grant a variance for alcohol sales at 3420 SW 15th for applicant GoBrands Texas, LLC. pursuant to Section 109.33(e) of the Texas Alcoholic Beverage Code, after consideration of the health, safety and welfare of the public and the entities of the situation, council finds and determines that enforcement of the distance regulation in this particular instance would not be effective or necessary by Councilmember Powell, seconded by Councilmember Stanley.

#### ORDINANCE 7983

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS: PROVIDING FOR A VARIANCE TO DISTANCE REGULATIONS PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF A PUBLIC SCHOOL IN ACCORDANCE WITH TEXAS ALCOHOLIC BEVERAGE CODE SECTION 109.33(e) AND AMARILLO MUNICIPAL CODE SECTION 14-3-5; PROVIDING FOR SEVERABILITY, REPEALER, CONTINUATION OF PRIOR LAW, AND EFFECTIVE DATE.

Voting AYE were Mayor Nelson and Councilmembers Powell and Stanley; voting NO was Councilmember Sauer; the motion carried by a 3-1 vote.

**ITEM 3B:** Mayor Nelson introduced Resolution No. 10-26-21-5 regarding an application for 2022 Non-Competitive Housing Tax Credits. The item was presented by Andrew Freeman, Assistant City Manager. Mayor Nelson opened a public hearing on the item. There were no comments. Mayor Nelson closed the public hearing. A motion was made to approve Resolution No. 10-26-21-5 stating no objection for an application for 2022 Non-Competitive Housing Tax Credits to the Texas Department of Housing and Community Affairs Housing Tax Credit Program by JES Dev Co, Inc., a private entity, for the Estacado Station, a development for affordable rental property located at approximately 4000 NW 12th Avenue Councilmember Powell, seconded by Councilmember Sauer.

RESOLUTION NO. 10-26-21-5

A RESOLUTION OF THE CITY OF AMARILLO STATING NO OBJECTION TO THE JES DEV CO, INC. 4% HOUSING TAX CREDIT APPLICATION TO TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR PROPOSED NEW CONSTRUCTION OF ESTACADO STATION APARTMENTS IN AMARILLO, TEXAS TO PROVIDE AFFORDABLE RENTAL HOUSING.

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer and Stanley; voting NO were none; the motion carried by a 4-0 vote.

**ITEM 3C:** Mayor Nelson introduced the item to consider awarding a contract for Advanced Metering Infrastructure (AMI). Floyd Hartman presented the item. A motion was made to award the Advanced Metering Infrastructure contract to Thirkettle Corporation dba Utiliuse in the amount of \$27,024,744.76 for the installation of smart meters throughout the city of Amarillo to be funded through previously issued bond proceeds from a zero-percent interest loan and a grant, both provided by the Texas Water Development Board by Councilmember Powell, seconded by Councilmember Sauer.

Voting AYE were Mayor Nelson and Councilmembers Powell, Sauer and Stanley; voting NO were none; the motion carried by a 4-0 vote.

**ITEM 4:** Mr. McWilliams advised at 2:28 p.m. that the City Council would convene in Executive Session per Texas Government Code:

- A. Sec. 551.071 - Consult with attorney on a matter in which the attorney's duty to the governmental body under the Texas Disciplinary Rules of Professional Conduct conflicts with this chapter
  - a. Discussion regarding status of negotiations related to the Amended and Restated Economic Development Agreement with Supreme Bright Amarillo II, LLC, and related matters.

Mr. McWilliams announced that Executive Session was adjourned at 3:07 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>	November 9, 2021	<b>Council Priority</b>	Fiscal Responsibility
---------------------	------------------	-------------------------	-----------------------

<b>Department</b>	City Manager's Office Laura Storrs, Assistant City Manager
-------------------	---

**Agenda Caption**

CONSIDERATION OF RESOLUTION 11-09-21-1 – APPROVING THE STATE OF TEXAS OPIOID SETTLEMENT AGREEMENT FOR ALLOCATION  
(Contact: Laura Storrs, Assistant City Manager)

This resolution approves and adopts the opioid settlement proceeds set forth in the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.

**Agenda Item Summary**

On May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet approving the allocation of any and all opioid settlement funds within the State of Texas. The City Council will need to adopt the resolution related to the opioid settlement and designate the City Manager as the authorized official to execute any and all documents necessary regarding the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.

**Requested Action**

Council consideration and approval of the resolution for opioid settlement proceeds.

**Funding Summary**

N/A

**Community Engagement Summary**

N/A

**Staff Recommendation**

Staff recommendation is to approve the resolution.

**RESOLUTION NO. 11-09-21-1**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS (“CITY”); APPROVING AND ADOPTING THE OPIOID SETTLEMENT PROCEEDS SET FORTH IN THE TEXAS OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET; DESIGNATING THE CITY MANAGER TO ACT AS THE CITY’S AUTHORIZED OFFICIAL IN ALL MATTERS PERTAINING TO SUCH FUND; PROVIDING FOR A REPEALER; AND PROVIDING SEVERABILITY AND EFFECTIVE DATE.**

---

**WHEREAS**, the City of Amarillo (“City”) obtained information indicating that certain drug companies and their corporate affiliates, parents, subsidiaries, and such other defendants as may be added to the litigation (collectively, “Defendants”) have engaged in fraudulent and/or reckless marketing and/or distribution of opioids that have resulted in addictions and overdoses;

**WHEREAS**, these actions, conduct and misconduct have resulted in significant financial costs to the City;

**WHEREAS**, on May 13, 2020, the State of Texas, through the Office of the Attorney General, and a negotiation group for Texas political subdivisions entered into an Agreement entitled Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet (hereafter, the Texas Term Sheet) approving the allocation of any and all opioid settlement funds within the State of Texas. The Term Sheet is attached hereto and incorporated herein as Exhibit “A”;

**WHEREAS**, Special Counsel and the State of Texas have recommended that Amarillo’s City Council support the adoption and approval of the Texas Term Sheet in its entirety; and

**WHEREAS**, the City Council designates the City Manager as the authorized official to execute any and all documents necessary regarding the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.

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

**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 Resolution as if copied in their entirety.

**Section 2.** The City Council does hereby adopt and approve the Texas Opioid Abatement Fund Council and Settlement Allocation Texas Term Sheet in its entirety.

**Section 3.** The City Council further finds that there is a substantial need for repayment of opioid-related expenditures and payment to abate opioid-related harms in and about the City of Amarillo.

**Section 4.** The City Council hereby supports in its entirety and adopts the allocation method for opioid settlement proceeds as set forth in the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET, attached hereto and incorporated herein as Exhibit A. The City understands that the purpose of the attached Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants as defined therein. The Council further understands that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful fund use in abating the opioid epidemic in this City and throughout Texas

**Section 5.** The City Council further designates the City Manager as the authorized official to execute any and all documents related to the Texas Opioid Abatement Fund Council and Settlement Allocation Term Sheet.

**Section 6.** Should any part of this Resolution conflict with any other resolution, then such other resolution is repealed to the extent of the conflict with this Resolution.

**Section 7.** Should any word, phrase, or part of this Resolution be found to be invalid or unconstitutional, such finding shall not affect any other word, phrase, or part hereof and such shall be and continue in effect.

**Section 8.** This Resolution shall be effective on and after its adoption.

**PASSED AND APPROVED this 9th day of November 2021.**

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

**ATTEST:**

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

**APPROVED:**

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

**TEXAS OPIOID ABATEMENT FUND COUNCIL AND  
SETTLEMENT ALLOCATION TERM SHEET**

**WHEREAS**, the people of the State of Texas and its communities have been harmed through the National and Statewide epidemic caused by licit and illicit opioid use and distribution within the State of Texas; and now,

**WHEREAS**, the State of Texas, through its elected representatives and counsel, including the Honorable Ken Paxton, Attorney General of the State of Texas, and certain Political Subdivisions, through their elected representatives and counsel, are separately engaged in litigation seeking to hold those entities in the supply chain accountable for the damage caused; and now,

**WHEREAS**, the State of Texas, through its Attorney General and its Political Subdivisions, share a common desire to abate and alleviate the impacts of the epidemic throughout the State of Texas; and now,

**THEREFORE**, the State of Texas and its Political Subdivisions, subject to completing formal documents effectuating the Parties' agreements, enter into this State of Texas and Texas Political Subdivisions' Opioid Abatement Fund Council and Settlement Allocation Term Sheet (Texas Term Sheet) relating to the allocation and use of the proceeds of any Settlements as described.

**A. Definitions**

As used in this Texas Term Sheet:

1. “The State” shall mean the State of Texas acting through its Attorney General.
2. “Political Subdivision(s)” shall mean any Texas municipality and county.
3. “The Parties” shall mean the State of Texas, the Political Subdivisions, and the Plaintiffs’ Steering Committee and Liaison Counsel (PSC) in the Texas Opioid MDL, *In Re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152d District Court of Harris County, Texas.
4. “Litigating Political Subdivision” means a Political Subdivision that filed suit in the state courts of the State of Texas prior to the Execution Date of this Agreement, whether or not such case was transferred to Texas Opioid MDL, or removed to federal court.
5. “National Fund” shall mean any national fund established for the benefit of the Texas Political Subdivisions. In no event shall any National Fund be used to create federal jurisdiction, equitable or otherwise, over the Texas Political Subdivisions or those similarly situated state-court litigants who are included in the state coalition, nor shall the National Fund require participating in a class action or signing a participation agreement as part of the criteria for participating in the National Fund.
6. “Negotiating Committee” shall mean a three-member group comprising four representatives for each of (1) the State; (2) the PSC; and (3) Texas’

Political Subdivisions (collectively, “Members”). The State shall be represented by the Texas Attorney General or his designees. The PSC shall be represented by attorneys Mikal Watts, Jeffrey Simon, Dara Hegar, Dan Downey, or their designees. Texas’ Political Subdivisions shall be represented by Clay Jenkins (Dallas County Judge), Terrence O’Rourke (Special Assistant County Attorney, Harris County), Nelson Wolff (Bexar County Judge), and Nathaniel Moran (Smith County Judge) or their designees.

7. “Settlement” shall mean the negotiated resolution of legal or equitable claims against a Pharmaceutical Supply Chain Participant that includes the State and Political Subdivisions.
8. “Opioid Funds” shall mean monetary amounts obtained through a Settlement as defined in this Texas Term Sheet.
8. “Approved Purpose(s)” shall mean those uses identified in Exhibit A hereto.
9. “Pharmaceutical Supply Chain” shall mean the process and channels through which opioids or opioids products are manufactured, marketed, promoted, distributed, or dispensed.



10. “Pharmaceutical Supply Chain Participant” shall mean any entity that engages in or has engaged in the manufacture, marketing, promotion, distribution, or dispensing of an opioid analgesic.
11. “Texas Opioid Council” shall mean the Council described in Exhibit A hereto, which has the purpose of ensuring the funds recovered by Texas (through the joint actions of the Attorney General and the Texas Political Subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

**B. Allocation of Settlement Proceeds**

1. All Opioid Funds distributed in Texas shall be divided with 15% going to Political Subdivisions (“Subdivision Share”), 70% to the Texas Opioid Abatement Fund through the Texas Opioid Council (Texas Abatement Fund Share) identified and described on Exhibits A and C hereto, and 15% to the Office of the Texas Attorney General as Counsel for the State of Texas (“State Share”). Out of the Texas Opioid Abatement Fund, reasonable expenses up to 1% shall be paid to the Texas Comptroller for the administration of the Texas Opioid Council pursuant to the Opioid

Abatement Fund (Texas Settlement) Opioid Council Agreement, Exhibit A hereto.

2. The Subdivisions Share shall be allocated in accordance with the division of proceeds on Exhibit B hereto.
3. The Texas Abatement Fund Share shall be allocated to the Opioid Council to be apportioned in accordance with the guidelines of Exhibit A, and Exhibit C hereto.
4. In the event a Subdivision merges, dissolves, or ceases to exist, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably based on the composition of the successor Subdivision. If a Subdivision for any reason is excluded from a specific settlement, the allocation percentage for that Subdivision shall be redistributed as directed by the settlement document, and if not specified, equitably among the participating Subdivisions.
5. Funds obtained from parties unrelated to the Litigation, via grant, bequest, gift or the like, separate and distinct from the Litigation, may be directed to the Texas Opioid Council and disbursed as set forth below.
6. The Subdivision share shall be initially deposited and paid in cash directly to the Subdivision under the authority and guidance of the Texas MDL Court, who shall direct any Settlement funds to be held in trust in a

segregated account to benefit the Subdivisions and to be promptly distributed as set forth herein and in accordance with Exhibit B.

7. Nothing in this Texas Term Sheet should alter or change any Subdivision's rights to pursue its own claim. Rather, the intent of this Texas Term Sheet is to join all parties to disburse settlement proceeds from one or more defendants to all parties participating in that settlement within Texas.
8. Opioid Funds from the Texas Abatement Fund Share shall be directed to the Texas Opioid Council and used in accordance with the guidelines as set out on Exhibit A hereto, and the Texas Abatement Fund Share shall be distributed to the Texas Opioid Council under the authority and guidance of the Texas MDL Court, consistent with Exhibits A and C, and the by-laws of the Texas Opioid Council documents and disbursed as set forth therein, including without limitation all abatement funds and the 1% holdback for expenses.
9. The State of Texas and the Political Subdivisions understand and acknowledge that additional steps may need to be undertaken to assist the Texas Opioid Council in its mission, at a predictable level of funding, regardless of external factors.

### **C. Payment of Counsel and Litigation Expenses**

1. Any Master Settlement Agreement settlement will govern the payment of fees and litigation expenses to the Parties. The Parties agree to direct control of any Texas Political Subdivision fees and expenses to the “Texas Opioid Fee and Expense Fund,” which shall be allocated and distributed by the Texas MDL Court, *In re: Texas Opioid Litigation*, MDL No. 2018-63587, in the 152nd District Court of Harris County, Texas, and with the intent to compensate all counsel for Texas Political Subdivisions who have not chosen to otherwise seek compensation for fees and expenses from any federal MDL common benefit fund.
2. The Parties agree that no portion of the State of Texas 15% allocation share from any settlement shall be administered through the National Fund, the Texas MDL Court, or Texas Opioid Fee and Expense Fund, but shall be directed for payment to the State of Texas by the State of Texas.
3. The State of Texas and the Texas Political Subdivisions, and their respective attorneys, agree that all fees – whether contingent, hourly, fixed or otherwise – owed by the Texas Political Subdivisions shall be paid out of the National Fund or as otherwise provided for herein to the Texas Opioid Fee and Expense Fund to be distributed by the 152nd

District Court of Harris County, Texas pursuant to its past and future orders.

4. From any opioid-related settlements with McKesson, Cardinal Health, ABDC, and Johnson & Johnson, and for any future opioid-related settlements negotiated, in whole or in part, by the Negotiating Committee with any other Pharmaceutical Supply Chain Participant, the funds to be deposited in the Texas Opioid Fee and Expense Fund shall be 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of each payment (annual or otherwise) to the State of Texas for that settlement, plus expenses from the National Fund, and shall be sought by Texas Political Subdivision Counsel initially through the National Fund. The Texas Political Subdivisions' percentage share of fees and expenses from the National Fund shall be directed to the Texas Opioid Fee and Expense Fund in the Texas MDL, as soon as is practical, for allocation and distribution in accordance with the guidelines herein.
5. If the National Fund share to the Texas Political Subdivisions is insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, per subsection 4, immediately *supra*, or if payment from the National Fund is not received within 12 months after the date the

first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 12.5% of the Texas Political Subdivision Share to make up any difference.

6. If the National Fund and the Texas Political Subdivision share are insufficient to cover the guaranteed 9.3925%, plus expenses from the National Fund, or if payment from the National Fund is not received within 12 months after the date the first payment is made by the Defendants pursuant to the settlement, then the Texas Political Subdivisions shall recover up to 8.75% of the Abatement Fund Share to make up any difference. In no event shall the Texas Political Subdivision share exceed 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions of any settlement, plus expenses from the National Fund. In the event that any payment is received from the National Fund such that the total amount in fees and expenses exceeds 9.3925%, the Texas Political Subdivisions shall return any amounts received greater than 9.3925% of the combined Texas Political Subdivision and Texas Abatement Fund portions to those respective Funds.

7. For each settlement utilizing a National Fund, the Texas Political Subdivisions need only make one attempt at seeking fees and expenses there.
8. The total amount of the Texas Opioid Fee and Expense Fund shall be reduced proportionally, according to the agreed upon allocation of the Texas Subdivision Fund, for any Texas litigating Political Subdivision that (1) fails to enter the settlement; and (2) was filed in Texas state court, and was transferred to the Texas MDL (or removed before or during transfer to the Texas MDL) as of the execution date of this Agreement.

#### **D. The Texas Opioid Council and Texas Abatement Fund**

The Texas Opioid Council and Texas Abatement Fund is described in detail at Exhibit A, incorporated herein by reference.

#### **E. Settlement Negotiations**

1. The State and Negotiating Committee agree to inform each other in advance of any negotiations relating to a Texas-only settlement with a Pharmaceutical Supply Chain Participant that includes both the State and its Political Subdivisions and shall provide each other the opportunity to participate in all such negotiations. Any Texas-only Settlement agreed to with the State and Negotiating Committee shall be subject to the approval

of a majority of litigating Political Subdivisions. The Parties further agree to keep each other reasonably informed of all other global settlement negotiations with Pharmaceutical Supply Chain Participants and to include the Negotiating Committee or designees. Neither this provision, nor any other, shall be construed to state or imply that either the State or the Negotiating Committee is unauthorized to engage in settlement negotiations with Pharmaceutical Supply Chain Participants without prior consent or contemporaneous participation of the other, or that either party is entitled to participate as an active or direct participant in settlement negotiations with the other. Rather, while the State's and Negotiation Committee's efforts to achieve worthwhile settlements are to be collaborative, incremental stages need not be so.

2. Any Master Settlement Agreement (MSA) shall be subject to the approval and jurisdiction of the Texas MDL Court.
3. As this is a Texas-specific effort, the Committee shall be Chaired by the Attorney General. However, the Attorney General, or his designees, shall endeavor to coordinate any publicity or other efforts to speak publicly with the other Committee Members.
4. The State of Texas, the Texas MDL Plaintiff's Steering Committee representatives, or the Political Subdivision representatives may withdraw



from coordinated Settlement discussions detailed in this Section upon 10 business days' written notice to the remaining Committee Members and counsel for any affected Pharmaceutical Supply Chain Participant. The withdrawal of any Member releases the remaining Committee Members from the restrictions and obligations in this Section.

5. The obligations in this Section shall not affect any Party's right to proceed with trial or, within 30 days of the date upon which a trial involving that Party's claims against a specific Pharmaceutical Supply Chain Participant is scheduled to begin, reach a case specific resolution with that particular Pharmaceutical Supply Chain Participant.

#### **F. Amendments**

The Parties agree to make such amendments as necessary to implement the intent of this agreement.

#### **Acknowledgment of Agreement**

We, the undersigned, have participated in the drafting of the above Texas Term Sheet, including consideration based on comments solicited from Political Subdivisions. This document has been collaboratively drafted to maintain all individual claims while allowing the State and its Political Subdivisions to cooperate in exploring all possible means of resolution. Nothing in this agreement binds any party to any specific outcome. Any resolution under this document will require

acceptance by the State of Texas and a majority of the Litigating Political Subdivisions.

We, the undersigned, hereby accept the STATE OF TEXAS AND TEXAS POLITICAL SUBDIVISIONS' OPIOID ABATEMENT FUND COUNCIL AND SETTLEMENT ALLOCATION TERM SHEET. We understand that the purpose of this Texas Term Sheet is to permit collaboration between the State of Texas and Political Subdivisions to explore and potentially effectuate earlier resolution of the Opioid Litigation against Pharmaceutical Supply Chain Participants. We also understand that an additional purpose is to create an effective means of distributing any potential settlement funds obtained under this Texas Term Sheet between the State of Texas and Political Subdivisions in a manner and means that would promote an effective and meaningful use of the funds in abating the opioid epidemic throughout Texas.

Executed this 13 day of May, 2020.

FOR THE STATE OF TEXAS:



\_\_\_\_\_  
KENNETH PAXTON, JR.  
ATTORNEY GENERAL

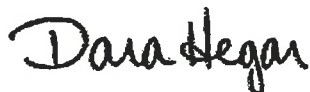
FOR THE SUBDIVISIONS  
AND TEXAS MDL PSC:



\_\_\_\_\_  
MIKAL WATTS  
WATTS GUERRA LLP



\_\_\_\_\_  
JEFFREY SIMON  
SIMON GREENSTONE PANATIER, PC



\_\_\_\_\_  
DARA HEGAR  
LANIER LAW FIRM, PC

  
\_\_\_\_\_  
DAN DOWNEY  
DAN DOWNEY, PC

:sas

# EXHIBIT A

## Opioid Abatement Fund (Texas) Settlement

### Opioid Council

As part of the settlement agreement and upon its execution, the parties will form the Texas Opioid Council (Council) to establish the framework that ensures the funds recovered by Texas (through the joint actions of the Attorney General and the state's political subdivisions) are allocated fairly and spent to remediate the opioid crisis in Texas, using efficient and cost-effective methods that are directed to the hardest hit regions in Texas while also ensuring that all Texans benefit from prevention and recovery efforts.

#### I. Structure

The Council will be responsible for the processes and procedures governing the spending of the funds held in the Texas Abatement Fund, which will be approximately 70% of all funds obtained through settlement and/or litigation of the claims asserted by the State and its subdivisions in the investigations and litigation related to the manufacturing, marketing, distribution, and sale of opioids and related pharmaceuticals.

Money paid into the abatement fund will be held by an independent administrator, who shall be responsible for the ministerial task of releasing funds solely as authorized below by the Council, and accounting for all payments to and from the fund.

The Council will be formed when a court of competent jurisdiction enters an order settling the matter, including any order of a bankruptcy court. The Council's members must be appointed within sixty (60) days of the date the order is entered.

#### A. Membership

The Council shall be comprised of the following thirteen (13) members:

##### 1. *Statewide Members.*

Six members appointed by the Governor and Attorney General to represent the State's interest in opioid abatement. The statewide members are appointed as follows:

- a. The Governor shall appoint three (3) members who are licensed health professionals with significant experience in opioid interventions;
- b. The Attorney General shall appoint three (3) members who are licensed professionals with significant experience in opioid incidences; and
- c. The Governor will appoint the Chair of the Council as a non-voting member. The Chair may only cast a vote in the event there is a tie of the membership.

##### 2. *Regional Members.*

Six (6) members appointed by the State's political subdivisions to represent their designated Texas Health and Human Services Commission "HHSC" Regional Healthcare

Partnership (Regions) to ensure dedicated regional, urban, and rural representation on the Council. The regional appointees must be from either academia or the medical profession with significant experience in opioid interventions. The regional members are appointed as follows:

- a. One member representing Regions 9 and 10 (Dallas Ft-Worth);
- b. One member representing Region 3 (Houston);
- c. One member representing Regions 11, 12, 13, 14, 15, 19 (West Texas);
- d. One member representing Regions 6, 7, 8, 16 (Austin-San Antonio);
- e. One member representing Regions 1, 2, 17, 18 (East Texas); and
- f. One member representing Regions 4, 5, 20 (South Texas).

## B. Terms

All members of the Council are appointed to serve staggered two-year terms, with the terms of members expiring February 1 of each year. A member may serve no more than two consecutive terms, for a total of four consecutive years. For the first term, four (4) members (two (2) statewide and two (2) for the subdivisions) will serve a three-year term. A vacancy on the Council shall be filled for the unexpired term in the same manner as the original appointment. The Governor will appoint the Chair of the Council who will not vote on Council business unless there is a tie vote, and the subdivisions will appoint a Vice-Chair voting member from one of the regional members.

## C. Governance

### 1. Administration

The Council is attached administratively to the Comptroller. The Council is an independent, quasi-governmental agency because it is responsible for the statewide distribution of the abatement settlement funds. The Council is exempt from the following statutes:

- a. Chapter 316 of the Government Code (Appropriations);
- b. Chapter 322 of the Government Code (Legislative Budget Board);
- c. Chapter 325 of the Government Code (Sunset);
- d. Chapter 783 of the Government Code (Uniform Grants and Contract Management);
- e. Chapter 2001 of the Government Code (Administrative Procedure);
- f. Chapter 2052 of the Government Code (State Agency Reports and Publications);
- g. Chapter 2261 of the Government Code (State Contracting Standards and Oversight);
- h. Chapter 2262 of the Government Code (Statewide Contract Management);

- i. Chapter 262 of the Local Government Code (Purchasing and Contracting Authority of Counties); and
- j. Chapter 271 of the Local Government Code (Purchasing and Contracting Authority of Municipalities, Counties, and Certain Other Local Governments).

## 2. *Transparency*

The Council will abide by state laws relating to open meetings and public information, including Chapters 551 and 552 of the Texas Government Code.

- i. The Council shall hold at least four regular meetings each year. The Council may hold additional meetings on the request of the Chair or on the written request of three members of the council. All meetings shall be open to the public, and public notice of meetings shall be given as required by state law.
- ii. The Council may convene in a closed, non-public meeting:
  - a. If the Commission must discuss:
    - 1. Negotiation of contract awards; and
    - 2. Matters specifically exempted from disclosure by federal and state statutes.
  - b. All minutes and documents of a closed meeting shall remain under seal, subject to release only order of a court of competent jurisdiction.

## 3. *Authority*

The Council does not have rulemaking authority. The terms of each Judgment, Master Settlement Agreement, or any Bankruptcy Settlement for Texas control the authority of the Council and the Council may not stray outside the bounds of the authority and power vested by such settlements. Should the Council require legal assistance in determining their authority, the Council may direct the executive director to seek legal advice from the Attorney General to clarify the issue.

### D. Operation and Expenses

The independent administrator will set aside up to one (1) percent of the settlement funds for the administration of the Council for reasonable costs and expenses of operating the foregoing duties, including educational activities.

#### 1. *Executive Director*

The Comptroller will employ the executive director of the Council and other personnel as necessary to administer the duties of the Council and carry out the functions of the Council. The executive director must have at least 10 years of experience in government or public administration and is classified as a Director V/B30 under the State Auditor's State Classification. The Comptroller will pay the salaries of the Council employees from the

one (1) percent of the settlement funds set aside for the administration of the Council. The Comptroller will request funds from the Texas Abatement Fund Point of Contact.

## *2. Travel Reimbursement*

A person appointed to the Council is entitled to reimbursement for the travel expenses incurred in attending Council duties. A member of the Council may be reimbursed for actual expenses for meals, lodging, transportation, and incidental expenses in accordance with travel rates set by the federal General Services Administration.

## **II. Duties/Roles**

It is the duty of the Council to determine and approve the opioid abatement strategies and funding awards.

### **A. Approved Abatement Strategies**

The Council will develop the approved Texas list of abatement strategies based on but not limited to the existing national list of opioid abatement strategies (see attached Appendix A) for implementing the Texas Abatement Fund.

1. The Council shall only approve strategies which are evidence-informed strategies.
2. The Texas list of abatement strategies must be approved by majority vote. The majority vote must include a majority from both sides of the statewide members and regional members in order to be approved, e.g., at least four (4) of six (6) members on each side.

### **B. Texas Abatement Fund Point of Contact**

The Council will determine a single point of contact called the Abatement Fund Point of Contact (POC) to be established as the sole entity authorized to receive requests for funds and approve expenditures in Texas and order the release of funds from the Texas Abatement Fund by the independent administrator. The POC may be an independent third party selected by the Council with expertise in banking or financial management. The POC will manage the Opioid Council Bank Account (Account). Upon a vote, the Council will direct the POC to contact the independent administrator to release funds to the Account. The Account is outside the State Treasury and not managed by any state or local officials. The POC is responsible for payments to the qualified entities selected by the Council for abatement fund awards. The POC will submit a monthly financial statement on the Account to the Council.

### **C. Auditor**

An independent auditor appointed by the Council will perform an audit on the Account on an annual basis and report its findings, if any, to the Council.

### **D. Funding Allocation**



The Council is the sole decision-maker on the funding allocation process of the abatement funds. The Council will develop the application and award process based on the parameters outlined below. An entity seeking funds from the Council must apply for funds; no funds will be awarded without an application. The executive director and personnel may assist the Council in gathering and compiling the applications for consideration; however, the Council members are the sole decision-makers of awards and funding determination. The Council will use the following processes to award funds:

1. *Statewide Funds.* The Council will consider, adopt and approve the allocation methodology attached as Exhibit C, based upon population health data and prevalence of opioid incidences, at the Council's initial meeting. Adoption of such methodology will allow each Region to customize the approved abatement strategies to fit its communities' needs. The statewide regional funds will account for seventy-five (75) percent of the total overall funds, less the one (1) percent administrative expense described herein.
2. *Targeted Funds.* Each Region shall reserve twenty-five (25) percent of the overall funds, for targeted interventions in the specific Region as identified by opioid incidence data. The Council must approve on an annual basis the uses for the targeted abatement strategies and applications available to every Region, including education and outreach programs. Each Region without approved uses for the targeted funds from the Council, based upon a greater percentage of opioid incidents compared to its population, is subject to transfer of all or a portion of the targeted funds for that Region for uses based upon all Regions' targeted funding needs as approved by the Council on an annual basis.
3. *Annual Allocation.* Statewide regional funds and targeted funds will be allocated on an annual basis. If a Region lapses its funds, the funds will be reallocated based on all Regions' funding needs.

#### E. Appeal Process

The Council will establish an appeal process to permit the applicants for funding (state or subdivisions) to challenge decisions by the Council-designated point of contact on requests for funds or expenditures.

1. To challenge a decision by the designated point of contact, the State or a subdivision must file an appeal with the Council within thirty (30) days of the decision. The Council then has thirty (30) days to consider and rule on the appeal.
2. If the Council denies the appeal, the party may file an appeal with the state district court of record where the final opioid judgment or Master Settlement Agreement is filed. The Texas Rules of Civil Procedure and Rules of Evidence will govern these proceedings. The Council may request representation from the Attorney General in these proceedings.

In making its determination, the state district court shall apply the same clear error standards contained herein that the Council must follow when rendering its decision.

3. The state district court will make the final decision and the decision is not appealable.
4. Challenges will be limited and subject to penalty if abused.
5. Attorneys' fees and costs are not recoverable in these appeals.

#### F. Education

The Council may determine that a percentage of the funds in the Abatement Fund from the targeted funds be used to develop an education and outreach program to provide materials on the consequences of opioid drug use, prevention and interventions. Any material developed will include online resources and toolkits for communities.

# EXHIBIT B

Exhibit B: Municipal Area Allocations: 15% of Total (\$150 million)

(County numbers refer to distribution to the county governments after payment to cities within county borders has been made. Minimum distribution to each county is \$1000.)

Municipal Area	Allocation	Municipal Area	Allocation
Abbott	\$688	Lakeport	\$463
Abernathy	\$110	Lakeside	\$4,474
Abilene	\$563,818	Lakeside City	\$222
Ackerly	\$21	Lakeview	\$427
Addison	\$58,094	Lakeway	\$31,657
Adrian	\$181	Lakewood Village	\$557
Agua Dulce	\$43	Lamar County	\$141,598
Alamo	\$22,121	Lamb County	\$50,681
Alamo Heights	\$28,198	Lamesa	\$29,656
Alba	\$3,196	Lampasas	\$28,211
Albany	\$180	Lampasas County	\$42,818
Aledo	\$331	Lancaster	\$90,653
Alice	\$71,291	Laredo	\$763,174
Allen	\$315,081	Latexo	\$124
Alma	\$1,107	Lavaca County	\$45,973
Alpine	\$29,686	Lavon	\$7,435
Alto	\$3,767	Lawn	\$58
Alton	\$11,540	League City	\$302,418
Alvarado	\$29,029	Leakey	\$256
Alvin	\$113,962	Leander	\$88,641
Alvord	\$358	Leary	\$797
Amarillo	\$987,661	Lee County	\$30,457
Ames	\$5,571	Lefors	\$159
Amherst	\$22	Leon County	\$67,393
Anahuac	\$542	Leon Valley	\$23,258
Anderson	\$19	Leona	\$883
Anderson County	\$268,763	Leonard	\$8,505
Andrews	\$18,983	Leroy	\$176
Andrews County	\$37,606	Levelland	\$46,848
Angelina County	\$229,956	Lewisville	\$382,094
Angleton	\$62,791	Lexington	\$2,318
Angus	\$331	Liberty	\$72,343
Anna	\$9,075	Liberty County	\$531,212
Annetta	\$5,956	Liberty Hill	\$2,780
Annetta North	\$34	Limestone County	\$135,684

(Table continues on multiple pages below)

Annetta South	\$602	Lincoln Park	\$677
Annona	\$738	Lindale	\$24,202
Anson	\$5,134	Linden	\$3,661
Anthony	\$4,514	Lindsay	\$1,228
Anton	\$444	Lipan	\$44
Appleby	\$1,551	Lipscomb County	\$10,132
Aquilla	\$208	Little Elm	\$69,326
Aransas County	\$266,512	Little River-Academy	\$798
Aransas Pass	\$57,813	Littlefield	\$7,678
Archer City	\$10,554	Live Oak	\$32,740
Archer County	\$45,534	Live Oak County	\$39,716
Arcola	\$7,290	Liverpool	\$1,435
Argyle	\$11,406	Livingston	\$73,165
Arlington	\$735,803	Llano	\$23,121
Armstrong County	\$974	Llano County	\$115,647
Arp	\$2,009	Lockhart	\$49,050
Asherton	\$112	Lockney	\$3,301
Aspermont	\$9	Log Cabin	\$1,960
Atascosa County	\$176,903	Lometa	\$1,176
Athens	\$105,942	Lone Oak	\$1,705
Atlanta	\$30,995	Lone Star	\$8,283
Aubrey	\$15,141	Longview	\$482,254
Aurora	\$1,849	Loraine	\$188
Austin County	\$76,030	Lorena	\$3,390
Austin	\$4,877,716	Lorenzo	\$11,358
Austwell	\$109	Los Fresnos	\$11,185
Avery	\$138	Los Indios	\$159
Avinger	\$1,115	Los Ybanez	\$0
Azle	\$32,213	Lott	\$1,516
Bailey	\$950	Lovelady	\$249
Bailey County	\$15,377	Loving County	\$1,000
Bailey's Prairie	\$5,604	Lowry Crossing	\$783
Baird	\$2,802	Lubbock	\$319,867
Balch Springs	\$27,358	Lubbock County	\$1,379,719
Balcones Heights	\$23,811	Lucas	\$5,266
Ballinger	\$9,172	Lueders	\$508
Balmorhea	\$63	Lufkin	\$281,592
Bandera	\$2,893	Luling	\$29,421
Bandera County	\$86,815	Lumberton	\$36,609
Bangs	\$3,050	Lyford	\$3,071

Bardwell	\$362	Lynn County	\$6,275
Barry	\$200	Lytle	\$7,223
Barstow	\$61	Mabank	\$19,443
Bartlett	\$3,374	Madison County	\$49,492
Bartonville	\$8,887	Madisonville	\$11,458
Bastrop	\$46,320	Magnolia	\$26,031
Bastrop County	\$343,960	Malakoff	\$12,614
Bay City	\$57,912	Malone	\$439
Baylor County	\$29,832	Manor	\$12,499
Bayou Vista	\$6,240	Mansfield	\$150,788
Bayside	\$242	Manvel	\$12,305
Baytown	\$216,066	Marble Falls	\$37,039
Bayview	\$41	Marfa	\$65
Beach City	\$12,505	Marietta	\$338
Bear Creek	\$906	Marion	\$275
Beasley	\$130	Marion County	\$54,728
Beaumont	\$683,010	Marlin	\$21,634
Beckville	\$1,247	Marquez	\$1,322
Bedford	\$94,314	Marshall	\$108,371
Bedias	\$3,475	Mart	\$928
Bee Cave	\$12,863	Martin County	\$10,862
Bee County	\$97,844	Martindale	\$2,437
Beeville	\$24,027	Mason	\$777
Bell County	\$650,748	Mason County	\$3,134
Bellaire	\$41,264	Matador	\$1,203
Bellevue	\$56	Matagorda County	\$135,239
Bellmead	\$14,487	Mathis	\$15,720
Bells	\$1,891	Maud	\$423
Bellville	\$7,488	Maverick County	\$115,919
Belton	\$72,680	Maypearl	\$986
Benavides	\$152	McAllen	\$364,424
Benbrook	\$43,919	McCamey	\$542
Benjamin	\$951	McGregor	\$9,155
Berryville	\$14,379	McKinney	\$450,383
Bertram	\$182	McLean	\$14
Beverly Hills	\$4,336	McLendon-Chisholm	\$411
Bevil Oaks	\$549	Mcculloch County	\$20,021
Bexar County	\$7,007,152	McLennan County	\$529,641
Big Lake	\$547	McMullen County	\$1,000
Big Sandy	\$4,579	Meadow	\$1,121

Big Spring	\$189,928	Meadowlakes	\$905
Big Wells	\$236	Meadows Place	\$18,148
Bishop	\$8,213	Medina County	\$48,355
Bishop Hills	\$323	Megargel	\$611
Blackwell	\$31	Melissa	\$15,381
Blanco	\$6,191	Melvin	\$345
Blanco County	\$49,223	Memphis	\$7,203
Blanket	\$147	Menard	\$991
Bloomburg	\$1,010	Menard County	\$14,717
Blooming Grove	\$352	Mercedes	\$21,441
Blossom	\$198	Meridian	\$3,546
Blue Mound	\$2,888	Merkel	\$10,117
Blue Ridge	\$1,345	Mertens	\$239
Blum	\$1,622	Mertzon	\$29
Boerne	\$45,576	Mesquite	\$310,709
Bogata	\$3,649	Mexia	\$21,096
Bonham	\$100,909	Miami	\$455
Bonney	\$2,510	Midland County	\$279,927
Booker	\$1,036	Midland	\$521,849
Borden County	\$1,000	Midlothian	\$95,799
Borger	\$69,680	Midway	\$78
Bosque County	\$71,073	Milam County	\$97,386
Bovina	\$173	Milano	\$904
Bowie	\$83,620	Mildred	\$286
Bowie County	\$233,190	Miles	\$93
Boyd	\$6,953	Milford	\$6,177
Brackettville	\$8	Miller's Cove	\$97
Brady	\$27,480	Millican	\$417
Brazoria	\$11,537	Mills County	\$19,931
Brazoria County	\$1,021,090	Millsap	\$34
Brazos Bend	\$462	Mineola	\$48,719
Brazos Country	\$902	Mineral Wells	\$92,061
Brazos County	\$342,087	Mingus	\$189
Breckenridge	\$23,976	Mission	\$124,768
Bremond	\$5,554	Missouri City	\$209,633
Brenham	\$54,750	Mitchell County	\$20,850
Brewster County	\$60,087	Mobeetie	\$52
Briarcliff	\$572	Mobile City	\$2,034
Briaroaks	\$57	Monahans	\$5,849
Bridge City	\$80,756	Mont Belvieu	\$19,669

Bridgeport	\$33,301	Montague County	\$94,796
Briscoe County	\$977	Montgomery	\$1,884
Broadus	\$31	Montgomery County	\$2,700,911
Bronte	\$99	Moody	\$828
Brooks County	\$20,710	Moore County	\$40,627
Brookshire	\$6,406	Moore Station	\$772
Brookside Village	\$1,110	Moran	\$50
Brown County	\$193,417	Morgan	\$605
Browndell	\$152	Morgan's Point	\$3,105
Brownfield	\$14,452	Morgan's Point Resort	\$8,024
Brownsboro	\$3,176	Morris County	\$53,328
Brownsville	\$425,057	Morton	\$167
Brownwood	\$166,572	Motley County	\$3,344
Bruceville-Eddy	\$1,692	Moulton	\$999
Bryan	\$246,897	Mount Calm	\$605
Bryson	\$1,228	Mount Enterprise	\$1,832
Buckholts	\$1,113	Mount Pleasant	\$65,684
Buda	\$10,784	Mount Vernon	\$6,049
Buffalo	\$11,866	Mountain City	\$1,548
Buffalo Gap	\$88	Muenster	\$4,656
Buffalo Springs	\$188	Muleshoe	\$4,910
Bullard	\$7,487	Mullin	\$384
Bulverde	\$14,436	Munday	\$2,047
Bunker Hill Village	\$472	Murchison	\$2,302
Burkburnett	\$37,844	Murphy	\$51,893
Burke	\$1,114	Mustang	\$7
Burleson County	\$70,244	Mustang Ridge	\$2,462
Burleson	\$151,779	Nacogdoches	\$205,992
Burnet	\$33,345	Nacogdoches County	\$198,583
Burnet County	\$189,829	Naples	\$4,224
Burton	\$937	Nash	\$7,999
Byers	\$77	Nassau Bay	\$11,247
Bynum	\$380	Natalia	\$625
Cactus	\$4,779	Navarro	\$334
Caddo Mills	\$43	Navarro County	\$103,513
Caldwell	\$18,245	Navasota	\$37,676
Caldwell County	\$86,413	Nazareth	\$124
Calhoun County	\$127,926	Nederland	\$44,585
Callahan County	\$12,894	Needville	\$10,341
Callisburg	\$101	Nevada	\$237



Calvert	\$772	New Berlin	\$4
Cameron	\$11,091	New Boston	\$6,953
Cameron County	\$537,026	New Braunfels	\$307,313
Camp County	\$28,851	New Chapel Hill	\$288
Camp Wood	\$422	New Deal	\$338
Campbell	\$1,116	New Fairview	\$2,334
Canadian	\$1,090	New Home	\$9
Caney City	\$2,005	New Hope	\$1,024
Canton	\$56,734	New London	\$4,129
Canyon	\$26,251	New Summerfield	\$442
Carbon	\$620	New Waverly	\$2,562
Carl's Corner	\$48	Newark	\$520
Carmine	\$385	Newcastle	\$914
Carrizo Springs	\$1,671	Newton	\$6,102
Carrollton	\$310,255	Newton County	\$158,006
Carson County	\$29,493	Neylandville	\$163
Carthage	\$18,927	Niederwald	\$16
Cashion Community	\$322	Nixon	\$2,283
Cass County	\$93,155	Nocona	\$16,536
Castle Hills	\$12,780	Nolan County	\$50,262
Castro County	\$4,420	Nolanville	\$4,247
Castroville	\$4,525	Nome	\$391
Cedar Hill	\$70,127	Noonday	\$226
Cedar Park	\$185,567	Nordheim	\$697
Celeste	\$1,280	Normangee	\$6,192
Celina	\$18,283	North Cleveland	\$105
Center	\$58,838	North Richland Hills	\$146,419
Centerville	\$385	Northlake	\$8,905
Chambers County	\$153,188	Novice	\$76
Chandler	\$17,364	Nueces County	\$1,367,932
Channing	\$2	O'Brien	\$76
Charlotte	\$4,257	O'Donnell	\$27
Cherokee County	\$156,612	Oak Grove	\$2,769
Chester	\$1,174	Oak Leaf	\$612
Chico	\$2,928	Oak Point	\$9,011
Childress	\$37,916	Oak Ridge	\$358
Childress County	\$50,582	Oak Ridge North	\$33,512
Chillicothe	\$172	Oak Valley	\$7
China	\$522	Oakwood	\$148
China Grove	\$598	Ochiltree County	\$15,476

Chireno	\$1,568	Odem	\$7,420
Christine	\$354	Odessa	\$559,163
Cibolo	\$13,690	Oglesby	\$29
Cisco	\$7,218	Old River-Winfree	\$21,653
Clarendon	\$114	Oldham County	\$10,318
Clarksville	\$20,891	Olmos Park	\$9,801
Clarksville City	\$54	Olney	\$6,088
Claude	\$26	Olton	\$1,197
Clay County	\$72,050	Omaha	\$4,185
Clear Lake Shores	\$6,682	Onalaska	\$31,654
Cleburne	\$228,184	Opdyke West	\$479
Cleveland	\$96,897	Orange	\$311,339
Clifton	\$9,939	Orange County	\$689,818
Clint	\$375	Orange Grove	\$1,677
Clute	\$51,350	Orchard	\$867
Clyde	\$17,287	Ore City	\$6,806
Coahoma	\$2,291	Overton	\$7,900
Cochran County	\$3,389	Ovilla	\$13,391
Cockrell Hill	\$512	Oyster Creek	\$9,633
Coffee City	\$1,087	Paducah	\$125
Coke County	\$5,522	Paint Rock	\$141
Coldspring	\$447	Palacios	\$14,036
Coleman	\$5,442	Palestine	\$178,009
Coleman County	\$4,164	Palisades	\$240
College Station	\$258,147	Palm Valley	\$1,918
Colleyville	\$46,049	Palmer	\$12,666
Collin County	\$1,266,721	Palmhurst	\$4,660
Collingsworth County	\$19,234	Palmview	\$7,577
Collinsville	\$1,831	Palo Pinto County	\$124,621
Colmesneil	\$2,211	Pampa	\$67,227
Colorado City	\$8,405	Panhandle	\$9,536
Colorado County	\$49,084	Panola County	\$80,699
Columbus	\$6,867	Panorama Village	\$1,292
Comal County	\$396,142	Pantego	\$12,898
Comanche	\$16,503	Paradise	\$52
Comanche County	\$50,964	Paris	\$201,180
Combes	\$1,710	Parker	\$10,307
Combine	\$1,892	Parker County	\$476,254
Commerce	\$33,869	Parmer County	\$15,866
Como	\$415	Pasadena	\$356,536

Concho County	\$3,859	Pattison	\$1,148
Conroe	\$466,671	Patton Village	\$9,268
Converse	\$27,693	Payne Springs	\$1,770
Cooke County	\$200,451	Pearland	\$333,752
Cool	\$731	Pearsall	\$11,570
Coolidge	\$243	Pecan Gap	\$719
Cooper	\$362	Pecan Hill	\$229
Coppell	\$86,593	Pecos	\$7,622
Copper Canyon	\$489	Pecos County	\$46,997
Copperas Cove	\$133,492	Pelican Bay	\$1,199
Corinth	\$75,298	Penelope	\$415
Corpus Christi	\$1,812,707	Penitas	\$312
Corral City	\$143	Perryton	\$23,364
Corrigan	\$21,318	Petersburg	\$1,691
Corsicana	\$87,310	Petrolia	\$17
Coryell County	\$123,659	Petronila	\$5
Cottle County	\$875	Pflugerville	\$86,408
Cottonwood	\$289	Pharr	\$144,721
Cottonwood Shores	\$1,203	Pilot Point	\$11,613
Cotulla	\$1,251	Pine Forest	\$3,894
Coupland	\$266	Pine Island	\$3,141
Cove	\$387	Pinehurst	\$32,671
Covington	\$519	Pineland	\$4,138
Coyote Flats	\$1,472	Piney Point Village	\$15,738
Crandall	\$12,094	Pittsburg	\$20,526
Crane	\$10,599	Plains	\$129
Crane County	\$26,146	Plainview	\$60,298
Cranfills Gap	\$128	Plano	\$1,151,608
Crawford	\$383	Pleak	\$270
Creedmoor	\$16	Pleasant Valley	\$308
Cresson	\$1,086	Pleasanton	\$29,011
Crockett	\$23,403	Plum Grove	\$258
Crockett County	\$18,210	Point	\$1,519
Crosby County	\$18,388	Point Blank	\$355
Crosbyton	\$1,498	Point Comfort	\$447
Cross Plains	\$4,877	Point Venture	\$588
Cross Roads	\$244	Polk County	\$370,831
Cross Timber	\$542	Ponder	\$1,282
Crowell	\$6,335	Port Aransas	\$31,022
Crowley	\$22,345	Port Arthur	\$367,945

Crystal City	\$19,412	Port Isabel	\$9,802
Cuero	\$24,689	Port Lavaca	\$11,752
Culberson County	\$789	Port Neches	\$38,849
Cumby	\$5,320	Portland	\$76,517
Cuney	\$606	Post	\$2,332
Cushing	\$1,120	Post Oak Bend City	\$1,034
Cut and Shoot	\$2,141	Poteet	\$6,767
DISH	\$19	Poth	\$3,974
Daingerfield	\$12,476	Potter County	\$371,701
Daisetta	\$5,370	Pottsboro	\$12,302
Dalhart	\$11,609	Powell	\$110
Dallam County	\$21,686	Poynor	\$1,180
Dallas County	\$8,538,291	Prairie View	\$7,600
Dallas	\$2,999,902	Premont	\$3,321
Dalworthington Gardens	\$6,060	Presidio	\$148
Danbury	\$4,231	Presidio County	\$787
Darrrouzett	\$101	Primera	\$2,958
Dawson	\$600	Princeton	\$19,245
Dawson County	\$46,911	Progreso	\$8,072
Dayton	\$47,122	Progreso Lakes	\$39
Dayton Lakes	\$38	Prosper	\$22,770
De Kalb	\$1,035	Providence Village	\$508
De Leon	\$8,218	Putnam	\$14
De Witt County	\$68,895	Pyote	\$22
DeCordova	\$13,778	Quanah	\$207
DeSoto	\$72,400	Queen City	\$4,837
Deaf Smith County	\$34,532	Quinlan	\$7,304
Dean	\$141	Quintana	\$492
Decatur	\$56,669	Quitaque	\$8
Deer Park	\$49,388	Quitman	\$15,619
Del Rio	\$59,056	Rains County	\$53,190
Dell City	\$15	Ralls	\$3,967
Delta County	\$30,584	Rancho Viejo	\$3,836
Denison	\$210,426	Randall County	\$278,126
Denton	\$458,334	Ranger	\$12,186
Denton County	\$1,132,298	Rankin	\$1,613
Denver City	\$2,104	Ransom Canyon	\$930
Deport	\$42	Ravenna	\$685
Detroit	\$965	Raymondville	\$7,466
Devers	\$191	Reagan County	\$25,215

Devine	\$4,354	Real County	\$5,073
Diboll	\$25,533	Red Lick	\$23
Dickens	\$71	Red Oak	\$26,843
Dickens County	\$1,873	Red River County	\$29,306
Dickinson	\$83,683	Redwater	\$1,058
Dilley	\$2,633	Reeves County	\$103,350
Dimmit County	\$33,294	Refugio	\$8,839
Dimmitt	\$1,012	Refugio County	\$46,216
Dodd City	\$1,211	Reklaw	\$1,136
Dodson	\$447	Reno	\$3,791
Domino	\$196	Reno	\$11,164
Donley County	\$22,370	Retreat	\$52
Donna	\$13,798	Rhome	\$12,285
Dorchester	\$231	Rice	\$1,972
Double Oak	\$4,765	Richardson	\$260,315
Douglasville	\$574	Richland	\$210
Dripping Springs	\$811	Richland Hills	\$24,438
Driscoll	\$39	Richland Springs	\$2,234
Dublin	\$14,478	Richmond	\$77,606
Dumas	\$26,229	Richwood	\$12,112
Duncanville	\$58,328	Riesel	\$1,118
Duval County	\$49,109	Rio Bravo	\$8,548
Eagle Lake	\$4,882	Rio Grande City	\$25,947
Eagle Pass	\$56,005	Rio Hondo	\$3,550
Early	\$14,838	Rio Vista	\$4,419
Earth	\$242	Rising Star	\$1,933
East Bernard	\$5,554	River Oaks	\$11,917
East Mountain	\$2,494	Riverside	\$858
East Tawakoni	\$2,723	Roanoke	\$275
Eastland	\$15,896	Roaring Springs	\$461
Eastland County	\$52,275	Robert Lee	\$85
Easton	\$329	Roberts County	\$547
Ector	\$1,108	Robertson County	\$44,642
Ector County	\$480,000	Robinson	\$18,002
Edcouch	\$4,101	Robstown	\$40,154
Eden	\$497	Roby	\$428
Edgecliff Village	\$2,232	Rochester	\$674
Edgewood	\$13,154	Rockdale	\$20,973
Edinburg	\$120,884	Rockport	\$54,253
Edmonson	\$136	Rocksprings	\$25

Edna	\$18,194	Rockwall	\$114,308
Edom	\$2,149	Rockwall County	\$168,820
Edwards County	\$975	Rocky Mound	\$280
El Campo	\$31,700	Rogers	\$3,818
El Cenizo	\$621	Rollingwood	\$4,754
El Lago	\$5,604	Roma	\$16,629
El Paso	\$1,224,371	Roman Forest	\$8,610
El Paso County	\$2,592,121	Ropesville	\$2,122
Eldorado	\$50	Roscoe	\$778
Electra	\$15,716	Rose City	\$4,012
Elgin	\$26,284	Rose Hill Acres	\$2,311
Elkhart	\$301	Rosebud	\$1,489
Ellis County	\$315,372	Rosenberg	\$126,593
Elmendorf	\$746	Ross	\$147
Elsa	\$7,720	Rosser	\$549
Emhouse	\$83	Rotan	\$1,493
Emory	\$3,878	Round Mountain	\$454
Enchanted Oaks	\$1,299	Round Rock	\$475,992
Encinal	\$1,515	Round Top	\$140
Ennis	\$81,839	Rowlett	\$99,963
Erath County	\$102,616	Roxton	\$47
Escobares	\$40	Royse City	\$23,494
Estelline	\$909	Rule	\$800
Eules	\$92,824	Runaway Bay	\$6,931
Eureka	\$334	Runge	\$255
Eustace	\$2,089	Runnels County	\$33,831
Evant	\$2,068	Rusk	\$17,991
Everman	\$7,692	Rusk County	\$151,390
Fair Oaks Ranch	\$8,077	Sabinal	\$1,811
Fairchilds	\$81	Sabine County	\$46,479
Fairfield	\$1,245	Sachse	\$23,400
Fairview	\$32,245	Sadler	\$925
Falfurrias	\$2,221	Saginaw	\$31,973
Falls City	\$41	Salado	\$3,210
Falls County	\$34,522	San Angelo	\$536,509
Fannin County	\$131,653	San Antonio	\$4,365,416
Farmers Branch	\$94,532	San Augustine	\$25,182
Farmersville	\$10,532	San Augustine County	\$37,854
Farwell	\$343	San Benito	\$40,015
Fate	\$3,473	San Diego	\$11,771

Fayette County	\$92,440	San Elizario	\$7,831
Fayetteville	\$391	San Felipe	\$1,498
Ferris	\$13,873	San Jacinto County	\$197,398
Fisher County	\$5,518	San Juan	\$28,845
Flatonia	\$5,661	San Leanna	\$36
Florence	\$3,949	San Marcos	\$325,688
Floresville	\$21,699	San Patricio	\$4,213
Flower Mound	\$215,256	San Patricio County	\$271,916
Floyd County	\$9,049	San Perlita	\$2,219
Floydada	\$6,357	San Saba	\$10,057
Foard County	\$5,764	San Saba County	\$17,562
Follett	\$212	Sanctuary	\$17
Forest Hill	\$26,132	Sandy Oaks	\$9,863
Forney	\$80,112	Sandy Point	\$1,637
Forsan	\$576	Sanford	\$308
Fort Bend County	\$1,506,719	Sanger	\$22,237
Fort Stockton	\$4,411	Sansom Park	\$223
Fort Worth	\$2,120,790	Santa Anna	\$329
Franklin	\$3,931	Santa Clara	\$87
Franklin County	\$25,783	Santa Fe	\$33,272
Frankston	\$274	Santa Rosa	\$2,138
Fredericksburg	\$56,486	Savoy	\$2,349
Freeport	\$72,973	Schertz	\$60,110
Freer	\$3,271	Schleicher County	\$5,695
Freestone County	\$50,495	Schulenburg	\$2,560
Friendswood	\$140,330	Scotland	\$148
Frio County	\$19,954	Scottsville	\$708
Friona	\$2,848	Scurry	\$1,110
Frisco	\$405,309	Scurry County	\$73,116
Fritch	\$4,548	Seabrook	\$30,270
Frost	\$321	Seadrift	\$991
Fruitvale	\$2,344	Seagoville	\$17,106
Fulshear	\$5,272	Seagraves	\$7,531
Fulton	\$1,602	Sealy	\$20,637
Gaines County	\$54,347	Seguin	\$376,538
Gainesville	\$153,980	Selma	\$22,429
Galena Park	\$13,093	Seminole	\$16,092
Gallatin	\$1,253	Seven Oaks	\$3,917
Galveston	\$488,187	Seven Points	\$7,452
Galveston County	\$1,124,093	Seymour	\$14,218

Ganado	\$5,510	Shackelford County	\$1,288
Garden Ridge	\$11,351	Shady Shores	\$594
Garland	\$420,244	Shallowater	\$1,907
Garrett	\$2,510	Shamrock	\$4,328
Garrison	\$3,555	Shavano Park	\$3,178
Gary City	\$450	Shelby County	\$109,925
Garza County	\$8,944	Shenandoah	\$47,122
Gatesville	\$26,994	Shepherd	\$147
George West	\$6,207	Sherman	\$330,585
Georgetown	\$225,896	Sherman County	\$7,930
Gholson	\$1,505	Shiner	\$4,042
Giddings	\$12,674	Shoreacres	\$958
Gillespie County	\$63,191	Silsbee	\$66,442
Gilmer	\$33,951	Silverton	\$14
Gladewater	\$24,638	Simonton	\$1,906
Glasscock County	\$1,000	Sinton	\$23,658
Glen Rose	\$540	Skellytown	\$400
Glenn Heights	\$16,593	Slaton	\$154
Godley	\$3,115	Smiley	\$655
Goldsmith	\$677	Smith County	\$758,961
Goldthwaite	\$1,225	Smithville	\$17,009
Goliad	\$3,563	Smyer	\$300
Goliad County	\$34,660	Snook	\$1,422
Golinda	\$100	Snyder	\$9,018
Gonzales	\$14,882	Socorro	\$11,125
Gonzales County	\$33,230	Somerset	\$1,527
Goodlow	\$221	Somervell County	\$57,076
Goodrich	\$9,643	Somerville	\$3,806
Gordon	\$365	Sonora	\$7,337
Goree	\$749	Sour Lake	\$17,856
Gorman	\$3,107	South Houston	\$25,620
Graford	\$23	South Mountain	\$154
Graham	\$235,428	South Padre Island	\$30,629
Granbury	\$71,735	Southlake	\$70,846
Grand Prairie	\$445,439	Southmayd	\$7,096
Grand Saline	\$36,413	Southside Place	\$885
Grandfalls	\$65	Spearman	\$14,000
Grandview	\$6,600	Splendora	\$7,756
Granger	\$2,741	Spofford	\$7
Granite Shoals	\$11,834	Spring Valley Village	\$16,404



Granjeno	\$43	Springlake	\$3
Grapeland	\$7,287	Springtown	\$14,244
Grapevine	\$129,195	Spur	\$427
Gray County	\$65,884	St. Hedwig	\$111
Grays Prairie	\$17	St. Jo	\$7,360
Grayson County	\$539,083	St. Paul	\$21
Greenville	\$203,112	Stafford	\$75,145
Gregg County	\$243,744	Stagecoach	\$3,036
Gregory	\$4,697	Stamford	\$398
Grey Forest	\$474	Stanton	\$3,838
Grimes County	\$94,878	Staples	\$19
Groesbeck	\$5,745	Star Harbor	\$151
Groom	\$965	Starr County	\$99,896
Groves	\$40,752	Stephens County	\$35,244
Groveton	\$8,827	Stephenville	\$83,472
Gruver	\$1,166	Sterling City	\$62
Guadalupe County	\$146,824	Sterling County	\$939
Gun Barrel City	\$36,302	Stinnett	\$4,097
Gunter	\$4,609	Stockdale	\$741
Gustine	\$34	Stonewall County	\$1,822
Hackberry	\$94	Stratford	\$8,378
Hale Center	\$6,042	Strawn	\$987
Hale County	\$79,150	Streetman	\$5
Hall County	\$8,933	Sudan	\$32
Hallettsville	\$6,895	Sugar Land	\$321,561
Hallsburg	\$272	Sullivan City	\$6,121
Hallsville	\$10,239	Sulphur Springs	\$124,603
Haltom City	\$71,800	Sun Valley	\$4
Hamilton	\$3,581	Sundown	\$2,592
Hamilton County	\$66,357	Sunnyvale	\$3,248
Hamlin	\$4,656	Sunray	\$2,571
Hansford County	\$16,416	Sunrise Beach Village	\$2,083
Happy	\$327	Sunset Valley	\$9,425
Hardeman County	\$15,219	Surfside Beach	\$6,530
Hardin	\$100	Sutton County	\$6,541
Hardin County	\$379,800	Sweeny	\$4,503
Harker Heights	\$113,681	Sweetwater	\$68,248
Harlingen	\$165,429	Swisher County	\$7,251
Harris County	\$14,966,202	Taft	\$5,861
Harrison County	\$185,910	Tahoka	\$430

Hart	\$86	Talco	\$372
Hartley County	\$786	Talty	\$9,124
Haskell	\$10,829	Tarrant County	\$6,171,159
Haskell County	\$22,011	Tatum	\$972
Haslet	\$1,908	Taylor	\$57,945
Hawk Cove	\$674	Taylor County	\$351,078
Hawkins	\$7,932	Taylor Lake Village	\$412
Hawley	\$931	Taylor Landing	\$153
Hays	\$506	Teague	\$1,714
Hays County	\$529,489	Tehuacana	\$12
Hearne	\$16,824	Temple	\$280,747
Heath	\$28,751	Tenaha	\$4,718
Hebron	\$687	Terrell	\$148,706
Hedley	\$70	Terrell County	\$5,737
Hedwig Village	\$13,067	Terrell Hills	\$9,858
Helotes	\$15,790	Terry County	\$25,423
Hemphill	\$8,035	Texarkana	\$192,094
Hemphill County	\$14,394	Texas City	\$298,702
Hempstead	\$21,240	Texhoma	\$156
Henderson	\$59,966	Texline	\$865
Henderson County	\$327,965	The Colony	\$114,297
Henrietta	\$2,720	The Hills	\$1,004
Hereford	\$20,423	Thompsons	\$1,897
Hewitt	\$19,776	Thorndale	\$1,595
Hickory Creek	\$16,510	Thornton	\$270
Hico	\$5,534	Thorntonville	\$87
Hidalgo	\$26,621	Thrall	\$825
Hidalgo County	\$1,253,103	Three Rivers	\$4,669
Hideaway	\$922	Throckmorton	\$29
Higgins	\$43	Throckmorton County	\$5,695
Highland Haven	\$320	Tiki Island	\$2,178
Highland Park	\$43,383	Timbercreek Canyon	\$369
Highland Village	\$50,315	Timpson	\$12,642
Hill Country Village	\$6,485	Tioga	\$2,390
Hill County	\$127,477	Tira	\$185
Hillcrest	\$5,345	Titus County	\$70,611
Hillsboro	\$46,609	Toco	\$4
Hilshire Village	\$859	Todd Mission	\$1,680
Hitchcock	\$28,796	Tolar	\$2,369
Hockley County	\$46,407	Tom Bean	\$2,293

Holiday Lakes	\$1,795	Tom Green County	\$282,427
Holland	\$77	Tomball	\$34,620
Holliday	\$5,910	Tool	\$14,787
Hollywood Park	\$9,424	Toyah	\$40
Hondo	\$115,288	Travis County	\$4,703,473
Honey Grove	\$7,196	Trent	\$63
Hood County	\$292,105	Trenton	\$3,089
Hooks	\$2,702	Trinidad	\$5,859
Hopkins County	\$149,518	Trinity	\$23,652
Horizon City	\$7,520	Trinity County	\$105,766
Horseshoe Bay	\$48,173	Trophy Club	\$29,370
Houston County	\$78,648	Troup	\$7,918
Houston	\$7,021,793	Troy	\$5,320
Howard County	\$89,330	Tulia	\$8,911
Howardwick	\$84	Turkey	\$737
Howe	\$9,177	Tuscola	\$138
Hubbard	\$3,635	Tye	\$1,766
Hudson	\$6,840	Tyler	\$723,829
Hudson Oaks	\$15,637	Tyler County	\$131,743
Hudspeth County	\$985	Uhland	\$1,545
Hughes Springs	\$4,442	Uncertain	\$185
Humble	\$73,952	Union Grove	\$994
Hunt County	\$309,851	Union Valley	\$666
Hunters Creek Village	\$14,708	Universal City	\$28,428
Huntington	\$8,792	University Park	\$50,833
Huntsville	\$80,373	Upshur County	\$128,300
Hurst	\$99,187	Upton County	\$8,499
Hutchins	\$9,551	Uvalde	\$18,439
Hutchinson County	\$74,630	Uvalde County	\$36,244
Hutto	\$38,346	Val Verde County	\$117,815
Huxley	\$738	Valentine	\$207
Idalou	\$1,999	Valley Mills	\$2,228
Impact	\$8	Valley View	\$1,824
Indian Lake	\$473	Van	\$6,206
Industry	\$604	Van Alstyne	\$43,749
Ingleside on the Bay	\$142	Van Horn	\$211
Ingleside	\$40,487	Van Zandt County	\$248,747
Ingram	\$5,243	Vega	\$974
Iola	\$3,164	Venus	\$9,792
Iowa Colony	\$4,090	Vernon	\$81,337

Iowa Park	\$23,487	Victoria	\$84,598
Iraan	\$56	Victoria County	\$520,886
Iredell	\$216	Vidor	\$95,620
Irion County	\$9,105	Vinton	\$622
Irving	\$427,818	Volente	\$333
Italy	\$5,349	Von Ormy	\$513
Itasca	\$8,694	Waco	\$512,007
Ivanhoe	\$26	Waelder	\$3,427
Jacinto City	\$14,141	Wake Village	\$174
Jack County	\$14,799	Walker County	\$184,624
Jacksboro	\$23,254	Waller County	\$126,206
Jackson County	\$37,984	Waller	\$11,295
Jacksonville	\$80,179	Wallis	\$2,698
Jamaica Beach	\$4,913	Walnut Springs	\$183
Jarrell	\$2,423	Ward County	\$67,920
Jasper	\$78,422	Warren City	\$66
Jasper County	\$248,855	Washington County	\$83,727
Jayton	\$63	Waskom	\$5,346
Jeff Davis County	\$8,500	Watauga	\$33,216
Jefferson	\$11,194	Waxahachie	\$152,094
Jefferson County	\$756,614	Weatherford	\$207,872
Jersey Village	\$36,347	Webb County	\$505,304
Jewett	\$9,338	Webberville	\$1,280
Jim Hogg County	\$12,718	Webster	\$53,202
Jim Wells County	\$166,539	Weimar	\$5,830
Joaquin	\$810	Weinert	\$234
Johnson City	\$3,581	Weir	\$443
Johnson County	\$408,692	Wellington	\$9,111
Jolly	\$26	Wellman	\$383
Jones County	\$22,001	Wells	\$1,357
Jones Creek	\$5,078	Weslaco	\$73,949
Jonestown	\$6,419	West	\$3,522
Josephine	\$881	West Columbia	\$17,958
Joshua	\$20,619	West Lake Hills	\$17,056
Jourdanton	\$9,600	West Orange	\$42,452
Junction	\$4,825	West Tawakoni	\$6,995
Justin	\$8,575	West University Place	\$34,672
Karnes City	\$11,632	Westbrook	\$43
Karnes County	\$35,249	Westlake	\$41,540
Katy	\$52,467	Weston	\$266

Kaufman	\$27,607	Weston Lakes	\$189
Kaufman County	\$353,047	Westover Hills	\$4,509
Keene	\$38,296	Westworth Village	\$7,842
Keller	\$79,189	Wharton	\$31,700
Kemah	\$28,325	Wharton County	\$72,887
Kemp	\$6,419	Wheeler	\$447
Kempner	\$330	Wheeler County	\$26,273
Kendall County	\$100,643	White Deer	\$1,273
Kendleton	\$13	White Oak	\$15,305
Kenedy	\$676	White Settlement	\$23,304
Kenedy County	\$1,000	Whiteface	\$155
Kenefick	\$416	Whitehouse	\$29,017
Kennard	\$132	Whitesboro	\$18,932
Kennedale	\$21,024	Whitewright	\$7,098
Kent County	\$939	Whitney	\$73
Kerens	\$1,924	Wichita County	\$552,371
Kermit	\$5,652	Wichita Falls	\$832,574
Kerr County	\$218,452	Wickett	\$87
Kerrville	\$190,357	Wilbarger County	\$55,124
Kilgore	\$105,583	Willacy County	\$24,581
Killeen	\$535,650	Williamson County	\$1,195,987
Kimble County	\$20,480	Willis	\$24,384
King County	\$1,000	Willow Park	\$26,737
Kingsville	\$20,083	Wills Point	\$43,765
Kinney County	\$2,142	Wilmer	\$426
Kirby	\$8,752	Wilson	\$12
Kirbyville	\$10,690	Wilson County	\$121,034
Kirvin	\$2	Wimberley	\$724
Kleberg County	\$124,109	Windcrest	\$12,908
Knollwood	\$1,160	Windom	\$1,087
Knox City	\$1,962	Windthorst	\$3,385
Knox County	\$11,730	Winfield	\$290
Kosse	\$2,468	Wink	\$120
Kountze	\$19,716	Winkler County	\$61,163
Kress	\$186	Winnsboro	\$28,791
Krugerville	\$1,508	Winona	\$319
Krum	\$9,661	Winters	\$6,229
Kurten	\$686	Wise County	\$289,074
Kyle	\$51,835	Wixon Valley	\$441
La Feria	\$10,381	Wolfe City	\$5,466

La Grange	\$9,623	Wolfforth	\$4,022
La Grulla	\$1,708	Wood County	\$267,048
La Joya	\$8,457	Woodbranch	\$9,617
La Marque	\$98,930	Woodcreek	\$358
La Porte	\$91,532	Woodloch	\$1,012
La Salle County	\$14,975	Woodsboro	\$1,130
La Vernia	\$3,217	Woodson	\$122
La Villa	\$572	Woodville	\$20,340
La Ward	\$321	Woodway	\$25,713
LaCoste	\$159	Wortham	\$376
Lacy-Lakeview	\$11,599	Wylie	\$114,708
Ladonia	\$2,011	Yantis	\$2,072
Lago Vista	\$13,768	Yoakum County	\$34,924
Laguna Vista	\$3,689	Yoakum	\$20,210
Lake Bridgeport	\$232	Yorktown	\$5,447
Lake City	\$2,918	Young County	\$44,120
Lake Dallas	\$25,314	Zapata County	\$56,480
Lake Jackson	\$75,781	Zavala County	\$38,147
Lake Tanglewood	\$613	Zavalla	\$1,088
Lake Worth	\$20,051		

# EXHIBIT C

Exhibit C: TX Opioid Council & Health Care Region Allocations plus Administrative Costs  
70% of Total (\$700 million)

Health Care Region Allocation*: \$693 million; Administrative Costs: \$7 million		
Region	Counties in Health Care Region	Allocation
1	Anderson, Bowie, Camp, Cass, Cherokee, Delta, Fannin, Franklin, Freestone, Gregg, Harrison, Henderson, Hopkins, Houston, Hunt, Lamar, Marion, Morris, Panola, Rains, Red, River, Rusk, Smith, Titus, Trinity, Upshur, Van, Zandt, Wood	\$38,223,336
2	Angelina, Brazoria, Galveston, Hardin, Jasper, Jefferson, Liberty, Nacogdoches, Newton, Orange, Polk, Sabine, San Augustine, San Jacinto, Shelby, Tyler	\$54,149,215
3	Austin, Calhoun, Chambers, Colorado, Fort Bend, Harris, Matagorda, Waller, Wharton	\$120,965,680
4	Aransas, Bee, Brooks, De Witt, Duval, Goliad, Gonzales, Jackson, Jim Wells, Karnes, Kenedy, Kleberg, Lavaca, Live Oak, Nueces, Refugio, San Patricio, Victoria	\$27,047,477
5	Cameron, Hidalgo, Starr, Willacy	\$17,619,875
6	Atascosa, Bandera, Bexar, Comal, Dimmit, Edwards, Frio, Gillespie, Guadalupe, Kendall, Kerr, Kinney, La Salle, McMullen, Medina, Real, Uvalde, Val Verde, Wilson, Zavala	\$68,228,047
7	Bastrop, Caldwell, Fayette, Hays, Lee, Travis	\$50,489,691
8	Bell, Blanco, Burnet, Lampasas, Llano, Milam, Mills, San Saba, Williamson	\$24,220,521
9	Dallas, Kaufman	\$66,492,094
10	Ellis, Erath, Hood, Johnson, Navarro, Parker, Somervell, Tarrant, Wise	\$65,538,414
11	Brown, Callahan, Comanche, Eastland, Fisher, Haskell, Jones, Knox, Mitchell, Nolan, Palo Pinto, Shackelford, Stephens, Stonewall, Taylor	\$9,509,818
12	Armstrong, Bailey, Borden, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Cottle, Crosby, Dallam, Dawson, Deaf Smith, Dickens, Donley, Floyd, Gaines, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, Kent, King, Lamb, Lipscomb, Lubbock, Lynn, Moore, Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Scurry, Sherman, Swisher, Terry, Wheeler, Yoakum	\$23,498,027
13	Coke, Coleman, Concho, Crockett, Irion, Kimble, Mason, McCulloch, Menard, Pecos, Reagan, Runnels, Schleicher, Sterling, Sutton, Terrell, Tom Green	\$5,195,605
14	Andrews, Brewster, Crane, Culberson, Ector, Glasscock, Howard, Jeff Davis, Loving, Martin, Midland, Presidio, Reeves, Upton, Ward, Winkler	\$12,124,354
15	El Paso, Hudspeth	\$17,994,285
16	Bosque, Coryell, Falls, Hamilton, Hill, Limestone, McLennan	\$9,452,018
17	Brazos, Burlison, Grimes, Leon, Madison, Montgomery, Robertson, Walker, Washington	\$23,042,947
18	Collin, Denton, Grayson, Rockwall	\$39,787,684
19	Archer, Baylor, Clay, Cooke, Foard, Hardeman, Jack, Montague, Throckmorton, Wichita, Wilbarger, Young	\$12,665,268
20	Jim Hogg, Maverick, Webb, Zapata	\$6,755,656
	Administrative Costs	\$7,000,000

\* Each Region shall reserve 25% of its allocation for Targeted Funds under the guidelines of Exhibit A.



# Amarillo City Council

## Agenda Transmittal Memo



C

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Fiscal Responsibility
<b>Department</b>	Legal		
<b>Contact</b>	Bryan McWilliams, City Attorney		

### Agenda Caption

CONSIDERATION OF RESOLUTION 11-09-21-2

Council is requested to approve the attached resolution authorizing the City Manager to execute a contingent fee legal services contract, subject to the approval of the City Attorney and the Texas Attorney General and the requirements of State law.

The City Attorney recommends retaining the services of outside counsel for that purpose on a contingent fee basis for the reasons detailed in the accompanying resolution and public notice. State law regulates the hiring of contingent fee counsel by governmental entities and requires a certain process to be followed, including the making of certain findings before hiring contingent fee counsel. That law also regulates and governs the terms of any contract for contingent fee legal services and requires the contract for such services to be submitted to and approved by the Texas Attorney General.

### Agenda Item Summary

Council authorization of this contingency fee contract for legal services allows the City to pursue claims for monetary damages, declaratory relief, and other legal remedies ("Damages") against Netflix, Inc., Hulu LLC, Disney DTC LLC, and other video service providers ("VSPs") as determined for non-payment of franchise fees as required in the Texas Video Service Providers Act, Texas Utilities Code Sec. 66 (the "Litigation").

### Requested Action

Council consideration and authorization to enter into a contingency fee agreement for legal services per state law.

### Funding Summary

The fees for legal services provided by the Counselors in connection with the Litigation are contingent upon the recovery by the City of damages in the Litigation and will be paid out of such recovery. The Counselors will advance all costs associated with the Litigation. The City agrees to reimburse the Counselors for all reasonable costs out of its share of the gross recovery.

### Community Engagement Summary

None

### Staff Recommendation

Staff's recommendation is for City Council's approval of the Resolution.

RESOLUTION NO. 11-09-21-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMARILLO, TEXAS PROVIDING AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A CONTINGENT FEE LEGAL SERVICES CONTRACT, SUBJECT TO THE APPROVAL OF THE CITY ATTORNEY AND THE TEXAS ATTORNEY GENERAL AND THE REQUIREMENTS OF STATE LAW AND AN EFFECTIVE DATE.

---

**WHEREAS**, the City intends to pursue claims for monetary damages, declaratory relief, and other legal remedies (“Damages”) against Netflix, Inc., Hulu LLC, Disney DTC LLC, and other video service providers (“VSPs”) as determined for non-payment of franchise fees as required in the Texas Video Service Providers Act, Texas Utilities Code Sec. 66 (the “Litigation”); and

**WHEREAS**, the City’s desired outcome in the Litigation is to recover from the VSPs Damages owed to the City for failure to pay franchise fees and obtain an order requiring the VSPs to pay the franchise fees going forward, in addition to other relief allowed under the law; and

**WHEREAS**, the VSPs deliver video programming to their customers via broadband internet through wireline facilities located at least partially in the public right of way; and

**WHEREAS**, the VSPs do not pay franchise fees to the City as required in section 66.005 of the Texas Utilities Code; and

**WHEREAS**, the City has a substantial need of the legal services of counsel to represent it in the Litigation; and

**WHEREAS**, the City requires legal counsel that specialize in complex litigation and are highly knowledgeable and experienced in the legal issues surrounding the non-payment of franchise fees by the VSPs; and

**WHEREAS**, the City now desires to enter into a contingent fee contract (“Contract”) for legal services with McKool Smith, P.C., Ashcroft Sutton Reyes LLC, and Korein Tillery LLC (“Counselors”) to represent the City in the Litigation; and

**WHEREAS**, Subchapter C of Chapter 2254 of the Texas Government Code (“Chapter 2254”) requires that a political subdivision of the State of Texas, including the City, may enter into a contingent fee contract for legal services only after: (i) the governing body of the political subdivision has provided written notice to the public stating certain provisions enumerated within Chapter 2254; (ii) the governing body of the political subdivision approved such contract in an open meeting called, in part or in whole, for the purposes of considering such contract; and (iii) the governing body of the political subdivision stated in writing certain findings made by the governing body upon the approval of such contract; and

**WHEREAS**, before the contingent fee contract for legal services is effective and enforceable, the City must receive approval of the Contract by the Office of the Attorney General of Texas or the Contract is otherwise allowed under Tex. Gov’t Code §2254, as amended; and

**WHEREAS**, the City has caused notice of this resolution, this meeting, and certain provisions enumerated within Chapter 2254 to be provided to the public in accordance with the Texas Open Meetings Act and Chapter 2254; and

**WHEREAS**, the meeting at which this resolution is being considered is an open meeting called, in part or in whole, for the purpose of considering: (i) the City’s need for legal counsel to represent it in the Litigation; (ii) terms of the Contract; (iii) the competence, qualifications, and experience of the Counselors; and (iv) the reasons that the Contract is in the best interest of the City and complies with Chapter 2254; and

**WHEREAS**, the City Council hereby finds and determines that the adoption of this resolution is in the best interests of the residents of the City.

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

**SECTION 1.** That the recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this resolution for all purposes and are adopted as a part of the judgment and findings of the City Council.

**SECTION 2.** That the City Council hereby finds that: (i) there is a substantial need for the legal services to be provided in the Litigation; (ii) the legal services to be provided in the Litigation cannot adequately be performed by the attorneys and supporting personnel currently employed by the City; (iii) the legal services to be provided in the Litigation cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the Litigation and without imposing an unnecessary cost and burden on the City's finances; and (iv) the relationship between the City or the City Council and the Counselors is not improper and would not appear improper to a reasonable person.

**SECTION 3.** That based on the findings by the City Council described above, the City Council hereby authorizes the City Manager to execute a legal services contract with McKool Smith, P.C., Ashcroft Sutton Reyes LLC, and Korein Tillery LLC, approved as to form by the City Attorney, effective only upon approval by the Office of the Attorney General of Texas or as otherwise allowed under Tex. Gov't Code §2254, as amended.

**SECTION 4.** That it is officially found, determined, and declared that the meeting at which this resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this resolution, was given, all as required by Chapter 551 as amended, Texas Government Code.

**SECTION 5.** That the City will pay the Counselors a contingency fee and expenses in accordance with the rates in Attachment A to this resolution and contingent upon the recovery, if any, by the City in the Litigation.

**SECTION 6.** That this Resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Amarillo, and it is accordingly so resolved.

\_\_\_\_\_  
Ginger Nelson, Mayor  
City of Amarillo, Texas

**ATTEST:**

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

**APPROVED AS TO FORM & LEGALITY:**

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

# ATTACHMENT A

The fees for legal services provided by the Counselors in connection with the Litigation are contingent upon the recovery by the City of Damages in the Litigation and will be paid out of such recovery, if any, as follows:

If the City obtains a recovery and collection on behalf of the City before a trial or appeal, the Counselors will receive attorneys' fees in the amount of Thirty Percent (30%) of the gross recovery. If recovery for the City occurs after (1) the beginning of trial (at the beginning of opening argument), or (2) upon appeal of any judgment, the Counselors will instead receive attorneys' fees in the amount of the Thirty-Three and One-Third (33 1/3%).

The Counselors will advance all costs associated with the Litigation. The City agrees to reimburse the Counselors for all reasonable costs out of its share of the gross recovery.

# Amarillo City Council

## Agenda Transmittal Memo



D

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Infrastructure
<b>Department</b>	Capital Projects & Development Engineering		
<b>Contact</b>	Matthew Thomas, City Engineer		

### Agenda Caption

**CONSIDER AWARD – PROFESSIONAL SERVICES AGREEMENT WITH KSA ENGINEERS**

Award to: KSA Engineers – \$1,552,000

This item is to consider approval of the professional engineering services agreement for the design and construction phase services related to the construction of Georgia Street Widening from Stardust Lane to Loop 335, RFQ 06-21, Job 462011.

### Agenda Item Summary

This item is to consider approval of the professional engineering services agreement for the design and construction of Georgia Street Widening including necessary utility adjustments and installations from Stardust Lane to Loop 335. Professional engineering services tasks include:

- Project management
- Drainage analysis of road basin
- Pavement section design
- Preliminary and final design
- Bidding
- Construction Phase Services including RPR

It is anticipated that the road widening will be 1.5 miles in length. The widening will connect the existing five lane arterial just south of Stardust Lane to Loop 335 to the south. The anticipated schedule is approximately 9 months for design phase and another 18 months for construction phase, which would put project completion toward the end of 2023.

### Requested Action

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

### Funding Summary

Funding for this agreement is available in the Project Budget Number 462011. Funding for this project was approved in the FY 16/17 thru 20/21 Community Investment Program. This project is funded with Proposition I bond funds.

### Community Engagement Summary

The professional services agreement has a small public impact. Affected property owners and stakeholders will be engaged throughout the design and construction of this project.

### Staff Recommendation

City Staff is recommending approval of the agreement.

# Amarillo City Council Agenda Transmittal Memo



E

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Civic Pride
<b>Department</b>	Park Maintenance & Golf Operations		
<b>Contact</b>	Brad Nalley, Interim Park Maintenance Superintendent		

## Agenda Caption

CONSIDER APPROVAL – PURCHASE OF TOP DRESS SAND

Award to: Rogers Group – \$81,000

This item is to consider the purchase of top dress sand for athletic and golf turf finish areas for safety and playability.

## Agenda Item Summary

Top dress sand for athletic and golf turf finish areas for safety and playability.

## Requested Action

To consider for approval this bid recommendation.

## Funding Summary

Material funded in 1861.68316 (Park Maintenance) & 1811.51450 (Golf Operations)

## Community Engagement Summary

N/A

## Staff Recommendation

Award bid to lowest bidder, Rogers Group Inc. as specifications have been met.

# Amarillo City Council

## Agenda Transmittal Memo



F

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Infrastructure Initiative / Best Practices / Customer Service
<b>Department</b>	Public Works - Fleet Services Division		
<b>Contact</b>	Donny Hooper, Director of Public Works		

### Agenda Caption

#### CONSIDER LEASE - LANDFILL COMPACTOR:

Awarded using Buy Board Contract #517-19 to:  
Warren Cat /Caterpillar Financial

**\$16,427.40 per month**

Total Award based on 60-month lease **\$985,644.00.00**

Purchase Option at end of Lease \$193,200.00, total obligation if option used \$1,178,844.00.

### Agenda Item Summary

Scheduled lease replacement of unit 8882, 2016 Caterpillar Compactor. New equipment will be leased for a sixty (60) month period with full-service factory recommended service and all repairs under normal usage, including full machine 5yr - 10,000 hour warranty. Lease does not include fuel. Equipment will be used at City of Amarillo Landfill for daily operational requirements under TCEQ permits

### Requested Action

Consider approval of the award for Lease of Landfill Compactor.

### Funding Summary

Fleet Services Equipment Fund , account 61120.69220 request total award \$985,644.00  
Funding through departmental rental account 61120.34910. Fund revenue per year \$213,204.48,  
revenue for term of lease \$1,066,022.40.

### Community Engagement Summary

Recommended vendor is a local company.

### Staff Recommendation

City Staff recommends approval.



# Amarillo City Council

## Agenda Transmittal Memo



G

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Fiscal Responsibility, Best Practices, Customer Service
<b>Department</b>	Public Works - Fleet Services Division		
<b>Contact</b>	Donny Hooper, Director of Public Works		

### Agenda Caption

#### CONSIDER APPROVAL - PURCHASE OF TOWABLE BRUSH CHIPPERS

Award to: Vermeer Texas-Louisiana - \$182,000.00  
Purchase will be thru Buyboard Contract 597-19

### Agenda Item Summary

Addition to fleet of 4 Towable Brush Chippers to expand Solid Waste Collection daily operations to maintain City of Amarillo right of ways and alley ways.

### Requested Action

Recommend purchase approval of Towable Brush Chippers.  
This purchase will be on Buyboard Contract 597-19. Contract assures discounted governmental pricing and quicker delivery schedules. Contract purchase of equipment allows for uniformity of specialized equipment, control maintenance cost associated with training and repair compared to multiple manufacturers. Contract purchase will be from local vendor to assist fleet in service needs and warranty.

### Funding Summary

Funding for this purchase will be from 61120.84100 Fleet Services Auto – Rolling Stock & Equipment. Total Purchase \$182,000.00 Fleet will be reimbursed from Solid Waste Capital Projects.

### Community Engagement Summary

Purchase through local vendor.

### Staff Recommendation

City Staff recommends approval.

# Amarillo City Council Agenda Transmittal Memo



H

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Fiscal Responsibility
<b>Department</b>	Solid Waste Disposal		
<b>Contact</b>	Donny Hooper, Director of Public Works		

## Agenda Caption

CONSIDER AWARD – EXTENSION OF LANDFILL ENGINEERING PROFESSIONAL SERVICES AGREEMENT  
(Contact: Donny Hooper, Director of Public Works)  
Award to Parkhill, Smith & Cooper - \$392,490.00

## Agenda Item Summary

This item is for the approval of a two-year extension to the agreement approved with Parkhill, Smith & Cooper, Inc. for Landfill Professional Services and Operational Review for an amount not-to-exceed \$392,490.00. Services include: Groundwater Monitoring; Landfill Gas Reporting & Oversight; Drone Surveying and Airspace Calculations; Quarterly & Annual TCEQ MSW Reporting; ADC Permitting, Oversight and Reporting; and other miscellaneous on-call services

## Requested Action

Consider extension for approval.

## Funding Summary

Landfill Improvement Fund CIP # 430111

## Community Engagement Summary

N/A

## Staff Recommendation

Staff recommends approval of two-year extension.

# Amarillo City Council

## Agenda Transmittal Memo



I

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Best Practices, Infrastructure
<b>Department</b>	Water Utilities – Wastewater Treatment River Road Plant		
<b>Contact</b>	Jonathan Gresham, Director of Utilities		

### Agenda Caption

#### CONSIDER PURCHASE – DRIVE CARRIAGE AND RAKE ASSEMBLIES

Award to: WSG & Solutions - \$166,500.00

This item is to consider approval of purchase requisition #46345 for two bar screen rake assemblies to replace existing equipment at the River Road Water Reclamation Plant to WSG & Solutions, Inc for \$166,500.00.

### Agenda Item Summary

This item is to consider the award for purchase of two bar screen rake assemblies to replace current assemblies. Bar screens are used to remove large pieces of trash from the wastewater before entering the plant for treatment. The existing bar screens were installed in 2002 and have reached their end of life. Replacement is due to normal wear and tear.

### Requested Action

Requesting approval and award of purchase for rake assemblies to WSG & Solutions in the amount of \$166,500.00.

### Funding Summary

Funding is available in account 52260.68300.

### Community Engagement Summary

N/A

### Staff Recommendation

City Staff is recommending approval and award to WSG & Solutions.

# Amarillo City Council Agenda Transmittal Memo



J

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Public Safety
<b>Department</b>	Municipal Court and Police Department		
<b>Contact</b>	Donna Knight, Court Administrator		

## Agenda Caption

**CONSIDER AWARD - INSTALLATION OF DIGITAL CLOSED CIRCUIT TELEVISION SYSTEM**

Award to: Lakeway Security, LLC - \$120,407.40

This item is to consider the award of Bid No. RFP 23-21 - Installation of a digital closed circuit television security system at the Police Department and Municipal Court Building located at 200 SE 3rd Avenue.

## Agenda Item Summary

This project involves the removal of an analog closed circuit television system that provides security for the Police Department and Municipal Court building and replacement of this system with a digital closed circuit television system.

## Requested Action

Award Bid No. RFP 23-21 in the amount of \$120,407.40 to Lakeway Security, LLC.

## Funding Summary

This project would be funded from departmental savings from the Police Department and Municipal Court fiscal year 2020-2021 budgets 411752.17400.1040

## Community Engagement Summary

Level 1 – Modest impact on selected area and/or community group.

## Staff Recommendation

Municipal Court staff recommends award of bid no RFP 23-21 in the amount of \$120,407.40 to Lakeway Security, LLC.

# Amarillo City Council Agenda Transmittal Memo



K

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Public Safety
<b>Department</b>	Amarillo Police Department		
<b>Contact</b>	Trent Davis, Purchasing Agent		

## Agenda Caption

CONSIDER AWARD – AMMUNITION FOR POLICE RANGE, SWAT, NARCOTICS, AIRPORT POLICE  
(Contact: Trent Davis, Director of Purchasing)  
Award to: GT Distributors \$212,552.24

This award consists of the purchase of Ammunition for the Amarillo Police Department Range, SWAT, Narcotics, and Rick Husband International Airport Police Department.

## Agenda Item Summary

Purchase of Ammunition for the Amarillo Police Department, Range, SWAT, Narcotics and Rick Husband International Airport Police Department.

## Requested Action

Consider approval and award of Purchase of Ammunition for Police Range, SWAT, Narcotics, Airport Police.

## Funding Summary

Funding for this award is available in the Police Department 1610.52000 and 54110.52000

## Community Engagement Summary

N/A

## Staff Recommendation

City Staff is recommending approval and award of bid.

# Amarillo City Council Agenda Transmittal Memo



L

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Public Safety
<b>Department</b>	Amarillo Emergency Communications Center		
<b>Contact</b>	Lieutenant Chaz Williams & Captain Jeremy Hill		

## Agenda Caption

**CONSIDER AWARD – HEXAGON COMPUTER-AIDED DISPATCH (CAD) MAINTENANCE CONTRACT**

Award to: Intergraph Cooperation - \$211,601.64

This item is to consider the award of an annual contract for the maintenance of the CAD system at the Amarillo Emergency Communications Center (AECC).

## Agenda Item Summary

This item is to award the annual contract for Hexagon CAD maintenance for use by the City of Amarillo AECC department. Hexagon is the proprietary vendor for Hexagon CAD who is the sole source provider for maintenance on the Hexagon CAD.

## Requested Action

Consider approval and award of the City Annual Contract for Hexagon CAD Maintenance.

## Funding Summary

Funding is budgeted in Leased Computer Software account 1270.69300.

## Community Engagement Summary

N/A

## Staff Recommendation

City Staff is recommending approval and award of the contract.

# Amarillo City Council Agenda Transmittal Memo



M

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Economic Development
<b>Department</b>	Planning	<b>Contact Person</b>	Emily Koller, Assistant Director of Planning

## Agenda Caption

CONSIDER AWARD – SSC SIGNS AND LIGHTING CONTRACT FOR SIGN MAKING SERVICES RELATED TO THE DOWNTOWN WAYSHOWING/WAYFINDING PLAN

Award to: SSC Signs - \$799,626.45

This item is to consider the award of a contract for sign making services for the manufacturing and installation of a system of wayshowing/wayfinding signs for the downtown district.

## Agenda Item Summary

This contract is for sign making services for the manufacturing and installation of a system of wayshowing/wayfinding signs for the downtown district. Thirty large monument signs (designed for both pedestrian and auto) and seven small (pedestrian only) signs are planned to be installed throughout downtown.

The manufacturing and installation process is estimated to take five months to complete.

The contract amount is \$799,626.45.

The design and locations of the signs were determined by a committee comprised of city staff and downtown stakeholders supported by a consultant team lead by Turner Land Architecture. The committee first began working on this in 2019 as the result of a grant awarded to Center City Main Street by the Texas Commission on the Arts.

## Requested Action

Approval as presented.

## Funding Summary

The cost is \$799,626.45. TIRZ #1 budgeted \$675,100 in previous years and approved a budget amendment of an additional \$125,000 at their October 28, 2021 meeting.

## Community Engagement Summary

Four public meetings were held to the downtown stakeholder groups in the spring and early summer of 2020 along with informal public outreach on the City's social media.

## Staff Recommendation

TIRZ #1 Board recommended approval of the contract at their October 28, 2021 meeting.

---

# Amarillo City Council

## Agenda Transmittal Memo



N

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Best Practices
---------------------	------------------	-------------------------	----------------

<b>Department</b>	Office of Emergency Management	<b>Contact Person</b>	Chip Orton, Emergency Management Coordinator
-------------------	--------------------------------	-----------------------	--

### Agenda Caption

CONSIDER APPROVAL - AGREEMENT-IN-PRINCIPLE (AIP) CONTRACT NO. CP22003

This item is to consider approval of Contract No. CP22003 between the City of Amarillo, Texas and the Texas Comptroller of Public Accounts: State Energy Conservation Office (Agreement-In-Principle Program).

### Agenda Item Summary

This contract is the next in a cycle of 5-year agreements with a term from October 1, 2021 to September 30, 2026. This program has been in place for over 30 years. This program provides 100% reimbursement of up to \$203,645 annually to augment the capabilities of the Office of Emergency Management to provide personnel for planning, to operate a decontamination / reception center, and to maintain radiation monitoring equipment and outdoor warning sirens.

### Requested Action

The Office of Emergency Management and City of Amarillo Legal have reviewed the contract and recommend that the City Council authorize the City Manager to execute the document.

### Funding Summary

Texas Comptroller of Accounts: State Energy Conservation Office

### Community Engagement Summary

N/A

### Staff Recommendation

Staff recommends approval of this contract.



# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Civic Pride
<b>Department</b>	City Manager's Office		
<b>Contact</b>	Laura Storrs, Assistant City Manager		

## **Agenda Caption**

CONSIDER APPROVAL – PROPERTY SALE

(Contact: Laura Storrs, Assistant City Manager)

This item is to consider authorizing Potter County, as the Trustee, to sell the property located at 1309 N Harrison St.

## **Agenda Item Summary**

This item authorizes Potter County as the Trustee, to award through a private sale, property located at 130 N Harrison St. to Rayshaun Welch for \$3,960. The County is requesting authorization of the private sale from all taxing entities.

## **Requested Action**

Approval of the private sale of property.

## **Funding Summary**

There is no funding associated with this item.

## **Community Engagement Summary**

N/A

## **Staff Recommendation**

Staff recommends approval of the private sale of property.

# County of Potter

STATE OF TEXAS  
SANTA FE BUILDING

TAX OFFICE  
900 S. POLK, SUITE 106  
PO BOX 2289  
AMARILLO, TEXAS 79105-2289



PHONE: (806) 342-2600  
FAX: (806) 342-2637  
pcto@co.potter.tx.us

**SHERRI AYLOR, PCC**  
TAX ASSESSOR-COLLECTOR

October 12, 2021

City of Amarillo  
Stephanie Coggins, City Secretary  
PO Box 1971  
Amarillo, TX 79105-1971

Ms. Coggins:

Potter County, as Trustee, has agreed to sell the property located at 1309 N Harrison St to Rayshaun Welch for \$3,960.00 as a private sale. We have received their payment for the property. Please place this item on your governing body's November 9, 2021 agenda for their deed approval and signature(s).

If you would, e-mail a copy of the agenda as confirmation that this item has been placed on your agenda to [katrinaadams@co.potter.tx.us](mailto:katrinaadams@co.potter.tx.us) or contact Katrina at #342-2607.

Sincerely,

SHERRI AYLOR, PCC  
Tax Assessor-Collector

SA/cm

Enclosure

# Amarillo City Council

## Agenda Transmittal Memo



P

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Civic Pride, Economic Development and Redevelopment
<b>Department</b>	Civic Center Operations - 1243		
<b>Contact</b>	Sherman Bass, Civic Center Manager		

### Agenda Caption

#### CONSIDER ACCEPTANCE - SHUTTERED VENUE OPERATORS GRANT

Grant Amount: up to \$1,578,994.37

Grantor: Small Business Administration (SBA)

This item accepts a Shuttered Venue Operators Grant (SVOG) to recover expenses incurred from May 2020 thru June 2021 due to the closures and loss of business at the Amarillo Civic Center Complex related to the COVID-19 pandemic.

### Agenda Item Summary

The SVOG program administered by the SBA was specifically created to assist venues that were unable to participate in other programs to recover expenses and losses due to the COVID-19 pandemic.

The SVOG program was established by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act, and amended by the American Rescue Plan Act. The program includes over \$16 billion in grants to shuttered venues, to be administered by SBA's Office of Disaster Assistance. Eligible applicants may qualify for grants equal to 45% of their gross earned revenue, with the maximum amount available for a single grant award of \$10 million. \$2 billion is reserved for eligible applications with up to 50 full-time employees.

### Requested Action

Accept grant award.

### Funding Summary

Grant funds will go directly to revenue accounts in the current fiscal year, thus reducing the Civic Center's operating loss and replacing funds used to cover operating losses during the eligible period.

### Community Engagement Summary

N/A

### Staff Recommendation

Staff recommend acceptance of this grant.

# Amarillo City Council

## Agenda Transmittal Memo



Q

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Long-term Plan for Infrastructure
<b>Department</b>	Amarillo Fire Department		
<b>Contact</b>	Sam Baucom, Deputy Fire Chief		

### Agenda Caption

CONSIDER APPROVAL - INTERLOCAL AGREEMENT WITH RANDALL COUNTY FOR COOPERATIVE USE OF FIRE TRAINING FACILITIES

This item is to consider an Interlocal Agreement (ILA) with Randall County Fire Department (RCFD) for their use of the CoA Fire Department Training Facilities located at 12400 NE 8<sup>th</sup> Ave. Amarillo, TX 79111; and for AFD's use of the Randall County Fire Department Training Facilities located at 1111 South Loop 335 East and other RCFD training locations, when available.

### Agenda Item Summary

The Amarillo Fire Department (AFD) has worked with the Legal Department to develop an Interlocal Agreement with cooperators that request the use of the Fire Training Facilities, which are located east of the Rick Husband Amarillo International Airport. Based on the mutual use of each entities training facilities by the other agency, the Interlocal Agreement would include mutual availability of the other's training resources in lieu of a fee paid by the licensee.

### Requested Action

City Council to authorize the City Manager to sign the ILA with RCFD.

### Funding Summary

N/A

### Community Engagement Summary

Enhance partnership and accessibility by regional fire industry cooperators by providing access to mutual agency's training facilities designed specifically for fire and emergency services.

### Staff Recommendation

Staff recommends approval of the ILA with RCFD.

# Amarillo City Council Agenda Transmittal Memo



R

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Public Safety
---------------------	------------------	-------------------------	---------------

<b>Department</b>	Purchasing	<b>Contact Person</b>	Trent Davis, Director of Purchasing
-------------------	------------	-----------------------	-------------------------------------

### Agenda Caption

CONSIDER APPROVAL OF INTERLOCAL AGREEMENT WITH THE CITY OF RICHARDSON FOR FIRE DEPARTMENT CLASS "A" UNIFORM PURCHASE.

### Agenda Item Summary

This agenda item authorizes the City Manager to execute an interlocal agreement with the City of Richardson establishing a cooperative purchasing program per Subchapter F, Chapter 271, Tex. Local Govt Code between the City of Amarillo and the City of Richardson authorizing the purchase of Fire Department Class A Uniforms by the City of Richardson on a contract competitively procured by the City of Amarillo for such uniforms. (CLASS "A" Uniform Jacket and Pants per Bid Specification FD-206, issuance Dated 03/05/2021.)

### Requested Action

Approval for City Manager to execute interlocal agreement.

### Funding Summary

N/A

### Community Engagement Summary

N/A

### Staff Recommendation

Staff recommends approval as presented.

# Amarillo City Council Agenda Transmittal Memo



<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Fiscal Responsibility
<b>Department</b>	Human Resources, Risk Management Division		
<b>Contact</b>	Wesley Hall, Risk Management Director		

**Agenda Caption**

CONSIDER APPROVAL - PURCHASE OF AUTO PHYSICAL DAMAGE INSURANCE POLICY

Consider for approval the purchase of an Auto Physical Damage Insurance policy for Amarillo Fire Department, High-Value equipment.

**Agenda Item Summary**

This item is an insurance policy that will cover auto physical damages to Amarillo Fire Department high-value equipment including fire engines and ladder trucks.

**Requested Action**

Requesting approval for purchase of an auto physical damage insurance policy through USI Southwest for Amarillo Fire Department high-value equipment. Policy premium is \$59,454.00

**Funding Summary**

63190.71100

**Community Engagement Summary**

N/A

**Staff Recommendation**

Staff recommends purchasing this insurance policy.

# Amarillo City Council

## Agenda Transmittal Memo



T

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Civic Pride
<b>Department</b>	Parks and Recreation		
<b>Contact</b>	Michael Kashuba, Director of Parks and Recreation		

**Agenda Caption**

**CONSIDER APPROVAL - AGREEMENT FOR DESIGN SERVICES FOR ATHLETIC FACILITIES WITHIN CITY OF AMARILLO PARKS**

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

Award to: Parkhill Smith and Cooper, Inc. - \$99,500.00

The project consists of a Concept Study for redevelopment of five sports complexes within existing parks in Amarillo, Texas (Martin Road Park, John Stiff Memorial Park, Southeast Park, Rick Klein Park, River Road Park and Thompson Park). Proposed development will include lighted baseball/softball fields, parking, restroom/concession buildings, playgrounds, and other miscellaneous facilities appropriate to a regional sports complex.

**Agenda Item Summary**

Concept Study will focus on improvements and additions that will improve the playing fields, spectator areas, and support facilities that will attract and serve more visitors per year and be more attractive to regional tournaments. This study will focus on existing ballfield complexes in six parks.

1. Athletics (number of fields depends on site conditions):
  - a. Baseball fields.
  - b. Softball fields
  - c. Multiuse fields.
2. Facilities:
  - a. Concession/restroom buildings (number depends on park layout).
  - b. Bleacher/Grandstand Areas
  - c. Scorekeeper Stands
  - d. Dugouts
  - e. Bull Pens
  - f. Entry Gateways
  - g. Playgrounds.
  - h. Large pavilion(s).
  - i. Satellite shelters.
  - j. Batting cages.
  - k. Practice Areas
3. Park Roads, Parking, and Site Structures:
  - a. Park roads and drives.
  - b. Emergency access/fire lanes.
  - c. Parking areas.

**Requested Action**

Approval and authorization for City Manager to execute agreement.

**Funding Summary**

Funding is available in Project# 411714

**Community Engagement Summary**

N/A

**Staff Recommendation**

Staff recommends approval

# Amarillo City Council

## Agenda Transmittal Memo



U

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Infrastructure Initiative
<b>Department</b>	Capital Projects & Development Engineering		
<b>Contact</b>	Kyle Schniederjan, Director of Capital Projects & Development Engineering		

### Agenda Caption

CONSIDER APPROVAL – PROFESSIONAL SERVICES AGREEMENT FOR POLK ST. STREETScape IMPROVEMENTS

Award to: Parkhill Smith and Cooper, Inc. - Not to exceed \$165,000.00

Public Engagement, Conceptual Development, and Preliminary Design Phase Services of Polk St. Streetscape Improvements, RFQ 17-21, Job 462000, in the amount not to exceed \$165,000.00

This item is to consider approval of the professional engineering services agreement for the Public Engagement, Conceptual Development, and Preliminary Design Phase Services related to the construction of Polk St. Streetscape Improvements.

### Agenda Item Summary

This project consists of Preliminary Engineering and Conceptual Development for a portion of Polk Street. The proposed development will include design of improvements to an area of approximately eight blocks bounded by 10th Street on the south and 2nd Street on the north. The project will include streetscape improvements to bring block faces up to current DAUDS standards and current Texas ADA standards. This will include new sidewalks, driveways, storm sewer inlet relocation, lighting, street trees, and site furnishings. The anticipated schedule is approximately 4 months for this phase of the project and a projected ultimate construction completion in 2023.

### Requested Action

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

### Funding Summary

Funding for this agreement is available in the Project Budget Number 462000. Funding for this project was approved in the FY 16/17 thru 20/21 Community Investment Program Proposition 1. This project is funded with Proposition 1 Transportation bond funds.

### Community Engagement Summary

N/A

A significant portion of this professional services agreement is engagement with private property owners and stakeholders adjacent to the project. Additionally the general public will be engaged throughout the design and construction of this project.

### Staff Recommendation

City Staff is recommending approval of the agreement.



# Amarillo City Council

## Agenda Transmittal Memo



3-A

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Economic Development and Redevelopment
<b>Department</b>	Planning	<b>Contact Person</b>	Emily Koller, Assistant Director of Planning

### Agenda Caption

PUBLIC HEARING AND CONSIDERATION OF A ROUTE 66 EMBLEM ON THE INDEPENDENCE WATER TOWER LOCATED IN THE VICINITY OF S INDEPENDENCE ST AND SW 6TH AVE

### Agenda Item Summary

City Council approved amendments to Chapter 4-6, Article III, Division 4, Sections 4-6-153 to 158 “Names of City-Owned Property and Facilities” at the July 27, 2021, meeting. Those amendments provided criteria and an approval process for water tower emblem proposals.

The amendments were initiated after the San Jacinto Neighborhood Plan adopted in February 2020 prioritized painting a Route 66 emblem on the tank located at the west end of the Historic 6<sup>th</sup> Street corridor near the intersection of Independence St. and SW 6<sup>th</sup> Avenue.

The new process requires the following:

- Submittal of an application and review by the Beautification and Public Arts Advisory Board for their recommendation to Council. The design review considers the color of the tower, color of the emblem, size of the emblem and other factors appropriate for the size and scale of the water tower. The review criteria also requires that the water tower emblem be representative of all of Amarillo, such as a City logo; or, represent cultural or historical themes of national historical significance that can further the goal of city branding, tourism or community pride.
- Evaluation of materials used and expected lifespan by city staff in order to develop a plan for when the emblem may need to be painted or replaced.
- Newspaper notification and public hearing before City Council consideration.

The blue base coat of the Independence water tower will be repainted this fiscal year as a CIP project. The emblem will be bid as part of the process. The project is expected to be completed in spring/early summer 2022. The emblem is expected to have a lifespan of 7-10 years and a maintenance fund has been established by the neighborhood.

The attached design reflects the comments from the Beautification and Public Arts Advisory Board. It was recommended to Council for approval with a unanimous vote on September 14<sup>th</sup>.

### Requested Action

Approval as presented and waiver of the name change application fee due to its status as a neighborhood plan project.

### Funding Summary

\$18,000 has been raised by the San Jacinto Neighborhood Association. A maintenance fund has also been created.

### Community Engagement Summary

San Jacinto Neighborhood Plan priority project

### Staff Recommendation

Recommended for approval by the Beautification and Public Arts Advisory Board at their September 14, 2021 meeting.

Amarillo City Council  
Agenda Transmittal Memo



# Amarillo City Council Agenda Transmittal Memo



B

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Fiscal Responsibility
<b>Department</b>	City Manager		
<b>Contact</b>	Laura Storrs, Assistant City Manager		

## Agenda Caption

ORDINANCE – AUTHORIZING A BUDGET AMENDMENT TO THE 2021/2022 COVENTION AND VISITOR BUREAU BUDGET

(Contact: Kashion Smith, Executive Director CVB)

This is the first reading of an ordinance to amend the Convention and Visitor Bureau (CVB) 2021/2022 Budget.

## Agenda Item Summary

This is the first reading of an ordinance to amend the CVB 2021/2022 Budget. This CVB Budget Amendment specifically amends the 2021/2022 fiscal year budget for the following and will fund the additional expenditures from \$100,000 in American Rescue Plan Act (ARPA) funding and \$250,000 from excess reserves:

- Admin - Payroll- \$30,000
- Admin - Sales Incentives - \$10,000
- Hardware - Computer Rotation - \$10,000
- Arts - Marketing Grants - \$80,000
- Marketing - Partner Coop Program - \$50,000
- Marketing - Meltwater, Site Improv - \$45,000
- All - Staff Travel Budgets (Shows and education) - \$50,000
- Tourism – Travel Mindset Media Campaigns - \$30,000
- Servicing - Promotional Items - \$10,000
- Tourism Development - Great Outdoors Fund - \$25,000
- Executive - Travel and hosting expenses - \$10,000

## Requested Action

Approval of the ordinance to amend the CVB 2021/2022 Budget.

## Funding Summary

The \$350,000 in additional expenditures outlined in the budget amendment will be funded with \$100,000 in ARPA funding and \$250,000 from excess reserves.

## Community Engagement Summary

The CVB Board met on October 27, 2021 and voted to recommend approval of the above funding from the ARPA funds and excess reserves which will require a budget amendment.

## Staff Recommendation

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

ORDINANCE NO. 7940

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AMARILLO ADOPTING A BUDGET AMENDMENT TO MODIFY THE ADOPTED BUDGET FOR FISCAL YEAR 2021-2022 AND APPROVING THE AMENDED APPROPRIATION OF FUNDS FOR THE CONVENTION AND VISITOR BUREAU BUDGET IN THE FISCAL YEAR 2021-2022; PROVIDING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES AND APPROPRIATIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.

---

WHEREAS, the City Council adopted an Annual Budget for the Amarillo Convention and Visitors Bureau (“CVB”) for the Fiscal Year 2021-2022 on September 14, 2021.

WHEREAS, the City of Amarillo Ordinance requires City Council to approve such budget and any amendments, 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 the City Ordinance, a budget amendment for the CVB is hereby authorized and approved for the fiscal year 2021-2022 and is attached and incorporated by reference as Exhibit “A”.

SECTION 2. 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 3. All ordinances and resolutions or parts thereof that conflict with this Ordinance are hereby repealed, to the extent of such conflict.

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

INTRODUCED AND PASSED by the City Council of the City of Amarillo, Texas, on First Reading the 9th day of November 2021; and PASSED on Second and Final Reading the 14th day of December 2021.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

EXHIBIT "A"

Admin - Payroll	\$ 30,000.00
Admin - Sales Incentives	\$ 10,000.00
Hardware - Computer Rotation	\$ 10,000.00
Arts - Marketing Grants	\$ 80,000.00
Marketing - Partner Coop Program	\$ 50,000.00
Marketing - Meltwater, Site Improv	\$ 45,000.00
All - Staff Travel Budgets (Shows and education)	\$ 50,000.00
Tourism – Travel Mindset Media Campaigns	\$ 30,000.00
Servicing - Promotional Items	\$ 10,000.00
Tourism Development - Great Outdoors Fund	\$ 25,000.00
Executive - Travel and hosting expenses	\$ 10,000.00

# Amarillo City Council

## Agenda Transmittal Memo



C

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Economic Development and Redevelopment
<b>Department</b>	Planning and Development Services		
<b>Contact</b>	Brady Kendrick, Planner II		

**Agenda Caption**

CONSIDERATION OF ORDINANCE NO. 7941

Z-21-13 Rezoning of a 4.84 acre tract of unplatted land in Section 183, Block 2, A.B.&M. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to Planned Development District 397 for a Self-Storage Facility with General Retail District Development Standards.

Vicinity: Georgia St. and Farmers Ave.

Applicant/s: Rick Betenbough and Michael Postar for 87<sup>th</sup> Street Partners LLC

**Agenda Item Summary**

**Adjacent land use and zoning**

Adjacent zoning consists of Agricultural District to the north and east, land outside the City Limits to the west, and Multiple-Family District 1 to the south.

Adjacent land uses consist of an apartment complex that is under construction to the south and undeveloped land in all other directions.

**Analysis**

The applicant is requesting a change in zoning in order to construct a Self-Storage Facility.

The initial zoning designation request submitted to the Planning and Zoning Commission was to zone the property to Light Commercial District, which is the first district that allows for a Self-Storage Facility. Staff recommended denial of the request for Light Commercial zoning and the Planning and Zoning Commission agreed with Staff’s analysis that Light Commercial was not an appropriate request based on the following:

Based on the location of the applicant’s tract, the request would not conform with the City’s Adopted Comprehensive Plan regarding the Neighborhood Unit Concept of Development or the Future Land Use and Character Map.

The request would not be a logical continuation of existing zoning or development patterns in the immediate area or along the Georgia Street corridor between Farmers Avenue and 46<sup>th</sup> Avenue which does not feature Light Commercial Zoning (General Retail is the most intense category found).

The Planning and Zoning Commission was of the opinion that the request could set a precedent for future request for commercial zoning along a corridor that such would be out of character and also would feature uses that would be incompatible with the area (examples being bars, cabinet shops, industrial laundry plans, truck stops, sign manufacturing).

The request based on the above could be considered spot zoning.

Although the Planning and Zoning Commission was in agreement with staff’s recommendation to as just mentioned, Commissioners believed that Planned Development zoning that allows General Retail uses and the Self-storage facility was appropriate. in this instance as the following conditions for a Planned Development were met in this instance:

As such, Commissioners recommended the applicant provide a site plan that conforms to typical development standards for General Retail District (landscaping, setbacks, screening, lot coverage, etc.) as part of the Planned Development Zoning.



The Neighborhood Unit Concept of Development, the Neighborhood Unit Concept calls for more intensive uses such as 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 location of the applicant's tract in relation to the intersection of Georgia Street and Farmers Avenue while 650 north of the intersection, is still within an area that such a request is considered appropriate per the Neighborhood Unit Concept in the Planning and Zoning Commission's opinion as land to the north of this tract would be the point at which the intensity would start transitioning to a lower intensity.

The Planning and Zoning Commission also noted that similar zoning and development patterns were seen at intersections to the north of Farmers along Georgia which can be seen in the following example (58<sup>th</sup> and Georgia).



Regarding the Future Land Use and Character Map, the recommended development type is 'Suburban Residential'. The Suburban Residential category calls for detached residential dwellings, attached residential dwellings (when incorporated with Planned Developments), parks/public spaces, and public/institutional as the primary development types recommended within this category with a suburban character being the desired development pattern.

While the applicant's tract would not conform with the just mentioned category, the Planning and Zoning Commission believed a departure in this instance was appropriate as if strictly followed, the Future Land Use Map shows the Suburban Residential Category extending throughout the entire south-half of this Section, including the property at the intersection. Such a development pattern if followed would feature Single-Family residents at and near a heavily traveled intersection where higher intensity uses such as retail/multi-family/office would be more appropriate and would serve as a buffer for single-family homes within the interior of the intersection.

Additionally, it is noted that this intersection and the immediate area is underserved by low impact uses (retail and Self-storage) that would be beneficial to surrounding residents (such as the applicant's proposed use). The closest such zoning is located approximately ¾ of a mile away from this intersection.

Considering the just mentioned information, the Planning and Zoning Commission is of the opinion that Planned Development for Self-Storage Facility with General Retail District as its base for land use and standards is not out of character with existing zoning and development patterns seen in the immediate area and along the Georgia Street corridor and if approved, would not result in any detrimental impacts to the surrounding area.

#### Requested Action/Recommendation

Notices have been sent to all property owners within 200 feet regarding this proposed rezoning. As of this writing, there have been no comments received regarding the request.

Considering the above, the Planning and Zoning Commission recommends **APPROVAL** as presented.



ORDINANCE NO. 7941

**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 GEORGIA STREET AND FARMERS AVENUE, RANDALL COUNTY, TEXAS; PROVIDING A SAVINGS CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

---

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

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

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

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

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

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

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

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

Rezoning of a 4.84 acre tract of unplatted land in Section 183, Block 2, A.B.&M. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to Planned Development District 397 for a Self-Storage Facility with General Retail District Development Standards being further described below and site plan attached and incorporated herein as Exhibit A:

A 4.84 acre tract out of a 217.22 acre tract located in Section 183, Block 2, A.B.&M. Survey, Randall County, Texas and being described in Instrument No. 2016014173 of the Official Public Records of Randall County, Texas, said tract being further described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rebar, found in the East line of a 10-foot wide tract of land as conveyed to the City of Amarillo for Right-of-Way as described in Instrument No. 2009010006, same being the most West Northwest corner of that certain 19.15 acre tract as described in Instrument No. 2019019254 of the Official Public Records of Randall County, Texas;

THENCE N. 00°02'16" E., along the East line of said 10-foot wide tract, a distance of 295.98 feet to a 5/8 inch iron rebar with cap stamped "CEC 10194378", set, from whence

a 1/2 inch iron rebar, found for the Northwest corner of said 217.22 acre tract bears N. 00°02'16" E., 1864.36 feet;

THENCE S. 89°58'27" E., 738.00 feet to a 5/8 inch iron rebar with cap stamped "CEC 10194378", set;

THENCE S. 00°02'16" W., 286.00 feet to a 5/8 inch iron rebar with cap stamped "CEC 10194378", set in the North line of said 19.15 acre tract, from whence the Northeast corner of said 19.15 acre tract bears S. 89°58'27" E., 420.38 feet;

THENCE N. 89°58'27" W., 728.01 feet to a 1/2 inch iron rebar, found for the most North Northwest of said 19.15 acre tract;

THENCE S. 45°02'45" W., 14.12 feet to the POINT OF BEGINNING and containing 4.84 acres (211,129.85 sq. ft.) more or less.

**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 9th day of November, 2021 and **PASSED** on Second and Final Reading on this the 14th day of December, 2021.

---

Ginger Nelson, Mayor

ATTEST:

---

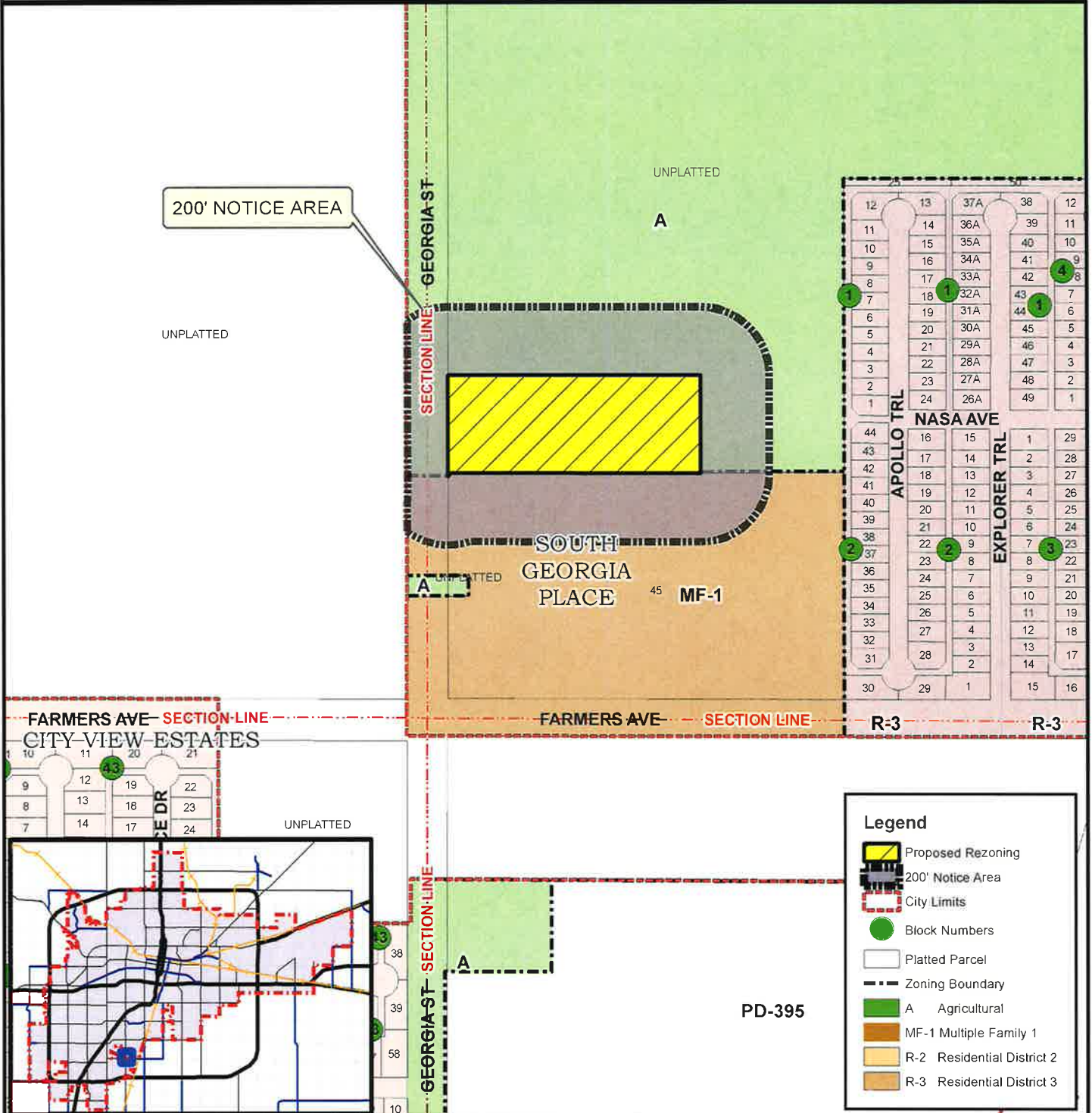
Stephanie Coggins  
City Secretary

APPROVED AS TO FORM:

---

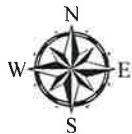
Bryan McWilliams,  
City Attorney

# REZONING FROM A TO PD-397



## CITY OF AMARILLO PLANNING DEPARTMENT

Scale: 1 inch = 400 feet  
 Date: 10/4/2021  
 Case No: Z-21-13



Z-21-13 Rezoning of a 4.84 acre tract of unplatted land in Section 183, Block 2, A.B.&M. Survey, Randall County, Texas, plus one-half of all bounding streets, alleys, and public ways to change from Agricultural District to Planned Development District 397 for a Self-Storage Facility with General Retail District Development Standards.

VICINITY: Georgia St. and Farmers Ave.  
 APPLICANT/S: Rick Betenbough and Michael Postar for 87th Street Partners LLC

AP: M-16

DISCLAIMER: The City of Amarillo is providing this information as a public service. The information shown is for information purposes only and except where noted, all of the data or features shown or depicted on this map is not to be construed or interpreted as accurate and/or reliable; the City of Amarillo assumes no liability or responsibility for any discrepancies or errors for the use of the information provided.

# Amarillo City Council

## Agenda Transmittal Memo



D

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	
<b>Department</b>	City Secretary's Office		
<b>Contact</b>	Stephanie Coggins, City Secretary		

### Agenda Caption

CONSIDERATION OF RESOLUTION NO. 11-09-21-3:  
(Contact: Stephanie Coggins, City Secretary)

This item considers a resolution to canvass the returns and declare the results of the special election held on November 2, 2021.

### Agenda Item Summary

This resolution canvasses the returns and declares the results of the special municipal election held on November 2, 2021.

### Requested Action

Consideration of the resolution presented.

### Funding Summary

Funding is provided in the City Secretary's budget, in account 1220.51900.

### Community Engagement Summary

N/A.

### Staff Recommendation

Approval of Resolution No. 11-09-21-3 as presented.

# Amarillo City Council

## Agenda Transmittal Memo



E

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	
---------------------	------------------	-------------------------	--

<b>Department</b>	City Secretary's Office Stephanie Coggins, City Secretary
-------------------	--

---

**Agenda Caption**

---

CONSIDERATION OF RESOLUTION NO. 11-09-21-4

This item considers a resolution authorizing the casting of votes for the members of the Board of Directors of the Potter County Appraisal District.

---

**Agenda Item Summary**

---

This resolution authorizes the casting of votes for the members of the Board of Directors of the Potter County Appraisal District. The City of Amarillo votes are determined based on the City's share of the total tax levies and are equal to 665 votes. There are five nominations on the attached resolution and there will be five members elected to the Potter County Appraisal District Board of Directors. As a member of the governing body, the City may cast all of our votes for one candidate or distribute the votes for any number of the directorships up to five.

---

**Requested Action**

---

Council consideration, direction of vote casting and approval of the resolution.

---

**Funding Summary**

---

N/A

---

**Community Engagement Summary**

---

N/A

---

**Staff Recommendation**

---

Staff recommendation is for Council to determine votes and to approve the resolution authorizing the casting of the City's 665 votes.

---

**RESOLUTION NO. 11-09-21-4**

**A RESOLUTION OF THE CITY OF AMARILLO, TEXAS CASTING VOTES FOR THE MEMBERS OF THE BOARD OF DIRECTORS OF POTTER COUNTY APPRAISAL DISTRICT**

**WHEREAS**, Section 6.03(c) of the Texas Property Tax Code requires the selection of the Board of Directors of an Appraisal District by vote of the governing bodies of the taxing entities entitled by the Code to vote; and

**WHEREAS**, by previous action, nominees for the Board of Directors of the Potter County Appraisal District were timely submitted to the Chief Appraiser; and

**WHEREAS**, the City of Amarillo is entitled by statutory cumulative voting to cast 665 votes for the Board of Directors for the Potter County Appraisal District.

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

**Section 1.** That the City of Amarillo votes for the five (5) nominees on the ballot for the Potter County Appraisal District Board of Directors are hereby cast as follows:

<b>John Coffee</b>	_____
<b>Kay Ledbetter</b>	_____
<b>Zachary Plummer</b>	_____
<b>Cindy Spanel</b>	_____
<b>Mitzi Wade</b>	_____
<b>Total</b>	<b>665</b>

PASSED AND APPROVED this 9th day of November 2021.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**Ballot for 2022-2023 Term  
Potter County Appraisal District  
Board of Directors**

**City of Amarillo**

State of Texas           §  
                                  §  
County of Potter       §

Below are the nominees listed alphabetically for the five positions on the Board of Directors for the Potter County Appraisal District.

- 1. John Coffee \_\_\_\_\_
- 2. Kay Ledbetter \_\_\_\_\_
- 3. Zachary Plummer \_\_\_\_\_
- 4. Cindy Spanel \_\_\_\_\_
- 5. Mitzi Wade \_\_\_\_\_

Total 665

**Voting Entitlement Based on the 2020 Levy**

Amarillo ISD	1,535
Potter County	1,525
City of Amarillo	665
Bushland ISD	395
Highland Park ISD	390
Amarillo College	385
River Road ISD	100
Bishop Hills	<u>5</u>
<b>TOTAL</b>	<b><u>5,000</u></b>

# Amarillo City Council

## Agenda Transmittal Memo



F

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	
---------------------	------------------	-------------------------	--

<b>Department</b>	City Secretary's Office Stephanie Coggins, City Secretary
-------------------	--

### Agenda Caption

CONSIDERATION OF RESOLUTION NO. 11-09-21-5

This item considers a resolution authorizing the casting of votes for the members of the Board of Directors of the Randall County Appraisal District.

### Agenda Item Summary

This resolution authorizes the casting of votes for the members of the Board of Directors of the Randall County Appraisal District. The City of Amarillo votes are determined based on the City's share of the total tax levies and are equal to 640 votes. There are five nominations on the attached resolution and there will be five members elected to the Randall County Appraisal District Board of Directors. As a member of the governing body, the City may cast all of our votes for one candidate or distribute the votes for any number of the directorships up to five.

### Requested Action

Council consideration, direction of vote casting and approval of the resolution.

### Funding Summary

N/A

### Community Engagement Summary

N/A

### Staff Recommendation

Staff recommendation is for Council to determine votes and to approve the resolution authorizing the casting of the City's 640 votes.



**RESOLUTION NO. 11-09-21-5**

**A RESOLUTION OF THE CITY OF AMARILLO, TEXAS CASTING VOTES FOR THE MEMBRES OF THE BOARD OF DIRECTORS OF RANDALL COUNTY APPRAISAL DISTRICT.**

---

**WHEREAS**, Section 6.03 (c) of the Texas Property Tax Code requires the selection of the Board of Directors of an Appraisal District by vote of the governing bodies of the taxing entities entitled by the Code to vote; and

**WHEREAS**, by previous action, nominees for the Board of Directors of the Randall County Appraisal District were timely submitted to the Chief Appraiser; and

**WHEREAS**, the City of Amarillo is entitled by statutory cumulative voting to cast 640 votes for the Board of Directors for the Randall County Appraisal District.

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

**Section 1.** That the City of Amarillo votes for the six (6) nominees on the ballot for the Randall County Appraisal District Board of Directors are hereby cast as follows:

<b>Misty Clements</b>	_____
<b>Bob Lindsey</b>	_____
<b>Landon Moreland</b>	_____
<b>Robin Patterson</b>	_____
<b>Joe Shehan</b>	_____
<b>Diane Thurman</b>	_____
<b>Total</b>	<b>640</b>

PASSED AND APPROVED this 9th day of November 2021.

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

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**Ballot for 2022-2023 Term  
Randall County Appraisal District  
Board of Directors**

**City of Amarillo**

State of Texas           §  
County of Randall       §

Below are the nominees listed alphabetically for the five positions on the Board of Directors for the Randall County Appraisal District.

- |                    |       |
|--------------------|-------|
| 1. Misty Clements  | _____ |
| 2. Bob Lindsey     | _____ |
| 3. Landon Moreland | _____ |
| 4. Robin Patterson | _____ |
| 5. Joe Shehan      | _____ |
| 6. Diane Thurman   | _____ |

Total	<u>640</u>
-------	------------

**Voting Entitlement Based on the 2020 Levy**

Canyon ISD	1,595
Amarillo ISD	1,180
Randall County	1,080
City of Amarillo	640
Amarillo College	370
City of Canyon	75
Bushland ISD	35
Happy ISD	5
Village of Timbercreek Canyon	5
Wildorado ISD	5
City of Happy	5
Village of Palisades	<u>5</u>
<b>TOTAL</b>	<b><u>5,000</u></b>

# Amarillo City Council Agenda Transmittal Memo



G

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Fiscal Responsibility and Economic Development
<b>Department</b>	City Manager		
<b>Contact</b>	Floyd Hartman, Assistant City Manager		

## **Agenda Caption**

DISCUSS AND APPROVE THE PARTNERS FOR DEVELOPMENT PROGRESS ADVISORY COMMITTEE

This item is to discuss and approve a Partners for Development Progress (PDP) citizens advisory committee to guide the review and evaluation of the City's development policies with a focus on long range vision, planning, process efficiency and funding of public improvements.

## **Agenda Item Summary**

This citizens committee, anticipated to include development stakeholders and citizens, will be established to work with citizens, a variety of stakeholders, City staff and a consultant to make best practice policy recommendations to the City Council.

## **Requested Action**

Discuss and approve committee.

## **Funding Summary**

N/A

## **Community Engagement Summary**

Multiple PDP Community Engagement meetings have been held to hear from stakeholders prior to forming this advisory committee.

## **Staff Recommendation**

City Staff is recommending approval of the committee.

# Amarillo City Council

## Agenda Transmittal Memo



H

<b>Meeting Date</b>	November 9, 2021	<b>Council Priority</b>	Civic Pride
<b>Department</b>	City Secretary's Office		
<b>Contact</b>	Stephanie Coggins, City Secretary		

**Agenda Caption**

**CONSIDERATION OF APPOINTMENTS TO BOARDS AND COMMISSIONS**

(Contact: Stephanie Coggins, City Secretary)

This item is to consider annual appointments needed for the following boards and commissions:

- Advisory Committee for People with Disabilities
- Amarillo Area Public Health Board
- Amarillo Animal Management and Welfare Advisory Board
- Amarillo Economic Development Corporation
- Amarillo Local Government Corporation
- Amarillo Hospital District Board of Managers
- Amarillo-Potter Events Venue District
- Beautification And Public Arts Advisory Board
- Board Of Review for Landmarks, Historic Districts, And Downtown Design
- Canadian River Municipal Water Authority
- Center City Tax Increment Reinvestment Zone #1 Board of Directors (including appointment of chair)
- Colonies Public Improvement District
- Construction Advisory and Appeals Commission
- Condemnation Appeals Commission
- Convention And Visitor Bureau
- Council Audit Committee
- East Gateway Tax Increment Reinvestment Zone #2 Board of Directors (including appointment of chair)
- Environmental Task Force
- First Responders' Excellence and Innovation Fund
- Heritage Hills Public Improvement District
- Library Advisory Board
- Parks And Recreation Board
- Pedestrian And Bicycle Safety Advisory Committee
- Pinnacle Public Improvement District
- Planning And Zoning Commission
- Point West Public Improvement District
- Quail Creek Public Improvement District
- Texas Panhandle Centers
- Town Square Public Improvement District
- Traffic Advisory Board
- Zoning Board of Adjustment

**Agenda Item Summary**

This item is for Council's annual consideration of appointments to the various City boards and commissions with current and/or upcoming vacancies.

**Requested Action**

Consideration of the various boards and commissions presented for appointments.

**Funding Summary**

There is no funding associated with this item.

**Community Engagement Summary**

Applications were open from Oct. 15 to Nov. 15, 2021, and this process was advertised through the City's social media.

**Staff Recommendation**

Staff recommends Council make all applicable appointments presented.