



CITY OF TEXARKANA
CITY COUNCIL
AGENDA • JANUARY 11, 2016

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Tina Veal-Gooch

Ward 5

Christy P. Paddock

Ward 2

Willie Ray

Ward 4

Brian Matthews

Ward 6

Josh Davis



For any agenda item, the City Council reserves the right to advance the "Council Vote" date to a hearing or briefing date.

The City Council reserves the right to convene into closed session on any agenda item or issue should the need arise and if applicable pursuant to authorization by the Texas Open Meetings Act (Title 5, Chapter 551 of the Texas Government Code).

If the City Council convenes into closed session, they will reconvene in one hour or less to take any final action, decision, or vote on a matter deliberated in closed session.

- I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM**
- II. INVOCATION AND PLEDGE BY COUNCIL MEMBER JOSH DAVIS**
- III. MAYOR'S OPENING REMARKS**

Presentations

KTB Award presentation for December residence and business of the month.

Appointments to Boards & Commissions

- IV. OPEN FORUM: COMMENTS FROM THE PUBLIC (LIMIT 5 MINUTES EACH)**

Items scheduled for "Public Hearing" or have been heard at a previous "Public Hearing" are not to be addressed at the "Open Forum".

- V. ITEMS FOR CONSIDERATION**

Consent Items

- 1. Consider approval of the minutes of the Regular Meeting of the City Council held on December 14, 2015 at 6:00 PM.

Action Items

- 2. Resolution No. 2015-122 approving the City's investment policy.

Public Hearing: November 23, 2015
Second Briefing: December 14, 2015
Council Vote: January 11, 2016

VI. FIRST BRIEFINGS

1. Ordinance No. 2016-001 rescinding Ordinance No. 188-08, which established a list of external professional engineering and surveying service providers.

Public Hearing: January 25, 2016
Second Briefing: February 8, 2016
Council Vote: February 22, 2016

2. Ordinance No. 2016-002 rezoning an approximate 14.5 acre tract of land in the George Brinlee HRS, A-18, located at 4323 and 4501 McKnight Road. Single Family-1 to Planned Development - General Retail. William C. Pruett, East McKnight LLC, applicant. Bobby L. Howell, agent.

Public Hearing: January 25, 2016
Second Briefing: February 8, 2016
Council Vote: February 22, 2016

3. Ordinance No. 2016-003 rezoning a 1.57 acre tract of land located in the R.V. Evans HRS, A-742, located at 6812 Richmond Road. Single Family-1 to General Retail. Cynthia R. Stone, applicant. (Due to Planning and Zoning Commission denial, a 3/4 vote by the City Council is required to approve this request.)

Public Hearing: January 25, 2016
Second Briefing: February 8, 2016
Council Vote: February 22, 2016

4. Ordinance No. 2016-004 renewing Specific Use Permit No. S-638 to allow the continued location of a double wide HUD code manufactured home on Lots 11 & 12, Block, 43, Grandview Addition, located at 3202 Jones Street. Myra Williams, applicant.

Public Hearing: January 25, 2016
Second Briefing: February 8, 2016
Council Vote: February 22, 2016

VII. PUBLIC HEARINGS

1. Resolution No. 2015-138 naming the existing pedestrian trail along Galleria Oaks Drive from Cowhorn Creek Road to Robin Lane as "Watts Trail".

Public Hearing: January 11, 2016
Second Briefing:
Council Vote: January 25, 2016

2. Resolution No. 2015-140 finding and determining no valid basis supporting claims made by Forest Point Apartment Homes of being overcharged for water and sewer services; requiring Forest Point Apartment Homes to make full payment; authorizing alternative short-term payment plans; directing enforcement of Code provisions in the event Forest Point Apartment Homes fails to make full payment of its account balance.

Public Hearing: January 11, 2016
Second Briefing: January 25, 2016
Council Vote: February 8, 2016

VIII. SECOND BRIEFING WITH UPDATES

1. Ordinance No. 2015-129 rezoning an approximate 0.9 acre tract of land in the M.A. Bassett HRS, A-91, located at 2905 Texas Boulevard. Single Family-2 to Office. Landmark Pentecostal Church, applicant. Keith Culberson, Whatley Signs, agent.

Public Hearing: December 14, 2015
Second Briefing: January 11, 2016
Council Vote: January 25, 2016

2. Ordinance No. 2015-130 granting a Specific Use Permit to allow a Changeable Electronic Variable Message Sign (CEVMS) on an approximate 0.9 acre tract of land located in the M.A. Bassett HRS, A-91, located at 2905 Texas Boulevard. Landmark Pentecostal Church, applicant. Keith Culberson, Whatley Signs, agent.

Public Hearing: December 14, 2015
Second Briefing: January 11, 2016
Council Vote: January 25, 2016

3. Ordinance No. 2015-135 amending the Code of Ordinances Sec. 18-14 - Outdoor Burning.

Public Hearing: December 14, 2015
Second Briefing: January 11, 2016
Council Vote: January 25, 2016

IX. SECOND BRIEFING WITHOUT UPDATES

1. Resolution No. 2015-120 establishing a program for making loans and grants of public money and providing city personnel and services to promote local economic development and to stimulate business and commercial activity in the city.

Public Hearing: December 14, 2015
Second Briefing: January 11, 2016
Council Vote: January 25, 2016

2. Resolution No. 2015-121 authorizing the City Manager to enter into an incentive agreement with Ocean Canyon Properties Inc., funded by the City of Texarkana's Economic Development Fund, in an amount not to exceed FORTY-SIX THOUSAND EIGHT HUNDRED DOLLARS (\$46,800).

Public Hearing: December 14, 2015
Second Briefing: January 11, 2016
Council Vote: January 25, 2016

3. Ordinance No. 2015-131 granting a Specific Use Permit to allow a Changeable Electronic Variable Message Sign (CEVMS) on an approximate 7.39 acre tract of land located at 1601 Mall Drive. Church on the Rock, applicant. Jason Offutt, Ace Sign Company, agent.

Public Hearing: December 14, 2015
Second Briefing: January 11, 2016
Council Vote: January 25, 2016

X. ITEMS FOR DISCUSSION

Staff Updates

XI. ADMINISTRATIVE COMMENTS

1. Council
2. Staff

XII. ADJOURNMENT

Jennifer Evans, City Secretary

This open meeting of a governmental entity is subject to the Texas Open Meetings Act (Chapter 551, Government Code). The "Council Chambers" is the room or property where the City Council holds this meeting.

Pursuant to Section 46.035(c), Penal Code (unlawful carrying of handgun by license holder), a license holder commits an offense if the license holder intentionally, knowingly, or recklessly carries a handgun under the authority of Subchapter H, Chapter 411, Government Code, regardless of whether the handgun is concealed or carried in a shoulder or belt holster, in the room or rooms where a meeting of a governmental entity is held and if the meeting is an open meeting subject to Chapter 551, Government Code, and the entity provided notice as required by that chapter.

Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun.

Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.

This meeting is being conducted in accordance with the Americans with Disabilities Act [42 USC 12101 (1991)]. The facility is wheelchair accessible and handicap parking is available. Requests for sign interpretive services are available upon requests received at least 48 hours prior to the meeting. To make arrangements for these services, please call 903.798.3917, Personnel or (TDD) 1.800.RELAY.TX (1.800.735.2989).

Briefing Sheet

Version:
Update Date: 12/11/2015 2:15 PM

Lead Department: Assistant City Manager **Action Officer:** Shirley Jaster, Assistant City Manager
Subject: KTB Award presentation for December residence and business of the month.

Updates/History of Briefing:

Award winners are selected by KTB and presented at the City Council Meeting. A sign for the property is given to the recipient at the presentation. Pictures are taken of the winners with the Mayor and Councilmember for the Ward.

Executive Summary and Background Information:

Residential winner	Charlie Case 3906 Bamboo Street	Ward 6
Commercial winner	CHRISTUS St. Michael Hospital	Ward 6

Potential Options:

-
-

Fiscal Implications:

Staff Recommendation:

Advisory Board/Committee Review:

"NONE"

Board/Committee Recommendation:

"NOT APPLICABLE"

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

- Goals and Perspectives (DOCX)
- Christus Dec 2015 (JPG)
- Christus Dec 2015 KTB (JPG)
- Bamboo Dec 2015 KTB (JPG)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☐ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

(Insert Text Here/or say "NONE")

Resource Impact:

Staff time required if item is approved:

Select One By Clicking Here

Other Potential Impacts:

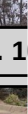
List or say "NONE APPLICABLE"

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☐ None Required	☐

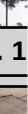
Other:





A





A





CITY OF TEXARKANA
CITY COUNCIL
MINUTES • DECEMBER 14, 2015

Council Chambers**Regular Meeting****6:00 PM**

220 TEXAS BLVD.
TEXARKANA, TX 75501

I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM

Member Name	Title	Status	Arrived
Aggeman	Mayor	Present	
Matlock	Ward 1	Present	
May	Ward 2	Present	
Mal-Gooch	Ward 3	Present	
Matthews	Ward 4	Present	
P. Paddock	Ward 5	Absent	
Wis	Ward 6	Present	

City Staff: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Charlie Bassett, Karey Parker, Lisa Thompson, Robby Robertson, Eric Schlotter, CeCe White, Lynn Henry, David Orr, Jeff Luckett, and Jerry Sparks.

Legal Counsel: Jeff Lewis

II. INVOCATION AND PLEDGE BY COUNCIL MEMBER JEAN MATLOCK

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, January 11, 2016 at 6:00 p.m.
Monday, January 25, 2016 at 6:00 p.m.
Monday, February 8, 2016 at 6:00 p.m.
Monday, February 22, 2016 at 6:00 p.m.

Parks & Recreation Events:

December 17th Holiday Movies in the Park - "Elf" 6:00 p.m.
Spring Lake Park

For a complete list of Parks & Recreation activities and information call 903-798-3978 or visit the city website: <http://tx-texarkana.civicplus.com>

Minutes Acceptance: Minutes of Dec 14, 2015 6:00 PM (Consent Items)

Proclamation Presentation

Outstanding Young Men Day - December 26, 2015

Mayor Bruggeman presented the proclamation to President Marietha Neal of the Texarkana Alumnae Chapter of Delta Sigma Theta Sorority, Inc. Ms. Neal thanked both Texarkana cities for the joint proclamation.

Appointments to Boards & Commissions

There were no appointments made by council.

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC (LIMIT 5 MINUTES EACH)

Items scheduled for "Public Hearing" or have been heard at a previous "Public Hearing" are not to be addressed at the "Open Forum".

There were no public comments during open forum.

V. ITEMS FOR CONSIDERATION***Consent Items***

(6:17 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Josh Davis, Ward 6
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on November 9, 2015 at 6:00 PM.
2. Consider approval of the minutes of the Regular Meeting of the City Council held on November 23, 2015 at 6:00 PM.
3. Resolution No. 2015-134 authorizing the City Manager to execute a purchase agreement with SHI Government Solutions of Austin, Texas for the City's Microsoft licensing enterprise agreement.

Public Hearing:

Second Briefing:

Council Vote: December 14, 2015

4. Resolution No. 2015-136 authorizing the City Manager to accept an enterprise agreement proposal from SHI Government Solutions of Austin, Texas for Microsoft licenses and to negotiate a final enterprise agreement at a total cost over a three-year period not to exceed ONE HUNDRED TWO THOUSAND FOUR HUNDRED AND 20/100 DOLLARS (\$102,400.20) with the Texarkana Texas Water Utilities portion not to exceed SIXTY-FOUR THOUSAND FOUR HUNDRED SIXTY AND 94/100 DOLLARS (\$64,460.94).

Public Hearing:

Second Briefing:

Council Vote: December 14, 2015

Action Items

5. Resolution No. 2015-118 changing the City's General Election May uniform date to the November uniform date.

Public Hearing: November 9, 2015

Second Briefing: November 23, 2015

Council Vote: December 14, 2015

(6:18 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

VI. FIRST BRIEFINGS

1. Resolution No. 2015-138 naming the existing pedestrian trail along Galleria Oaks Drive from Cowhorn Creek Road to Arista Boulevard to be "Watts Trail".

Public Hearing: January 11, 2016

Second Briefing:

Council Vote: January 25, 2016

Shirley Jaster briefed this item. Marilyn Markham spoke at this first briefing.

RESULT: MOVED FORWARD

Next: 1/11/2016 6:00 PM

2. Resolution No. 2015-140 finding and determining no valid basis supporting claims made by Forest Point Apartment Homes of being overcharged for water and sewer services; requiring Forest Point Apartment Homes to make full payment; authorizing alternative short-term payment plans; directing enforcement of Code provisions in the event Forest Point Apartment Homes fails to make full payment of its account balance.

Public Hearing: January 11, 2016

Second Briefing: January 25, 2016

Council Vote: February 8, 2016

City Manager Whitson briefed this item.

RESULT: MOVED FORWARD

Next: 1/11/2016 6:00 PM

VII. PUBLIC HEARINGS

1. Resolution No. 2015-120 establishing a program for making loans and grants of public money and providing city personnel and services to promote local economic development and to stimulate business and commercial activity in the city.

Public Hearing: December 14, 2015

Second Briefing: January 11, 2016

Council Vote: January 25, 2016

There were no public comments made at this public hearing.

RESULT: MOVED FORWARD

Next: 1/11/2016 6:00 PM

2. Resolution No. 2015-121 authorizing the City Manager to enter into an incentive agreement with Ocean Canyon Properties Inc., funded by the City of Texarkana's Economic Development Fund, in an amount not to exceed FORTY-SIX THOUSAND EIGHT HUNDRED DOLLARS (\$46,800).

Public Hearing: December 14, 2015

Second Briefing: January 11, 2016

Council Vote: January 25, 2016

There were no public comments made at this public hearing.

RESULT: MOVED FORWARD

Next: 1/11/2016 6:00 PM

3. Motion to move Resolution No. 2015-125 up for council vote.

(7:11 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Josh Davis, Ward 6
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

4. Resolution No. 2015-125 approving Bowie Central Appraisal District's 2015 tax rolls.

Public Hearing: December 14, 2015
 Second Briefing: January 11, 2016
 Council Vote: January 25, 2016

There were no public comments made at this public hearing.
 (7:11 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Josh Davis, Ward 6
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

5. Ordinance No. 2015-129 rezoning an approximate 0.9 acre tract of land in the M.A. Bassett HRS, A-91, located at 2905 Texas Boulevard. Single Family-2 to Office. Landmark Pentecostal Church, applicant. Keith Culberson, Whatley Signs, agent.

Public Hearing: December 14, 2015
 Second Briefing: January 11, 2016
 Council Vote: January 25, 2016

There were no public comments made at this public hearing. Council Member Veal-Gooch stated that Landmark Pentecostal Church is located in Ward 3 and several Ward 3 residents, in the affected area, have expressed their displeasure with the church's proposed electronic messaging sign at this location. Council Member Veal-Gooch asked council members to take into consideration that Ward 3 residents are content with monument style signage or interchangeable sign boards in their respective ward.

RESULT:	MOVED FORWARD	Next: 1/11/2016 6:00 PM
----------------	----------------------	--------------------------------

6. Ordinance No. 2015-130 granting a Specific Use Permit to allow a Changeable Electronic Variable Message Sign (CEVMS) on an approximate 0.9 acre tract of land located in the M.A. Bassett HRS, A-91, located at 2905 Texas Boulevard. Landmark Pentecostal Church, applicant. Keith Culberson, Whatley Signs, agent.

Public Hearing: December 14, 2015
 Second Briefing: January 11, 2016
 Council Vote: January 25, 2016

Jason Calhoun spoke at this public hearing. Shirley Jaster answered questions from council. David Orr informed council that the Planning and Zoning Commission members will have a workshop with council to discuss electronic messaging signs before the scheduled council vote date on this item.

RESULT: **MOVED FORWARD** **Next: 1/11/2016 6:00 PM**

7. Ordinance No. 2015-131 granting a Specific Use Permit to allow a Changeable Electronic Variable Message Sign (CEVMS) on an approximate 7.39 acre tract of land located at 1601 Mall Drive. Church on the Rock, applicant. Jason Offutt, Ace Sign Company, agent.

Public Hearing: December 14, 2015
Second Briefing: January 11, 2016
Council Vote: January 25, 2016

Jason Offutt spoke at this public hearing. Mike Ulmer spoke at this public hearing.

RESULT: **MOVED FORWARD** **Next: 1/11/2016 6:00 PM**

8. Motion to move Ordinance No. 2015-132 up for council vote.

(7:54 p.m.)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Josh Davis, Ward 6
SECONDER: Brian Matthews, Ward 4
AYES: Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT: Paddock
EXCUSED: Bruggeman

9. Ordinance No. 2015-132 rezoning an approximate 1.12 acre tract of land located in the J.M. Goff HRS, A-244, located at 3012 Moores Lane. Agriculture to Planned Development-Office. Alan Schimming, applicant. David Williams, MTG Engineering, agent.

Public Hearing: December 14, 2015
Second Briefing: January 11, 2016
Council Vote: January 25, 2016

David Williams spoke at this public hearing and asked council for an expedited vote.
(7:55 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Davis, Ward 6
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

10. Ordinance No. 2015-135 amending the Code of Ordinances Sec. 18-14 - Outdoor Burning.

Public Hearing: December 14, 2015
 Second Briefing: January 11, 2016
 Council Vote: January 25, 2016

There were no public comments made at this public hearing.

RESULT:	MOVED FORWARD	Next: 1/11/2016 6:00 PM
----------------	----------------------	--------------------------------

11. Motion to move Resolution No. 2015-137 up for council vote.

(7:58 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

12. Resolution No. 2015-137 authorizing funding for Riverbend Water Resources District.

Public Hearing: December 14, 2015
 Second Briefing: January 11, 2016
 Council Vote: January 25, 2016

Kelly Mitchell, of Riverbend Water Resources District board, spoke at this public hearing.
 (7:59 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

13. Resolution No. 2015-139 authorizing the City Manager to enter into a Water Supply Contract with TexAmericas Center and three (3) tri-party agreements - Assignment, Assumption and Novation of Water Supply Contract; Certificates of Convenience and Necessity on TAC-East Property; Non-Potable Water Agreement - with TexAmericas Center and Riverbend Water Resources District.

Public Hearing: December 14, 2015
 Second Briefing:
 Council Vote: December 14, 2015

RESULT:	POSTPONED	Next: 1/11/2016 6:00 PM
----------------	------------------	--------------------------------

VIII. SECOND BRIEFING WITH UPDATES

1. Motion to move Ordinance No. 2015-111 up for council vote.

(8:05 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Tina Veal-Gooch, Ward 3
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

2. Ordinance No. 2015-111 amending the Code of Ordinances by adopting the National Electrical Code, NEC, 2014 edition, which amends Section 105-159 of the Code.

Public Hearing: November 23, 2015
 Second Briefing: December 14, 2015
 Council Vote: January 11, 2016

Lynn Henry provided an update to council.
 (8:06 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

3. Motion to move Ordinance No. 2015-112 up for council vote.

(8:05 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Tina Veal-Gooch, Ward 3
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

4. Ordinance No. 2015-112 amending the Code of Ordinances by adopting the International Building Code, IBC, 2015 edition, with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-75 and 105-76 of the Code.

Public Hearing: November 23, 2015
 Second Briefing: December 14, 2015
 Council Vote: January 11, 2016

Lynn Henry provided an update to council.
 (8:07 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Tina Veal-Gooch, Ward 3
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

5. Motion to move Ordinance No. 2015-113 up for council vote.

(8:05 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

6. Ordinance No. 2015-113 amending the Code of Ordinances by adopting the International Plumbing Code, IPC, 2015 edition, the International Fuel Gas Code, 2015 edition, and the International Mechanical Code, 2015 edition, each with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-256, 105-257, 105-258 and 105-259 of the Code.

Public Hearing: November 23, 2015
 Second Briefing: December 14, 2015
 Council Vote: January 11, 2016

Lynn Henry provided an update to council.
 (8:08 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

7. Motion to move Ordinance No. 2015-114 up for council vote.

(8:05 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Tina Veal-Gooch, Ward 3
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

8. Ordinance No. 2015-114 amending the Code of Ordinances adopting the International Property Maintenance Code, 2015 edition, with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-356 and 105-357 of the Code.

Public Hearing: November 23, 2015
 Second Briefing: December 14, 2015
 Council Vote: January 11, 2016

Lynn Henry provided an update to council.

(8:09 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

9. Motion to move Ordinance No. 2015-115 up for council vote.

(8:05 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Tina Veal-Gooch, Ward 3
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

10. Ordinance No. 2015-115 amending the Code of Ordinances by adopting the International Residential Code, 2015 edition, with certain amendments, modifications, deletions, and appendices by amending in their entirety Sections 105-98 and 105-99 of the Code.

Public Hearing: November 23, 2015
 Second Briefing: December 14, 2015
 Council Vote: January 11, 2016

Lynn Henry provided an update to council.

(8:10 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

IX. SECOND BRIEFING WITHOUT UPDATES

1. Resolution No. 2015-122 approving the City's investment policy.

Public Hearing: November 23, 2015
 Second Briefing: December 14, 2015
 Council Vote: January 11, 2016

RESULT: MOVED FORWARD

Next: 1/11/2016 6:00 PM

X. ITEMS FOR DISCUSSION

Staff Updates

City Manager Whitson reminded council that city hall will be closed December 24, 25 & 28 for the upcoming holidays.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Davis, with input from several concerned citizens, asked if staff had done any traffic studies to help alleviate traffic congestion and regulate better traffic flow on Galleria Oaks Drive at the intersections of Robin Lane and Cowhorn Creek Road. Shirley Jaster responded that normally for a new road a warrant study is done to determine traffic flow. City Manager Whitson responded that traffic counters are already in place and thus far the counters indicate low traffic volume. However, he has asked Kyle Dooley to research and review the possibility of a "roundabout" for the intersection of Robin and Galleria Oaks.

Mayor Bruggeman asked for an update of the suggestion of street lighting on Cowhorn Creek Road by the Convention Center and the new Urgent Care Center. City Manager Whitson responded that Kyle Dooley is checking into it and he hasn't received an update yet.

Mayor Bruggeman thanked all the council members for their dedication and support and said that 2015 has been a good year. He also thanked city staff for the work they do every day in serving the citizens. The Mayor wished everyone a safe upcoming Christmas and new year. The council looks forward to exciting things happening in the city in 2016.

2. City Staff

Staff had no comments for council.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(8:16 p.m.)

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Willie Ray, Ward 2
SECONDER: Jean H. Matlock, Ward 1
AYES: Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT: Paddock
EXCUSED: Bruggeman

City of Texarkana, Texas

Version: D

Update Date: 11/5/2015 9:52 AM

Briefing Sheet**Lead Department:** Finance Department**Action Officer:** Charlie Bassett, CFO**Subject:** Resolution No. 2015-122 approving the City's investment policy.

Public	Second	Council
Briefing: <u>1/11/2016</u>	Hearing: 11/23/2015	Briefing: <u>December 14, 2015</u>
		Vote: <u>1/11/2016</u>

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

The Public Funds Investment Act, as amended, requires the City to annually adopt an investment policy and investment strategies. The attached Exhibit "A" complies with the Public Funds Investment Act, and authorizes investment of City funds in safe and prudent investments. The City's investment consultant, Valley View Consulting, LLC, has assisted staff in updating this policy to comply with state requirements.

Potential Options:

- Approve the recommended policy
- Reject the policy and recommend an alternative policy

Fiscal Implications:

Allows placement of available funds in safe and prudent investments, providing additional usable resources to the City.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Investment Committee

Board/Committee Recommendation:

Investment Committee recommends approval.

Advisory Board/Committee Meeting Date and Minutes:

Investment Committee minutes dated August 5, 2015 are attached.

Attachments

- 2015-122 RES Approving City's Investment Policy (DOC)

City of Texarkana, Texas

- b. 2015-122 RES ATTCH No. 01 EXH A Investment Policy (DOC)
- c. 2015-122 RES ATTCH No. 2 Goals & Perspectives (DOCX)
- d. 2015-122 RES ATTCH No. 3 Investment Committee Meeting Minutes 08.05.15 (DOCX)

Staff Coordination

Finance Department	Charlie Bassett	Department Head Review	Completed
	10/26/2015 11:39 AM		
Assistant City Manager		Shirley Jaster	Assistant City Manager
Review	Completed	10/26/2015 1:06 PM	
Public Information Officer		Lisa Thompson	PIO Review
	10/26/2015 1:08 PM		Completed
City Manager	John Whitson	City Manager Review	Completed
			11/05/2015
9:52 AM			
City Council	Jennifer Evans	Meeting	Completed
			11/09/2015
6:00 PM			

Meeting History

11/09/15	City Council	MOVED FORWARD	Next: 11/23/15
11/23/15	City Council	MOVED FORWARD	Next: 12/14/15
12/14/15	City Council	MOVED FORWARD	Next: 01/11/16

RESOLUTION NO. 2015-122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE CITY'S INVESTMENT POLICY; RECORDING THE ANNUAL REVIEW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Public Funds Investment Act, as amended, requires the City to annually adopt an investment policy and investment strategies by rule, order, ordinance, or resolution; and

WHEREAS, the attached (**Exhibit "A"**) investment policy complies with the current Public Funds Investment Act, as amended, and authorizes the investment of City funds in safe and prudent investments.

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

SECTION 1: The facts and recitations contained in the above preamble of this Resolution are hereby incorporated herein for all purposes.

SECTION 2: The City Council of the City of Texarkana, Texas approves the investment policy and investment strategy (**Exhibit "A"**).

SECTION 3: The City Council of the City of Texarkana, Texas has performed an annual review of the investment policy and strategies and adopts its statements in the minutes recording that review.

SECTION 4: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **11th day of January, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

CITY OF TEXARKANA, TEXAS

INVESTMENT POLICY



OCTOBER 27, 2014

Formatted: Highlight

Formatted: Font: 12 pt, Font color: Auto

Formatted: Normal

CITY OF TEXARKANA, TEXAS

TABLE OF CONTENTS

- I. Introduction
- II. Investment Strategy
 - A. Operating Funds
 - B. Debt Service Funds
 - C. Debt Service Reserve Funds
 - D. Special Project/Special Purpose Funds
- III. Investment Policy
 - A. Scope
 - B. Objectives
 - 1. Safety
 - 2. Liquidity
 - 3. Public Trust
 - 4. Yield
 - C. Responsibility and Control
 - 1. Investment Committee
 - 2. Delegation of Authority and Training
 - 3. Internal Controls
 - 4. Prudence
 - 5. Ethics and Conflict of Interest
 - D. Reporting
 - 1. Quarterly Reporting
 - 2. Annual Report
 - 3. Methods
 - E. Investment Portfolio
 - 1. Active Portfolio Management
 - 2. Performance
 - 3. Investments
 - a) Authorized
 - 1. U.S. Obligations
 - 2. State of Texas Obligations
 - 3. Miscellaneous Government Obligations
 - 4. Miscellaneous Rated Obligations
 - 5. Certificates of Deposit
 - 6. Repurchase Agreements
 - 7. Investment Pools
 - 8. Money Market Mutual Funds
 - 9. Guaranteed Investment Contracts
 - b) Not Authorized
 - 1. Mortgage Backed Securities Paying No Principal
 - 2. Mortgage Backed Securities Paying No Interest

- 3. CMOS with Maturities Greater than 10 Years
 - 4. CMOS whose Rate is Determined by Inverted Index
 - 4. Holding Period
 - 5. Risk and Diversification
 - F. Selection of Financial Institutions and Broker/Dealers
 - 1. Depository
 - 2. Broker/Dealers
 - G. Safekeeping and Custody
 - 1. Insurance or Collateral
 - 2. Safekeeping Agreement
 - 3. Collateral Defined
 - 4. Subject to Audit
 - 5. Delivery vs. Payment
 - H. Investment Policy Adoption
- IV. Appendix
- A. Sample Certification Form

INTRODUCTION

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Texarkana, Texas (the “City”) in order to achieve the goals of safety, liquidity, public trust, and yield for all investment activity. The City Council of the City shall review and adopt, by resolution, its investment strategies and policy not less than annually. The resolution shall include a record of changes made to either the Investment Policy or strategy. This Policy serves to satisfy the statutory requirement, specifically the Public Funds Investment Act and Public Funds Collateral Act, Texas Government Code Chapter 2256 and Chapter 2257(the “PFIA” and “PFCFA” respectively) to define, adopt, and review a formal investment strategy and policy.

INVESTMENT STRATEGY

The City maintains two distinct portfolios (the City and the Water Utilities Department), which independently utilize four specific investment strategy considerations, designed to address the unique characteristics of the fund groups represented in the portfolios:

- A. Investment strategies for operating funds and combined pools containing operating funds have as their primary objectives to preserve principal and assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure, which will experience minimal volatility during economic cycles. This may be accomplished by maintaining adequate liquid balances and utilizing high quality, short-to-medium term investments, which will complement each other in a ladder or barbell maturity structure, and can be easily liquidated if the need arises. Any investment authorized by this Policy is suitable for these funds. The dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity date of each investment. The maximum stated final maturity shall

be three years. The yield objective shall be a comparable maturity rolling Treasury portfolio.

- B. Investment strategies for debt service funds shall have as the primary objectives the preservation of principal and the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Investments purchased shall not have a stated final maturity date which exceeds the next unfunded debt service payment date. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a short-term, government portfolio local government pool.
- C. Investment strategies for debt service reserve funds shall have as the primary objectives to preserve principal and to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. Investments shall be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short-to-intermediate term maturities. Maximum maturity shall be the shorter of the first call date or five years. Volatility shall be further controlled through the purchase of securities carrying the highest coupon available, within the desired maturity and quality range, without paying a premium, if at all possible. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a comparable maturity rolling Treasury portfolio.
- D. Investment strategies for special projects or special purpose fund portfolios will have as their primary objectives to preserve principal and to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in cash equivalent investments to allow for flexibility and unanticipated project outlays, and by utilizing high quality, short-to-medium term investments, which will complement each other in a ladder or barbell maturity structure, and can be easily liquidated if the need arises. Any investment authorized by this Policy is suitable for these funds. The stated final

maturity dates of securities held should not exceed the estimated project completion date. The yield objective shall be a comparable maturity rolling Treasury portfolio.

INVESTMENT POLICY

A. SCOPE

This Investment Policy applies to all financial assets of the City including the Water Utilities Department. These funds are accounted for in the City's Comprehensive Annual Financial Report (CAFR) and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Proprietary Funds
- All Other Funds

This Policy shall not govern the Firemen's Relief and Pension Fund which is under the management and supervision of the City of Texarkana, Texas Firemen's Relief and Pension Fund Board of Trustees.

B. OBJECTIVES

The City shall manage and invest its cash with four objectives, listed in order of priority: Safety, Liquidity, Public Trust, and Yield. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

The City shall maintain a comprehensive cash management program which includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to ensure maximum cash availability and maximum yield on short-term investment of pooled idle cash.

1. Safety

The primary objective of the City's investment activity is the preservation of principal in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid principal losses, whether from investment defaults or erosion of market value.

2. Liquidity

The City's investment portfolio shall be structured such that the City is able to meet all obligations in a timely manner. This shall be achieved by maintaining adequate cash equivalent balances, matching investment maturities with forecasted cash flow requirements, and by investing in securities with active secondary markets.

3. Public Trust

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

4. Yield

The City's cash management portfolio shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

C. RESPONSIBILITY AND CONTROL

1. Investment Committee

An Investment Committee, consisting of one City Council Member appointed by the Mayor, City Chief Executive Officer/Manager (or his designee), Chief Financial Officer/Finance Director (City), Director of Finance (Water Utilities Department), Accounting/Human Resources Manager (Water Utilities Department), ~~and Financial Services Manager~~ Assistant Chief Financial Officer (City), and Controller/Accounting Manager (City) shall meet as needed to determine operational strategies and to monitor

results. The Investment Committee shall include in its deliberation such topics as: performance reports, economic outlook, portfolio diversification, maturity structure, potential risk to the City's funds, authorized broker/dealers, eligible investment training sources, and the target rate of return on the investment portfolio.

2. Delegation of Authority and Training

Authority to manage the City's investment program is derived from the City Charter. The Chief Financial Officer/Finance Director, ~~Financial Services Manager~~Assistant Chief Financial Officer, and Controller/~~Accounting Manager~~ are designated as Investment Officers and are responsible for investment decisions and activities for the City portfolio. The Director of Finance and Accounting/Human Resources Manager are designated as Investment Officers and are responsible for investment decisions and activities for the Water Utilities Department portfolio. The Chief Financial Officer/Finance Director and Director of Finance shall establish written procedures for the operation of their respective investment program, consistent with this Investment Policy. In order to ensure qualified and capable investment management, the Investment Officers shall attend training sessions relating to the Officer's responsibility under the PFIA within 12 months after assuming duties and receive at least 10 hours of training, and additional training sessions not less than once every two year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date, and receive at least 108 hours of training ~~at these sessions~~. Independent sources for sSuch training ~~from an independent source~~ shall be approved by the Investment Committee.

3. Internal Controls

The Chief Financial Officer/Finance Director and Director of Finance, or their respective designee, are responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be

derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Chief Financial Officer/Finance Director and Director of Finance shall establish a process for annual independent review by an external auditor in conjunction with the annual audit, to assure compliance with policies and procedures. The internal controls shall address the following points:

- A. Control of collusion.
- B. Separation of transaction authority from accounting and record keeping.
- C. Custodial safekeeping.
- D. Avoidance of physical delivery securities.
- E. Clear delegation of authority to subordinate staff members.
- F. Written confirmation for telephone (voice) transactions for investments and wire transfers.

4. Prudence

The standard of prudence to be applied by the Investment Officers shall be the “prudent person” rule, which states: “Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital, as well as the probable income to be derived.” In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

- A. The investment of all funds, or funds under the City’s control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.

- B. Whether the investment decision was consistent with the written Investment Policy of the City.

An Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific investment's credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

5. Ethics and Conflicts of Interest

Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. Investment Officers shall disclose to the City Manager any material financial interest in financial institutions that conduct business with the City and they shall further disclose positions that could be related to the performance of the City's portfolio. Investment Officers shall subordinate their personal financial transactions to those of the City, particularly with regard to timing of purchases and sales.

An Investment Officer of the City who has a personal business relationship with an organization seeking to sell an investment to the City shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the City Council.

D. REPORTING

1. Quarterly Reporting

The Chief Financial Officer/Finance Director shall submit a quarterly investment report in compliance with the PFIA and signed by all Investment Officers.

2. Annual Report

Within a reasonable time after the end of the fiscal year, the Chief Financial Officer/Finance Director shall present an annual report on the investment program and investment activity. This report may be presented as a component of the fourth quarter report to the City Manager and City Council.

3. Methods

The quarterly investment report shall include a succinct management summary that provides a clear picture of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will be prepared in compliance with the PFIA. The report will be provided to the City Manager and City Council. The report will include the following:

- A. A listing of individual investments held at the end of the reporting period. This list will include the name of the fund or pooled group fund for which each individual investment was acquired.
- B. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period. Market values shall be obtained from financial institutions or portfolio reporting services independent from the investment provider.
- C. Additions and changes to the market value during the period.
- D. Fully accrued interest for the reporting period.
- E. Average weighted yield to maturity of portfolio on City investments as compared to applicable benchmarks.

- F. Listing of investments by maturity date.
- G. The percentage of the total portfolio which each type of investment represents.
- H. Statement of compliance of the City's investment portfolio with State Law and the Investment Strategy and Policy approved by the City Council.

In conjunction with the annual audit, a formal annual review of these reports will be performed by an independent auditor with the results reported to the City Council as part of the overall audit report.

E. INVESTMENT PORTFOLIO

1. Active Portfolio Management

The City shall pursue an active versus a passive portfolio management philosophy. That is, investments may be sold or redeemed before they mature if market conditions present an opportunity for the City to benefit from the trade. The Investment Officers will routinely monitor the contents of the portfolio, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly.

2. Performance

It is the City's policy to purchase investments with maturity dates coinciding with cash flow requirements. Using this strategy, the City attempts to purchase the highest yielding allowable investments available at the time of purchase. The City shall encourage a competitive environment for all investment activities including investment pool and mutual fund selections, financial institution deposit placements, securities transactions, and other investment-related proceedings. Weighted-average-yield-to-maturity shall be the portfolio's performance measurement standard.

3. Investments

Assets of the City may be invested in the following instruments; provided, however, that at no time shall assets of the City be invested in any instrument or security not authorized at the time of purchase for investment under the PFIA, as the PFIA may from time to time be amended. The City is not required to liquidate investments that were authorized investments at the time of purchase. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

a). Authorized

1. Obligations issued, guaranteed, or insured by the United States of America, its agencies and instrumentalities, which have a liquid market with a readily determinable market value, including letters of credit.
2. Direct obligations of the State of Texas, its agencies and instrumentalities.
3. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this State or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.
4. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivision of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than "A" or its equivalent.
5. Certificates of Deposit, and other forms of deposit, of state and national banks, savings banks, or state or federal credit unions that

has a main or branch office in Texas, guaranteed or insured by the Federal Deposit Insurance Corporation (or its successor) or the National Credit Union Share Insurance Fund (or its successor), or secured by obligations described in G. 3. Collateral Defined. Bids/quotes for certificates of deposit may be solicited in the following ways: orally, in writing, electronically, or in any combination of the above methods.

6. Fully collateralized direct repurchase agreements with a defined termination date secured by cash or obligations of the United States or its agencies and instrumentalities. Securities purchased must be pledged to the City, held in the City's account, and deposited at the time of the investment with the City, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. Such agreements may include direct security repurchase agreements and reverse security repurchase agreements with terms of 90 days or less after the delivery date. Funds received by the City under a reverse security agreement shall be used to acquire additional authorized investments, but those investments must mature no later than the expiration date stated in the reverse security repurchase agreement.
7. Local Government Investment Pools, if the pool is specifically approved by the Council and the pool invests only in investments authorized by the PFIA. A pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service. In order to be eligible to receive City funds a pool must comply with all PFIA requirements.
8. "Money Market" mutual funds that have a rating of AAA by least one nationally recognized rating firm and are "no-load" funds. A "money

market” mutual fund must maintain a \$1 share value and include only short-term, highly liquid, and relatively low risk debt instruments. Must be registered with and regulated by the Securities and Exchange Commission. The City cannot own more than 10% of the mutual fund’s total assets.

9. Guaranteed Investment contracts are allowed investments for bond proceeds only, if such contracts have a defined termination date, are secured by U.S. Government direct or agency obligations approved by the PFIA, in an amount equal to the bond proceeds, if security is pledged to the City and deposited with the City or a third party, and if the investment term is limited to five years from the date of bond issuance. In addition, specific provisions under PFIA Section 2256.015(c) 1-5 must be met to allow investment in these contracts.

b. Not Authorized

The City’s authorized investment options are more restrictive than those allowed by State law. State law specifically prohibits investment in the following investment securities, or investment in specific instruments at levels higher than those listed below:

- 1) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.
- 2) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.
- 3) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

- 4) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

4. Holding Period

The City intends to match the holding periods of investment funds with liquidity needs of the City.

5. Risk and Diversification

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

- a) Risk of issuer default is controlled by limiting investments to those instruments allowed by the PFIA, which are described herein.
- b) Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, maintenance of adequate liquidity, and limitation of appropriate average maturity.
- c) Risk of temporary illiquidity shall be controlled by monitoring the rating of each issuer, as applicable, at least quarterly, and taking all prudent measures that are consistent with this Policy to liquidate an investment that does not have the minimum rating.

F. SELECTION OF FINANCIAL INSTITUTIONS AND BROKER/DEALERS

1. Depository

In compliance with State legislation, a Primary Depository shall be selected through the City's banking services procurement process, which shall include a formal request for application (RFA). In selecting a Primary Depository, the credit worthiness of institutions shall be considered, and the Chief Financial Officer/Finance Director shall conduct a comprehensive review of prospective depositories' credit characteristics and financial history. In addition, the City may establish non-primary banking relationships based on deposit and unique service capabilities.

Institutions seeking to establish eligibility for the City's depository shall submit for review financial statements, evidence of federal insurance and other information as required by the Chief Financial Officer/Finance Director.

Any institution designated as a depository by the City will provide collateral in accordance with this Policy and applicable State law. The City reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Institutions serving as a depository will be required to sign a Depository/Collateral Agreement with the City. The collateralized deposit portion of the Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement has to be executed by the Depository and the City contemporaneously with the acquisition of the asset;

- The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to the City; and
- The agreement must be part of the Depository's "official record" continuously since its execution.

2. Broker/Dealers

For broker/dealers, the City shall select only those dealers reporting to the Market Reports Division of the Federal Reserve Board of New York, also known as the "Primary Government Security Dealers", unless analysis reveals that other firms are adequately financed to conduct public business. All broker/dealers shall provide the City with references from public entities which they are currently serving. The Investment Committee shall adopt and annually review a list of qualified broker/dealers authorized to engage in investment transactions with the City.

All investment providers, financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following, as appropriate:

- audited financial statements
- proof of Financial Industry Regulatory Authority (FINRA) certification
- proof of state registration
- certification of having received and thoroughly reviewed the City's Investment Policy, signed by a qualified representative of the organization, acknowledging that the organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment transactions conducted between the City and the organization that are not authorized by the City's Investment Policy, except to the extent that this authorization is dependent on

an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards.

G. SAFEKEEPING AND CUSTODY

1. Insurance or Collateral

All non-insured deposits and repurchase agreement investments of City funds shall be secured as required by State legislation. In order to anticipate market changes and provide a level of security for all funds, the minimum collateralization level will be 102% of market value of principal plus accrued interest on the deposits or repurchase agreement investments less any amount insured. Evidence of the pledged collateral shall be maintained by the Chief Financial Officer/Finance Director or Director or Finance (for their respective portfolios), or a third party financial institution. Repurchase agreements shall be documented by a specific agreement noting the eligible collateral pledge in each agreement. Collateral shall be reviewed at least monthly to assure that the market value of the pledged securities is adequate.

2. Custodial Agreement

Collateral pledged to secure deposits of the City shall be held by a custodian institution in accordance with a Custodial Agreement which clearly defines the procedural steps for gaining access to the collateral should the City determine that the City's funds are in jeopardy. The custodian institution shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral.

3. Collateral Defined

The City shall accept only the following as collateral:

- a) FDIC and NCUSIF insurance coverage.

- b) A bond, certificate of indebtedness, or note of the United States or its agencies and instrumentalities, or other evidence of indebtedness that is guaranteed as to the principal and interest by the United States or its agencies and instrumentalities.
- c) Obligations, the principal and interest on which are unconditionally guaranteed or insured by the State of Texas or its agencies and instrumentalities.
- d) A bond of a county, city or other political subdivision of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent) by a nationally recognized rating agency, with a remaining maturity of ten (10) years or less.

The use of a letter of credit issued to the City by a Federal Home Loan Bank may be considered by the City to meet the required bank depository collateral requirements.

4. Subject to Audit

All collateral shall be subject to inspection and audit by the City or the City's independent auditors.

5. Delivery vs. Payment

Securities shall be purchased using the delivery versus payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the City or its safekeeping agent. The security shall be held in the name of the City or held on behalf of the City. The safekeeping agent's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

H. INVESTMENT POLICY ADOPTION

The City Investment Policy shall be adopted by resolution of the City Council. The Investment Committee shall review the Policy for effectiveness on an annual basis and any modifications will be recommended for approval to the City Council. The City Council shall review and approve these investment policies and strategies not less than annually.

APPENDIX A

SAMPLE INVESTMENT POLICY CERTIFICATION FORM

As required by Texas Government Code 2256.005(k)

CITY OF TEXARKANA, TEXAS

THE STATE OF TEXAS

COUNTY OF BOWIE

BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed below, who, being by me first duly sworn, upon oath depose and said:

My name is _____. I am a Qualified Representative of _____ (the "Business Organization"), which is engaged in the business of selling investments and desires to sell investments to the City of Texarkana, Texas. This Statement is provided to meet the requirements of the Public Funds Investment Act.

I hereby certify that:

1. I have reviewed the City's Investment Policy;
2. The "Business Organization" has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City of Texarkana and the Business Organization that are not authorized by the City's Investment Policy, except to the extent that the Business Organization has not made an analysis of the make-up of the City's entire portfolio or has not engaged in any interpretation of subjective investment standards; and
3. The statements, representations and declarations made in this document are true and correct.

Qualified Representative

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, 20_____.

Notary Public in and for the State of Texas

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Medium

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

Investment Committee Meeting August 5, 2015

Present: Charles L. Bassett, Jr., Chief Financial Officer
Jim Cornelius, Finance Director, TWU
John Whitson, City Manager
Kristin Peeples, Assistant Chief Financial Officer
Paula Jeans, Accounting/HR Manager, TWU
Jodie Lee, Controller
Dick Long, Valley View Consulting (via conference call)
Bob Bruggeman, Mayor (via conference call)

- Approved the minutes from the May 04, 2015 investment committee meeting. Jim Cornelius made the motion to approve. John Whitson seconded the motion.
- Discussed multiple CD's maturing in the future that will be absorbed into cash.
- Dick Long presented the investment report and market outlook for the quarter ended 6/30/15. Paula Jeans made a motion to approve the investment report. Kristin Peeples seconded the motion.
- All funds are collateralized above the required level at all banks. Jim Cornelius made a motion to approve the Collateral Report. John Whitson seconded the motion.
- Dick mentioned our area banks have been very competitive with the rates they are offering. He said rates may possibly go up by year end.
- Discussion of annual Investment Policy resulted in date change, title changes, PFIA training updated to reflect the new law, and the broker/dealer list will also be updated. Kristin Peeples made a motion to approve the Investment Policy. Bob Bruggeman seconded the motion. Bob Bruggeman made a motion to approve the broker/dealer list and Kristin Peeples seconded the motion.
- The next investment committee meeting is scheduled for November 4, 2015 at 2:00 PM.
- Paula Jeans made the motion to adjourn the meeting. Kristin Peeples seconded the motion.

City of Texarkana, Texas

Version: D

Update Date: 1/6/2016 3:56 PM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Kyle Dooley
Subject: Ordinance No. 2016-001 rescinding Ordinance No. 188-08, which established a list of external professional engineering and surveying service providers.
Briefing: 1/11/2016 **Public Hearing:** 1/25/2016 **Second Briefing:** February 8, 2016 **Council Vote:** 2/22/2016

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

Ordinance No. 188-08 established a list of professional engineers and/or surveyors who could be used to provide external services on an as needed basis. That ordinance was passed in 2008, and the list has not been updated since it was adopted. This list has led to some confusion as to who is eligible to provide professional services to the City of Texarkana, as a few of the listed parties have changed over the past seven years. Staff began looking into possibly trying to update the service provider list. As staff started the process, the discussion turned to the purpose of the list and was there a reason to have it. Upon researching the Texas Local Government Code Chapter 2254 Professional and Consulting Services, staff thought that the selection process described in the Local Government Code is how professional service providers have been selected in the past and that rescinding the external service provider list would do away with any confusion about who is eligible to provide professional services to the City of Texarkana.

Potential Options:

- Approve and rescind Ordinance No. 188-08
- Do not approve and continue with Ordinance No. 188-08

Fiscal Implications:

None

Staff Recommendation:

Staff recommends rescinding Ordinance No. 188-08 and following the selection process for professional services as established by Texas Local Government Code Chapter 2254

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2016-001 ORD Goals & Perspectives (DOCX)
- b. 2016-001 ORD Rescinding Ordinance No. 188-08 (DOC)
- c. 2016-001 ORD ATTH 01 Copy of Ordinance No. 188-08 (PDF)
- d. 2016-001 ORD ATTH 02 Texas Local Government Code Chapter 2254 Professional Services (PDF)

Staff Coordination

Public Works Department	Kyle Dooley	Department Head Review	
Completed	12/15/2015 10:30 AM		
Purchasing and Contracting	Sharon Moore	Review	Completed
	12/30/2015 8:06 AM		
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review	Completed	12/30/2015 8:28 AM	
Public Information Officer	Lisa Thompson	PIO Review	Completed
	01/05/2016 1:37 PM		
City Manager	John Whitson	City Manager Review	Completed 01/06/2016
3:35 PM			
City Council	Vicky Coopwood	Meeting	Pending 01/11/2016
6:00 PM			

Meeting History

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

ORDINANCE NO. 2016-001**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, RESCINDING ORDINANCE NUMBER
188-08, WHICH ESTABLISHED A LIST OF EXTERNAL
PROFESSIONAL ENGINEERING AND SURVEYING SERVICE
PROVIDERS; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Texarkana, Texas, adopted Ordinance No. 188-08 on September 22, 2008, establishing a list of external service providers of professional engineers and/or surveyors; and

WHEREAS, the selection process for professional engineering and/or surveying services is covered by Texas Local Government Code Chapter 2254.

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

SECTION 1: That the City Council rescinds Ordinance No. 188-08, which established a list of external professional engineering and surveying service providers.

SECTION 2: That the City of Texarkana will follow the selection process for professional engineering and/or surveying services as described in Texas Local Government Code Chapter 2254.

SECTION 3: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 22nd day of February, 2016.

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

ORDINANCE NO. 188-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPOINTING PROFESSIONAL ENGINEERS AND/OR SURVEYORS FOR EXTERNAL SERVICES FOR THE CITY OF TEXARKANA, TEXAS, ON AN AS NEEDED BASIS; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the City advertised for Letters of Interest from professional engineers and surveyors interested in providing external services for the City of Texarkana, Texas, on an as needed basis and after due consideration and investigation, the executive staff recommends the following professional engineers and/or surveyors as external providers for the City:

1. MTG
2. Whitten Engineering & Roy Surveying
3. Hall Surveying & Engineering, Inc.
4. Halff Associates Engineering & Surveying
5. Lynch Surveying Co., Inc.
6. CLB Engineers
7. KSA Engineers, (Engineering & Surveying);

SECTION 2: That the above-mentioned firms be and are hereby appointed to be the engineering and/or surveying external providers for the City of Texarkana, Texas.

SECTION 3: That these providers will perform engineering and/or surveying services for the City on a project basis at the request of the City and the terms of engagement for such services will be determined on a project basis with such appointments being non-exclusive appointments for the provision of such services.

SECTION 4: That the City is hereby authorized to engage the services of a said provider on a project basis and without further approval of the City Council.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 22nd day of September 2008.

STEPHEN A. MAYO, MAYOR

ATTEST:

KERRY MEREDITH, CITY SECRETARY
APPROVED AS TO FORM:

DEBORAH JONES, STAFF LEGAL COUNSEL

ORDINANCE NO. 188-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPOINTING PROFESSIONAL ENGINEERS AND/OR SURVEYORS FOR EXTERNAL SERVICES FOR THE CITY OF TEXARKANA, TEXAS, ON AN AS NEEDED BASIS; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the City advertised for Letters of Interest from professional engineers and surveyors interested in providing external services for the City of Texarkana, Texas, on an as needed basis and after due consideration and investigation, the executive staff recommends the following professional engineers and/or surveyors as external providers for the City:

1. MTG
2. Written Engineering & Roy Surveying
3. Hall Surveying & Engineering, Inc.
4. Hall Associates Engineering & Surveying
5. Lynch Surveying Co., Inc.
6. CLB Engineers
7. KSA Engineers, Engineering & Surveying);

SECTION 2: That the above-mentioned firms be and are hereby appointed to be the engineering and/or surveying external providers for the City of Texarkana, Texas.

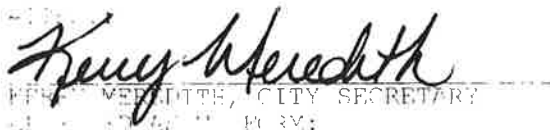
SECTION 3: That the City Council hereby approves the appointment of the above-mentioned firms as external providers for the City of Texarkana, Texas, on an as needed basis.

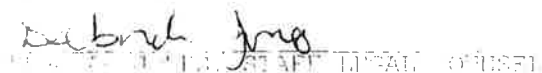
SECTION 4: That the City Council hereby approves the appointment of the above-mentioned firms as external providers for the City of Texarkana, Texas, on an as needed basis.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 22nd day of September 2008.


STEPHEN A. MAYO, MAYOR


KENNY MEREDITH, CITY SECRETARY


DEBORAH JONES, CLERK

GOVERNMENT CODE

TITLE 10. GENERAL GOVERNMENT

SUBTITLE F. STATE AND LOCAL CONTRACTS AND FUND MANAGEMENT

CHAPTER 2254. PROFESSIONAL AND CONSULTING SERVICES

SUBCHAPTER A. PROFESSIONAL SERVICES

Sec. 2254.001. SHORT TITLE. This subchapter may be cited as the Professional Services Procurement Act.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2254.002. DEFINITIONS. In this subchapter:

(1) "Governmental entity" means:

(A) a state agency or department;

(B) a district, authority, county, municipality, or other political subdivision of the state;

(C) a local government corporation or another entity created by or acting on behalf of a political subdivision in the planning and design of a construction project; or

(D) a publicly owned utility.

(2) "Professional services" means services:

(A) within the scope of the practice, as defined by state law, of:

(i) accounting;

(ii) architecture;

(iii) landscape architecture;

(iv) land surveying;

(v) medicine;

(vi) optometry;

(vii) professional engineering;

(viii) real estate appraising; or

(ix) professional nursing; or

(B) provided in connection with the professional employment or practice of a person who is licensed or registered as:

- (i) a certified public accountant;
- (ii) an architect;
- (iii) a landscape architect;
- (iv) a land surveyor;
- (v) a physician, including a surgeon;
- (vi) an optometrist;
- (vii) a professional engineer;
- (viii) a state certified or state licensed real estate appraiser; or
- (ix) a registered nurse.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by Acts 1997, 75th Leg., ch. 244, Sec. 1, eff. Sept. 1, 1997;
Acts 1999, 76th Leg., ch. 1542, Sec. 1, eff. Sept. 1, 1999; Acts
2001, 77th Leg., ch. 1409, Sec. 8, eff. Sept. 1, 2001.

Sec. 2254.003. SELECTION OF PROVIDER; FEES. (a) A governmental entity may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award:

- (1) on the basis of demonstrated competence and qualifications to perform the services; and
- (2) for a fair and reasonable price.

(b) The professional fees under the contract may not exceed any maximum provided by law.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.
Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1213 (H.B. 1886), Sec. 14, eff. September 1, 2007.

Sec. 2254.0031. INDEMNIFICATION. A state governmental entity may require a contractor selected under this subchapter to indemnify or hold harmless the state from claims and liabilities resulting from the negligent acts or omissions of the contractor or persons employed by the contractor. A state governmental entity may not require a contractor to indemnify or hold harmless the state for claims or

liabilities resulting from the negligent acts or omissions of the state governmental entity or its employees.

Added by Acts 1999, 76th Leg., ch. 1499, Sec. 1.37, eff. Sept. 1, 1999.

Sec. 2254.004. CONTRACT FOR PROFESSIONAL SERVICES OF ARCHITECT, ENGINEER, OR SURVEYOR. (a) In procuring architectural, engineering, or land surveying services, a governmental entity shall:

(1) first select the most highly qualified provider of those services on the basis of demonstrated competence and qualifications; and

(2) then attempt to negotiate with that provider a contract at a fair and reasonable price.

(b) If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land surveying services, the entity shall:

(1) formally end negotiations with that provider;

(2) select the next most highly qualified provider; and

(3) attempt to negotiate a contract with that provider at a fair and reasonable price.

(c) The entity shall continue the process described in Subsection (b) to select and negotiate with providers until a contract is entered into.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by Acts 1997, 75th Leg., ch. 119, Sec. 1, eff. Sept. 1, 1997.

Sec. 2254.005. VOID CONTRACT. A contract entered into or an arrangement made in violation of this subchapter is void as against public policy.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 2254.006. CONTRACT NOTIFICATION. A state agency, including an institution of higher education as defined by Section 61.003, Education Code, shall provide written notice to the Legislative Budget Board of a contract for professional services, other than a contract

for phy

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/7/2016 8:02 AM

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>Shirley Jaster, Assistant City Manager</u>
Subject:	<u>Ordinance No. 2016-002 rezoning an approximate 14.5 acre tract of land in the George Brinlee HRS, A-18, located at 4323 and 4501 McKnight Road. Single Family-1 to Planned Development - General Retail. William C. Pruett, East McKnight LLC, applicant. Bobby L. Howell, agent.</u>		
Briefing:	<u>1/11/2016</u>	Public Hearing:	<u>1/25/2016</u>
		Second Briefing:	<u>February 8, 2016</u>
		Council Vote:	<u>2/22/2016</u>

Item Schedule

Schedule 1: Brief twice - vote once (six weeks)

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

Z-15-18: This is a request by William C. Pruett, East McKnight, LLC, owner, and Bobby L. Howell, Attorney, to rezone an approximate 14.5 acre tract of land in the George Brinlee HRS, A-18, located at 4323 and 4501 McKnight Road from Single Family-1 to General Retail. There are currently two residences fronting on McKnight Road with additional acreage behind the residences. The proposal is future retail use.

The adjacent zoning is General Retail to the north and Planned Development-General Retail to the west, south and east. The adjacent land use is a residence and vacant land to the north, vacant land to the south, an office and assisted living facility to the east and a vacant residence to the west.

The Comprehensive Plan has designated this as an Office/Institutional area.

McKnight Road has become a heavily traveled east-west corridor from Pleasant Grove Road to Richmond Road. Two schools and expanded business and apartment use adjacent to Richmond Road have contributed to this area being a transitional business corridor. There is General Retail zoning to the north and Planned Development-General Retail zoning to the south, east and west of this tract of land.

If the existing residential structures are used for retail use, the structures must be remodeled and upgraded to commercial codes. If they are not used as part of the retail development, they must be removed from the property.

All notification and application requirements have been met to consider this request.

Potential Options:

None

Fiscal Implications:

None

City of Texarkana, Texas

Staff Recommendation:

Staff recommends that this request be approved with the Planned Development designation so the Planning and Zoning Commission and City Council can review the site plan which would include signage, elevations, parking and façade for any new building(s).

At the Planning and Zoning Commission meeting, the applicant agreed to change the application to include the Planned Development designation.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously by a vote of 6 to 0 recommended for approval to Planned Development-General Retail.

Advisory Board/Committee Meeting Date and Minutes:

December 7, 2015

Attachments

- a. 2016-002 ORD rezoning 4323 & 4501 McKnight Road (DOCX)
- b. 2016-002 ORD EXH 'A' (PDF)
- c. 2016-002 ORD ATTH 01 Maps (PDF)
- d. Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	01/05/2016 2:56 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	01/05/2016 2:59 PM
Public Information Officer	Lisa Thompson	PIO Review
	01/05/2016 3:07 PM	Completed
City Manager	John Whitson	City Manager Review
8:02 AM		Completed
City Council	Vicky Coopwood	Meeting
6:00 PM		Pending
		01/11/2016

Meeting History

ORDINANCE NO. 2016-002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 14.5 ACRE TRACT OF LAND IN THE GEORGE BRINLEE HRS, A-18, LOCATED AT 4323 AND 4501 MCKNIGHT ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-1 TO PLANNED DEVELOPMENT-GENERAL RETAIL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate 14.5 acre tract of land in the George Brinlee HRS, A-18, located at 4323 and 4501 McKnight Road (**Exhibit “A”**) in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to General Retail**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas **voted six (6) to zero (0) to recommend the application for rezoning from Single Family-1 to Planned Development-General Retail** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to change the application from **Single Family-1 to Planned Development-General Retail**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-1 to Planned Development-General Retail** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an

approximate 14.5 acre tract of land located in the George Brinlee HRS, A-18 (**Exhibit “A”**), located at 4323 and 4501 McKnight Road in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Planned Development-General Retail**.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **22nd day of February, 2016**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT "A"

4323 McKnight Rd.
Legal Description

All that certain tract or parcel of land situated in and being a part of the GEORGE BRINLEE HEADRIGHT SURVEY, Abstract No. 18, Bowie County, Texas, and also being a part of that certain 43 acre tract of land conveyed by R. E. Williams, et ux to Ross Tiller by deed dated July 18, 1945, recorded in Volume 216, Page 1, Deed Records, Bowie County, Texas, the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the Northeast corner of a certain 1.3 acre tract conveyed by Ross Tiller, et ux, to Guss Canaday, et ux, by deed dated January 16, 1965, recorded in Volume 450, Page 186, Deed Records, Bowie County, Texas, same being in the South Right-of-Way Line of McKnight Road;

THENCE with the East Boundary Line of said 1.3 acre tract same being a fence line South 2 degrees West, 400 feet to an iron stake at the Southeast corner of said tract;

THENCE with the South Boundary Line of said 1.3 acre tract and a fence line, North 89 degrees 25 minutes West, 140.00 feet to an iron stake at the Southwest corner of said 1.3 acre tract same being in the East Boundary Line of a certain 4 acre tract conveyed by Ross Tiller, et ux, to Guss Canaday, et ux by deed dated February 26, 1964, recorded in Volume 434, Page 295, Deed Records, Bowie County, Texas;

THENCE with a fence line in the East Boundary Line of said 4 acre tract South 2 degrees West 374 feet to an iron stake at the Southeast corner of said 4 acre tract;

THENCE with a fence line in the South Boundary Line of said 4 acre tract, West 211.01 feet to an iron pipe at the Southwest corner of same;

THENCE with a fence line South 1 degree 16 minutes East, 334.40 feet to an iron stake in a fence corner;

THENCE with a fence line North 87 degrees 15 minutes East, 579.50 feet to an iron pipe at a fence corner;

THENCE with a fence line North 00 degrees 27 minutes West, 470.34 feet to an angle point in said fence line and thence with said fence line and its extension North 00 degrees 25 minutes East, 612.30 feet to an iron stake for corner in the South Right-of-Way line of McKnight Road;

THENCE with the South Right-of-Way Line of McKnight Road South 89 degrees 04 minutes West, 209 feet to the PLACE OF BEGINNING, containing 9.24 acres, more or less.

4501 McKnight Rd.
Legal Description

All that certain tract or parcel of land, a part of the GEORGE BRINLEE HEADRIGHT SURVEY, A-18, Bowie County, Texas and more fully described as follows:

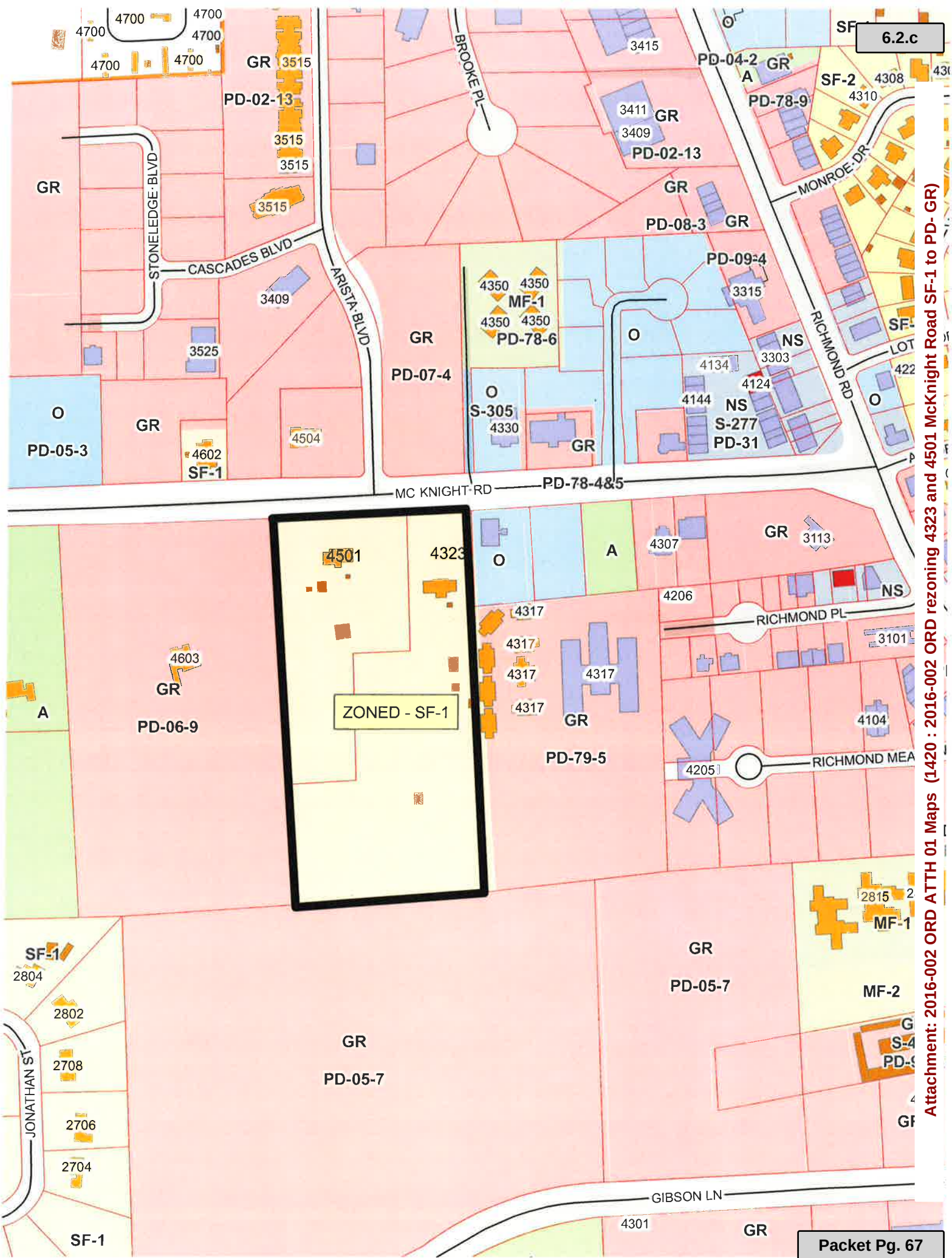
BEGINNING at an iron pin set in the South ROW line of the McKnight Road, same being the Northeast corner of that certain 15 acre tract as conveyed to Frank L. King Sr., et al, by Ross Tiller by deed of record in Vol. 390, Page 468 of the Deed Records of Bowie County, Texas;
THENCE: South along the EBL of said 15 acre tract, 774.94 ft. to an iron pipe for corner;
THENCE: East, 211.01 ft. to an iron pipe for corner;
THENCE: N 02 deg. 00' E, 773.00 ft. to an iron pipe set in the South ROW line of McKnight Road;
THENCE: N 89 deg. 25' W with said ROW line, 238.0 ft. to the Point of Beginning and containing 4.00 acres of land.

TRACT TWO:

All that certain tract or parcel of land, being a part of the GEORGE BRINLEE HEADRIGHT SURVEY, A-18, Bowie County, Texas and more fully described as follows:

BEGINNING at an iron pipe set in the South right-of-way line of McKnight Road, same being located 238.0 feet South 89 deg. 25' East from the Northeast corner of that certain 15 acre tract conveyed by Ross Tiller, et ux, to Frank L. King Sr., et al, by deed recorded in Volume 390, Page 468, Deed Records of Bowie County, Texas, said Point of Beginning being the Northeast corner of a certain 4 acre tract, conveyed by Ross Tiller et ux to Guss Canaday, et ux, by deed dated February 26, 1964 recorded in Volume 434, Page 295, Deed Records of Bowie County, Texas;
THENCE: South 02 deg. 00' West with the EBL of said 4 acre tract, a distance of 400 feet to a corner;
THENCE: South 89 deg. 25' East parallel with McKnight Road, a distance of 140 feet to a corner;
THENCE: North 02 deg. 00' East, a distance of 400 feet to the South right-of-way line of McKnight Road;
THENCE: North 89 deg. 25' West with said right-of-way line 140 feet to the Point of Beginning, containing 1.3 acres of land, more or less.

Attachment: 2016-002 ORD EXH 'A' (1420 : 2016-002 ORD rezoning 4323 and 4501 McKnight Road SF-1 to PD- GR)



Attachment: 2016-002 ORD ATTH 01 Maps (1420 : 2016-002 ORD rezoning 4323 and 4501 McKnight Road SF-1 to PD- GR)



6.2.c

Attachment: 2016-002 ORD ATTH 01 Maps (1420 : 2016-002 ORD rezoning 4323 and 4501 McKnight Road SF-1 to PD- GR)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☒	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☒	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☒	Sign Posted

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/7/2016 8:06 AM

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>Shirley Jaster, Assistant City Manager</u>
Subject:	<u>Ordinance No. 2016-003 rezoning a 1.57 acre tract of land located in the R.V. Evans HRS, A-742, located at 6812 Richmond Road. Single Family-1 to General Retail. Cynthia R. Stone, applicant. (Due to Planning and Zoning Commission denial, a 3/4 vote by the City Council is required to approve this request.)</u>		
Briefing:	<u>1/11/2016</u>	Public Hearing:	<u>1/25/2016</u>
		Second Briefing:	<u>February 8, 2016</u>
		Council Vote:	<u>2/22/2016</u>

Item Schedule

Schedule 1: Brief twice - vote once (six weeks)

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

Z-15-19: This is a request by Cynthia R. Stone, owner, to rezone a 1.57 acre tract of land in the F.V. Evans HRS, A-742, located at 5812 Richmond Road from Single Family-1 to General Retail. The existing use is a residence and vacant land. The proposal is for future business use.

The adjacent zoning is Single Family-1 to the east, west and south. The adjacent land usage is vacant land outside the city limits to the north, an older mobile home to the south, residence and vacant land to the west and vacant land to the east.

The Comprehensive Plan has designated this as a low density residential area.

Richmond Road has seen continued expansion of retail and mixed uses north of Moores Lane. The completed 5 lane widening of Richmond Road to University Avenue has increased the potential for additional uses along this stretch of Road. However, the section of Richmond Road from University Avenue to the city limits is still a 2 lane roadway. There are single family residences from Big Oak Lane to the city limits line along Richmond Road. There are no business uses in this area.

All notification and application requirements have been met to consider this request.

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Since the Comprehensive Plan has designated this a low density residential area and because of the narrow 2 lane roadway, staff recommends for denial of this request.

City of Texarkana, Texas

However, if this request is approved, staff would ask that a Planned Development designation be placed on the property. This would require that the Planning and Zoning Commission and City Council review the site plan which would include signage, elevations, parking and façade for any new building. If the request is approved and the existing residence is used for business purposes, the owner should be aware the structure must be remodeled and upgraded to commercial codes. If not used as part of the business development, the residence must be removed from the property.

All notification and application requirements have been met to consider this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

There were several property owners from this area at the meeting that voiced opposition to this request. The main concern was this section of Richmond Road being two lanes and the dangerous curve located in front of this property.

The Planning and Zoning Commission unanimously by a vote of 6 to 0 recommended for denial of this request. Due to P & Z denial, a $\frac{3}{4}$ vote will be required to approve this request.

Advisory Board/Committee Meeting Date and Minutes:

December 7, 2015

Attachments

- a. 2016-003 ORD rezoning 6812 Richmond Rd. (DOCX)
- b. 2016-003 ORD EXH 'A' (PDF)
- c. 2016-003 ORD ATTH 01 Maps (PDF)
- d. Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	01/05/2016 2:55 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	01/05/2016 3:04 PM
Public Information Officer	Lisa Thompson	PIO Review
	01/05/2016 3:08 PM	Completed
City Manager	John Whitson	City Manager Review
8:06 AM		Completed
City Council	Vicky Coopwood	Meeting
6:00 PM		Pending
		01/11/2016

Meeting History

Z-15-19

ORDINANCE NO. 2016-003

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 1.57 ACRE TRACT OF LAND IN THE F.V. EVANS HRS, A-742, LOCATED AT 6812 RICHMOND ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-1 TO GENERAL RETAIL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone a 1.57 acre tract of land in the F.V. Evans HRS, A-742 (**Exhibit “A”**), located at 6812 Richmond Road in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to General Retail**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas **voted six (6) to zero (0) to recommend denial of the application for rezoning from Single Family-1 to General Retail** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-1 to General Retail** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone a 1.57 acre tract of land in the F.V. Evans HRS, A-742 (**Exhibit “A”**), located at 6812 Richmond Road in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to General Retail**.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

Attachment: 2016-003 ORD rezoning 6812 Richmond Rd. (1421 : 2016-003 ORD rezoning 6812 Richmond Road from SF-1 to GR)

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **22nd day of February, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT "A"

All that certain tract or parcel of land in Bowie County, Texas, a part of the F.V. EVANS Headright Survey and a part of 80 acres purchased by C. D. Akin from J. R. Creamer, et al November 13, 1918, recorded in Volume 83, Page 570 of the Deed Records of Bowie County, Texas, a part of a 10 acre tract conveyed by C. D. Akin, et al to J. H. Moores, December 9, 1922, recorded in Volume 101, Page 380 of the Deed Records of Bowie County, Texas, described by metes and bounds as follows;
 COMMENCING at the Northwest corner of the aforesaid 80 acre tract, same being the Northwest corner of the aforesaid 10 acre tract; THENCE: East 533.11 feet; THENCE: South 0' 04' 20" West, 508.74 feet to the Southeast corner of a 5.04 acre tract survey for Richard Bell out of the aforesaid 10 acre tract; THENCE: South 289.56 feet to the POINT OF BEGINNING; THENCE: South 133 feet; THENCE: South 46' 51" West, 239.48 feet to a stake on the East Boundary line of Richmond Road; THENCE: With the east boundary Line of Richmond Road the following; North 39' 22" West, 52 feet; North 35' 34" West, 160 feet; North 32' 28" West, 100 feet; North 27' 23" West, 102 feet to a stake in the East Boundary line of Richmond Road; THENCE: East, 366.6 feet to the POINT OF BEGINNING, containing 1.57 acres of land more or less.

This conveyance is made and accepted subject to all zoning laws, regulations and ordinances of municipal and/or governmental authorities, if any, but only to the extent they are still in effect, relating to the hereinabove described property.

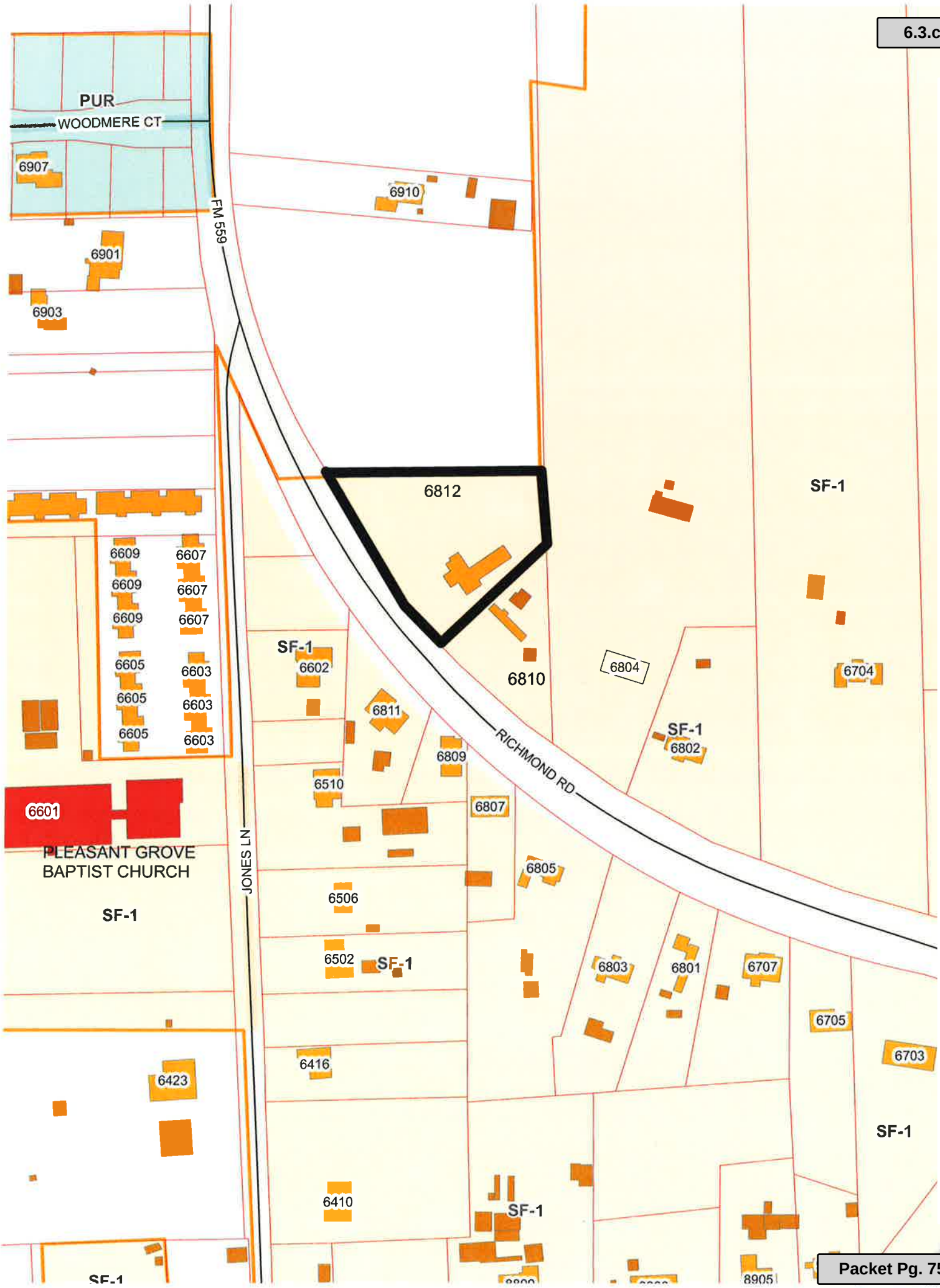
This conveyance is also made and accepted subject to all easements, rights-of-way and prescriptive rights, whether of record or not; all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, mineral reservations and other instruments, other than liens and conveyances, that affect the property; any discrepancies, conflicts or shortages in area or boundary lines; encroachments or overlapping of improvements; taxes currently due but unpaid and taxes due for all subsequent years, the payment of which Grantee assumes, subject to proration of taxes for the current calendar year; and prior or subsequent assessments due to change in land usage, ownership or both, the payment of which Grantee also assumes.

2

Page 1 of 2

 14320 # Vol 1m Page
 3566 125

Attachment: 2016-003 ORD EXH 'A' (1421 : 2016-003 ORD rezoning 6812 Richmond Road from SF-1 to GR)



Attachment: 2016-003 ORD ATTH 01 Maps (1421 : 2016-003 ORD rezoning 6812 Richmond Road from SF-1 to GR)



Attachment: 2016-003 ORD ATTH 01 Maps (1421 : 2016-003 ORD rezoning 6812 Richmond Road from SF-1 to GR)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☒	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☒	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☒	Sign Posted

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/7/2016 9:50 AM

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>Shirley Jaster, Assistant City Manager</u>
Subject:	<u>Ordinance No. 2016-004 renewing Specific Use Permit No. S-638 to allow the continued location of a double wide HUD code manufactured home on Lots 11 & 12, Block, 43, Grandview Addition, located at 3202 Jones Street. Myra Williams, applicant.</u>		
Briefing:	<u>1/11/2016</u>	Public Hearing:	<u>1/25/2016</u>
		Second Briefing:	<u>February 8, 2016</u>
		Council Vote:	<u>2/22/2016</u>

Item Schedule

Schedule 1: Brief twice - vote once (six weeks)

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

Renewal of S-638: This is a request by Myra Williams, owner, requesting renewal of a Specific Use Permit to allow the continued location of a double wide HUD code manufactured home on Lots 11 & 12, Block 43, Grandview Addition, located at 3202 Jones Street.

The adjacent zoning is SF-3 to the north, south and west and SF-2 to the east. The adjacent usage is residences to the east, south and west and a vacant lot to the north.

This double wide HUD code manufactured home is in good condition. A double wide carport has been added. This manufactured home has been an upgrade for this area.

Typically, the Specific Use Permit for a double wide HUD code manufactured home is renewed for a period of fifteen (15) years.

All notification and application requirements have been met to consider this request.

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Staff recommends for approval of the renewal of this Specific Use Permit for a period of fifteen (15) years with the following stipulations:

1. The existing 2012 Oakcreek model double wide HUD code manufactured home remain in good condition and continue to be well maintained.

City of Texarkana, Texas

2. The existing double wide HUD code manufactured home remain tied down and skirted/underpinned. The skirting must remain in good condition.
3. The existing double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. The renewal of the Specific Use Permit be in effect for a period of fifteen (15) years beginning at the date of this Ordinance. It is the owner's responsibility to renew this permit.
5. All driveways, parking, building codes and flood plain requirements remain in accordance with the City of Texarkana, Texas codes.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval with staff stipulations.

Advisory Board/Committee Meeting Date and Minutes:

December 7, 2015

Attachments

- a. 2016-004 ORD renewing SUP at 3202 Jones Street (DOCX)
- b. 2016-004 ATTH 01 Maps (PDF)
- c. 2016-004 ATTH 02 Photo of manf. home (PDF)
- d. Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	01/05/2016 2:55 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	01/05/2016 3:09 PM
Public Information Officer	Lisa Thompson	PIO Review
	01/05/2016 3:18 PM	Completed
City Manager	John Whitson	City Manager Review
8:08 AM		Completed
City Council	Vicky Coopwood	Meeting
6:00 PM		Pending
		01/11/2016

Meeting History

ORDINANCE NO. 2016-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE RENEWAL OF SPECIFIC USE PERMIT NO. S-638 TO ALLOW THE CONTINUED LOCATION OF A DOUBLE WIDE HUD CODE MANUFACTURED HOME ON LOTS 11 & 12, BLOCK 43, GRANDVIEW ADDITION, LOCATED AT 3202 JONES STREET IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance for renewal of a **Specific Use Permit to allow the continued location of a double wide HUD code manufactured home** on Lots 11 & 12, Block 43, Grandview Addition, located at 3202 Jones Street in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **six (6) to zero (0) to recommend** to the City Council of Texarkana, Texas, that **renewal of Specific Use Permit S-638 with stipulations be granted for the continued location of a double wide HUD code manufactured home** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting **renewal of the Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended so as to grant **renewal of Specific Use Permit S-638 to allow the continued location of a double wide HUD code manufactured home** on Lots 11 & 12, Block 43, Grandview Addition, located at 3202 Jones Street in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following special terms and conditions are hereby imposed and made a part of this Ordinance:

1. The existing 2012 Oakcreek model double wide HUD code manufactured home remain in good condition and continue to be well maintained.
2. The existing double wide HUD code manufactured home remain tied down and skirted/underpinned. The skirting must remain in good condition.
3. The existing double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. The renewal of the Specific Use Permit be in effect for a period of fifteen (15) years beginning at the date of this Ordinance. It is the owner's responsibility to renew this permit.
5. All driveways, parking, building codes and flood plain requirements remain in accordance with the City of Texarkana, Texas codes.

SECTION 3: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **22nd day of February, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

SF-2

SF-2

6.4.b

SF-2

SF-2

SF-2

1102

C

1201

I-1

I-1

I-1

FINDLEY ST

SF-3

SF-3

S-574

3119

SF-3

NS

S-258

SF-3

SF-3

S-596

3323

KANSAS ST

DAVIS ST

IDAHO ST

LAFAYETTE ST

1601

SF-2

CARVER CIR

SF-3

C

MONTGOMERY ST

SF-3

3207

SF-3

JONES ST

SF-2

3100

SF-2

1801

C

3026

LAKE DR

Packet Pg. 82

Attachment: 2016-004 ATTH 01 Maps (1422 : 2016-004 ORD renewal of SUP for 3202 Jones Street (S-638) manf. home)



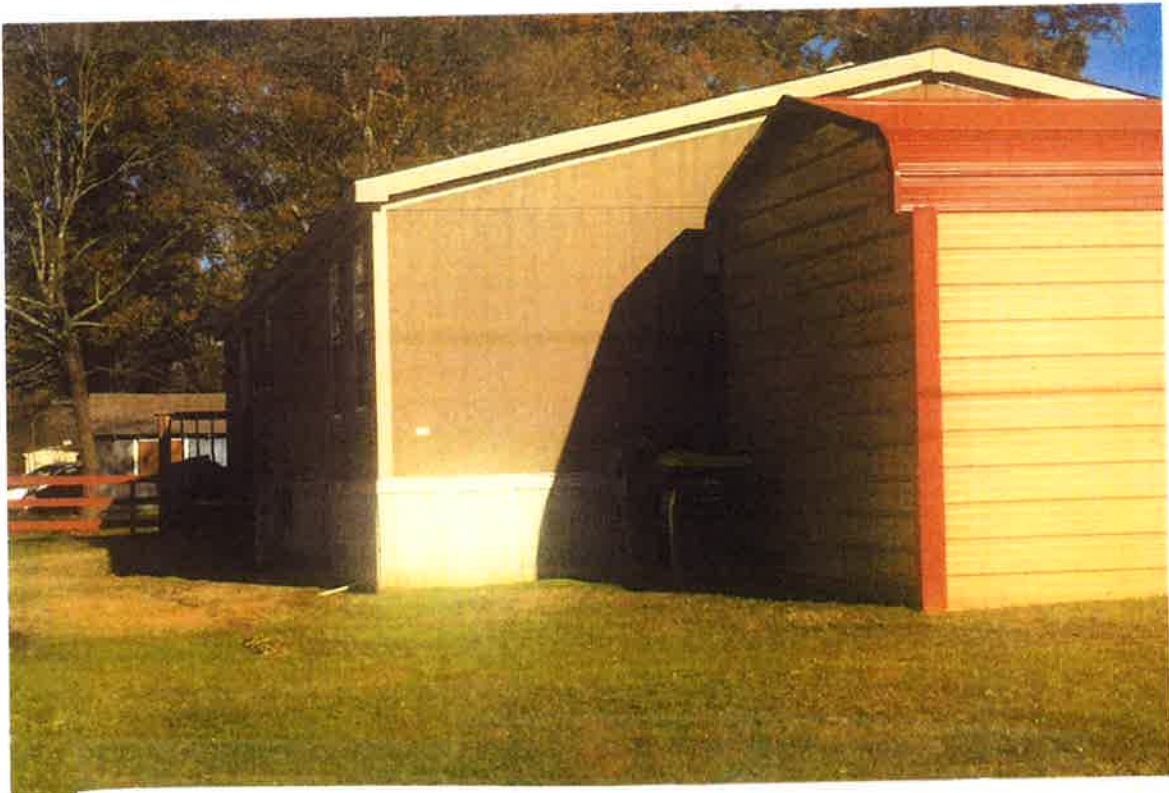
6.4.b

Attachment: 2016-004 ATTH 01 Maps (1422 : 2016-004 ORD renewal of SUP for 3202 Jones Street (S-638) manf. home)

PHOTOGRAPHS OF MANUFACTURED HOME AT 3202 STREET



FRONT OF HOME SHOWING PORCH



BACK SECTION OF HOME SHOWING BACK OF GARAGE

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☒	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☒	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☒	Sign Posted

Other:

City of Texarkana, Texas

Version: G

Update Date: 12/18/2015 3:33 PM

Briefing Sheet

Lead Department: Assistant City Manager **Action Officer:** Shirley Jaster, Assistant City Manager
Subject: Resolution No. 2015-138 naming the existing pedestrian trail along Galleria Oaks Drive from Cowhorn Creek Road to Robin Lane as "Watts Trail".
Briefing: 1/11/2016 **Public Hearing:** 1/11/2016 **Second Briefing:** 1/11/2016 **Council Vote:** 1/25/2016

Item Schedule

Schedule 1: Brief twice - vote once (six weeks)

Updates/History of Briefing:

At the first briefing the requestor and City Council chose Option 2 as the choice for the location of the proposed Watts Trail. The staff has changed the proposed resolution 138-2015 to Option 2. If approved, Watts Trail will be officially named along Galleria Oaks Drive from Cowhorn Creek Road to Robin Lane and signs that match existing Sister Damian Trail will be placed at the beginning and end of the trail.

Executive Summary and Background Information:

The Mayor and City Council received a letter from Marilyn Basye Markham requesting on behalf of the members and descendants of the Watts family that the pedestrian trail built along the "old Watts Lane" now known as Galleria Oaks Drive from Cowhorn Creek Road to Arista Boulevard be named "Watts Trail" to recognize and honor this pioneer family of Texarkana. (copy of the letter attached above)

Several years ago a section of this pedestrian trail along Galleria Oaks Drive from Summerhill Road to Cowhorn Creek Road was named in honor of Sister Damian, with Christus Health Care.

Parts of the proposed request are sidewalk and not an asphalt paved trail, and another section does not currently have a pedestrian walkway.

Therefore, the Council may want to consider naming only the asphalt trail section from Cowhorn Creek Road to Robin Lane as "Watts Trail".

Potential Options:

Approve or deny naming the trail to Watts Trail from:

Option 1:

Cowhorn Creek Road to Arista Blvd.

Option 2:

Cowhorn Creek Road to Robin Lane,

Option 3:

Cowhorn Creek Road to Richmond Road

City of Texarkana, Texas

Fiscal Implications:

If a sign is to be placed on the trail route there would be a cost to the City to construct and place the signs. Update: Signage to match the existing Sister Damian trail signage.

Staff Recommendation:

City does not have a policy for naming of facilities or infrastructure in honor of a person or family. This has been done in the past by Council consideration only.

Advisory Board/Committee Review:

"NONE"

Board/Committee Recommendation:

"NOT APPLICABLE"

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

- a. 2015-138 RES Naming Watts Trail (DOC)
- b. 2015-138 RES ATTACH No. 1 Letter to Mayor and CC (PDF)
- c. 2015-138 RES ATTACH No. 2 Map (PDF)

Staff Coordination

Assistant City Manager	Shirley Jaster	Department Head Review
Completed	12/01/2015 10:58 AM	
Assistant City Manager	Jennifer Evans	Assistant City Manager
Review	12/02/2015 5:01 PM	
Public Information Officer	Lisa Thompson	PIO Review
12/10/2015 2:45 PM		Completed
City Manager	John Whitson	City Manager Review
2:47 PM		Completed
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		12/14/2015

Meeting History

12/14/15 City Council MOVED FORWARD Next: 01/11/16

RESOLUTION NO. 2015-138

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE NAMING OF THE EXISTING PEDESTRIAN TRAIL ALONG GALLERIA OAKS DRIVE FROM COWHORN CREEK ROAD TO ROBIN LANE AS “WATTS TRAIL” IN RECOGNITION AND HONOR OF THE WATTS FAMILY BEING PIONEERS OF TEXARKANA; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council received a letter from Marilyn Basye Markham, descendent of the Watts family, requesting the naming of the pedestrian trail along Galleria Oaks Drive west of Cowhorn Creek Road to Robin Lane to “Watts Trail” in honor and recognition of the Watts family as pioneers of Texarkana; and

WHEREAS, the City Council has previously named trails, streets and ballfields in honor or recognition of citizens of Texarkana;

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

SECTION 1: That the section of the pedestrian trail existing along Galleria Oaks Drive from Cowhorn Creek Road to Arista Boulevard be named “Watts Trail” and authorizing the City to place signs, that match the existing Sister Damian trail signs, indicating the name of the trail.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 25th day of January, 2016.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2015-138 RES Naming Watts Trail [Revision 2] (1414 : 2015-138 RES naming Watts Trail)

January 8, 2012

City Council Members
City of Texarkana, Texas
West 3rd and Texas Blvd.
Texarkana, Texas 75501



Dear Members of the City Council,

Please accept my request, on behalf of the members and descendents of the Watts family, that the hike and bike trail to be built along the old Watts Lane from Cowhorn Creek Rd. to Arista Blvd. be named in honor of the Watts family to recognize and honor this pioneer family of Texarkana and its leadership and contributions toward building our city.

In 1837 Charles Moores and five of his sons came to this area from South Carolina to begin building a place for the family and in 1840 the rest of the family made the journey. One of the sons, Eli Harrison Moores, and his wife Minerva had the first daughter born of the settlers named Nannie Harrison Moores who married John Comer Watts.

Nannie and John Watts had eight children who made Texarkana their home and built their lives and families with honor and integrity. The daughters, Minerva, Nancy and Lizzie, married and raised their families here. One of their sons was my grandfather, David Moores Watts, a farmer, real estate developer and realtor who was very active in the civic affairs of Texarkana and served as a city councilman and county road commissioner. My uncle, Monroe Watts served as Bowie Count Sheriff. John Watts died in France in WWI. Eli M. Watts was a physician and Tom was a businessman.

The family farms included land in north Texarkana; the Moores Lane area to the Red River. My sister, Martha Smith, and I still have a home and 2 acres on Moores Lane that was in that original farm land.

Thank you for any consideration that you will give to this request.

Yours truly,

Marilyn Basye Markham

Marilyn Basye Markham

737 Willow Ridge Drive
San Marcos, Texas 78666

FORMER
ADDRESS

Attachment: 2015-138 RES ATTACH No. 1 Letter to Mayor and CC (1414 : 2015-138 RES naming Watts Trail)

January 8, 2012

City Council Members
City of Texarkana, Texas
West 3rd and Texas Blvd.
Texarkana, Texas 75501



Dear Members of the City Council,

Please accept my request, on behalf of the members and descendents of the Watts family, that the hike and bike trail to be built along the old Watts Lane from Cowhorn Creek Rd. to Arista Blvd. be named in honor of the Watts family to recognize and honor this pioneer family of Texarkana and its leadership and contributions toward building our city.

In 1837 Charles Moores and five of his sons came to this area from South Carolina to begin building a place for the family and in 1840 the rest of the family made the journey. One of the sons, Eli Harrison Moores, and his wife Minerva had the first daughter born of the settlers named Nannie Harrison Moores who married John Comer Watts.

Nannie and John Watts had eight children who made Texarkana their home and built their lives and families with honor and integrity. The daughters, Minerva, Nancy and Lizzie, married and raised their families here. One of their sons was my grandfather, David Moores Watts, a farmer, real estate developer and realtor who was very active in the civic affairs of Texarkana and served as a city councilman and county road commissioner. My uncle, Monroe Watts served as Bowie Count Sheriff. John Watts died in France in WWI. Eli M. Watts was a physician and Tom was a businessman.

The family farms included land in north Texarkana; the Moores Lane area to the Red River. My sister, Martha Smith, and I still have a home and 2 acres on Moores Lane that was in that original farm land.

Thank you for any consideration that you will give to this request.

Yours truly,

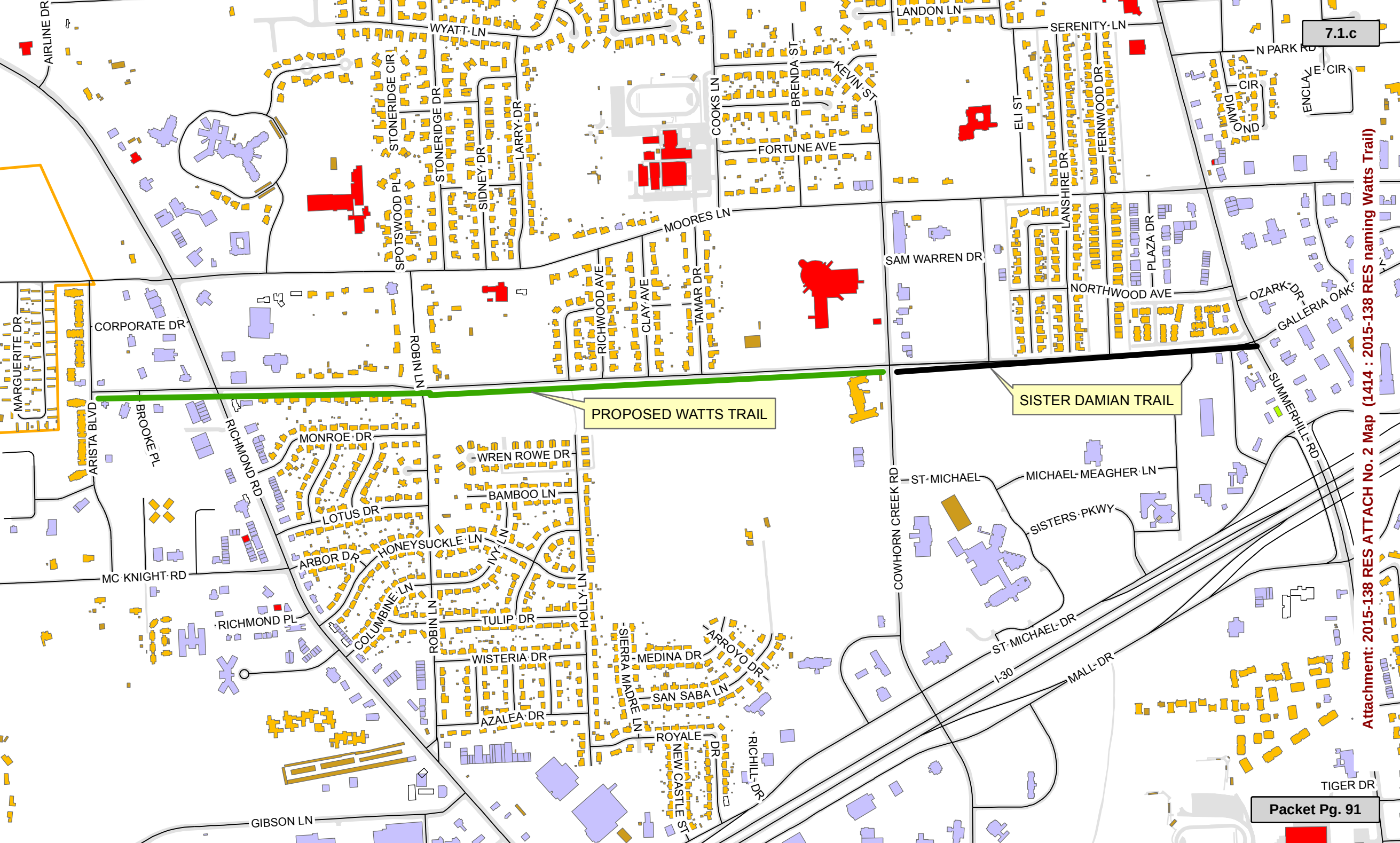
Marilyn Basye Markham

Marilyn Basye Markham

737 Willow Ridge Drive
San Marcos, Texas 78666

FORMER
ADDRESS

Attachment: 2015-138 RES ATTACH No. 1 Letter to Mayor and CC (1414 : 2015-138 RES naming Watts Trail)



7.1.c

Attachment: 2015-138 RES ATTACH No. 2 Map (1414 : 2015-138 RES naming Watts Trail)

PROPOSED WATTS TRAIL

SISTER DAMIAN TRAIL

City of Texarkana, Texas

Version: F

Update Date: 12/11/2015 4:03 PM

Briefing Sheet

Lead Department: City Manager **Action Officer:** John Whitson, City Manager
Resolution No. 2015-140 finding and determining no valid basis supporting
claims made by Forest Point Apartment Homes of being overcharged for water
and sewer services; requiring Forest Point Apartment Homes to make full
payment; authorizing alternative short-term payment plans; directing
enforcement of Code provisions in the event Forest Point Apartment Homes
fails to make full payment of its account balance.

Subject:

Briefing: 1/11/2016 **Public Hearing:** 1/11/2016 **Second Briefing:** January 25, 2016 **Council Vote:** 2/8/2016

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Summary: The management of Forest Point Apartment Homes (FP) claims that TWU has overcharged for utility services for a very long time and requests refund of 24 to 36 thousand dollars. FP management has been short-paying the account monthly to prevent utilities shutoff. The account is currently in arrears by 30 thousand dollars. TWU staff has complied with city ordinances pertaining to notices of shutoff and collection of the money owed to the city. Additionally, TWU staff has attempted to consider the unintended consequences of utilities shutoff in relation to the residents of the complex being inadvertently impacted by the actions of the manager/owners of the complex, thus have not actually shutoff the utilities. The city staff has not been able to reach a solution with the manager/owner of the complex short of shutoff and has decided to bring the matter to the attention of the city council before pursuing additional legal action or executing the current utility shutoff order.

Report:

FP management bases their claim of overbilling upon noticing water usage increasing during a time of increased vacancy, conversations with TWU field staff that the meter was not working properly, water usage exceeding HUD guidelines, and usage per unit compared to other city complexes surveyed by the FP management staff.

Complex	Units	Pool	Year Built
Woodbridge	89	Yes	1977
Westridge	96	Yes	1984
Town North	100	No	1973
Forest Point	104	Yes	1975
Lakeridge	114	Yes	2003
Richmond Oaks	120	Yes	1974
Total Units	623		

The city staff reviewed and studied the five-year usage history of six complexes consisting of 623 apartment units. Over the five years FP was the highest per unit user in 2010, second lowest in 2012, and was slightly above average in 2011, 2013, and 2014.

City of Texarkana, Texas

Claim for overcharging may go back beyond 2010 but only the data for the last five years have been reviewed. The five years of data should provide ample evidence of TWU practices and procedures related to operating water meters and servicing customer accounts. The usage per unit findings do not support a claim for overbilling.

As to the claim that usage exceeds the HUD guidelines the city was unable to find a source where HUD has published a guideline for apartment dwellers water usage. Several on-line sites do provide information related to water usage related to certain activities common to households. Using these on-line applications the staff was able to project that a typical daily water usage of an apartment (mostly domestic water uses and no outdoor water usage) might be about 265 gallons. The monthly average therefore would be 7,950 gallons. For 104 apartments then maybe the Forest Point complex might use 790,833 gallons monthly or 9.5 million gallons annually (FP use in 2010 was 9.6 million, 2011 was 9.0 million, 2014 was 8.4 million, 2012 was 7.5 million, 2013 was 5.6 million, and so far in 2015 is 6.6 million).

Staff was able to find a HUD Utilities Guidebook for Public Housing Authorities wherein the national average for a 2.5 bedroom home would use 8,000 gallons monthly. It also provides adjustment factors of 0.7 for one bedroom, 0.9 for two bedroom and 1.1 for three bedroom homes. Thus the daily averages range from 187 gallons to 293 gallons. For comparison purposes the staff applied 200 gallons per day per unit and arrived at an expected usage of 7.6 million gallons annually or 632,667 gallons monthly for 104 apartment units at 6,083 gallons per unit monthly.

Over the five years reviewed Forest Point has averaged 5,812 gallons per unit monthly as compared to 7,604 gallons per unit monthly at 250 gallons per unit daily benchmark and 6,083 gallons per unit monthly at 200 gallons per unit daily benchmark. An average usage less than both the projectable 200 and 250 gallons per day per unit benchmarks.

The most concerning usage discovery is that between September 2012 and March 2014 the city under-metered the usage due to a failing meter. The meter failed as meters are anticipated to fail in that the gearing works become impaired by buildup of particulates causing the meter to under register the water usage, thus not charging the customer for the water used. In a city-wide water system the water rates are based on sales plus financial recovery of water losses. Water losses occur for a number of reasons including fire department support, leaks, line flushing, water line breaks, and expected meter failures. In more sophisticated systems central continuous monitoring by automated and remote reading telemetry software these type of meter failures are quickly detected permitting earlier investigation as to determining cause.

The meter was replaced in February 2015 and has monitored routinely to ensure that it is registering usage in high and low flow situations. The Neptune Compound Meter is designed to accurately measure flow at low and high flow rates. Usage during this time has resulted in an average daily use per unit of 204 gallons. Conservation efforts within the complex could account for the current usage level. The current arrears amount of the account is only associated with usage as metered by the current newly installed factory fresh and certified meter. Even with this current average per unit usage there is no evidence of over metering in the past which would also be contrary to the common and expected action of a failing or failed water meter.

The city code does not state that the customer has any right to short-pay any utility billing, even in protest or while contesting any part of or all of the bill. The code is also silent concerning any method for contesting any part or all of a monthly utility bill. The code provides for the customer to request a

City of Texarkana, Texas

reread of a water meter and can request that the meter be tested (customer pays for the test if the test shows the meter is accurately reading water usage). The Texarkana City Code concerning this matter is consistent with other city codes both in Texas and nationally.

Potential Options:

- Adopt the proposed resolution
- Adopt an Amended resolution
- Deny the resolution and provide for other means to move forward with this customer

Fiscal Implications:

Continuing to permit the customer to pay based on their estimate of water use will continue to cost the city about \$3,000 monthly (based on reaching an arrears amount of \$30,000 in about ten months), which is not permitted by city code. The only estimated usage permitted is an estimate prepared by TWU using a known three month average as stated in the city code.

Staff Recommendation:

Adopt the proposed resolution directing the customer to pay monthly as billed and to make payment of the arrears within 90 days or another payment plan as approved by the city manager.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2015-140 RES Directing Settlement of Utility Billing Dispute (DOC)
- b. 2015-140 ATTH 01 Presentation of Utility Billing at Forest Point Apartments (PDF)
- c. 2015-140 ATTH 02 Account Payment and Collection Record (PDF)
- d. 2015-140 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed	
	12/06/2015 6:45 PM			
Finance Department	Charlie Bassett	Review	Completed	12/07/2015
8:30 AM				
City Attorney	Jeffery C. Lewis	Review	Completed	12/07/2015
2:13 PM				
Water Utilities	JD Phillips	Review	Completed	12/07/2015
2:47 PM				

City of Texarkana, Texas

Water Utilities	Jim Cornelius	Review	Completed	12/07/2015
3:31 PM				
Assistant City Manager		Shirley Jaster	Assistant City Manager	
Review	Completed	12/07/2015 3:32 PM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	12/07/2015 3:51 PM			
City Manager	John Whitson	City Manager Review	Completed	12/10/2015
2:11 PM				
City Council	Jennifer Evans	Meeting	Completed	12/14/2015
6:00 PM				

Meeting History

12/14/15	City Council	MOVED FORWARD	Next: 01/11/16
----------	--------------	---------------	----------------

RESOLUTION NO. 2015-140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, FINDING AND DETERMINING THAT NO VALID BASIS EXISTS SUPPORTING THE CLAIMS THAT FOREST POINT APARTMENT HOMES HAS BEEN OVERCHARGED FOR WATER AND SEWER SERVICES, AND THAT FOREST POINT APARTMENT HOMES SHALL MAKE FULL PAYMENT OF ANY WATER AND SEWER SERVICE ACCOUNT BALANCE IN ARREARS; AUTHORIZING ALTERNATIVE SHORT-TERM PAYMENT PLANS; DIRECTING ENFORCEMENT OF CODE PROVISIONS IN THE EVENT FOREST POINT APARTMENT HOMES FAILS TO MAKE FULL PAYMENT OF ITS ACCOUNT BALANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Code Section 42-46 provides a means to estimate water usage when a meter fails to properly register water usage; and

WHEREAS, City Code Section 42-48 provides for a due date and place of payment based on the date of mailing of the monthly bill; and

WHEREAS, City Code Section 42-49 provides for assessing penalties when bills are not paid within 15 days following the due date; and

WHEREAS, City Code Section 42-50 provides for the water to be turned off if the bill is not paid within 30 days of the due date and the service will not be restored until the bill is paid in full including appropriate service charges and penalty; and

WHEREAS, City Code Section 42-51 (e) provides that service charges will be added to those accounts that are not paid by the due date and time specified on the customer's second notice regardless if the service is actually turned off or not before payment is received; and

WHEREAS, City Code Section 42-53 provides that all provisions of the article shall be deemed to be incorporated in every contract between the water and sewer systems and its customers, and each customer shall be charged with the knowledge of the provisions of the article and, by applying for and accepting water or sewer services from the water and sewer systems, the customer shall be deemed to have assented to the provisions of the article; and

WHEREAS, the customer, Forest Point Apartment Homes, claims to have been overcharged for water and sewer services; and

WHEREAS, the customer contends that a faulty water meter was being used by Texarkana Water Utilities, that water usage when compared to unit vacancy is not as predicted based on vacancies in the complex, that metered water exceeded an unspecified HUD guideline, and that metered water usage exceeded the average per unit usage of other complexes located in Texarkana; and

WHEREAS, City staff has reviewed the water usage of this complex and others in Texarkana having similar unit counts and built in the same decade, applying multiple benchmark water usage rates based on a HUD Guidebook for Public Housing Authorities and using other on-line projection models based on household water use activities, which ultimately do not support the customer's claims that usage exceeded expectations based on a standard or benchmark generally accepted by public authorities or experts in the field; and

WHEREAS, the customer's current water meter, installed in February 2015, has been monitored closely by trained personnel to ensure its proper operation, with the average per unit usage being determined to be approximately 204 gallons per day, and the customer has been billed according to these meter readings; and

WHEREAS, during this same time period the customer, claiming estimates of usage are more accurate than the meter readings, has short-paid the monthly bill, thus failing to meet the customer's contractual agreement with the City as provided by City Code Section 42-53; and

WHEREAS, the customer's short-pay history has now caused the account to be in arrears by \$30,258.66 as of November 29, 2015; and

WHEREAS, the City Council is of the opinion that no valid basis supports the customer's claims, the customer should make full payment of the account balance in arrears, a short-term payment plan should be extended, and that all City Code provisions shall be enforced, including shut-off of water service, in the event the customer fails to make full payment.

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

SECTION 1: The City Council finds and determines that no valid basis exists supporting the claims that Forest Point Apartment Homes has been overcharged for water and sewer services, and Forest Point Apartment Homes shall make full payment of any water and sewer service account balance in arrears.

SECTION 2: To facilitate Forest Point Apartment Homes making full payment of any account balance in arrears, the City Council authorizes the City Manager to extend (i) a payment plan without additional penalty or interest, and full payment must be made within 90 days following the effective date of this Resolution, and (ii) an alternate payment plan of a longer duration with penalty and interest as provided by City ordinances and Texas law, if full payment is not made and Forest Point Apartment Homes agrees to the alternate plan within 90 days following the effective date of this Resolution.

SECTION 3: Except as provided in Section 2 of this Resolution, the City staff shall carry out and enforce fully the policy decisions of the City Council as set forth in the provisions of the Code of Ordinances applicable to this matter, including Code provisions and procedures related to collection of an unpaid or outstanding balance and shut-off of utility service, in the event Forest Point Apartment Homes fails to make full payment of the account balance in arrears as of

the effective date of this Resolution, or breaches any agreement authorized under Section 2 of this Resolution, or fails to make timely payment in full on any water and sewer charges billed after the effective date of this Resolution.

SECTION 4: This Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **8th day of February, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Forest Point Apartment Complex Utility Billing Dispute

Texarkana City Council Meeting
December 14, 2015

Customer is contesting water meter readings

- Customer suspects that:
 - The Water Meter Failed, or
 - Staff misread the meter, or
 - Staff erred in recording the readings
 - Resulting in overbilling to the customer

Typical Municipal Water System



- Most steps shown here are cost generators of the system

Typical Municipal Water System



- Most steps shown here are cost generators of the system
- The offsetting revenue generator is not shown

Typical Municipal Water System



- The Water Meter serves as the primary tool to register water sales

Water Meter



- The Water Meter serves as the primary tool to register water sales
- Critical to both the customer and the city

Water Meter



- The Water Meter serves as the primary tool to register water sales
- Critical to both the customer and the city

- Must use reliable equipment
- Properly maintained
- Trained personnel
- Strong city ordinances and business procedures

TRU/FLO COMPOUND METER

7.2.b

- Designed to register wide flow ranges where varying flow rates are typical.
- Combines the low-flow sensitivity of a disc-type meter with the high-flow capacity of turbine-type meter
- Hydraulic valve transfers flow smoothly between the disc section and the turbine section of the meter, minimizing the loss of accuracy in the crossover range



TRU/FLO COMPOUND METER

7.2.b

- Industry-leading flow ranges at 98.5% - 101.5% accuracy
- Direct coupling of rotor to gear train ensures accurate registration
- Unitized Measuring Element (UME) makes maintenance easier and faster with less downtime
- Calibration vane allows in-line service to extend life and ensure accurate registration



City Code in Summary

- Nothing in the code states that the customer has a right to short-pay any utility billing, even in protest or while contesting any part or all of the bill.
- The code is also silent concerning any method for contesting any part or all of a monthly utility bill.
 - That is, there is no stated method of appeal other than to request a reread or testing of the meter.

City Code

- 42-46 Failure of meter to register correctly
- Should any meter fail to register correctly the amount of water used by customers since the previous reading, the water and sewer systems shall have the right to determine the amount due by making a charge for the water based on an average of the basis of any three previous months.

City Code

- 42-48
- When bills due.
 - All bills for water and sewer services rendered by the city shall be due and payable for the date on which the same are mailed
- Place of payment.
 - Bills shall be paid at the water utility business office or at an authorized collection substation. Bills paid at any other location shall not be accepted and shall be considered unpaid until such time as the payment is received by the utility.

City Code

7.2.b

- 42-49 Failure to pay bill – Penalty added
 - If any bill for water and sewer service rendered by the city is not paid within 15 days after the same is mailed, a penalty of ten percent of the total amount of such bill shall be added thereto.

- 42-50 Same (Failure to pay bill) – Disconnecting service
 - In the event any bill for water and sewer service is not paid within 30 days from the date the same is mailed, the water supply to such customer shall be turned off and shall not be turned on again until all service charges, in addition to the amount of the bill and penalty, shall have been paid.

City Code

7.2.b

- 42-51 Service Charges
- (e) A service charge will be added to those accounts that are not paid by the due date and time specified on the customer's second notice. This service charge will be assessed whether or not service is actually physically turned off before payment is received.

City Code

7.2.b

- 42-51 Service Charges
- (g) A meter reread fee shall be charged for any customer-initiated reread if no problem is found with the initial meter reading. Nothing in this article shall be construed to prevent the utility from providing this service at no charge to any customer when a problem or perceived problem exists with a meter.

City Code

- 42-51 Service Charges
- (k) A tampering fee shall be charged to any customer whose service has been tampered with in the following manner: (1) A meter lock broken; (2) A meter lock removed; (3) A meter broken; (4) A meter stolen; (5) An unauthorized connection inserted; (6) Damage inside the meter box; or (7) Unauthorized service turn-on or water used.

City Code

- 42-53 – Article deemed part of contract with customer.
- All of the provisions of this article shall be deemed to be incorporated in every contract between the water and sewer systems and its customers, and each customer shall be charged with the knowledge of the provisions of this article and, by applying for and accepting water or sewer services from the water and sewer systems, the customer shall be deemed to have assented to the provisions hereof.

The customer states that they have been overcharged by TWU

- As of 26 FEB 15 believed to be overcharged by \$24 - \$36k since 2010 because:
 - Vacancy rate and water consumption increased simultaneously
 - TWU employees reportedly informed the customer that the water meter was not working properly
 - Metered water exceeds HUD Guidelines
 - Usage compared to other complexes

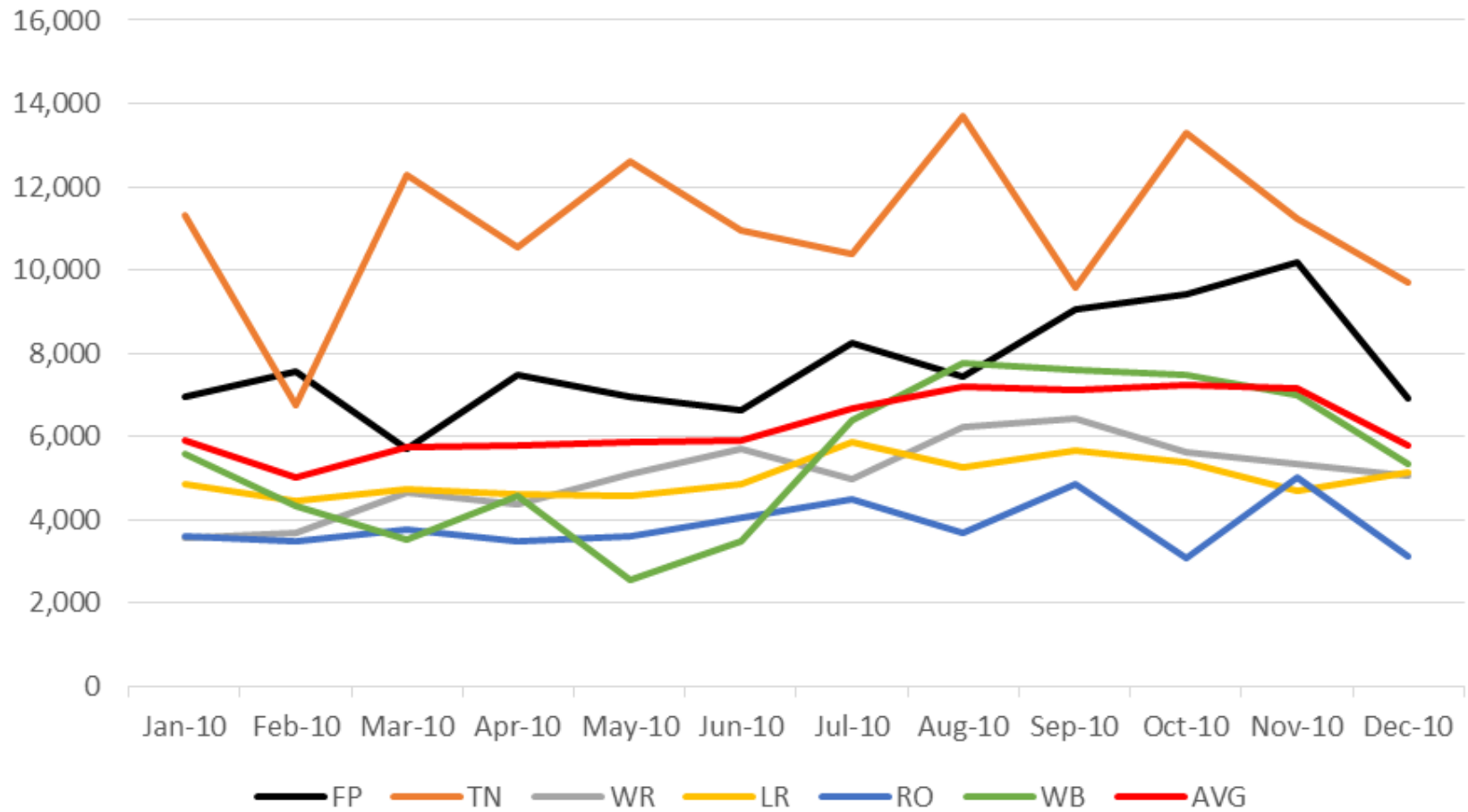
The customer states that they have been overcharged by TWU

- As of 26 FEB 15 believed to be overcharged by \$24 - \$36k since 2010 because:
 - Vacancy rate and water consumption increased simultaneously
 - TWU employees reportedly informed the customer that the water meter was not working properly
 - Metered water exceeds HUD Guidelines
 - ➔ ● Usage compared to other complexes

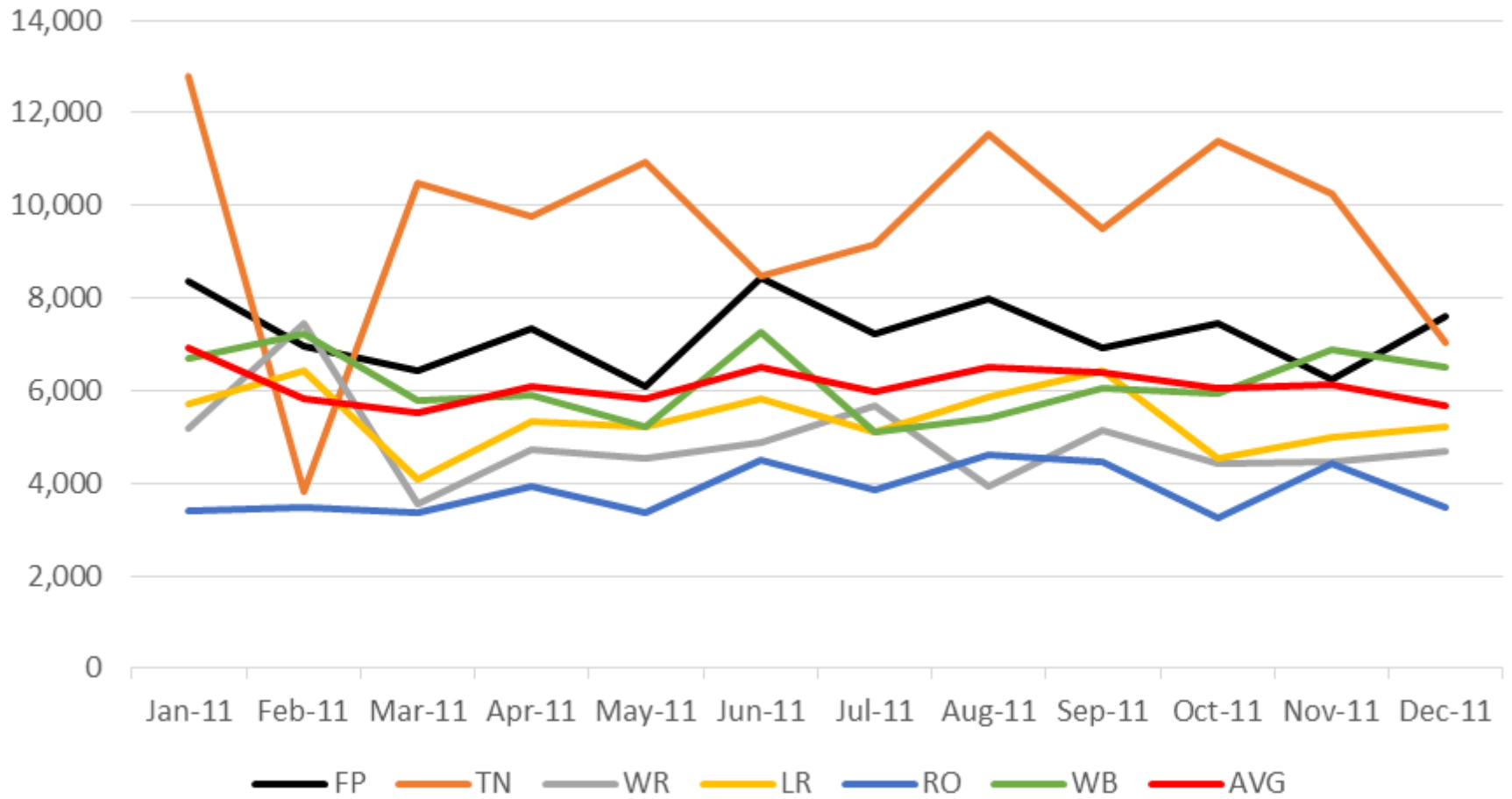
Usage Compared to Other Complexes

Complex	Units	Pool	Year Built
Woodbridge	89	Yes	1977
Westridge	96	Yes	1984
Town North	100	No	1973
Forest Point	104	Yes	1975
Lakeridge	114	Yes	2003
Richmond Oaks	120	Yes	1974
Total Units	623		

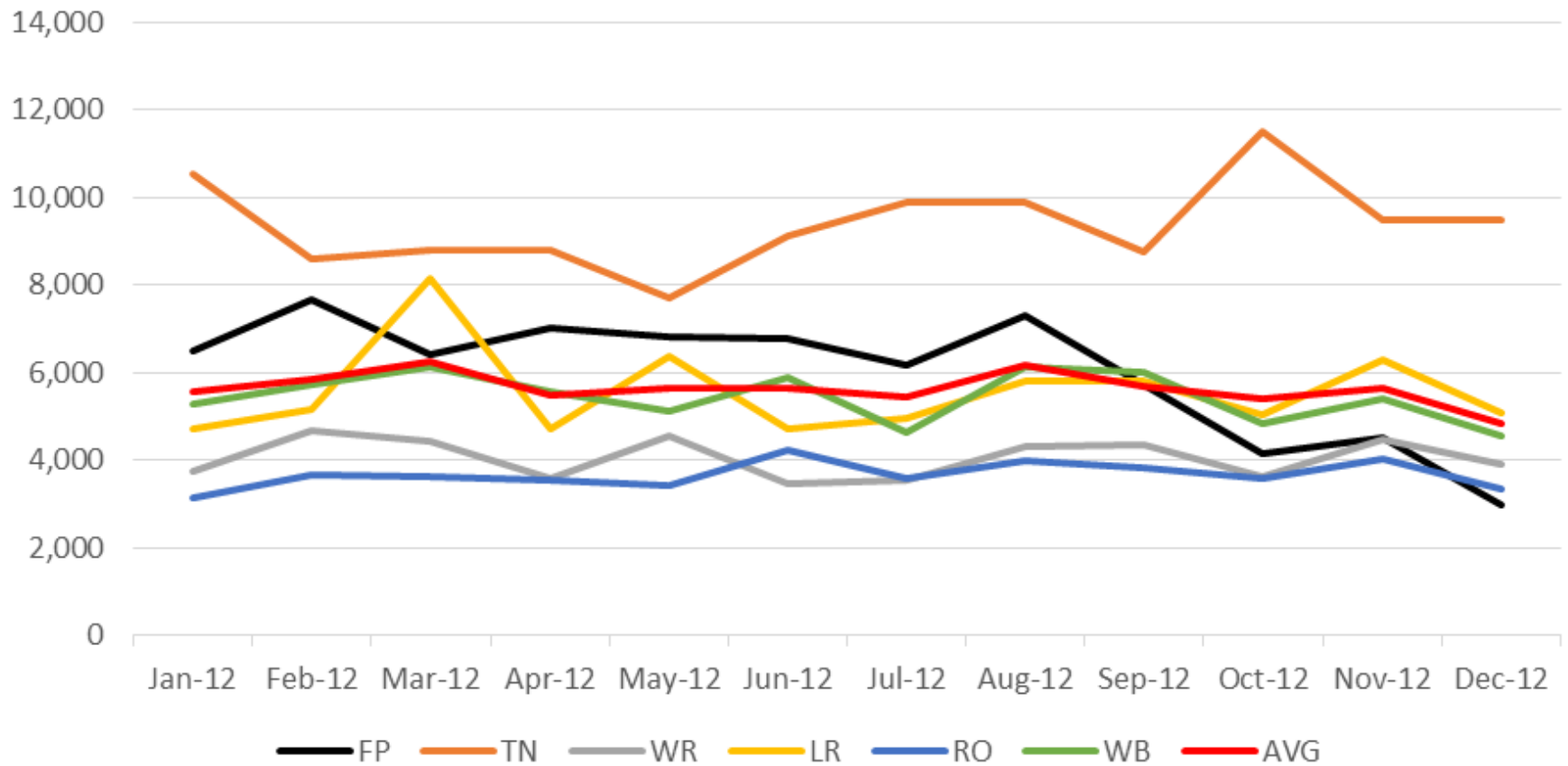
Unit Averages 2010



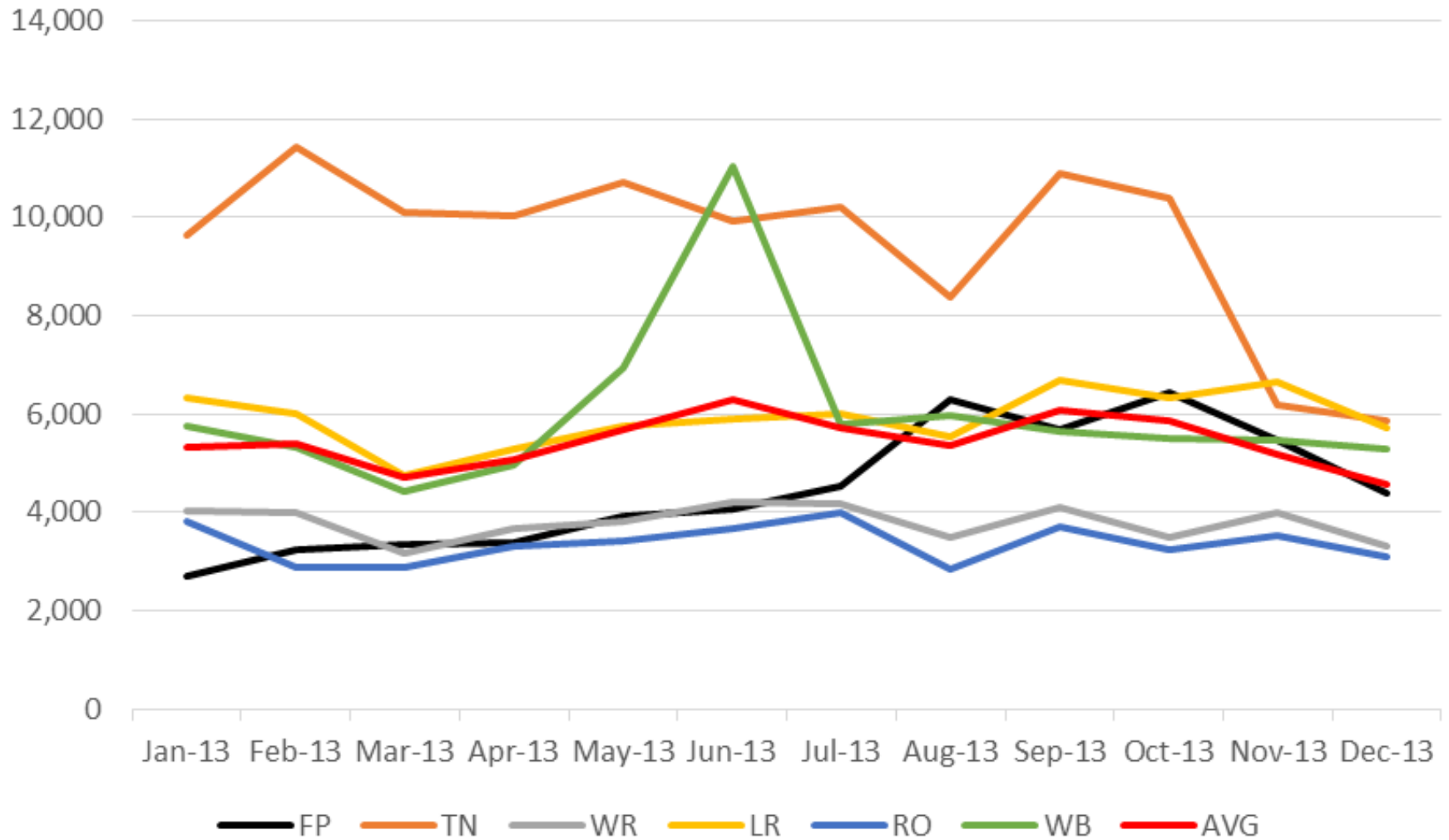
Unit Averages 2011



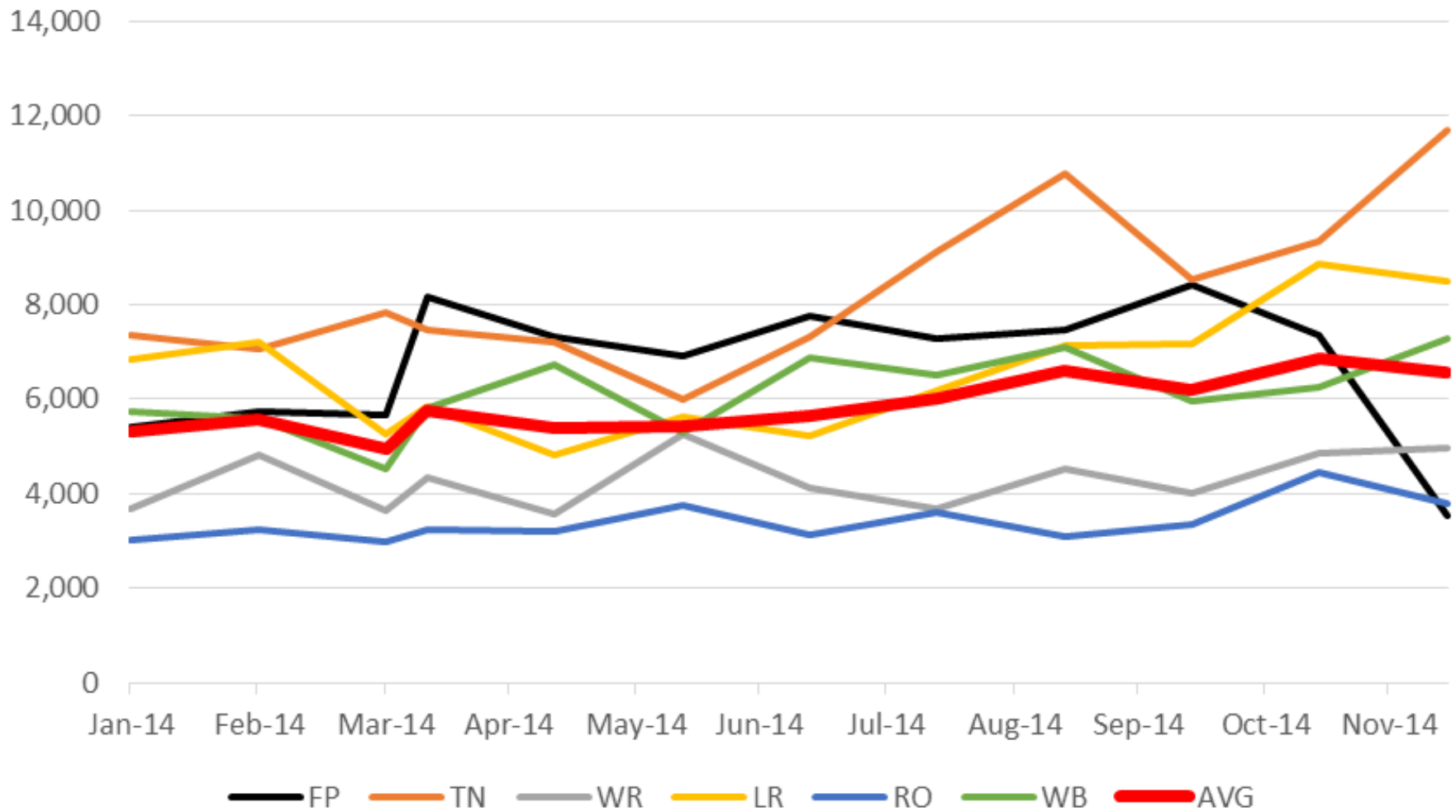
Unit Averages 2012



Unit Averages 2013

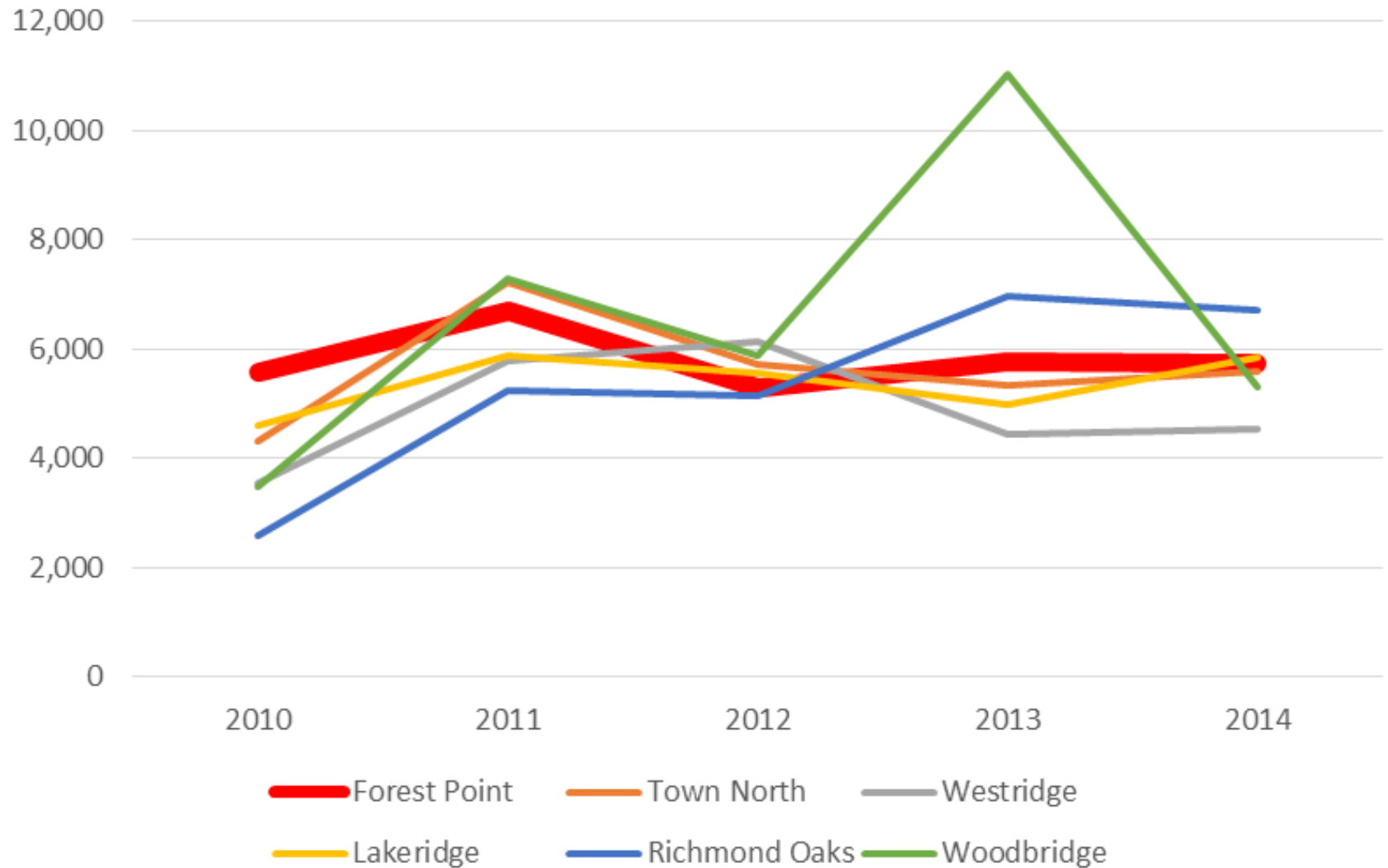


Unit Averages 2014

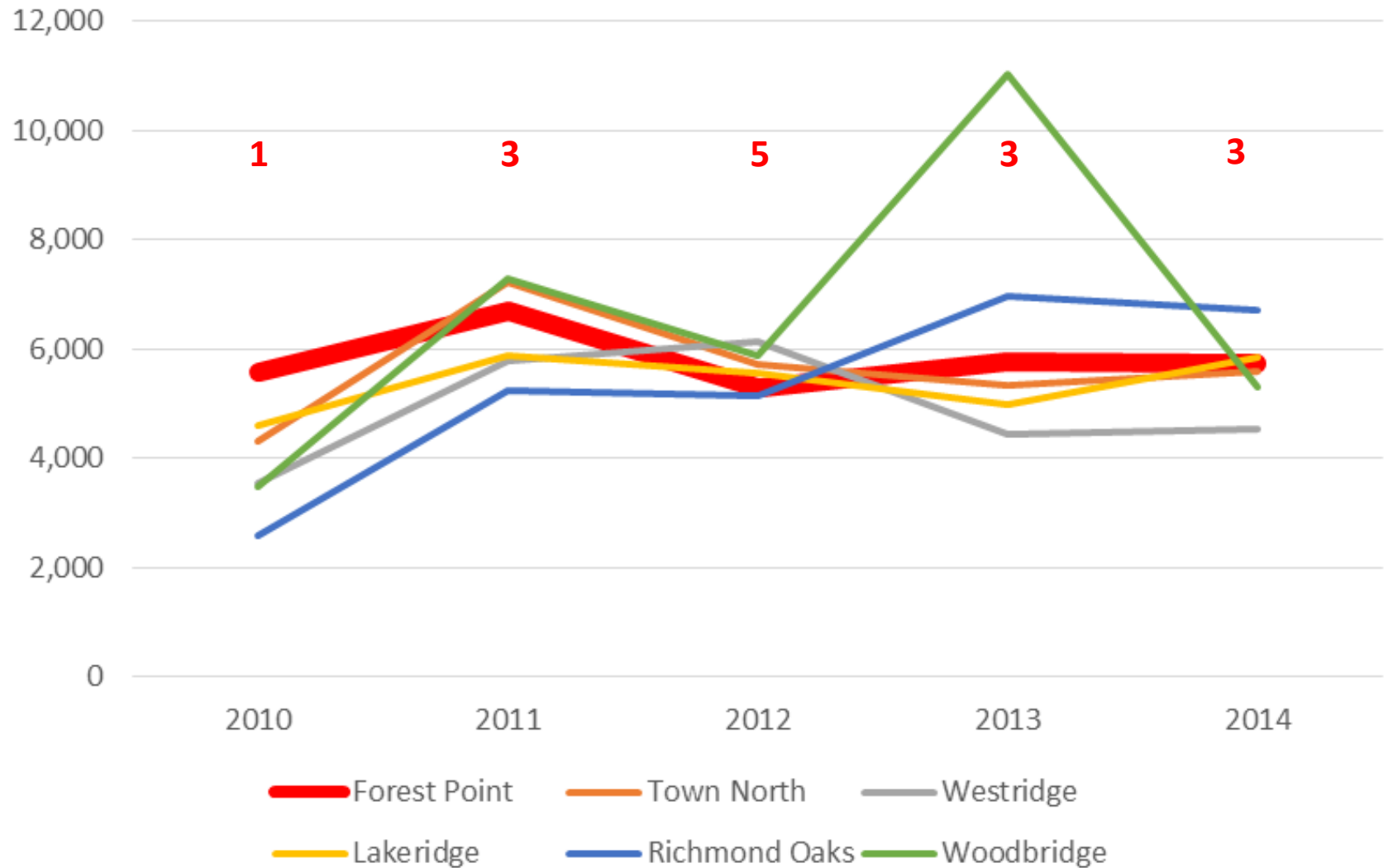


Attachment: 2015-140 ATTH 01 Presentation of Utility Billing at Forest Point Apartments

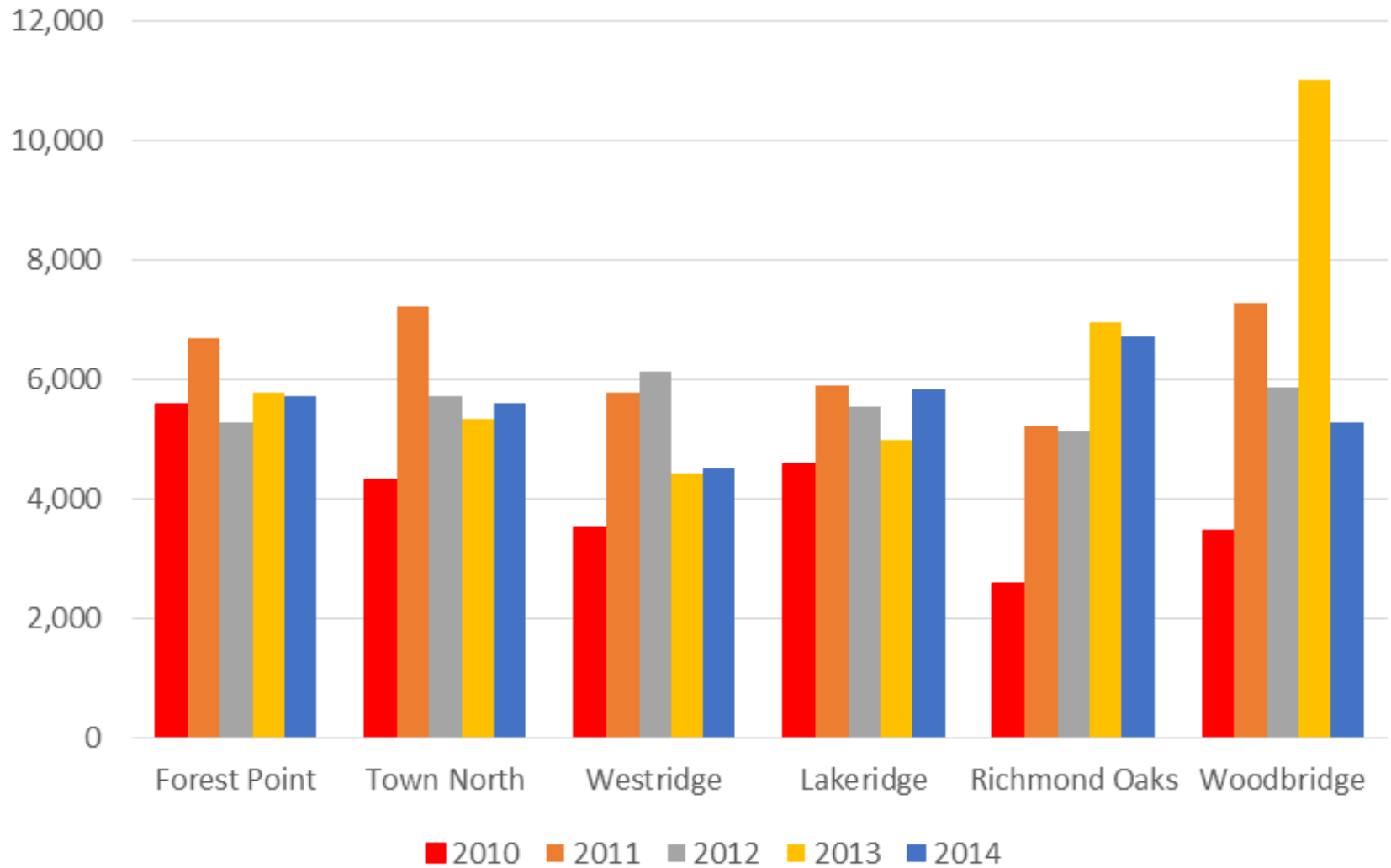
Monthly Average Per Unit by Complex



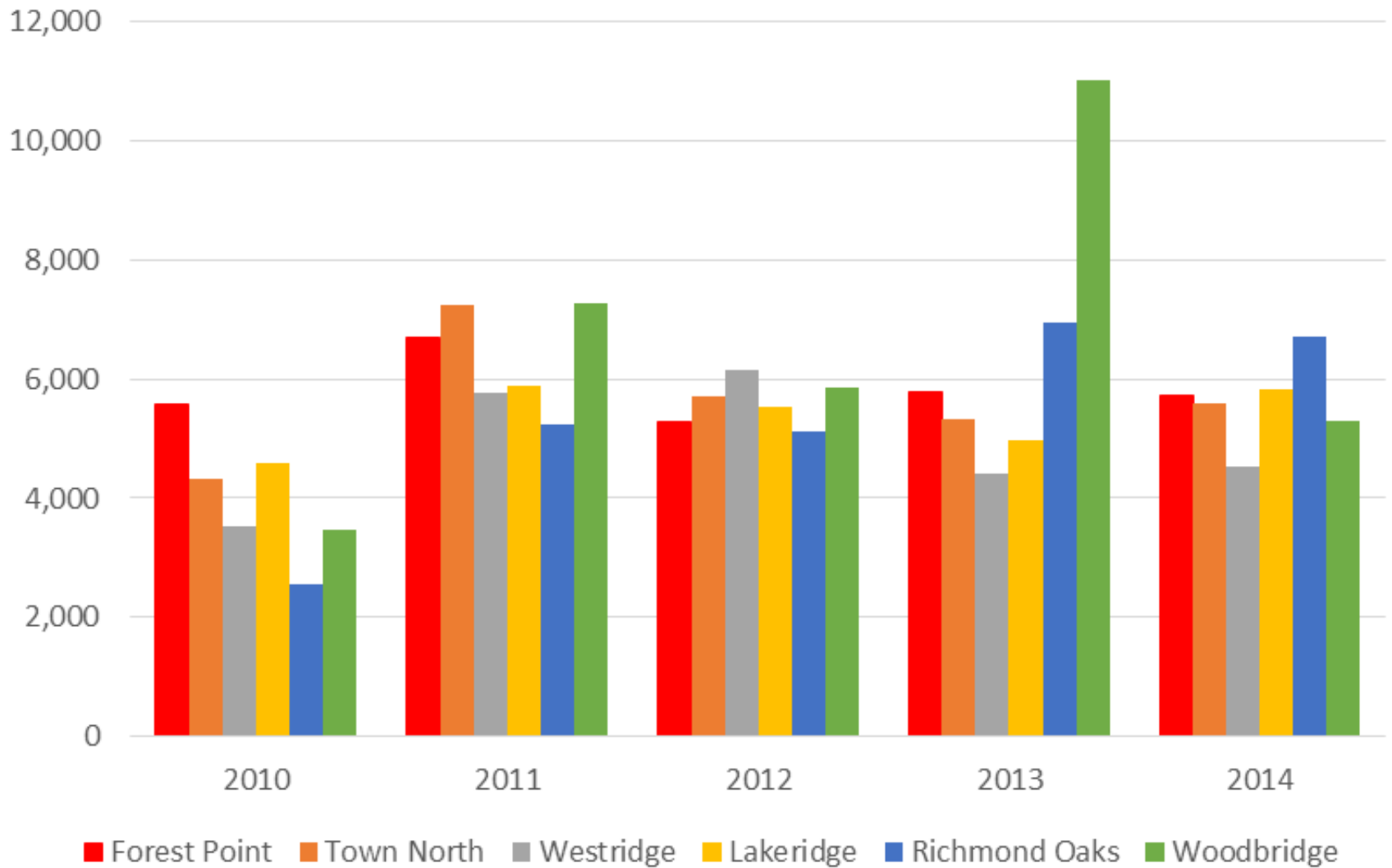
Monthly Average Per Unit by Complex



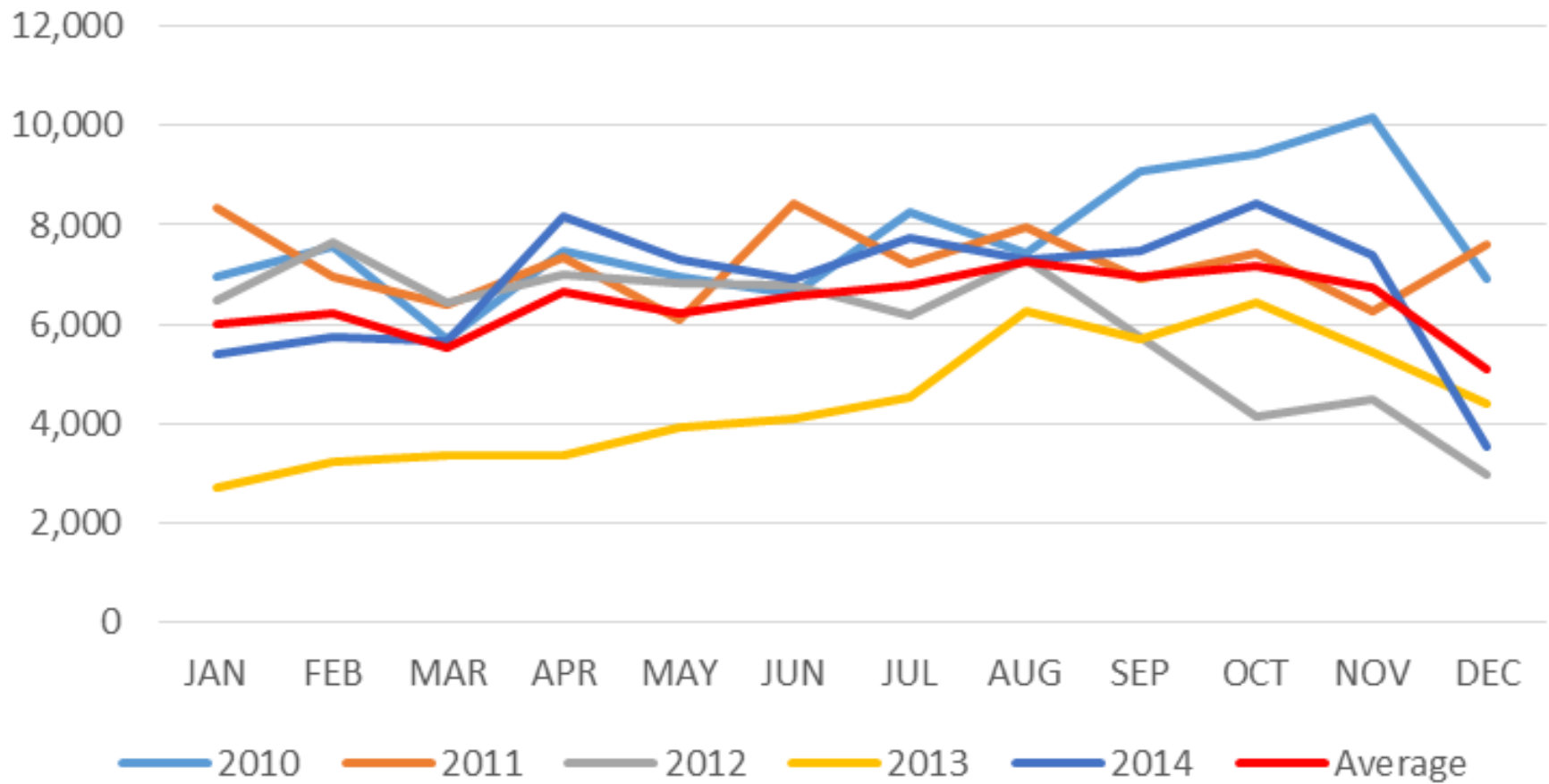
Monthly Average Per Unit by Complex



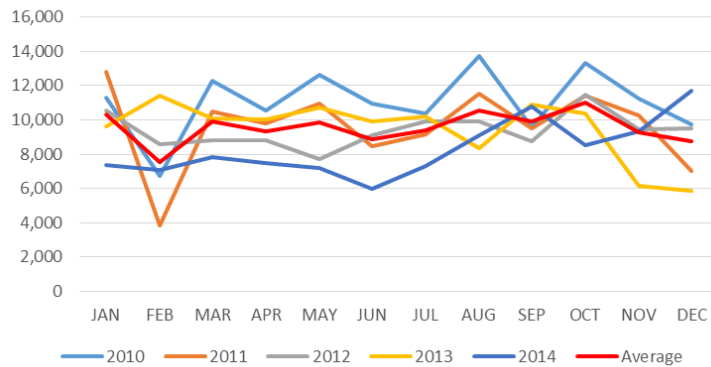
Monthly Average Per Unit by Complex



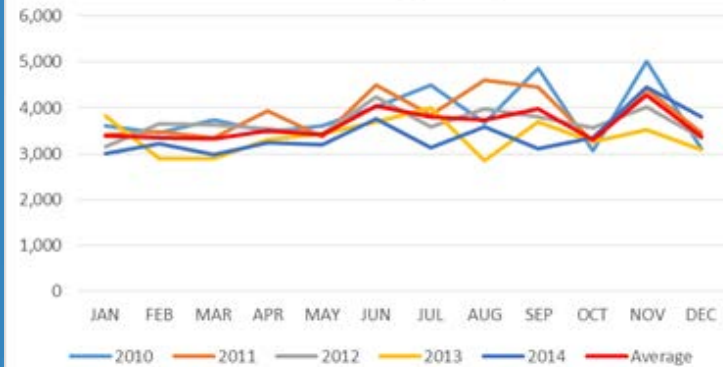
Forest Point Monthly Average Per Unit



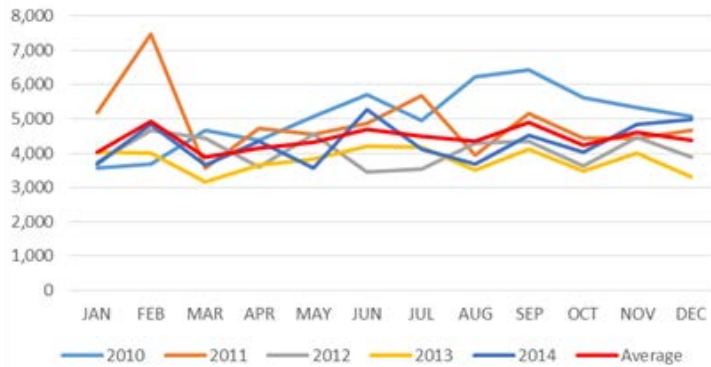
Town North Monthly Average Per Unit



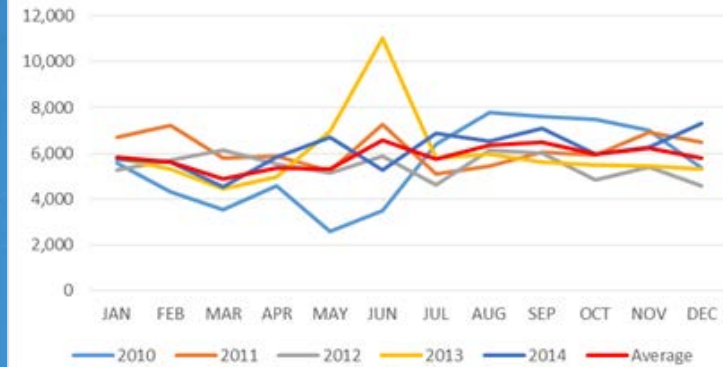
Richmond Oaks Monthly Average Per Unit



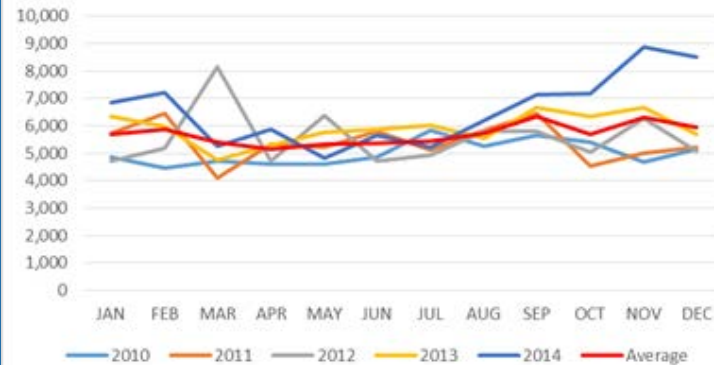
Westridge Monthly Average Per Unit



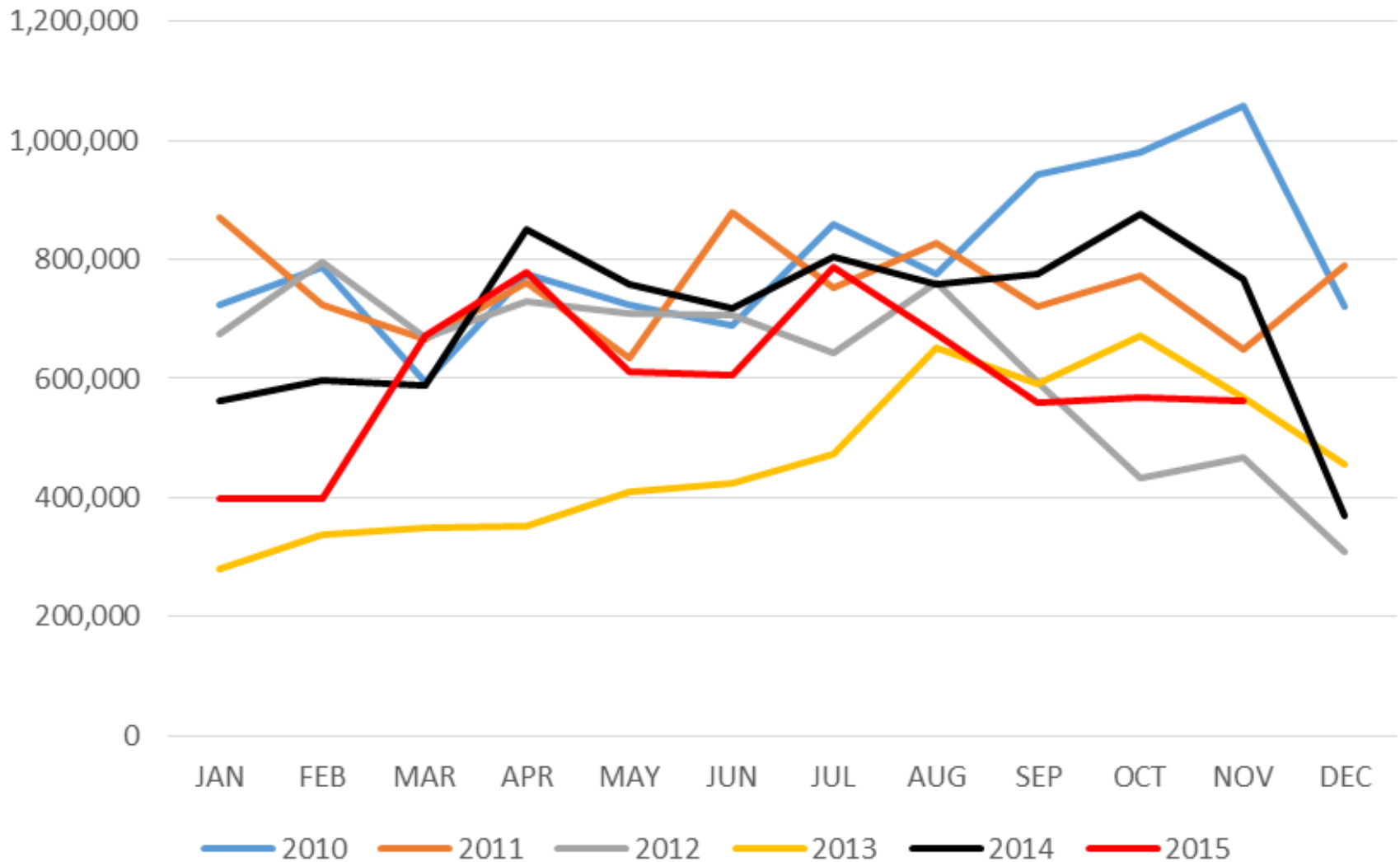
Woodbridge Monthly Average Per Unit



Lakeridge Monthly Average Per Unit



Forest Point Gallons By Month + 2015 to date



Comparison to Other Complexes

- Complexes compared = 6
- Number of units compared = 623
 - Average Unit Consumption
 - Forest Point highest in 2010
 - Forest Point second lowest in 2012
 - Forest Point slightly above average in 2011, 2013, & 2014

The customer states that they have been overcharged by TWU

- As of 26 FEB 15 believed to be overcharged by \$24 - \$36k since 2010 because:
 - Vacancy rate and water consumption increased simultaneously
 - TWU employees reportedly informed the customer that the water meter was not working properly
 - ➔ ● **Metered water exceeds HUD Guidelines**
 - Usage compared to other complexes

Metered Water Exceeds HUD Guidelines

- Cannot find a HUD Guideline concerning expected water usage for apartment units
- A number of different on-line water use calculators help consumers identify their personal use for the purpose of determining how to conserve water
- The results of these calculators project personal daily consumption ranged from 69 to 125 gallons per day

Metered Water Exceeds HUD Guidelines

- As a projection measure after exploring the on-line water usage calculators.....

Showers x 2	80
Flushes x 10	40
15 minutes running water	60
15 minutes washing dishes by hand	60
Dishwasher x 4 per week	7
Laundry 3 loads per week	18
Total Gallons per Day	265
Monthly Average	7,950

Metered Water Exceeds HUD Guidelines

- As a projection measure after exploring the on-line water usage calculators.....
- Used 250 gallons per day per household to project annual consumption (94.3% of 265)

Number of units	104
Daily Gallons per Household	250
Days per year	365
Gallons Per Year	9,490,000
Monthly average	790,833
Monthly Average Per Unit	7,604

HUD Utilities Guidebook for Public Housing Authorities

Domestic Water	Adjustment Factor	Monthly	Annual	Daily
2.5 Bedroom National Average		8,000	96,000	267
1 BR	0.7	5,600	67,200	187
2 BR	0.9	7,200	86,400	240
3 BR	1.1	8,800	105,600	293

Metered Water Exceeds HUD Guidelines

- Incorporating the HUD guidelines for PHAs.....
- Revised to 200 gallons per day per household to project annual consumption (75.5% of 265)

Number of units	104	104
Daily Gallons per Household	250	200
Days per year	365	365
Gallons Per Year	9,490,000	7,592,000
Monthly average	790,833	632,667
Monthly Average Per Unit	7,604	6,083

Monthly Average Gallons/Unit by Complex

	2010	2011	2012	2013	2014	Average
Woodbridge	3,480	7,278	5,867	11,020	5,289	6,587
Forest Point	5,578	6,702	5,283	5,772	5,727	5,812
Town North	4,319	7,233	5,709	5,322	5,596	5,636
Lakeridge	4,593	5,889	5,545	4,979	5,827	5,367
Richmond Oaks	2,570	5,230	5,130	6,953	6,717	5,320
Westridge	3,535	5,780	6,142	4,425	4,525	4,881

Monthly Average Gallons/Unit by Complex

	2010	2011	2012	2013	2014	Average
Woodbridge	3,480	7,278	5,867	11,020	5,289	6,587
Forest Point	5,578	6,702	5,283	5,772	5,727	5,812
Town North	4,319	7,233	5,709	5,322	5,596	5,636
Lakeridge	4,593	5,889	5,545	4,979	5,827	5,367
Richmond Oaks	2,570	5,230	5,130	6,953	6,717	5,320
Westridge	3,535	5,780	6,142	4,425	4,525	4,881

Number of units	104	104
Daily Gallons per Household	250	200
Days per year	365	365
Gallons Per Year	9,490,000	7,592,000
Monthly average	790,833	632,667
Monthly Average Per Unit	7,604	6,083

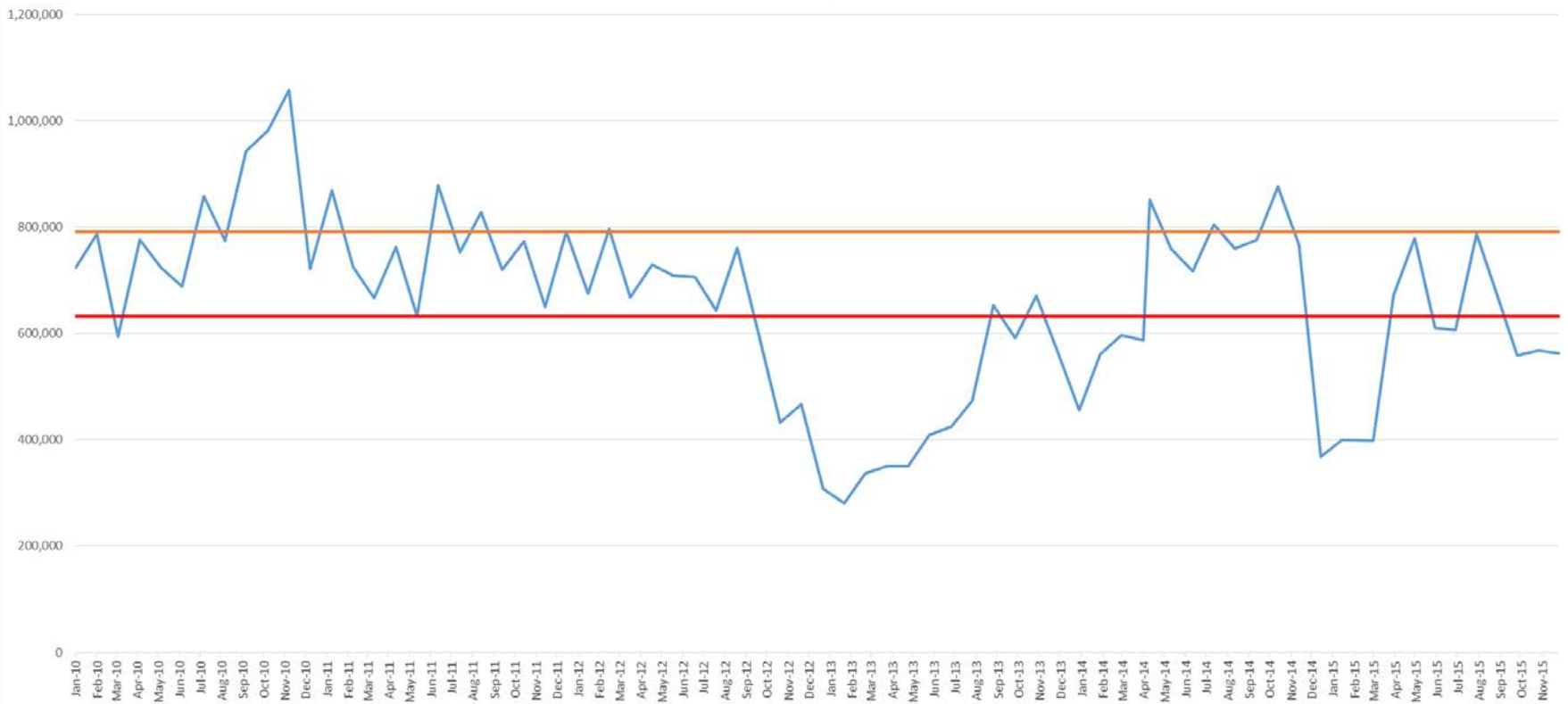
Monthly Average Gallons/Unit by Complex

	2010	2011	2012	2013	2014	Average
Woodbridge	3,480	7,278	5,867	11,020	5,289	6,587
Forest Point	5,578	6,702	5,283	5,772	5,727	5,812
Town North	4,319	7,233	5,709	5,322	5,596	5,638
Lakeridge	4,593	5,889	5,545	4,979	5,827	5,367
Richmond Oaks	2,570	5,230	5,130	6,953	6,717	5,320
Westridge	3,535	5,780	6,142	4,425	4,525	4,881

Number of units	104	104
Daily Gallons per Household	250	200
Days per year	365	365
Gallons Per Year	9,490,000	7,592,000
Monthly average	790,833	632,667
Monthly Average Per Unit	7,604	6,083

Monthly Water Usage vs 250 and 200 Gallon Averages

Forest Point Monthly Gallons



Forest Point Total Gallons by Month

	2010	2011	2012	2013	2014	2015
JAN	723,550	869,700	674,890	281,300	561,800	399,510
FEB	786,930	725,100	797,160	336,600	596,600	398,470
MAR	594,080	666,970	668,600	349,900	587,600	671,830
APR	776,890	762,170	730,000	350,900	851,200	778,970
MAY	723,970	633,080	709,050	408,800	759,700	611,000
JUN	689,210	879,030	705,790	424,800	718,000	607,000
JUL	857,770	752,640	643,200	473,100	805,600	787,100
AUG	775,030	828,660	760,660	652,800	759,300	673,700
SEP	942,670	719,610	595,570	591,000	775,600	558,900
OCT	981,230	774,010	432,700	671,100	876,000	568,800
NOV	1,057,850	649,780	467,300	567,000	767,000	562,800
DEC	721,050	791,080	308,600	456,300	368,700	
Totals	9,632,240	9,053,841	7,495,532	5,565,613	8,429,114	6,620,095

Months used less than 790,833 gallons (250/unit/day)

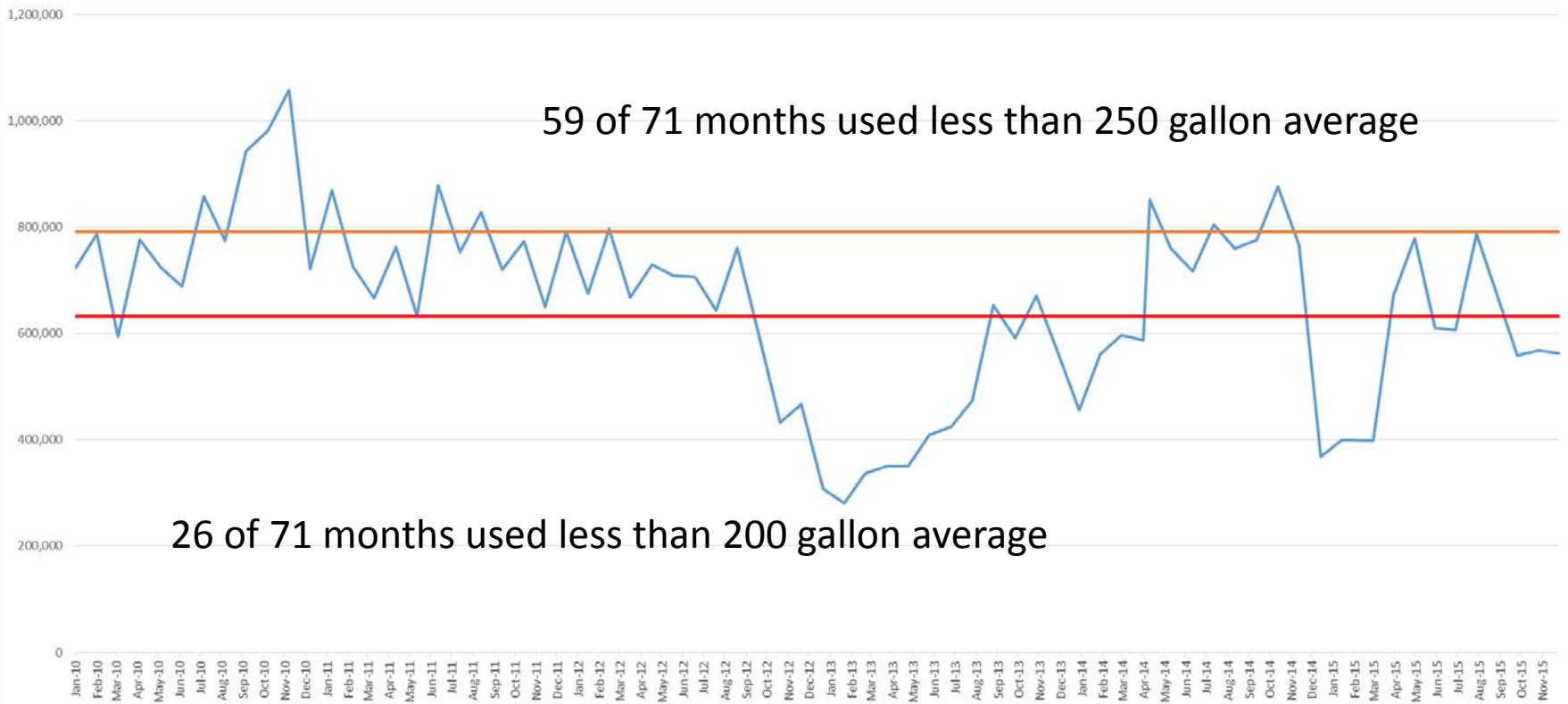
	2010	2011	2012	2013	2014	2015	Totals
JAN	1	0	1	1	1	1	5
FEB	1	1	0	1	1	1	5
MAR	1	1	1	1	1	1	6
APR	1	1	1	1	0	1	5
MAY	1	1	1	1	1	1	6
JUN	1	0	1	1	1	1	5
JUL	0	1	1	1	0	1	4
AUG	1	0	1	1	1	1	5
SEP	0	1	1	1	1	1	5
OCT	0	1	1	1	0	1	4
NOV	0	1	1	1	1	1	5
DEC	1	0	1	1	1		4
Totals	8	8	11	12	9	11	59
							83.10%

Months used less than 632,667 gallons (200/unit/day)

	2010	2011	2012	2013	2014	2015	Totals
JAN	0	0	0	1	1	1	3
FEB	0	0	0	1	1	1	3
MAR	1	0	0	1	1	0	3
APR	0	0	0	1	0	0	1
MAY	0	0	0	1	0	1	2
JUN	0	0	0	1	0	1	2
JUL	0	0	0	1	0	0	1
AUG	0	0	0	0	0	0	0
SEP	0	0	1	1	0	1	3
OCT	0	0	1	0	0	1	2
NOV	0	0	1	1	0	1	3
DEC	0	0	1	1	1		3
Totals	1	0	4	10	4	7	26
							36.62%

Monthly Water Usage vs 250 and 200 Gallon Averages

Forest Point Monthly Gallons



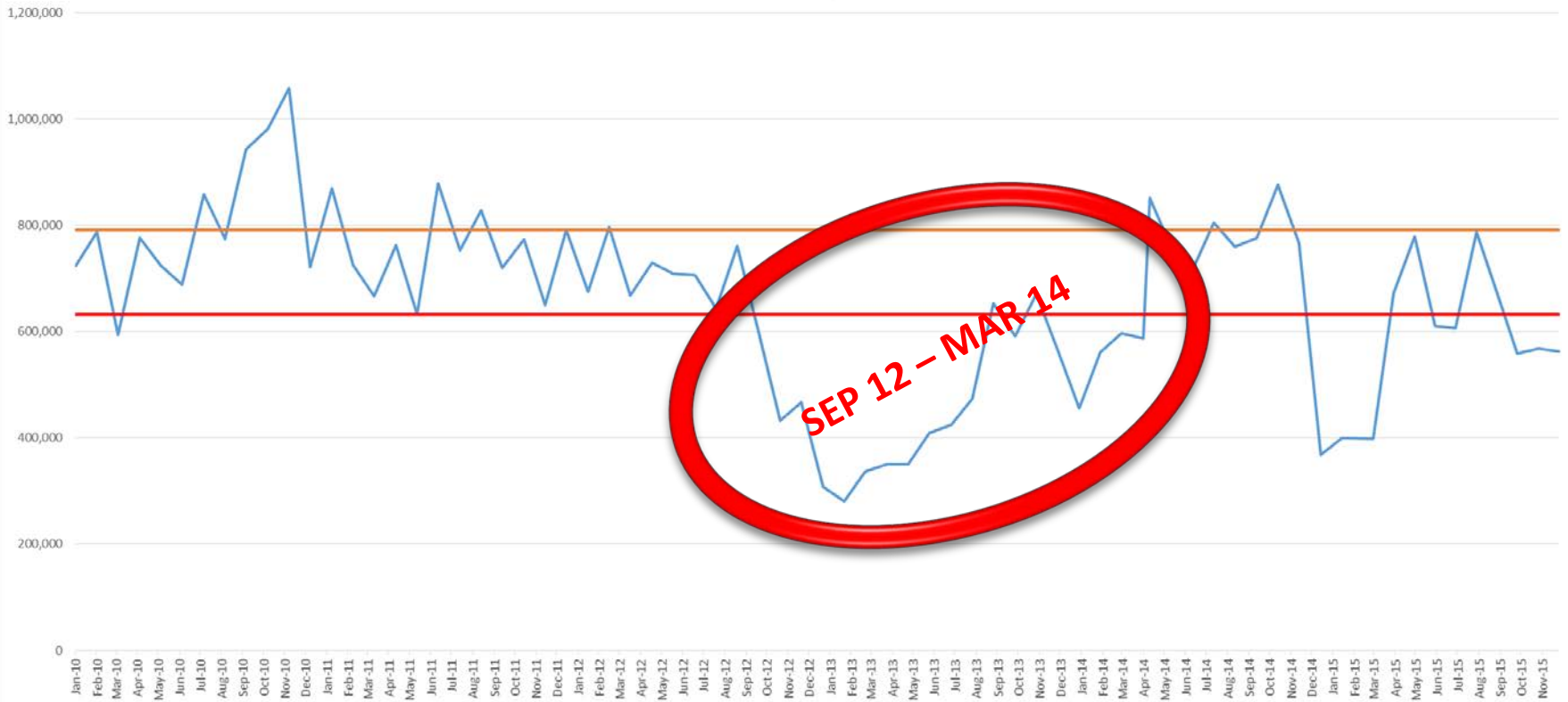
Lower Usage Reviewed

Forest Point Monthly Gallons



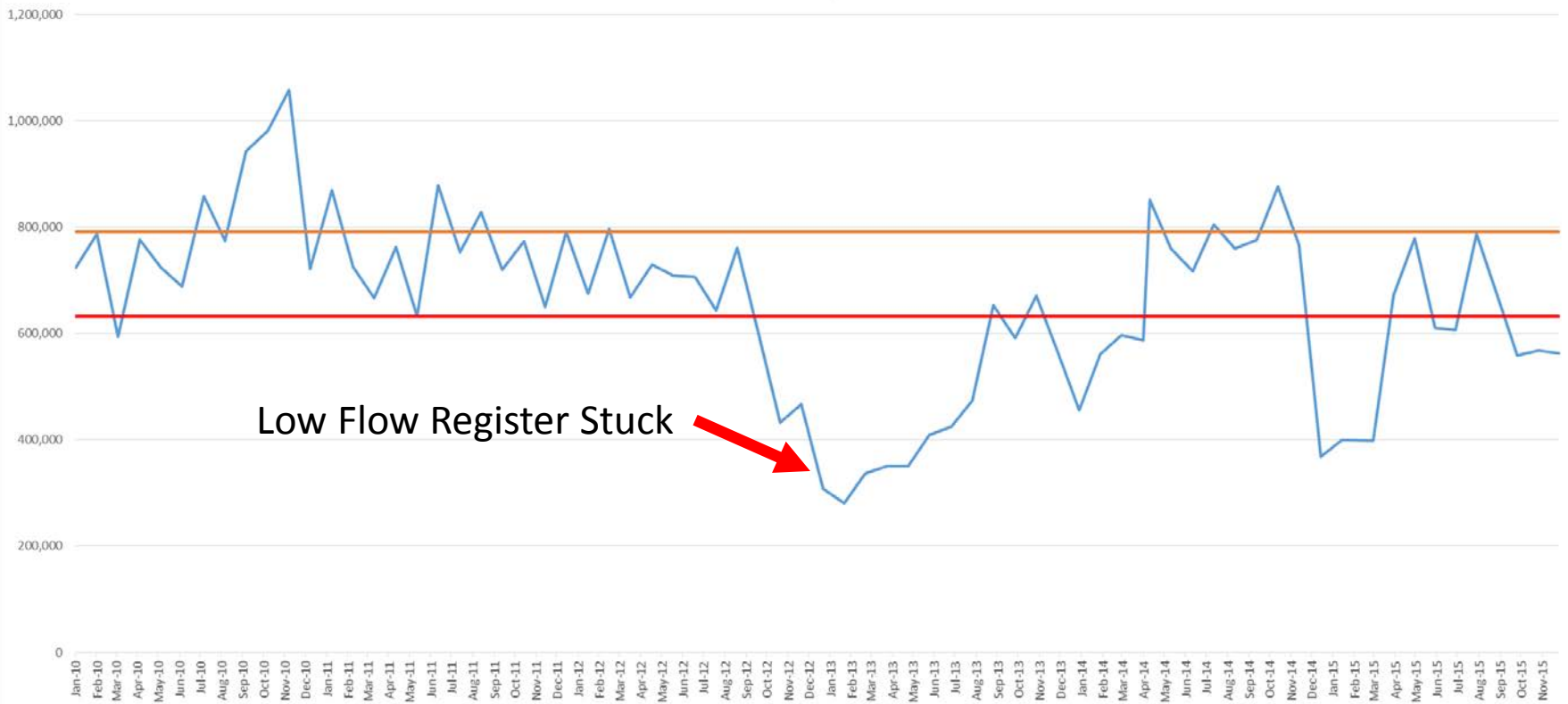
Lower Usage Reviewed

Forest Point Monthly Gallons



Meter Malfunctions Noted

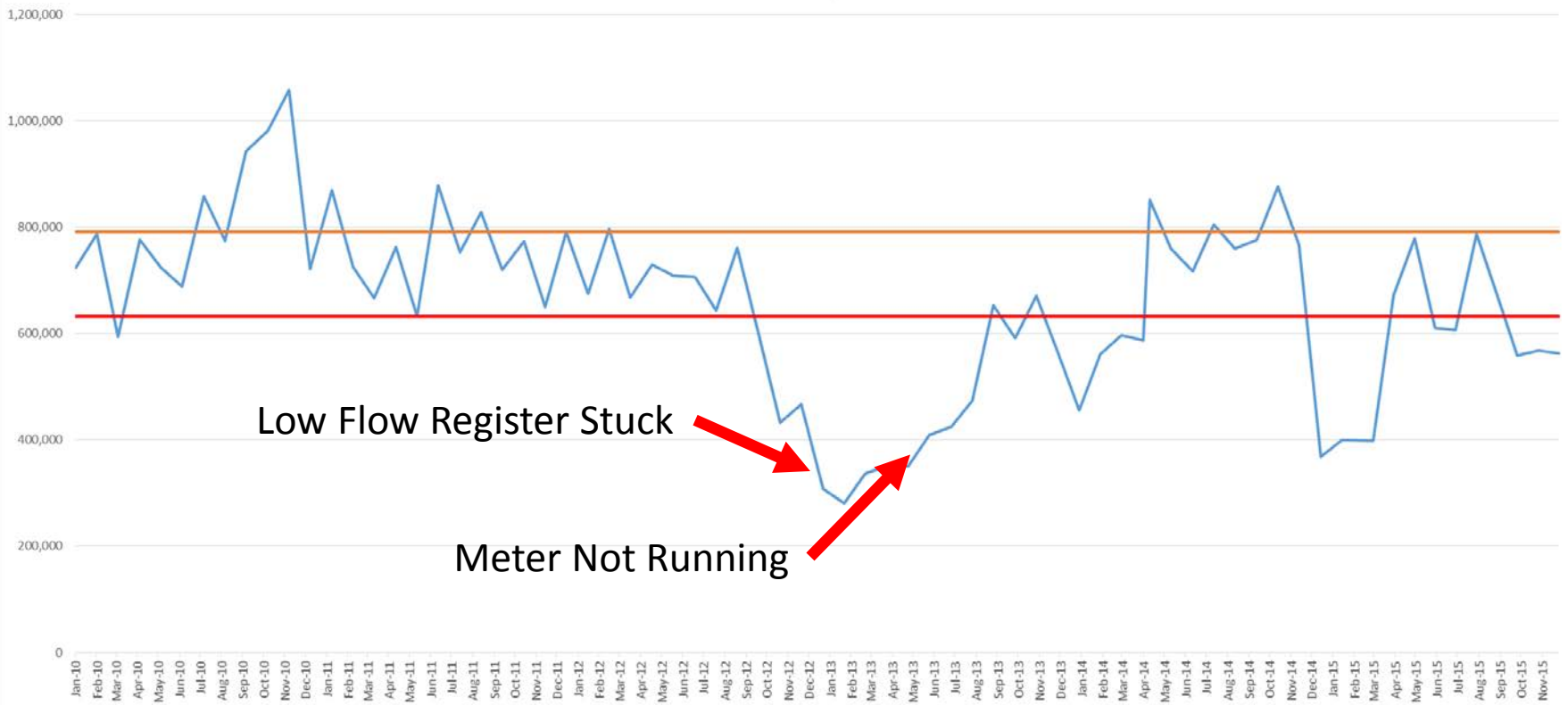
Forest Point Monthly Gallons



Low Flow Register Stuck

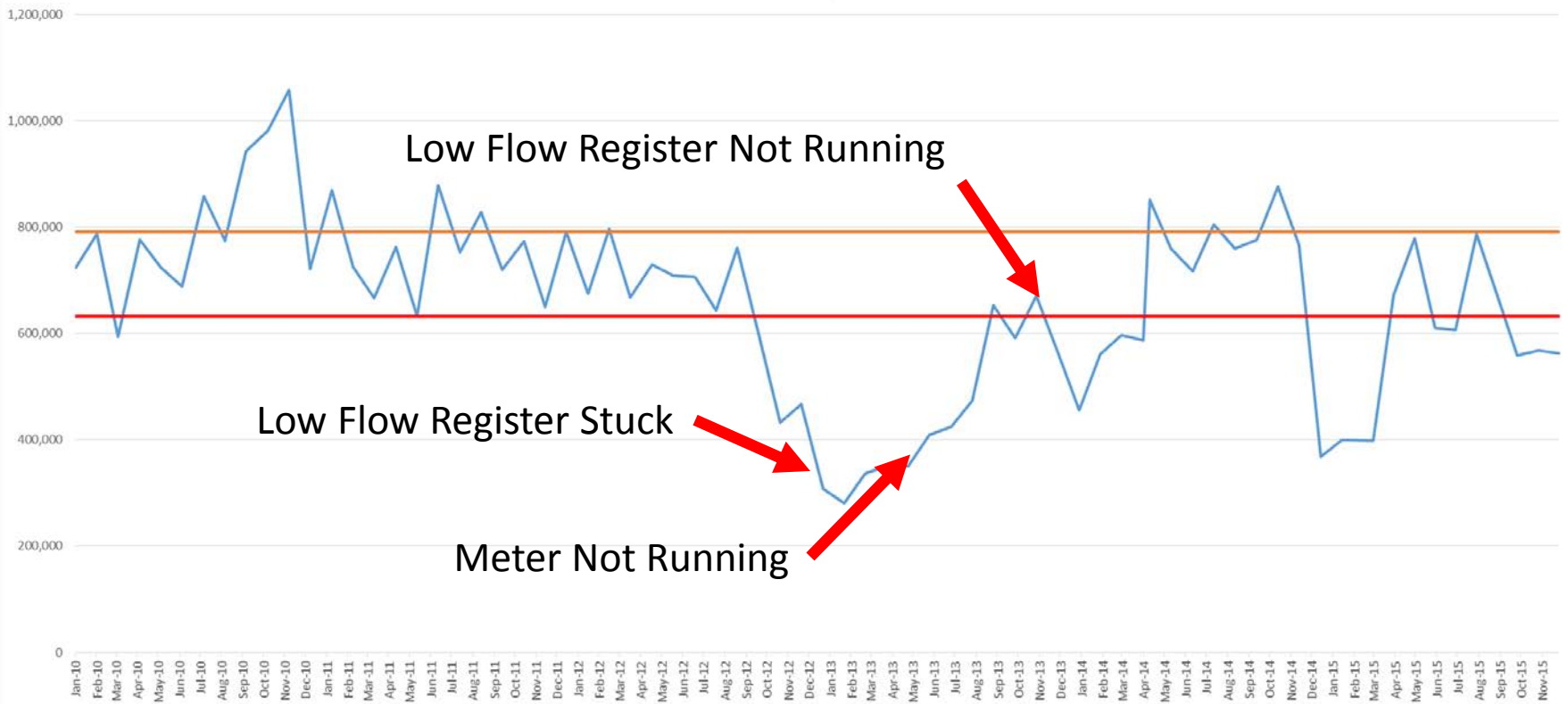
Meter Malfunctions Noted

Forest Point Monthly Gallons



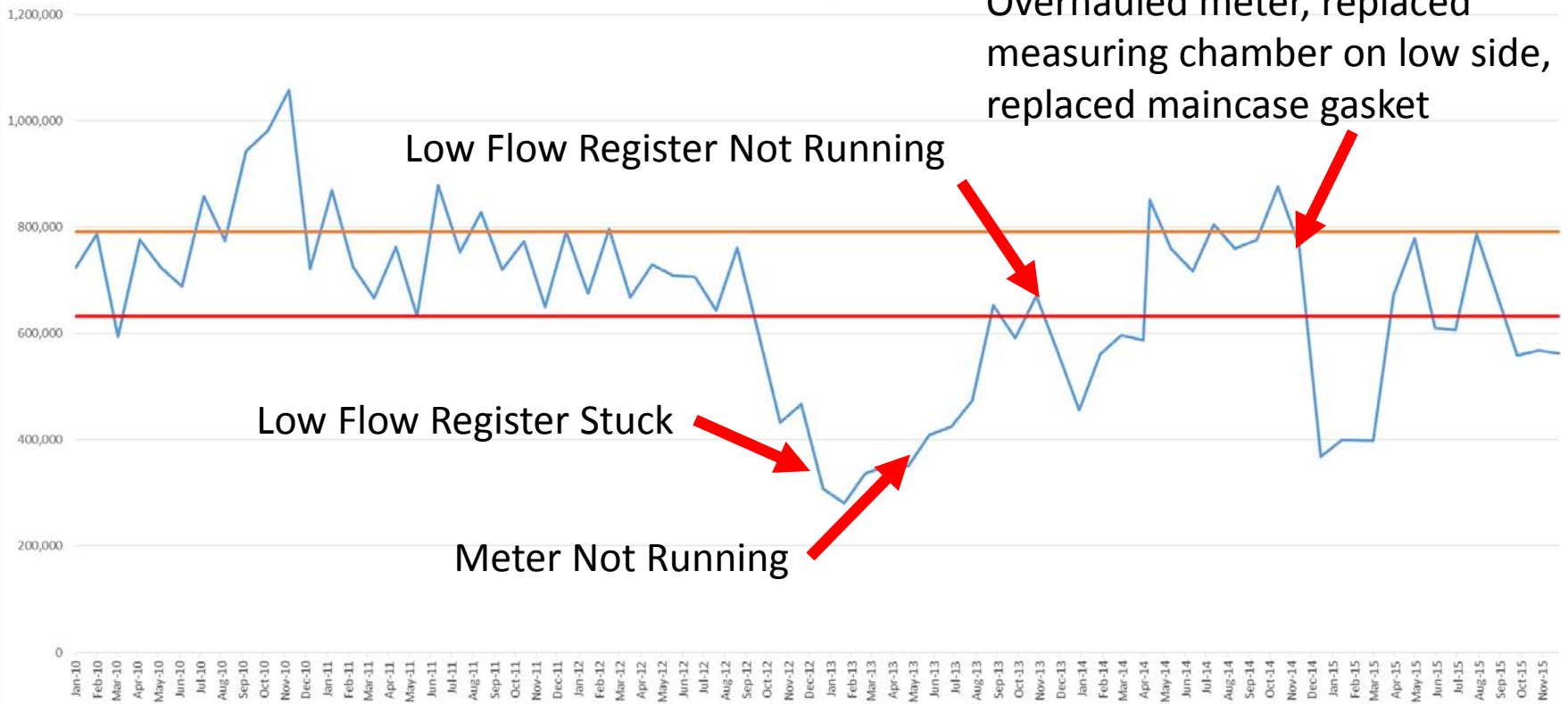
Meter Malfunctions Noted

Forest Point Monthly Gallons



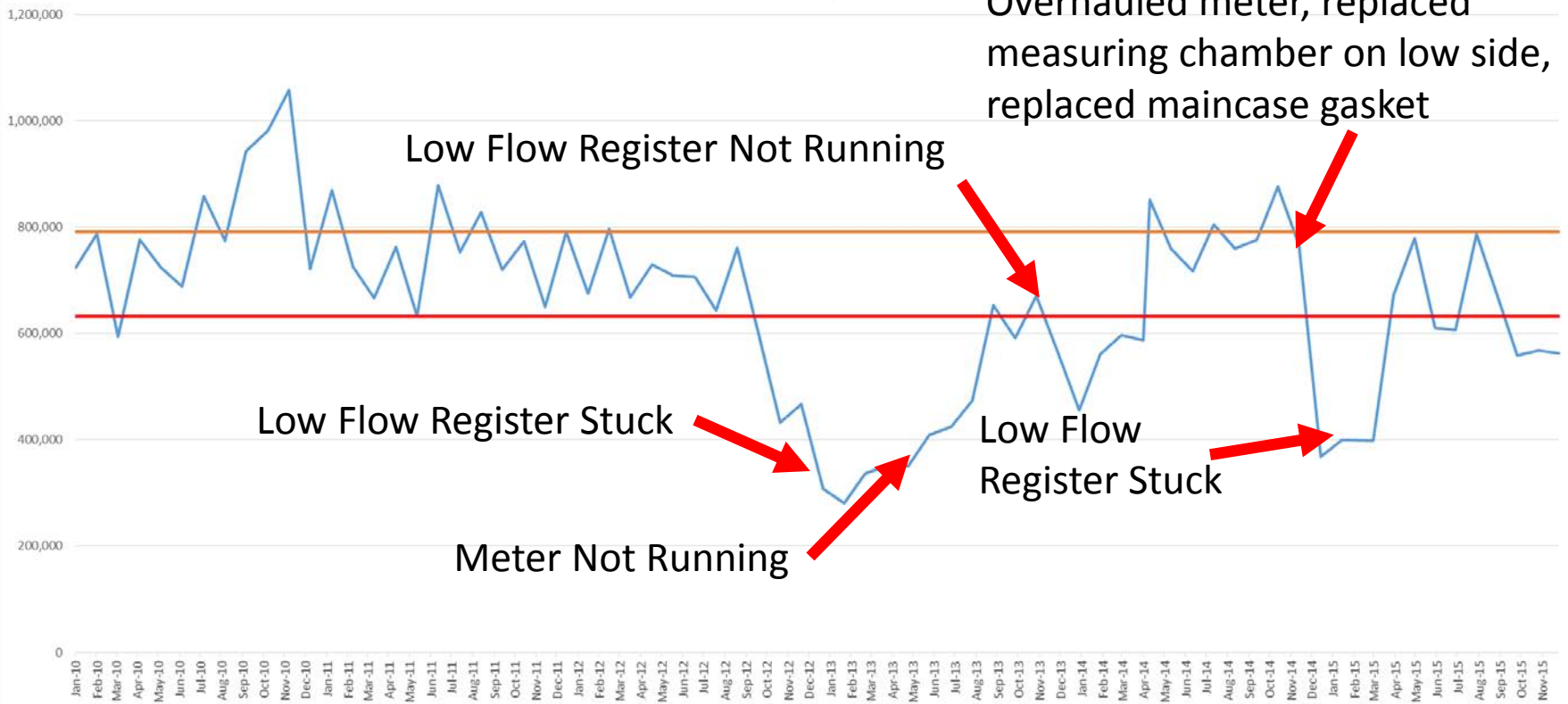
Meter Overhauled

Forest Point Monthly Gallons



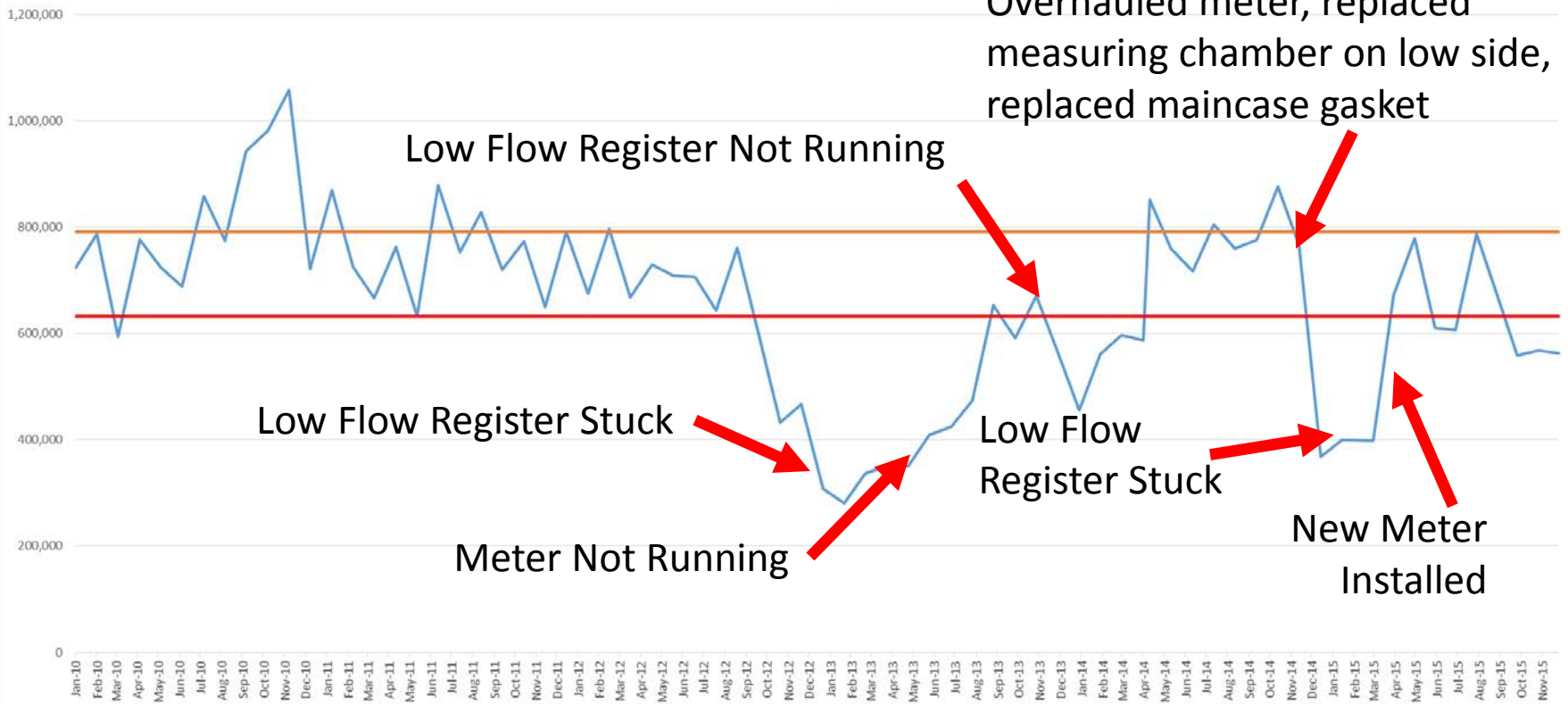
Meter Malfunction Noted

Forest Point Monthly Gallons



Meter Replaced

Forest Point Monthly Gallons



Meter Replaced 20 FEB 15

	2010	2011	2012	2013	2014	2015	Average
JAN	6,957	8,363	6,489	2,705	5,402	3,841	5,626
FEB	7,567	6,972	7,665	3,237	5,737	3,831	5,835
MAR	5,712	6,413	6,429	3,364	5,650	6,460	5,671
APR	7,470	7,329	7,019	3,374	8,185	7,490	6,811
MAY	6,961	6,087	6,818	3,931	7,305	5,875	6,163
JUN	6,627	8,452	6,786	4,085	6,904	5,837	6,448
JUL	8,248	7,237	6,185	4,549	7,746	7,568	6,922
AUG	7,452	7,968	7,314	6,277	7,301	6,478	7,132
SEP	9,064	6,919	5,727	5,683	7,458	5,374	6,704
OCT	9,435	7,442	4,161	6,453	8,423	5,469	6,897
NOV	10,172	6,248	4,493	5,452	7,375	5,412	6,525
DEC	6,933	7,607	2,967	4,388	3,545		5,088
Average	7,717	7,253	6,004	4,458	6,752	5,785	6,319
Median	7,461	7,283	6,459	4,236	7,303	5,837	6,487

Average Consumption After Installation of New Meter

Mar-15	671,830
Apr-15	778,970
May-15	611,000
Jun-15	607,000
Jul-15	787,100
Aug-15	673,700
Sep-15	558,900
Oct-15	568,800
Nov-15	562,800
Dec-15	
Totals	5,820,100
Monthly Average	646,678
Annual	7,760,133
Daily	21,261
Per Unit/Daily	204

Apply the 204 Gallons per Unit per Day Average

Year	FP	204	Difference
2010	9,630,230	7,760,133	1,870,097
2011	9,051,830	7,760,133	1,291,697
2012	7,493,520	7,760,133	-266,613
2013	5,563,600	7,760,133	-2,196,533
2014	8,427,100	7,760,133	666,967
Totals	40,166,280	38,800,667	1,365,613

- Over five years the city metered 1.4 million gallons more than the 204 gallon benchmark

Adjust for Full Occupancy

Year	FP	Full Occupancy	Difference
2010	9,630,230	8,504,256	1,125,974
2011	9,051,830	8,504,256	547,574
2012	7,493,520	8,504,256	-1,010,736
2013	5,563,600	8,504,256	-2,940,656
2014	8,427,100	8,504,256	-77,156
Totals	40,166,280	42,521,279	-2,354,999

- Or, maybe, the city under-metered the water by 2.3 million gallons?

Total Gallons Metered

JAN 10 – FEB 15

	FP	250	227	204	200
Jan-10	723,550	790,833	708,688	646,678	632,667
Feb-15	398,470	790,833	708,688	646,678	632,667
Totals	40,964,260	49,031,646	43,938,654	40,094,022	39,225,354
Over/Under		-8,067,386	-2,974,394	870,238	1,738,906

- Arguably the city may have under-metered the water usage by 8.067 million gallons or over-metered water usage by 1.738 million gallons.

What about non-domestic water use?

- The benchmark amounts account for domestic water usage such as...
 - Showers
 - Sinks
 - Commodes
 - Washing Machines
- The benchmark amounts do not consider on-site swimming pool

Pool Evaporation

Pool area	780	SF
Evaporation rate per hour per SF	0.0291	pounds
Total evaporation rate per hour	22.698	pounds
Total evaporation rate per day	544.752	pounds
One gallon of water weighs	8.3454	pounds
Total evaporation rate per day	65.275721	gallons
Days in Season each year	190	days
Total evaporated annually	12,402	gallons

Findings

- Water metering for this account has changed over a number of years:
 - Initially served by a 1" service and meter
 - Changed to two each 2" services and meters
 - Changed to one 2" service and meter
 - 2" Meter replaced in 2015
- No known reliable water usage standard for typical apartment unit
- Average usage per apartment unit does not seem out of line with other Texarkana apartment units based in similar sized complexes

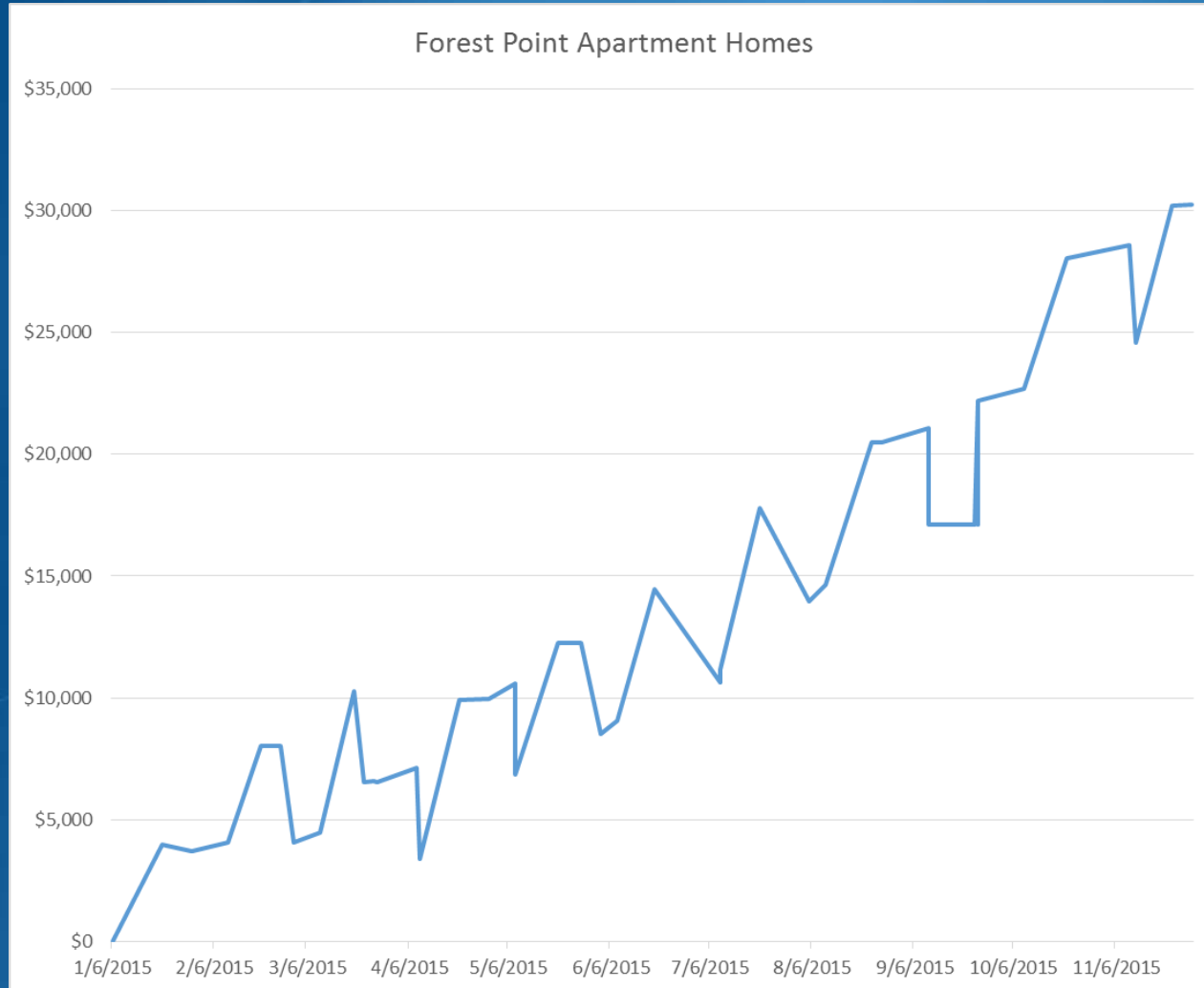
Findings (con't)

- TWU uses meters manufactured by reputable firms who provide meters that meet or exceed industry standards for durability and accuracy.
- TWU personnel are trained and experienced in installing, replacing, maintaining, servicing, and reading water meters.
- City ordinances are clearly stated concerning utility account maintenance pertaining to payment and enforcement of payment.
- City ordinances clearly states that the customer enters into a contract with the city once they start using the city's utility services

Findings (con't)

- Clearly the city ordinance contemplates that the adverse impact of utility cutoff directly impacts the customer responsible for payment:
 - Apartment complexes are different in that the residents are subject to the actions of the owner
 - Extraordinary steps are warranted to ensure the residents have ample opportunity to prepare for a utility shutoff.
- January 6, 2015 was the last date that the account was paid in full.
- The Forest Point account is \$30,258 in arrears.

Forest Point Account Balance



Recommendation

- City Council find that the preponderance of evidence provided supports the city's billings for water and sewer usage at Forest Point Apartment Homes.
 - Account has routinely been in arrears during 2015
 - Meter was replaced in FEB 2015
 - Usage for the time the account has been in arrears appears to be normal
 - TWU personnel has been conducting additional meter readings to ensure new meter is working properly

Recommendation Con't

- City Council recognize the city ordinances as the prevailing doctrine concerning the method of metering, charging, and collecting revenue for the city's water and sewer utility services.
 - City staff has attempted, in good faith, to follow all applicable ordinances.
 - City staff has given due consideration to the negative impact or unintended consequences related to the city residents who are tenants of the customer.
 - City staff has attempted to assure the customer that the city's billings fairly document the customer's water/sewer usage.

Recommendation Con't

- City Council find that the customer is bound contractually to pay for services as billed or adjusted appropriately by policy as stated in the city's ordinances.
 - That all new utility billings are to be paid in full when due.
 - That the arrears amount shall be paid in full within 90 days without additional interest or service charges or a payment plan entered into as approved by the city manager which may include interest or service charges.
 - Failure to make either payment timely will result in the appropriate notice of utility shutoff.

Date	Jour Code	Description	Amount	Sales	Late Payment	Service Charge	Adjustment	Payment	Balance
12/21/2009	BJ	REGULAR BILLING	\$ 6,698.47	\$6,698.47					\$6,698.47
1/8/2010	CR	PAYMENT APPLIED	\$ (6,698.47)					-\$6,698.47	\$0.00
1/8/2010	LP	LATE PAYMENT	\$ 669.84		\$669.84				\$669.84
1/21/2010	BJ	REGULAR BILLING	\$ 6,056.68	\$6,056.68					\$6,726.52
2/1/2010	EC	NON PAY SERVICE CHARGE	\$ 20.00			\$20.00			\$6,746.52
2/4/2010	EC	NON PAY SC REVERSAL	\$ (20.00)			-\$20.00			\$6,726.52
2/8/2010	CR	PAYMENT APPLIED	\$ (6,726.52)					-\$6,726.52	\$0.00
2/22/2010	BJ	REGULAR BILLING	\$ 6,486.40	\$6,486.40					\$6,486.40
3/4/2010	CR	PAYMENT APPLIED	\$ (6,486.40)					-\$6,486.40	\$0.00
3/19/2010	BJ	REGULAR BILLING	\$ 5,178.87	\$5,178.87					\$5,178.87
4/6/2010	CR	PAYMENT APPLIED	\$ (5,178.87)					-\$5,178.87	\$0.00
4/21/2010	BJ	REGULAR BILLING	\$ 6,418.33	\$6,418.33					\$6,418.33
5/7/2010	CR	PAYMENT APPLIED	\$ (6,418.33)					-\$6,418.33	\$0.00
5/21/2010	BJ	REGULAR BILLING	\$ 6,059.53	\$6,059.53					\$6,059.53
6/7/2010	CR	PAYMENT APPLIED	\$ (6,059.53)					-\$6,059.53	\$0.00
6/18/2010	BJ	REGULAR BILLING	\$ 5,823.85	\$5,823.85					\$5,823.85
7/6/2010	CR	PAYMENT APPLIED	\$ (5,823.85)					-\$5,823.85	\$0.00
7/20/2010	BJ	REGULAR BILLING	\$ 6,966.69	\$6,966.69					\$6,966.69
8/10/2010	CR	PAYMENT APPLIED	\$ (6,966.69)					-\$6,966.69	\$0.00
8/19/2010	BJ	REGULAR BILLING	\$ 6,405.71	\$6,405.71					\$6,405.71
9/9/2010	CR	PAYMENT APPLIED	\$ (6,405.71)					-\$6,405.71	\$0.00
9/10/2010	CR	PAYMENT APPLIED	\$ (6,405.71)					-\$6,405.71	-\$6,405.71
9/21/2010	BJ	REGULAR BILLING	\$ 7,542.32	\$7,542.32					\$1,136.61
9/24/2010	CR	PAYMENT APPLIED	\$ -					\$0.00	\$1,136.61
10/6/2010	CR	PAYMENT APPLIED	\$ (1,136.61)					-\$1,136.61	\$0.00
10/21/2010	BJ	REGULAR BILLING	\$ 7,803.75	\$7,803.75					\$7,803.75
11/8/2010	CR	PAYMENT APPLIED	\$ (7,803.75)					-\$7,803.75	\$0.00
11/19/2010	BJ	REGULAR BILLING	\$ 8,323.23	\$8,323.23					\$8,323.23
12/9/2010	LP	LATE PAYMENT	\$ 832.33		\$832.33				\$9,155.56
12/13/2010	CR	PAYMENT APPLIED	\$ (8,323.23)					-\$8,323.23	\$832.33
12/21/2010	BJ	REGULAR BILLING	\$ 6,039.73	\$6,039.73					\$6,872.06
12/21/2010	EC	PENALTY REVERSED	\$ (832.33)			-\$832.33			\$6,039.73
1/7/2011	CR	PAYMENT APPLIED	\$ (6,039.73)					-\$6,039.73	\$0.00
1/20/2011	BJ	REGULAR BILLING	\$ 7,047.58	\$7,047.58					\$7,047.58
2/8/2011	EC	BILLING ADJUSTMENT	\$ (557.26)			-\$557.26			\$6,490.32
2/9/2011	CR	PAYMENT APPLIED	\$ (6,490.32)					-\$6,490.32	\$0.00
2/21/2011	BJ	REGULAR BILLING	\$ 6,071.92	\$6,071.92					\$6,071.92
3/4/2011	CR	PAYMENT APPLIED	\$ (6,071.92)					-\$6,071.92	\$0.00
3/21/2011	BJ	REGULAR BILLING	\$ 5,683.98	\$5,683.98					\$5,683.98
4/7/2011	CR	PAYMENT APPLIED	\$ (5,683.98)					-\$5,683.98	\$0.00
4/21/2011	BJ	REGULAR BILLING	\$ 6,329.43	\$6,329.43					\$6,329.43
5/9/2011	CR	PAYMENT APPLIED	\$ (6,329.43)					-\$6,329.43	\$0.00
5/19/2011	BJ	REGULAR BILLING	\$ 5,454.20	\$5,454.20					\$5,454.20
6/8/2011	CR	PAYMENT APPLIED	\$ (5,454.20)					-\$5,454.20	\$0.00
6/22/2011	BJ	REGULAR BILLING	\$ 7,121.74	\$7,121.74					\$7,121.74
7/8/2011	CR	PAYMENT APPLIED	\$ (7,121.74)					-\$7,121.74	\$0.00
7/8/2011	LP	LATE PAYMENT	\$ 712.17		\$712.17				\$712.17
7/21/2011	BJ	REGULAR BILLING	\$ 6,264.82	\$6,264.82					\$6,976.99
8/8/2011	CR	PAYMENT APPLIED	\$ (6,264.82)					-\$6,264.82	\$712.17
8/9/2011	LP	LATE PAYMENT	\$ 71.22		\$71.22				\$783.39
8/19/2011	BJ	REGULAR BILLING	\$ 6,780.24	\$6,780.24					\$7,563.63
9/8/2011	CR	PAYMENT APPLIED	\$ (7,458.26)					-\$7,458.26	\$105.37
9/9/2011	LP	LATE PAYMENT	\$ 10.54		\$10.54				\$115.91
9/21/2011	BJ	REGULAR BILLING	\$ 6,040.88	\$6,040.88					\$6,156.79
9/22/2011	CR	PAYMENT APPLIED	\$ (115.91)					-\$115.91	\$6,040.88
10/7/2011	CR	PAYMENT APPLIED	\$ (6,040.88)					-\$6,040.88	\$0.00
10/20/2011	AJ	REGULAR BILLING	\$ 6,409.71				\$6,409.71		\$6,409.71
10/20/2011	AJ	BILLING ADJUSTMENT	\$ (12,796.53)				-\$12,796.53		-\$6,386.82
10/20/2011	BJ	REGULAR BILLING	\$ 12,796.53	\$12,796.53					\$6,409.71
11/7/2011	CR	PAYMENT APPLIED	\$ (6,409.71)					-\$6,409.71	\$0.00
11/18/2011	BJ	REGULAR BILLING	\$ 5,567.43	\$5,567.43					\$5,567.43
12/8/2011	CR	PAYMENT APPLIED	\$ (5,567.43)					-\$5,567.43	\$0.00
12/21/2011	BJ	REGULAR BILLING	\$ 6,525.44	\$6,525.44					\$6,525.44
1/9/2012	CR	PAYMENT APPLIED	\$ (6,525.44)					-\$6,525.44	\$0.00
1/19/2012	BJ	REGULAR BILLING	\$ 5,743.99	\$5,743.99					\$5,743.99
2/9/2012	CR	PAYMENT APPLIED	\$ (5,743.99)					-\$5,743.99	\$0.00
2/21/2012	BJ	REGULAR BILLING	\$ 6,629.73	\$6,629.73					\$6,629.73
3/7/2012	CR	PAYMENT APPLIED	\$ (6,629.73)					-\$6,629.73	\$0.00
3/20/2012	BJ	REGULAR BILLING	\$ 5,758.10	\$5,758.10					\$5,758.10
4/10/2012	CR	PAYMENT APPLIED	\$ (5,758.10)					-\$5,758.10	\$0.00

Attachment: 2015-140 ATTH 02 Account Payment and Collection Record (1416 : 2015-140 RES Directing Settlement of Utility Billing Dispute)

Date	Jour Code	Description	Amount	Sales	Late Payment	Service Charge	Adjustment	Payment	Balance
4/19/2012	BJ	REGULAR BILLING	\$ 6,174.39	\$6,174.39					\$6,174.39
5/4/2012	CR	PAYMENT APPLIED	\$ (6,174.39)					-\$6,174.39	\$0.00
5/21/2012	BJ	REGULAR BILLING	\$ 6,032.35	\$6,032.35					\$6,032.35
6/6/2012	CR	PAYMENT APPLIED	\$ (6,032.35)					-\$6,032.35	\$0.00
6/20/2012	BJ	REGULAR BILLING	\$ 6,010.25	\$6,010.25					\$6,010.25
7/9/2012	CR	PAYMENT APPLIED	\$ (6,010.25)					-\$6,010.25	\$0.00
7/19/2012	BJ	REGULAR BILLING	\$ 5,585.88	\$5,585.88					\$5,585.88
8/7/2012	CR	PAYMENT APPLIED	\$ (5,585.88)					-\$5,585.88	\$0.00
8/20/2012	BJ	REGULAR BILLING	\$ 6,382.27	\$6,382.27					\$6,382.27
9/7/2012	CR	PAYMENT APPLIED	\$ (6,382.57)					-\$6,382.57	-\$0.30
9/21/2012	BJ	REGULAR BILLING	\$ 5,262.96	\$5,262.96					\$5,262.66
10/8/2012	CR	PAYMENT APPLIED	\$ (5,262.66)					-\$5,262.66	\$0.00
10/19/2012	BJ	REGULAR BILLING	\$ 4,158.70	\$4,158.70					\$4,158.70
11/5/2012	CR	PAYMENT APPLIED	\$ (4,158.70)					-\$4,158.70	\$0.00
11/20/2012	BJ	REGULAR BILLING	\$ 4,393.28	\$4,393.28					\$4,393.28
12/6/2012	CR	PAYMENT APPLIED	\$ (4,383.28)					-\$4,383.28	\$10.00
12/10/2012	LP	LATE PAYMENT	\$ 1.00		\$1.00				\$11.00
12/19/2012	BJ	REGULAR BILLING	\$ 3,317.30	\$3,317.30					\$3,328.30
1/7/2013	LP	LATE PAYMENT	\$ 1.10		\$1.10				\$3,329.40
1/7/2013	CR	PAYMENT APPLIED	\$ (3,317.30)					-\$3,317.30	\$12.10
1/18/2013	BJ	REGULAR BILLING	\$ 3,162.80	\$3,162.80					\$3,174.90
2/7/2013	CR	PAYMENT APPLIED	\$ (3,174.90)					-\$3,174.90	\$0.00
2/21/2013	BJ	REGULAR BILLING	\$ 3,507.14	\$3,507.14					\$3,507.14
3/4/2013	CR	PAYMENT APPLIED	\$ (3,507.14)					-\$3,507.14	\$0.00
3/21/2013	BJ	REGULAR BILLING	\$ 3,597.31	\$3,597.31					\$3,597.31
4/5/2013	CR	PAYMENT APPLIED	\$ (3,597.31)					-\$3,597.31	\$0.00
4/19/2013	BJ	REGULAR BILLING	\$ 3,604.09	\$3,604.09					\$3,604.09
5/6/2013	CR	PAYMENT APPLIED	\$ (3,604.09)					-\$3,604.09	\$0.00
5/21/2013	BJ	REGULAR BILLING	\$ 3,996.66	\$3,996.66					\$3,996.66
6/5/2013	CR	PAYMENT APPLIED	\$ (3,996.66)					-\$3,996.66	\$0.00
6/20/2013	BJ	REGULAR BILLING	\$ 4,105.14	\$4,105.14					\$4,105.14
7/5/2013	CR	PAYMENT APPLIED	\$ (4,105.14)					-\$4,105.14	\$0.00
7/19/2013	BJ	REGULAR BILLING	\$ 4,432.61	\$4,432.61					\$4,432.61
8/5/2013	CR	PAYMENT APPLIED	\$ (4,432.61)					-\$4,432.61	\$0.00
8/21/2013	BJ	REGULAR BILLING	\$ 5,650.98	\$5,650.98					\$5,650.98
9/4/2013	CR	PAYMENT APPLIED	\$ (5,650.98)					-\$5,650.98	\$0.00
9/20/2013	BJ	REGULAR BILLING	\$ 5,231.97	\$5,231.97					\$5,231.97
10/4/2013	CR	PAYMENT APPLIED	\$ (5,231.97)					-\$5,231.97	\$0.00
10/21/2013	BJ	REGULAR BILLING	\$ 5,775.05	\$5,775.05					\$5,775.05
11/6/2013	CR	PAYMENT APPLIED	\$ (5,775.05)					-\$5,775.05	\$0.00
11/21/2013	BJ	REGULAR BILLING	\$ 5,069.25	\$5,069.25					\$5,069.25
12/9/2013	CR	PAYMENT APPLIED	\$ (5,069.25)					-\$5,069.25	\$0.00
12/19/2013	BJ	REGULAR BILLING	\$ 4,318.70	\$4,318.70					\$4,318.70
1/6/2014	CR	PAYMENT APPLIED	\$ (4,318.70)					-\$4,318.70	\$0.00
1/22/2014	BJ	REGULAR BILLING	\$ 5,034.00	\$5,034.00					\$5,034.00
2/7/2014	CR	PAYMENT APPLIED	\$ (5,034.00)					-\$5,034.00	\$0.00
2/21/2014	BJ	REGULAR BILLING	\$ 5,269.94	\$5,269.94					\$5,269.94
3/7/2014	CR	PAYMENT APPLIED	\$ (5,269.24)					-\$5,269.24	\$0.70
3/21/2014	BJ	REGULAR BILLING	\$ 5,216.88	\$5,216.88					\$5,217.58
4/7/2014	CR	PAYMENT APPLIED	\$ (5,216.88)					-\$5,216.88	\$0.70
4/21/2014	BJ	REGULAR BILLING	\$ 7,013.20	\$7,013.20					\$7,013.90
5/7/2014	CR	PAYMENT APPLIED	\$ (7,013.90)					-\$7,013.90	\$0.00
5/21/2014	BJ	REGULAR BILLING	\$ 6,392.84	\$6,392.84					\$6,392.84
6/9/2014	LP	LATE PAYMENT	\$ 639.29		\$639.29				\$7,032.13
6/20/2014	BJ	REGULAR BILLING	\$ 6,110.11	\$6,110.11					\$13,142.24
6/26/2014	EC	NON PAY SERVICE CHARGE	\$ 20.00			\$20.00			\$13,162.24
7/3/2014	CR	PAYMENT APPLIED	\$ (7,052.13)					-\$7,052.13	\$6,110.11
7/3/2014	EC	PENALTY REVERSED	\$ (639.29)			-\$639.29			\$5,470.82
7/8/2014	CR	PAYMENT APPLIED	\$ (6,110.11)					-\$6,110.11	-\$639.29
7/21/2014	BJ	REGULAR BILLING	\$ 6,704.03	\$6,704.03					\$6,064.74
8/5/2014	CR	PAYMENT APPLIED	\$ (6,064.74)					-\$6,064.74	\$0.00
8/21/2014	BJ	REGULAR BILLING	\$ 6,390.11	\$6,390.11					\$6,390.11
9/8/2014	CR	PAYMENT APPLIED	\$ (6,390.11)					-\$6,390.11	\$0.00
9/19/2014	BJ	REGULAR BILLING	\$ 6,500.63	\$6,500.63					\$6,500.63
10/7/2014	LP	LATE PAYMENT	\$ 650.07		\$650.07				\$7,150.70
10/13/2014	CR	PAYMENT APPLIED	\$ (7,150.70)					-\$7,150.70	\$0.00
10/21/2014	BJ	REGULAR BILLING	\$ 7,181.35	\$7,181.35					\$7,181.35
11/7/2014	CR	PAYMENT APPLIED	\$ (7,181.35)					-\$7,181.35	\$0.00
11/20/2014	BJ	REGULAR BILLING	\$ 6,442.33	\$6,442.33					\$6,442.33
12/5/2014	CR	PAYMENT APPLIED	\$ (6,442.33)					-\$6,442.33	\$0.00

Attachment: 2015-140 ATTH 02 Account Payment and Collection Record (1416 : 2015-140 RES Directing Settlement of Utility Billing Dispute)

Date	Jour Code	Description	Amount	Sales	Late Payment	Service Charge	Adjustment	Payment	Balance
12/22/2014	BJ	REGULAR BILLING	\$ 3,741.86	\$3,741.86					\$3,741.86
1/6/2015	CR	PAYMENT APPLIED	\$ (3,741.86)					-\$3,741.86	\$0.00
1/21/2015	BJ	REGULAR BILLING	\$ 3,961.68	\$3,961.68					\$3,961.68
1/30/2015	EC	TX REFUSE ADJ-H#6	\$ (285.22)			-\$285.22			\$3,676.46
2/10/2015	LP	LATE PAYMENT	\$ 367.65		\$367.65				\$4,044.11
2/20/2015	BJ	REGULAR BILLING	\$ 3,967.14	\$3,967.14					\$8,011.25
2/26/2015	EC	NON PAY SERVICE CHARGE	\$ 20.00			\$20.00			\$8,031.25
3/2/2015	CR	PAYMENT APPLIED	\$ (3,961.68)					-\$3,961.68	\$4,069.57
3/10/2015	LP	LATE PAYMENT	\$ 396.71		\$396.71				\$4,466.28
3/20/2015	BJ	REGULAR BILLING	\$ 5,820.53	\$5,820.53					\$10,286.81
3/23/2015	CR	PAYMENT APPLIED	\$ (3,741.86)					-\$3,741.86	\$6,544.95
3/26/2015	EC	NON PAY SERVICE CHARGE	\$ 20.00			\$20.00			\$6,564.95
3/27/2015	EC	NON PAY SC REVERSAL	\$ (20.00)			-\$20.00			\$6,544.95
4/8/2015	LP	LATE PAYMENT	\$ 582.05		\$582.05				\$7,127.00
4/9/2015	CR	PAYMENT APPLIED	\$ (3,741.86)					-\$3,741.86	\$3,385.14
4/21/2015	BJ	REGULAR BILLING	\$ 6,547.29	\$6,547.29					\$9,932.43
4/30/2015	EC	NON PAY SERVICE CHARGE	\$ 20.00			\$20.00			\$9,952.43
5/8/2015	LP	LATE PAYMENT	\$ 619.06		\$619.06				\$10,571.49
5/8/2015	CR	PAYMENT APPLIED	\$ (3,741.86)					-\$3,741.86	\$6,829.63
5/21/2015	BJ	REGULAR BILLING	\$ 5,409.10	\$5,409.10					\$12,238.73
5/28/2015	EC	NON PAY SERVICE CHARGE	\$ 20.00			\$20.00			\$12,258.73
6/3/2015	CR	PAYMENT APPLIED	\$ (3,741.86)					-\$3,741.86	\$8,516.87
6/8/2015	LP	LATE PAYMENT	\$ 540.91		\$540.91				\$9,057.78
6/19/2015	BJ	REGULAR BILLING	\$ 5,381.98	\$5,381.98					\$14,439.76
7/9/2015	CR	PAYMENT APPLIED	\$ (3,800.00)					-\$3,800.00	\$10,639.76
7/9/2015	LP	LATE PAYMENT	\$ 538.20		\$538.20				\$11,177.96
7/21/2015	BJ	REGULAR BILLING	\$ 6,603.05	\$6,603.05					\$17,781.01
8/5/2015	CR	PAYMENT APPLIED	\$ (3,800.00)					-\$3,800.00	\$13,981.01
8/10/2015	LP	LATE PAYMENT	\$ 660.31		\$660.31				\$14,641.32
8/24/2015	BJ	REGULAR BILLING	\$ 5,834.20	\$5,834.20					\$20,475.52
8/27/2015	EC	TX NON PAY SERVICE CHARG	\$ 35.00			\$35.00			\$20,510.52
9/10/2015	LP	LATE PAYMENT	\$ 583.42		\$583.42				\$21,093.94
9/10/2015	CR	PAYMENT APPLIED	\$ (4,000.00)					-\$4,000.00	\$17,093.94
9/24/2015	EC	TX NON PAY SERVICE CHARG	\$ 35.00			\$35.00			\$17,128.94
9/25/2015	BJ	REGULAR BILLING	\$ 5,055.86	\$5,055.86					\$22,184.80
9/25/2015	AJ	BILLING ADJUSTMENT	\$ (5,055.86)				-\$5,055.86		\$17,128.94
9/25/2015	BJ	REGULAR BILLING	\$ 5,055.86	\$5,055.86					\$22,184.80
10/9/2015	LP	LATE PAYMENT	\$ 505.58		\$505.58				\$22,690.38
10/22/2015	BJ	REGULAR BILLING	\$ 5,364.10	\$5,364.10					\$28,054.48
11/10/2015	LP	LATE PAYMENT	\$ 536.41		\$536.41				\$28,590.89
11/12/2015	CR	PAYMENT APPLIED	\$ (4,000.00)					-\$4,000.00	\$24,590.89
11/23/2015	BJ	REGULAR BILLING	\$ 5,632.77	\$5,632.77					\$30,223.66
11/29/2015	EC	TX NON PAY SERVICE CHARG	\$ 35.00			\$35.00			\$30,258.66
Totals				\$422,019.49	\$8,917.86	-\$2,129.10	-\$11,442.68	-\$387,106.91	\$30,258.66

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☐ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☒ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 11/20/2015 11:25 AM

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk
Subject: Ordinance No. 2015-129 rezoning an approximate 0.9 acre tract of land in the M.A. Bassett HRS, A-91, located at 2905 Texas Boulevard. Single Family-2 to Office. Landmark Pentecostal Church, applicant. Keith Culberson, Whatley Signs, agent.
Briefing: 1/11/2016 **Public Hearing:** 12/14/2015 **Second Briefing:** January 11, 2016 **Council Vote:** 1/25/2016

Item Schedule

Schedule 1: Brief twice - vote once (six weeks)

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

This is a request by Jason Calhoun, Pastor of Landmark Pentecostal Church, owner, and Keith Culberson, Whatley Sign Company, agent, to rezone a 0.9 acre tract of land located in the M.A. Bassett HRS, A-91, located at 2905 Texas Boulevard from Single Family-2 to Office. The current use of this property is Landmark Pentecostal Church. The church has indicated that the existing signage needs upgrading. The proposed updated sign includes electronic messaging signage (CEVMS).

The adjacent zoning is SF-2 to the north and south, SF-3 to the west and Neighborhood Service and SF-2 to the east. The adjacent land usage is residences to the north and south, several small businesses and a residence to the east, and additional church facilities to the west.

The Comprehensive Plan has designated this as a Retail area.

A Specific Use Permit will have to be approved along with this rezoning to the Office zoning district to allow this new CEVMS signage.

All notification and application requirements have been met to consider this request.

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Staff recommends for approval of this request based on the designation of the City's Comprehensive Plan.

City of Texarkana, Texas

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request.

Advisory Board/Committee Meeting Date and Minutes:

November 2, 2015

Attachments

- a. Goals & Perspectives (DOCX)
- b. 2015-129 ORD rezoning 2905 Texas Blvd. (DOCX)
- c. 2015-129 ORD ATTH No. 01 EXH 'A' (PDF)
- d. 2015-129 ORD ATTH No. 02 Maps (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	11/12/2015 5:27 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	11/16/2015 8:31 AM
Public Information Officer	Lisa Thompson	PIO Review
	11/20/2015 9:10 AM	Completed
City Manager	John Whitson	City Manager Review
11:25 AM		Completed
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		11/23/2015

Meeting History

11/23/15	City Council	MOVED FORWARD	Next: 12/14/15
12/14/15	City Council	MOVED FORWARD	Next: 01/11/16

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☒	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☒	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☒	Sign Posted

Other:

Z-15-14

ORDINANCE NO. 2015-129

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 0.9 ACRE TRACT OF LAND IN THE M.A. BASSETT HRS, A-91, LOCATED AT 2905 TEXAS BOULEVARD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-2 TO OFFICE; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate 0.9 acre tract of land in the M.A. Bassett HRS, A-91 (Exhibit "A"), located at 2905 Texas Boulevard in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Office**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas **voted five (5) to zero (0) to recommend the application for rezoning from Single Family-2 to Office on an approximate 0.9 acre tract of land in the M.A. Bassett HRS, A-91 (Exhibit "A"), located at 2905 Texas Boulevard** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Office** in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone an approximate 0.9 acre tract of land in the M.A. Bassett HRS, A-91 (Exhibit "A"), located at 2905 Texas Boulevard in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Office**.

Attachment: 2015-129 ORD rezoning 2905 Texas Blvd. [Revision 1] (1402 : 2015-129 ORD rezoning at 2905 Texas Blvd.)

SECTION 2: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of January, 2016.**

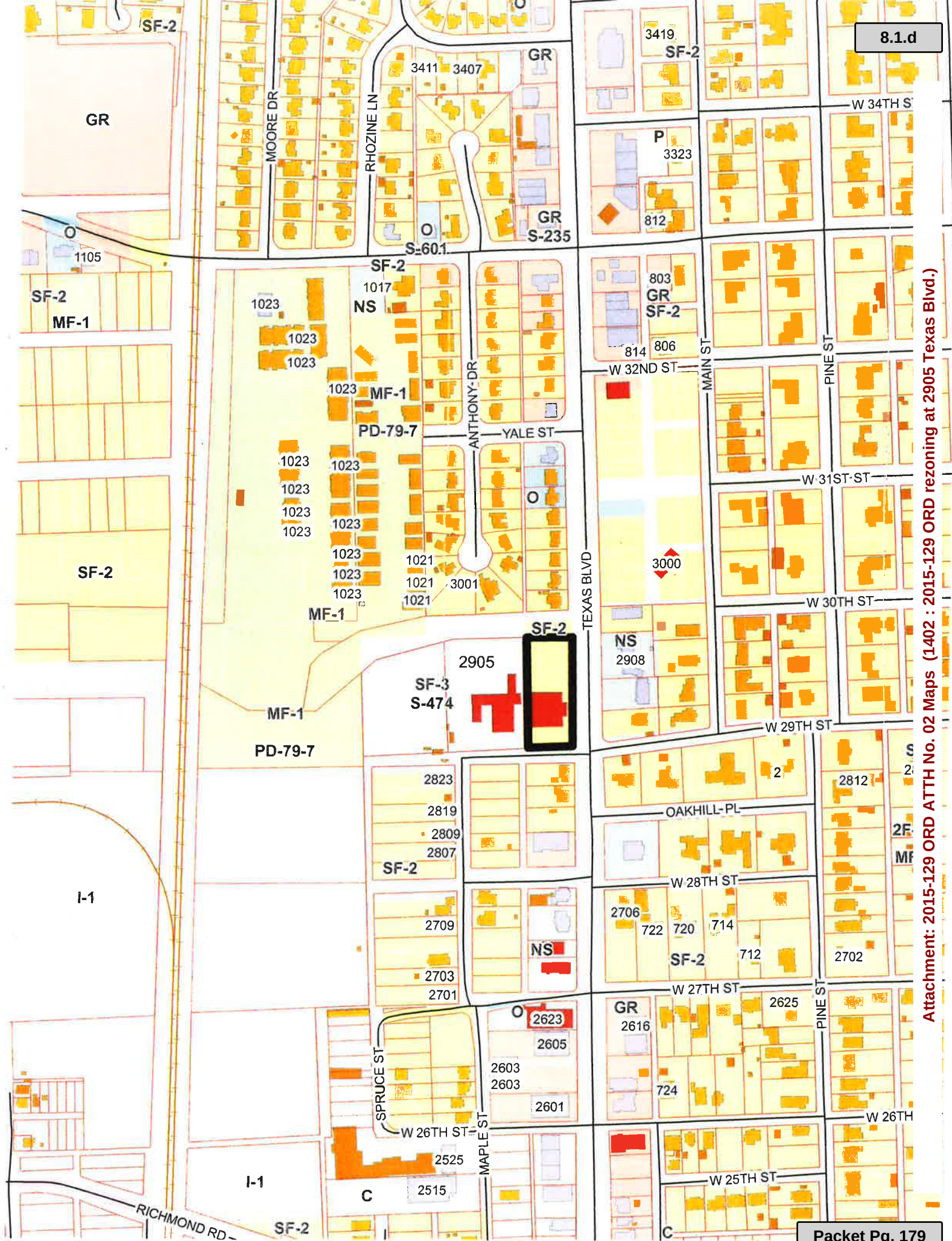
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT "A"

All that certain tract or parcel of land being a 0.9 acre tract of land and also known as Tract 33 in the M.A. Bassett HRS, A-91 in Bowie County, Texas.





City of Texarkana, Texas

Version:

Update Date: 11/19/2015 3:37 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk
Subject: Ordinance No. 2015-130 granting a Specific Use Permit to allow a Changeable Electronic Variable Message Sign (CEVMS) on an approximate 0.9 acre tract of land located in the M.A. Bassett HRS, A-91, located at 2905 Texas Boulevard. Landmark Pentecostal Church, applicant. Keith Culberson, Whatley Signs, agent.
Briefing: 1/11/2016 **Public Hearing:** 12/14/2015 **Second Briefing:** January 11, 2016 **Council Vote:** 1/25/2016

Item Schedule

Schedule 1: Brief twice - vote once (six weeks)

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

This is a request by Jason Calhoun, Pastor of Landmark Pentecostal Church, owner, and Keith Culberson, Whatley Sign Company, agent, for a Specific Use Permit on a 0.9 acre tract of land in the M.A. Bassett HRS, A-91, located at 2905 Texas Boulevard. The current use of this property is Landmark Pentecostal Church. The request for a Specific Use Permit is to allow a Changeable Electronic Variable Message Sign (CEVMS) for the church. A Specific Use Permit is required in the Office zoning district for an on premise electronic messaging (CEVMS) sign.

The adjacent zoning is SF-2 to the north and south, SF-3 to the west and Neighborhood Service and SF-2 to the east. The adjacent land usage is residences to the north and south, offices and a residence to the east and additional church facilities to the west.

The church has an existing pole type sign with two cabinets and a flame on the top. The top cabinet is 5' x 10' (50 overall sq. ft.). The bottom cabinet is a changeable letter type sign that is approximately 3.6 x 6' (app. 21 overall sq. ft.). It is 19' in overall height. See attached photograph of existing sign.

The proposed new sign will be a double faced, internally illuminated monument style sign with overall dimensions of 10'6" in width and 13'5' in height. The electronic messaging portion of the sign is 15 square feet in size and the top cabinet is 42.5 square feet in size. These two cabinets will sit on a 3' x 10' 6" aluminum pedestal.

Staff has concerns about residential properties in this area being affected by the brightness of the sign at night. Per the Zoning Ordinance for CEVMS type signs, "the maximum brightness during the day shall be 4,000 nits and at night 1,000 nits. Nits are a measure of brightness".

All notification and application requirements have been met to consider this request.

Potential Options:

None

City of Texarkana, Texas

Fiscal Implications:

None

Staff Recommendation:

Staff recommends for approval of this request with the stipulation that the electronic messaging portion of the sign be turned off at night and pending the Planning and Zoning Commission's decision to allow electronic messaging for institutional uses.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission by a vote of 3 to 2 recommended for approval of the Specific Use Permit with the following stipulation:

- The electronic messaging (CEVMS) portion of the sign be turned off from 10:00 p.m. to 7:00 a.m.

Advisory Board/Committee Meeting Date and Minutes:

November 2, 2015

Attachments

- a. Goals & Perspectives (DOCX)
- b. 2015-130 ORD SUP for CEVMS at 2905 Texas Blvd. (DOCX)
- c. 2015-130 ORD ATTH No. 01 EXH 'A' Prop. sign (PDF)
- d. 2015-130 ORD ATTH No. 02 EXH 'B' (PDF)
- e. 2015-130 ORD ATTH No. 03 Existing signage (PDF)
- f. 2015-130 ORD ATTH No. 04 Maps (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	11/12/2015 5:28 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	11/16/2015 8:31 AM
Public Information Officer	Lisa Thompson	PIO Review
	11/16/2015 8:39 AM	Completed
City Manager	John Whitson	City Manager Review
3:38 PM	Completed	11/19/2015

City of Texarkana, Texas

City Council
6:00 PM

Jennifer Evans

Meeting

Completed

11/23/2015

Meeting History

11/23/15	City Council	MOVED FORWARD	Next: 12/14/15
12/14/15	City Council	MOVED FORWARD	Next: 01/11/16

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☒	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☒	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☒	Sign Posted

Other:

ORDINANCE NO. 2015-130

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-661 TO ALLOW A CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS) ON AN APPROXIMATE 0.9 ACRE TRACT OF LAND IN THE M.A. BASSETT HRS, A-91, LOCATED AT 2905 TEXAS BOULEVARD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance so as to grant a **Specific Use Permit to allow a Changeable Electronic Variable Message Sign (Exhibit “A”)** on an approximate 0.9 acre tract of land in the M.A. Bassett HRS, A-91 (Exhibit B), located at 2905 Texas Boulevard in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas **voted three (3) to two (2) to recommend approval of the application for a Specific Use Permit to allow a Changeable Electronic Variable Message Sign (Exhibit “A”) with the stipulation that the electronic messaging (CEVMS) portion of the sign be turned off from 10:00 p.m. to 7:00 a.m.** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit to allow a Changeable Electronic Variable Message Sign (Exhibit “A”) with the stipulation that the electronic messaging (CEVMS) portion of the sign be turned off from 10:00 p.m. to 7:00 a.m.** is in the best interest of the public health, safety, morals and general welfare of the City;

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended so as to grant a **Specific Use Permit numbered S-661 for the purpose of allowing a Changeable Electronic Variable Message Sign (Exhibit A)** on an approximate 0.9 acre tract of land in the M.A. Bassett HRS, A-91 (**Exhibit “B”**) in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following stipulation is hereby imposed and made a part of this Ordinance:

- The electronic messaging (CEVMS) portion of the sign be turned off from 10:00 p.m. to 7:00 a.m.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 4: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 25th day of January, 2016.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Manufacture and install: (1) double faced, monument sign structure consisting of (1) 6' 2" H x 8' W, internally illuminated, ID sign, (2) 2' 6.2" H x 5' 10.5" W, 16mm, full color electronic message centers, mounted on a 3' H x 10' 6" W aluminum pedestal.

Middle portion of sign (where EMC is) shall be 3' 10" H x 8' W non-illuminated, fabricated of aluminum. **Overall size of completed sign will be 13' 5" H x 10' 6" W.**

Suggested colors: Vinyl - Sand Dune (Avery translucent) Poppy Red & Gold Nugget (3M translucent) Black lettering (3M opaque, high performance vinyl) White (3M reflective) for street numbers.

Paint colors for structure: Pillars - White, pedestal - to match vinyl color - Poppy Red

Paint colors for sign cabinets: to match vinyl color - Sand Dune

Option 2.B



- ☐ APPROVED AS SHOWN
☐ APPROVED WITH CHANGES AS NOTED
☐ REVISE AND SUBMIT NEW PROOF WITH CHANGES

PROPERTY OF WHATLEY SIGN COMPANY - NOT BE DUPLICATED

This art is the exclusive property of Whatley Sign Company and is for the sole purpose of viewing by the recipient. It is not to be released to outside parties. Any duplication and/or copying of these drawings in part or in whole is prohibited. Any violation of these terms will result in penalties and prosecution under copyright laws.

Due to variations in printing, the colors shown are representations and should be used as a guide only.

Landmark Pentecostal Church

Designed for

Signature of Authorized Representative

Date

WHATLEY
SIGN COMPANY

1109 E 51st Street 870.773.2139 P
 Texarkana, AR 71854 870.772.5703 F

www.whatleysign.com

Attachment: 2015-130 ORD ATTH No. 01 EXH 'A' Prop. sign (1403 : 2015-130 ORD SUP for CEVMS at 2905 Texas Blvd.)

EXHIBIT "B"

All that certain tract or parcel of land being a 0.9 acre tract of land and also known as Tract 33 in the M.A. Bassett HRS, A-91 in Bowie County, Texas.

Existing

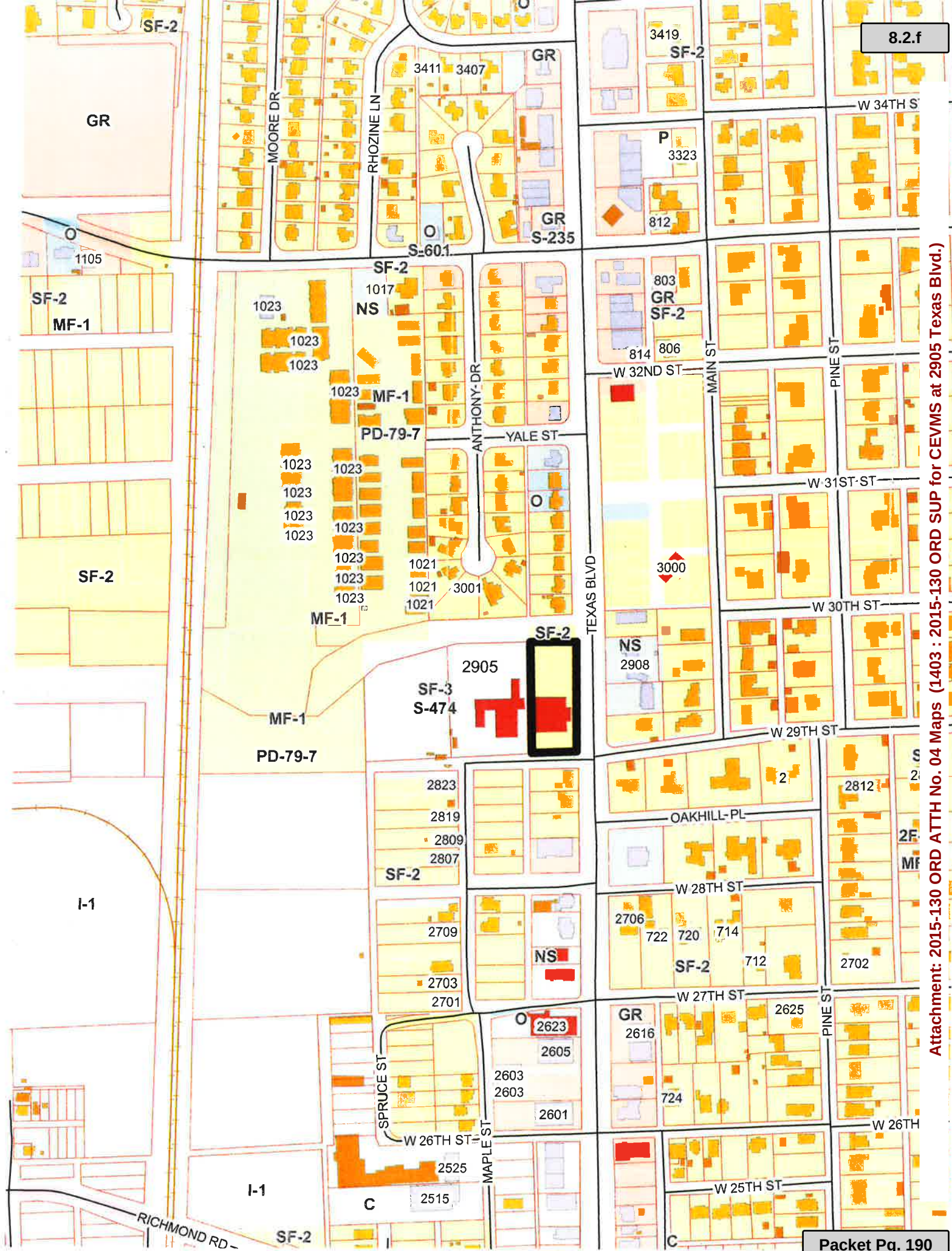
Approx. size of
existing cabinet:
5' H x 10' W

Approx. size of
existing cabinet:
3' 6" H x 6' W

Height 19' from
ground to top of
cabinet



SET YOUR
AFFECTIONS ON
THINGS ABOVE
INSTEAD OF EARTH





City of Texarkana, Texas

Version: D

Update Date: 11/18/2015 10:19 AM

Briefing Sheet

Lead Department: Fire Department **Action Officer:** Eric Schlotter, Fire Chief
Subject: Ordinance No. 2015-135 amending the Code of Ordinances Sec. 18-14 -
Outdoor Burning.
Briefing: 1/11/2016 **Public Hearing:** 12/14/2015 **Second Briefing:** January 11, 2016 **Council Vote:** 1/25/2016

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

"NOT APPLICABLE"

Executive Summary and Background Information:

A recent discussion regarding the fee charged for burning permits led to a discovery that the permit process for outdoor burning was not compliant with the adopted ordinance governing the issue. At the direction of Council, revisions to the Code of Ordinances are being proposed in this Ordinance. The Ordinance before you would amend the current Code of Ordinances to properly allow staff to issue permits for outdoor burning, it also lists the applicable rules and adjusts the penalty for violation.

Potential Options:

- Adopt Ordinance 2015-135 thus amending the burning ordinance to allow outdoor burning by permit.
- Take no action, which would effectively ban all outdoor burning with few exceptions.

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval of the Ordinance.

Advisory Board/Committee Review:

"NONE"

Board/Committee Recommendation:

"NOT APPLICABLE"

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

City of Texarkana, Texas

- a. 2015-135 ORD Redline version of changes to Code of Ordinances Sec. 18-14 (DOCX)
- b. 2015-135 ORD Code of Ordinances Sec. 18-14 changes only (DOCX)
- c. 2015-135 ORD Code of Ordinances Sec. 18-14 revised (DOCX)
- d. 2015-135 ORD Goals & Perspectives (DOCX)
- e. 2015-135 Ordinance (DOC)

Staff Coordination

Fire Department	Eric Schlotter	Department Head Review	Completed	
	11/18/2015 10:25 AM			
Municipal Prosecutor	Shirley Jaster	Legal Review	Completed	11/18/2015
	10:43 AM			
City Attorney	John Whitson	Legal Review	Skipped	11/19/2015
	4:03 PM			
Assistant City Manager		Shirley Jaster	Assistant City Manager	
Review	Completed	11/19/2015 4:06 PM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	11/19/2015 4:07 PM			
City Manager	John Whitson	City Manager Review	Completed	11/19/2015
	4:25 PM			
City Council	Jennifer Evans	Meeting	Completed	11/23/2015
	6:00 PM			

Meeting History

11/23/15	City Council	MOVED FORWARD	Next: 12/14/15
12/14/15	City Council	MOVED FORWARD	Next: 01/11/16

Sec. 18-14. Outdoor burning.

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

Bonfire means a large outdoor fire utilized for recreational or ceremonial purposes.

Chimney means a single opening, moveable, outdoor fireplace design with a stack or chimney to draft air into a fire and smoke to be drawn out the top of the stack.

Extinguished means the absence of any visible flames, glowing coals, heat or smoke.

Fire pit means a place or structure designed and approved for the burning of combustible material that does not have a flue, chimney or duct and the combustion gases are emitted directly into the atmosphere.

FIRE PROTECTION, EMERGENCY MEDICAL SERVICES § 18-14

CD18:7

Open burning means a fire or smoldering combustible material which is not contained completely within an approved container, but shall not include charcoal, gas or electric grills and smokers.

Outdoor fireplace means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue and is constructed of brick, rock or other masonry material.

Portable outdoor fireplace means a movable container that is commercially manufactured and designed with a chamber to hold an outdoor fire, used for heat or light, but not for cooking. A portable outdoor fireplace must be equipped with a screen capable of preventing burning embers from escaping.

Recreational fire means a fire for the purpose of cooking, obtaining warmth, or viewing for pleasure.

Responsible party means the property owner or occupant that causes or allows a recreational fire to be ignited or maintained on their property.

(b) *Prohibition of open burning.* No person may cause, suffer, or allow ~~or permit~~ any open burning within the city limits, except as allowed by permit, ~~for~~ recreational fires and firefighter training as specified in this chapter.

(c) *Exception for recreational fires; generally.* Recreational fires in an approved container are allowed. Any person may burn acceptable fuels in an approved container for the purpose of cooking, viewing for pleasure, or obtaining warmth, on property owned or occupied by such person. Fires must meet the requirements as listed in this section. No permit is required for such fires. Recreational fires are not allowed at any time a burn ban is in effect in accordance with section 18-93. Recreational fires are not allowed within the fire limits of the city.

(d) *Recreational fires; approved containers.*

(1) Approved containers for recreational fires are chimneys, fire pits, outdoor fireplaces, and portable outdoor fireplaces.

(2) Chimneys and portable outdoor fireplaces must be commercially manufactured for that specific purpose. Outdoor fireplaces and fire pits may be commercially manufactured or site built.

(3) Approved containers must have enclosed sides made from bricks, concrete blocks, heavy gauge metal or other suitable noncombustible material.

(4) Approved containers must have a spark arrestor mesh screen to contain sparks. Screens shall be of expanded metal (or equivalent noncombustible material) with openings no larger than one-half inch.

(5) Width of approved containers must not exceed three feet at its widest point.

§ 18-14 TEXARKANA CITY CODE

CD18:8

(6) Walls of approved containers cannot exceed two feet in height measured from the floor of the fire area to the top of the wall, excluding any chimney.

(7) Approved containers must be set upon or built into the bare ground or a noncombustible material such as brick, stone or concrete.

(e) *Recreational fires; fuels.* Acceptable fuels are clean, dry, seasoned firewood; charcoal; or commercially manufactured compressed fire logs. The following listed items are not acceptable fuels and shall not be burned:

(1) Commercial or domestic waste, trash or garbage.

(2) Leaves, pine needles or grass clippings.

(3) Lumber (treated or untreated), construction debris.

(4) Yard debris, unless it meets the definition of firewood or kindling.

(5) Flammable or combustible liquids.

(6) Electrical insulation, plastics, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

(f) *Recreational fires; responsible party responsibilities.* The responsible party shall:

(1) Remain in charge of the fire or keep a competent adult in charge of the fire.

(2) Ensure flame height is maintained at three feet or less.

(3) Ensure that the fire does not create a risk of fire or damage to persons or property.

(4) Immediately upon receipt of a complaint regarding the permitted burning, all burning material shall be extinguished. ~~Ensure that the fire does not create a nuisance that is offensive to any other person.~~

(5) Have a means of extinguishing the fire on hand at all times while the fire is burning.

(6) Ensure the fire is extinguished, leaving only cold ashes, before supervision of the fire ends.

(g) *Recreational fires; acceptable locations.*

(1) For approved containers other than fire pits, a minimum clearance of at least ten feet shall be maintained from buildings, property lines, trees, overhead power lines, combustible fences, combustible decks, or any combustible material.

(2) Fire pits shall have a minimum clearance of at least 25 feet from buildings, property lines, trees, overhead power lines, combustible fences, combustible decks or any combustible material.

(3) Recreational fires shall not be located over a natural gas line or under overhead utility lines.

FIRE PROTECTION, EMERGENCY MEDICAL SERVICES § 18-14

CD18:9

(h) *Recreational fires; fire department authority.* The fire chief or designated representative, shall have authority to enter private property where a recreational fire is burning to ensure the safety of said fire, to investigate a reported nuisance, or to ensure compliance with this section. The fire department representative shall have authority to extinguish or to have extinguished said fire if the fire is creating a danger, is creating a nuisance, or is in violation of this section.

(i) *Exception for bonfires; generally.* At the discretion of the fire chief or designated representative, bonfires may be allowed. Bonfires must meet the "General Requirements for Allowable Outdoor Burning" as specified in Texas Commission on Environmental Quality (TCEQ) regulations in the Tex. Admin. Code ch. 30, section 111.219, except that burning shall be allowed outside the time limits specified therein. Bonfires are not allowed within the fire limits of the city.

(j) *Bonfires; permit required.*

(1) A permit shall be required prior to allowing a bonfire.

(2) Before issuing a permit, the fire chief or designee shall inspect the proposed bonfire site and ensure compliance with applicable rules.

(3) Any permit issued under this section shall specify the approved location, the acceptable

fuels, the date and time approved, and any special conditions applicable to this bonfire.

(4) The responsible party receiving the permit shall ensure the permit is available on the scene of the bonfire for the duration of the event.

(5) The fire chief or designee, at their discretion, may require standby fire services prior to issuing a bonfire permit.

(k) Bonfires; responsible party responsibilities. The responsible party shall:

(1) Remain in charge of the fire or keep a competent adult in charge of the fire.

(2) Ensure that the fire does not create a risk of fire or damage to persons or property.

(3) Immediately upon receipt of a complaint regarding the permitted burning, all burning material shall be extinguished. ~~Ensure that the fire does not create a nuisance that is offensive to any other person.~~

(4) Have a means of extinguishing the fire on hand at all times while the fire is burning.

(5) Ensure the fire is extinguished, leaving only cold ashes, before supervision of the fire ends.

(l) Bonfires; fuels. Acceptable fuels are clean, dry, seasoned firewood; logs, limbs, pallets, lumber (not treated lumber), or other wood products. Small quantities of flammable or combustible liquids approved by the fire chief or designee, may be used for igniting the fire. The following listed items are not acceptable fuels and shall not be burned:

(1) Commercial or domestic waste, trash or garbage.

(2) Treated lumber, construction debris.

§ 18-14 TEXARKANA CITY CODE

CD18:10

(3) Flammable or combustible liquids (except as specified for ignition).

(4) Electrical insulation, plastics, asphaltic materials, potentially explosivematerials, chemical wastes, and items containing natural or synthetic rubber.

(m) Exception for firefighter training; generally. Open burning may be conducted for firefighter training. Burning for firefighter training must be conducted in accordance with Texas Commission on Environmental Quality (TCEQ) regulations in the Tex. Admin. Code ch. 30, section 111.205 "Exception for Fire Training".

(n) Exception for permitted burning; generally. At the discretion of the fire chief or designated representative, outdoor burning may be allowed. All permitted outdoor burning must meet the "General Requirements for Allowable Outdoor Burning" as specified in Texas Commission on Environmental Quality (TCEQ) regulations in the Tex. Administrative Code ch. 30, section 111.219. Outdoor burning shall only be permitted for the purpose of land development, and only when the parcel of land is equal to or greater than 5 acres in size. Outdoor burning is not allowed within the fire limits of the city.

(o) Outdoor burning; permit required.

(1) A permit shall be required prior to allowing outdoor burning.

(2) Before issuing a permit, the fire chief or designee shall inspect the proposed outdoor burning site and ensure compliance with applicable rules.

(3) Any permit issued under this section shall specify the approved location, the acceptable fuels, the date and time approved, and any special conditions applicable to this outdoor burning.

(4) The responsible party receiving the permit shall ensure the permit is available on the scene of the fire for the duration of the event.

(5) The fire chief or designee, at their discretion, may require standby fire services prior to issuing an outdoor burning permit.

(p) Outdoor burning; responsible party responsibilities. The responsible party shall:

(1) Remain on site and in charge of the fire or keep a competent adult on site and in charge of the fire.

(2) Ensure the fire does not create a risk of damage to person or property.

(3) Ensure that the fire does not create a nuisance that is offensive to any other person.

- (4) Have equipment on site to control and extinguish the fire.
- (5) Not commence burning when wind speed is predicted to be less than 6 mph or greater than 23 mph.
- (6) Ensure piles will be not less than 300 feet from any residential, recreational, commercial, or industrial area except those located on the property where burning is taking place.
- (7) Ensure burning will start no earlier than one hour after sunrise, and be completed no later than one hour before sunset.
- (8) Ensure the fire will be extinguished if the fire escapes control.
- (9) Be responsible and liable for any damages.
- (q) Outdoor burning; fuels. Only trees, brush, and other plant materials may be burned. The following listed items are not acceptable fuels and shall not be burned.
- (1) Electrical insulation, plastic, heavy oil, asphaltic material, chemical waste, construction or demolition material, or items that contain rubber.
- (2) Old tires shall not be used to start fires.
- (r) Outdoor Burning; Appeals. Persons who are denied burning permits may appeal by filing a written notice of appeal with the city secretary. The appeal must be filed within ten (10) days after receipt of the notice of denial. The city council shall hear and determine the appeal, and the decision of the council shall be final.
- (s) Penalty for violation. Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the city, shall be fined not more than \$~~2,050~~500.00. Each day of any such violation shall be deemed to be a separate offense.

(Code 1961, § 9-13; Ord. No. 226-08, § 1, 10-27-2008)

Sec. 18-15. Burning of garbage, petroleum products and vehicles prohibited.

The burning of garbage in any form, or petroleum products, or automobiles or other motor vehicles or any part thereof for wrecking or salvage purposes, in or on any lot or other premises within the city is hereby prohibited.

(Code 1961, § 9-17; Ord. of 8-25-1953, § 5)

Sec. 18-16. Fires in streets, etc., prohibited.

It shall be unlawful for any person to light or have lighted any fire in any street, alley, thoroughfare or public property.

(Code 1961, § 9-18; Ord. of 8-25-1953, § 6)

(b) *Prohibition of open burning.* No person may cause, suffer, or allow any open burning within the city limits, except as allowed by permit, recreational fires and firefighter training as specified in this chapter.

(n) *Exception for permitted burning; generally.* At the discretion of the fire chief or designated representative, outdoor burning may be allowed. All permitted outdoor burning must meet the "General Requirements for Allowable Outdoor Burning" as specified in Texas Commission on Environmental Quality (TCEQ) regulations in the Tex. Administrative Code ch. 30, section 111.219. Outdoor burning shall only be permitted for the purpose of land development, and only when the parcel of land is equal to or greater than 5 acres in size. Outdoor burning is not allowed within the fire limits of the city.

(o) *Outdoor burning; permit required.*

(1) A permit shall be required prior to allowing outdoor burning.

(2) Before issuing a permit, the fire chief or designee shall inspect the proposed outdoor burning site and ensure compliance with applicable rules.

(3) Any permit issued under this section shall specify the approved location, the acceptable fuels, the date and time approved, and any special conditions applicable to this outdoor burning.

(4) The responsible party receiving the permit shall ensure the permit is available on the scene of the fire for the duration of the event.

(5) The fire chief or designee, at their discretion, may require standby fire services prior to issuing an outdoor burning permit.

(p) *Outdoor burning; responsible party responsibilities.* The responsible party shall:

(1) Remain on site and in charge of the fire or keep a competent adult on site and in charge of the fire.

(2) Ensure the fire does not create a risk of damage to person or property.

(3) Extinguish all burning material immediately upon receipt of a complaint regarding the permitted burning, subject to the discretion and direction of the fire chief or designee.

(4) Have equipment on site to control and extinguish the fire.

(5) Not commence burning when wind speed is predicted to be less than 6 mph or greater than 23 mph.

(6) Ensure piles will be not less than 300 feet from any residential, recreational, commercial, or industrial area except those located on the property where burning is taking place.

(7) Ensure burning will start no earlier than one hour after sunrise, and be completed no later than one hour before sunset.

(8) Ensure the fire will be extinguished if the fire escapes control.

(9) Be responsible and liable for any damages.

(q) *Outdoor burning; fuels.* Only trees, brush, and other plant materials may be burned. The following listed items are not acceptable fuels and shall not be burned.

(1) Electrical insulation, plastic, heavy oil, asphaltic material, chemical waste, construction or demolition material, or items that contain rubber.

(2) Old tires shall not be used to start fires.

(r) *Outdoor Burning; Appeals.* Persons who are denied burning permits may appeal by filing a written notice of appeal with the city secretary. The appeal must be filed within ten (10) days after receipt of the notice of denial. The city council shall hear and determine the appeal, and the decision of the council shall be final.

(s) *Penalty for violation.* Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the city, shall be fined not more than \$2,000.00. Each day of any such violation shall be deemed to be a separate offense.

Sec. 18-14. Outdoor burning.

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

Bonfire means a large outdoor fire utilized for recreational or ceremonial purposes.

Chimney means a single opening, moveable, outdoor fireplace design with a stack or chimney to draft air into a fire and smoke to be drawn out the top of the stack.

Extinguished means the absence of any visible flames, glowing coals, heat or smoke.

Fire pit means a place or structure designed and approved for the burning of combustible material that does not have a flue, chimney or duct and the combustion gases are emitted directly into the atmosphere.

FIRE PROTECTION, EMERGENCY MEDICAL SERVICES § 18-14

CD18:7

Open burning means a fire or smoldering combustible material which is not contained completely within an approved container, but shall not include charcoal, gas or electric grills and smokers.

Outdoor fireplace means an enclosed and permanently affixed outdoor fire receptacle which incorporates a permanently affixed chimney or flue and is constructed of brick, rock or other masonry material.

Portable outdoor fireplace means a movable container that is commercially manufactured and designed with a chamber to hold an outdoor fire, used for heat or light, but not for cooking. A portable outdoor fireplace must be equipped with a screen capable of preventing burning embers from escaping.

Recreational fire means a fire for the purpose of cooking, obtaining warmth, or viewing for pleasure.

Responsible party means the property owner or occupant that causes or allows a recreational fire to be ignited or maintained on their property.

(b) *Prohibition of open burning.* No person may cause, suffer, or allow any open burning within the city limits, except as allowed by permit, recreational fires and firefighter training as specified in this chapter.

(c) *Exception for recreational fires; generally.* Recreational fires in an approved container are allowed. Any person may burn acceptable fuels in an approved container for the purpose of cooking, viewing for pleasure, or obtaining warmth, on property owned or occupied by such person. Fires must meet the requirements as listed in this section. No permit is required for such fires. Recreational fires are not allowed at any time a burn ban is in effect in accordance with section 18-93. Recreational fires are not allowed within the fire limits of the city.

(d) *Recreational fires; approved containers.*

(1) Approved containers for recreational fires are chimneys, fire pits, outdoor fireplaces, and portable outdoor fireplaces.

(2) Chimneys and portable outdoor fireplaces must be commercially manufactured for that specific purpose. Outdoor fireplaces and fire pits may be commercially manufactured or site built.

(3) Approved containers must have enclosed sides made from bricks, concrete blocks, heavy gauge metal or other suitable noncombustible material.

(4) Approved containers must have a spark arrestor mesh screen to contain sparks. Screens shall be of expanded metal (or equivalent noncombustible material) with openings no larger than one-half inch.

(5) Width of approved containers must not exceed three feet at its widest point.

§ 18-14 TEXARKANA CITY CODE

CD18:8

(6) Walls of approved containers cannot exceed two feet in height measured from the floor of the fire area to the top of the wall, excluding any chimney.

(7) Approved containers must be set upon or built into the bare ground or a noncombustible material such as brick, stone or concrete.

(e) *Recreational fires; fuels.* Acceptable fuels are clean, dry, seasoned firewood; charcoal; or commercially manufactured compressed fire logs. The following listed items are not acceptable fuels and shall not be burned:

(1) Commercial or domestic waste, trash or garbage.

(2) Leaves, pine needles or grass clippings.

(3) Lumber (treated or untreated), construction debris.

(4) Yard debris, unless it meets the definition of firewood or kindling.

(5) Flammable or combustible liquids.

(6) Electrical insulation, plastics, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber must not be burned.

(f) *Recreational fires; responsible party responsibilities.* The responsible party shall:

(1) Remain in charge of the fire or keep a competent adult in charge of the fire.

(2) Ensure flame height is maintained at three feet or less.

(3) Ensure that the fire does not create a risk of fire or damage to persons or property.

(4) Immediately upon receipt of a complaint regarding the permitted burning, all burning material shall be extinguished.

(5) Have a means of extinguishing the fire on hand at all times while the fire is burning.

(6) Ensure the fire is extinguished, leaving only cold ashes, before supervision of the fire ends.

(g) *Recreational fires; acceptable locations.*

(1) For approved containers other than fire pits, a minimum clearance of at least ten feet shall be maintained from buildings, property lines, trees, overhead power lines, combustible fences, combustible decks, or any combustible material.

(2) Fire pits shall have a minimum clearance of at least 25 feet from buildings, property lines, trees, overhead power lines, combustible fences, combustible decks or any combustible material.

(3) Recreational fires shall not be located over a natural gas line or under overhead utility lines.

FIRE PROTECTION, EMERGENCY MEDICAL SERVICES § 18-14

CD18:9

(h) *Recreational fires; fire department authority.* The fire chief or designated representative, shall have authority to enter private property where a recreational fire is burning to ensure the safety of said fire, to investigate a reported nuisance, or to ensure compliance with this section. The fire department representative shall have authority to extinguish or to have extinguished said fire if the fire is creating a danger, is creating a nuisance, or is in violation of this section.

(i) *Exception for bonfires; generally.* At the discretion of the fire chief or designated representative, bonfires may be allowed. Bonfires must meet the "General Requirements for Allowable Outdoor Burning" as specified in Texas Commission on Environmental Quality (TCEQ) regulations in the Tex. Admin. Code ch. 30, section 111.219, except that burning shall be allowed outside the time limits specified therein. Bonfires are not allowed within the fire limits of the city.

(j) *Bonfires; permit required.*

(1) A permit shall be required prior to allowing a bonfire.

(2) Before issuing a permit, the fire chief or designee shall inspect the proposed bonfire site and ensure compliance with applicable rules.

(3) Any permit issued under this section shall specify the approved location, the acceptable fuels, the date and time approved, and any special conditions applicable to this bonfire.

- (4) The responsible party receiving the permit shall ensure the permit is available on the scene of the bonfire for the duration of the event.
- (5) The fire chief or designee, at their discretion, may require standby fire services prior to issuing a bonfire permit.
- (k) *Bonfires; responsible party responsibilities.* The responsible party shall:
- (1) Remain in charge of the fire or keep a competent adult in charge of the fire.
 - (2) Ensure that the fire does not create a risk of fire or damage to persons or property.
 - (3) Extinguish all burning material immediately upon receipt of a complaint regarding the permitted burning, subject to the discretion and direction of the fire chief or designee.
 - (4) Have a means of extinguishing the fire on hand at all times while the fire is burning.
 - (5) Ensure the fire is extinguished, leaving only cold ashes, before supervision of the fire ends.
- (l) *Bonfires; fuels.* Acceptable fuels are clean, dry, seasoned firewood; logs, limbs, pallets, lumber (not treated lumber), or other wood products. Small quantities of flammable or combustible liquids approved by the fire chief or designee, may be used for igniting the fire. The following listed items are not acceptable fuels and shall not be burned:
- (1) Commercial or domestic waste, trash or garbage.
 - (2) Treated lumber, construction debris.
- § 18-14 TEXARKANA CITY CODE
CD18:10
- (3) Flammable or combustible liquids (except as specified for ignition).
 - (4) Electrical insulation, plastics, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber.
- (m) *Exception for firefighter training; generally.* Open burning may be conducted for firefighter training. Burning for firefighter training must be conducted in accordance with Texas Commission on Environmental Quality (TCEQ) regulations in the Tex. Admin. Code ch. 30, section 111.205 "Exception for Fire Training".
- (n) *Exception for permitted burning; generally.* At the discretion of the fire chief or designated representative, outdoor burning may be allowed. All permitted outdoor burning must meet the "General Requirements for Allowable Outdoor Burning" as specified in Texas Commission on Environmental Quality (TCEQ) regulations in the Tex. Administrative Code ch. 30, section 111.219. Outdoor burning shall only be permitted for the purpose of land development, and only when the parcel of land is equal to or greater than 5 acres in size. Outdoor burning is not allowed within the fire limits of the city.
- (o) *Outdoor burning; permit required.*
- (1) A permit shall be required prior to allowing outdoor burning.
 - (2) Before issuing a permit, the fire chief or designee shall inspect the proposed outdoor burning site and ensure compliance with applicable rules.
 - (3) Any permit issued under this section shall specify the approved location, the acceptable fuels, the date and time approved, and any special conditions applicable to this outdoor burning.
 - (4) The responsible party receiving the permit shall ensure the permit is available on the scene of the fire for the duration of the event.
 - (5) The fire chief or designee, at their discretion, may require standby fire services prior to issuing an outdoor burning permit.
- (p) *Outdoor burning; responsible party responsibilities.* The responsible party shall:
- (1) Remain on site and in charge of the fire or keep a competent adult on site and in charge of the fire.
 - (2) Ensure the fire does not create a risk of damage to person or property.
 - (3) Extinguish all burning material immediately upon receipt of a complaint regarding the permitted burning, subject to the discretion and direction of the fire chief or designee.
 - (4) Have equipment on site to control and extinguish the fire.

- (5) Not commence burning when wind speed is predicted to be less than 6 mph or greater than 23 mph.
- (6) Ensure piles will be not less than 300 feet from any residential, recreational, commercial, or industrial area except those located on the property where burning is taking place.
- (7) Ensure burning will start no earlier than one hour after sunrise, and be completed no later than one hour before sunset.
- (8) Ensure the fire will be extinguished if the fire escapes control.
- (9) Be responsible and liable for any damages.
- (q) *Outdoor burning; fuels.* Only trees, brush, and other plant materials may be burned. The following listed items are not acceptable fuels and shall not be burned.
 - (1) Electrical insulation, plastic, heavy oil, asphaltic material, chemical waste, construction or demolition material, or items that contain rubber.
 - (2) Old tires shall not be used to start fires.
- (r) *Outdoor Burning; Appeals.* Persons who are denied burning permits may appeal by filing a written notice of appeal with the city secretary. The appeal must be filed within ten (10) days after receipt of the notice of denial. The city council shall hear and determine the appeal, and the decision of the council shall be final.
- (s) *Penalty for violation.* Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the city, shall be fined not more than \$2,000.00. Each day of any such violation shall be deemed to be a separate offense.

(Code 1961, § 9-13; Ord. No. 226-08, § 1, 10-27-2008)

Sec. 18-15. Burning of garbage, petroleum products and vehicles prohibited.

The burning of garbage in any form, or petroleum products, or automobiles or other motor vehicles or any part thereof for wrecking or salvage purposes, in or on any lot or other premises within the city is hereby prohibited.

(Code 1961, § 9-17; Ord. of 8-25-1953, § 5)

Sec. 18-16. Fires in streets, etc., prohibited.

It shall be unlawful for any person to light or have lighted any fire in any street, alley, thoroughfare or public property.

(Code 1961, § 9-18; Ord. of 8-25-1953, § 6)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☒ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☐	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☐	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☐	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☐	None Required	☐	

Other:

PUBLISH

ORDINANCE NO. 2015 - 135

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, WITH CERTAIN ADDITIONS, MODIFICATIONS, AND DELETIONS TO SECTION 18-14(B), (F)(4), (K)(3), (N)-(S); OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, AND PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the fire department has been issuing burning permits under administrative direction; and

WHEREAS, the current practice of issuing burning permits is in conflict with the Code of Ordinances section 18-14(b); and

WHEREAS, the City Council has expressed a desire to continue to permit certain outdoor burning within the city limits.

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

SECTION 1: That Section 18-14(b) of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety to read as follows:

(b) *Prohibition of open burning.* No person may cause, suffer, or allow any open burning within the city limits, except as allowed by permit, recreational fires and firefighter training as specified in this chapter.

SECTION 2: That Section 18-14(n) – 18-14(s) of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended with the following additions to read as follows:

(n) *Exception for permitted burning; generally.* At the discretion of the fire chief or designated representative, outdoor burning may be allowed. All permitted outdoor burning must meet the “General Requirements for Allowable Outdoor Burning” as specified in Texas Commission on Environmental Quality (TCEQ) regulations in the Tex. Administrative Code ch. 30, section 111.219. Outdoor burning shall only be permitted for the purpose of land development, and only when the parcel of land is equal to or greater than 5 acres in size. Outdoor burning is not allowed within the fire limits of the city.

(o) *Outdoor burning; permit required.*

(1) A permit shall be required prior to allowing outdoor burning.

(2) Before issuing a permit, the fire chief or designee shall inspect the proposed outdoor burning site and ensure compliance with applicable rules.

(3) Any permit issued under this section shall specify the approved location, the acceptable fuels, the date and time approved, and any special conditions applicable to this outdoor burning.

Attachment: 2015-135 Ordinance [Revision 3] (1408 : 2015-135 ORD Amending Code of Ordinances Sec. 18-14. Outdoor Burning)

PUBLISH

(4) The responsible party receiving the permit shall ensure the permit is available on the scene of the fire for the duration of the event.

(5) The fire chief or designee, at their discretion, may require standby fire services prior to issuing an outdoor burning permit.

(p) *Outdoor burning; responsible party responsibilities.* The responsible party shall:

(1) Remain on site and in charge of the fire or keep a competent adult on site and in charge of the fire.

(2) Ensure the fire does not create a risk of damage to person or property.

(3) Immediately upon receipt of a complaint regarding the permitted burning, all burning material shall be extinguished.

(4) Have equipment on site to control and extinguish the fire.

(5) Not commence burning when wind speed is predicted to be less than 6 mph or greater than 23 mph.

(6) Ensure piles will be not less than 300 feet from any residential, recreational, commercial, or industrial area except those located on the property where burning is taking place.

(7) Ensure burning will start no earlier than one hour after sunrise, and be completed no later than one hour before sunset.

(8) Ensure the fire will be extinguished if the fire escapes control.

(9) Be responsible and liable for any damages.

(q) *Outdoor burning; fuels.* Only trees, brush, and other plant materials may be burned. The following listed items are not acceptable fuels and shall not be burned.

(1) Electrical insulation, plastic, heavy oil, asphaltic material, chemical waste, construction or demolition material, or items that contain rubber.

(2) Old tires shall not be used to start fires.

(r) *Outdoor Burning; Appeals.* Persons who are denied burning permits may appeal by filing a written notice of appeal with the city secretary. The appeal must be filed within ten (10) days after receipt of the notice of denial. The city council shall hear and determine the appeal, and the decision of the council shall be final.

(s) *Penalty for violation.* Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the city, shall be fined not more than \$2,000.00. Each day of any such violation shall be deemed to be a separate offense.

SECTION 3: That Section 18-14(f)(4) and 18-14(k)(3) of the Code of Ordinances of the City of Texarkana, Texas, are hereby amended in their entirety to read as follows:

(4) Extinguish all burning material immediately upon receipt of a complaint regarding the permitted burning, subject to the discretion and direction of the fire chief or designee.

(3) Extinguish all burning material immediately upon receipt of a complaint regarding the permitted burning, subject to the discretion and direction of the fire chief or designee.

PUBLISH

SECTION 4: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 5: That in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 7: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 25th day of January, 2016.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Version: D

Update Date: 12/3/2015 9:08 AM

Briefing Sheet

Lead Department: Economic Development **Action Officer:** Jerry Sparks, Economic Developer
Resolution No. 2015-120 establishing a program for making loans and grants of public money and providing city personnel and services to promote local economic development and to stimulate business and commercial activity in the city.

Subject: city.

Briefing: 1/11/2016 **Public Hearing:** 12/14/2015 **Second Briefing:** January 11, 2016 **Council Vote:** 1/25/2016

Item Schedule

Schedule 1: Brief twice - vote once (six weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Following an August 2015 presentation on the potential use of the Chapter 380 agreements, staff and legal counsel prepared Chapter 380 Program Requirements for consideration by the Council.

Potential Options:

- None
-

Fiscal Implications:

No immediate fiscal implications. Approval would allow Council to offer certain economic development incentives at a later date.

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

"NOT APPLICABLE"

Advisory Board/Committee Meeting Date and Minutes:

Attachments

- 2015-120 RES Establishing Chapter 380 Economic Development Program (DOC)
- 2015-120 RES Goals & Perspectives (DOCX)
- 2015-120 ATT 1-Example Funds analysis Chapter 380 (PDF)

City of Texarkana, Texas

- d. 2015-120 ATT 2- Example Funds analysis Chapter 380 (PDF)
- e. 2015-120 RES EXH-1 Chapter 380 Program Guidelines 8 Dec 2015 (JCL)(PDF)

Staff Coordination

Economic Development		Jerry Sparks	Department Head Review	
	Completed	11/20/2015 6:57 AM		
Finance Department	Kristin Peebles	Finance Review	Completed	11/20/2015
	8:27 AM			
Finance Department	Charlie Bassett	Finance Review	Completed	11/20/2015
	8:43 AM			
Assistant City Manager		Shirley Jaster	Assistant City Manager	
Review	Completed	11/20/2015 8:52 AM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	11/20/2015 8:54 AM			
City Manager	John Whitson	City Manager Review	Completed	11/20/2015
	12:27 PM			
City Council	Jennifer Evans	Meeting	Completed	11/23/2015
	6:00 PM			

Meeting History

11/23/15	City Council	MOVED FORWARD	Next: 12/14/15
12/14/15	City Council	MOVED FORWARD	Next: 01/11/16

RESOLUTION NO. 2015-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ESTABLISHING A PROGRAM FOR MAKING LOANS AND GRANTS OF PUBLIC MONEY AND PROVIDING PERSONNEL AND SERVICES OF THE CITY TO PROMOTE LOCAL ECONOMIC DEVELOPMENT AND TO STIMULATE BUSINESS AND COMMERCIAL ACTIVITY IN THE CITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 380 of the Texas Local Government Code, the City Council has the authority to establish a program for making loans and grants of public money and providing personnel and services of the City to promote local economic development and to stimulate business and commercial activity in the City; and

WHEREAS, the City Council chooses to extend business incentives as authorized by Texas law when such incentives improve the quality of life for all citizens through the creation and retention of job opportunities within the community.

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

SECTION 1: That the City Council adopts the CHAPTER 380 PROGRAM REQUIRMENTS to establish program guidelines for extending certain business incentives as authorized by Texas law.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 25th day of January, 2016.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☒ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☒ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☒ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

City of Texarkana

Chapter 380 Agreement-Tax Rebate at 100%

Assumptions: New industrial or commercial construction; no sales tax; 100% rebate

Year	Taxable Assessed Value	City of	Bowie	TISD	TC	Total	Gross	General Fund	TISD	TC	County
		Texarkana	County			Operating	Property Tax	Negative	Positive	Positive	Positive
		Tax Rate	Tax Rate	Tax Rate	Tax Rate	Tax Rates	Contribution	Impact	Impact	Impact	Impact
2015	\$ 5,000,000	0.6690	0.473	1.339	0.105	2.5860	\$ -		-	-	
2016	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
2017	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
2018	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
2019	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
2020	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
2021	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
2022	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
2023	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
2024	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
2025	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5120	\$ 125,600	\$ (33,450)	\$ 66,950	\$ 5,250	\$ 19,950
							\$ 1,256,000	\$ (334,500)	\$ 669,500	\$ 52,500	\$ 199,500

Assumption

Reversion of Bowie County Tax Rate after 2015

No changes made to property tax rate

City of Texarkana - Bowie County

Chapter 380 Agreement-Tax Rebate with declining percentage

Assumptions: New reatil construction; \$2000 average monthly sales tax; 100% rebate

Year	Taxable	City of Texarkana	Bowie County	TISD	TC	Total Operating	Gross Property Tax	City Ad Valorem	City Sales Tax	TISD	TC	County
	Assessed Value	Tax Rate	Tax Rate	Tax Rate	Tax Rate	Tax Rates	Contribution	Negative Impact	Negative Impact	Positive Impact	Positive Impact	Positive Impact
2015	\$ 5,000,000	0.6690	0.473	1.339	0.105	2.5860	\$ -			-	-	
2016	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ (33,450)	\$ (24,000)	\$ 66,950	\$ 5,250	\$ 19,959
2017	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ (30,105)	\$ (21,600)	\$ 66,950	\$ 5,250	\$ 19,959
2018	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ (26,760)	\$ (19,200)	\$ 66,950	\$ 5,250	\$ 19,959
2019	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ (23,415)	\$ (16,800)	\$ 66,950	\$ 5,250	\$ 19,959
2020	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ (20,070)	\$ (14,400)	\$ 66,950	\$ 5,250	\$ 19,959
2021	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ (16,725)	\$ (12,000)	\$ 66,950	\$ 5,250	\$ 19,959
2022	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ (13,380)	\$ (9,600)	\$ 66,950	\$ 5,250	\$ 19,959
2023	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ (10,035)	\$ (7,200)	\$ 66,950	\$ 5,250	\$ 19,959
2024	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ (6,690)	\$ (4,800)	\$ 66,950	\$ 5,250	\$ 19,959
2025	\$ 5,000,000	0.6690	0.399	1.339	0.105	2.5122	\$ 125,609	\$ 33,450	\$ 24,000	\$ 66,950	\$ 5,250	\$ 19,959
							\$ 1,256,087	\$ (147,180)	\$ (105,600)	\$ 669,500	\$ 52,500	\$ 199,587

Additional Assumption

Reversion of Bowie County Tax Rate after 2015

No changes made to property tax rate

No assumptions made for equipment or inventory

City of Texarkana, Texas
Chapter 380 Program Requirements

Preamble

Pursuant to Chapter 380 of the Texas Local Government Code, the City Council of the City of Texarkana, Texas, establishes a program for making loans and grants of public money and providing personnel and services of the City to promote local economic development and to stimulate business and commercial activity in the City.

Policy Statement

The City Council chooses to extend business incentives as authorized by Texas law when such incentives improve the quality of life for all citizens through the creation and retention of job opportunities within the community. The program requirements provide the criteria for City administrative review and City Council consideration when exercising discretion to grant business incentives. This program neither requires nor binds the City Council to grant any business incentive.

Effective Date and Duration

These program requirements are effective upon the date of the City Council's adoption. The City Council may, at any time, eliminate the program or modify any provision.

Section 1. Definitions.

- 1.1 "Agreement" means a written contract authorized by resolution of the City Council and signed by the City Manager and the Business Incentive Prospect.
- 1.2 "Business Incentive" means any financial or non-financial inducement offered by the City to a Business Incentive Prospect.
- 1.3 "Business Incentive Period" means the commencement date and termination date of the Business Incentive.
- 1.4 "Business Incentive Prospect" means a property owner, lessor, or lessee who proposes a project for consideration of a Business Incentive.
- 1.5 "City" or "Texarkana" means the City of Texarkana, Texas.
- 1.6 "City Council" means the City's elective Council as constituted by Texarkana's City Charter.

- 1.7 “Deferred Maintenance Improvements” means improvements necessary for continued operation that either do not improve productivity or do not alter the process technology.
- 1.8 “Eligible Project” means Eligible Property, Exceptional Project, Existing Facility, Expanded Facility, Facility Modernization, or New Facility which, as a direct result of granting a Business Incentive, is reasonably likely to cause (1) the retention or expansion of primary employment, (2) an increase in the City's property tax base, or (3) the attraction of a major investment that would contribute to new economic development within the City.
- 1.9 “Eligible Property” means buildings, structures, fixed machinery and equipment, site improvements, or related fixed improvements, made or added subsequent to and specified in an Agreement. “Eligible Property” does not include “Ineligible Property”.
- 1.10 “Exceptional Project” means a project that makes use of an underutilized asset, diversifies the local economic base, creates leverage with local economic interests, expands the local market for a good or service, or is located in a designated redevelopment or historical area or neighborhood.
- 1.11 “Expanded Facility” means the addition of buildings, structures, machinery, equipment or payroll to an Existing Facility for purposes of increasing production capacity.
- 1.12 “Existing Facility” means property improvements completed or in the process of construction which together comprise an integral whole.
- 1.13 “Facility Modernization” means replacing or upgrading an Existing Facility, through one or more combinations of construction, alteration, or installation of buildings, structures, machinery, or equipment, which increases the productive input or output, updates the technology, or substantially lowers the unit cost of an operation.
- 1.14 “Force Majeure” means an event, circumstance, or act of a third party that is beyond the control of either the City or the Business Incentive Prospect (e.g., “acts of God” as recognized by law; an act of the public enemy; an act of a government entity; acts of war; compliance with laws or regulations; strikes or other labor disturbances; hurricanes; earthquakes; fires; floods; epidemics; embargoes; war; and riots).
- 1.15 “Ineligible Property” means land, inventories, housing, supplies, tools, furnishings, other personal property, Deferred Maintenance Improvements, and property which has a Productive Life of less than ten (10) years.
- 1.16 “Leased Property” means the property associated with or related to an Eligible Project which is offered or intended to be offered for lease.
- 1.17 “New Facility” means a property previously undeveloped which is placed into service by means other than or in conjunction with an Expanded Facility or Facility Modernization.

- 1.18 “Non-appropriations Event” means a lack of sufficient funding or revenue, funds becoming unavailable, no funds appropriated by the City, or insufficient funds appropriated by the City, for any Business Incentive due under the Agreement or any other performance of City obligations under the Agreement.
- 1.19 “Productive Life” means the number of years a property improvement is expected to be in service.

Section 2. Limited Availability, Exclusions, and Threshold Prerequisites

- 2.1 *Limited Availability.* Subject to Section 2.2, a Business Incentive shall be available only for an Eligible Project.
- 2.2 *Exclusions to Eligible Project.* A Business Incentive shall not be available to an otherwise Eligible Project in the event of any of the following:
- 2.2.1 Any proposed project activity (not including the Business Incentive Prospect's planning and due diligence) occurs prior to the filing of an application for a Business Incentive.
- 2.2.2 The Business Incentive Prospect, including any business or property owned or leased in whole or in part by the Business Incentive Prospect, has an outstanding tax lien owing to any governmental entity.
- 2.2.3 The Business Incentive Prospect, including any business or property owned or leased in whole or in part by the Business Incentive Prospect, within the five-year period preceding the date of filing the application, has been cited, noticed, or fined for noncompliance or violation of a federal law or regulation, a state law or regulation, or a City code, ordinance, or resolution.
- 2.2.4 The Business Incentive Prospect, including any business or property owned or leased in whole or in part by the Business Incentive Prospect, is a party to a claim or proceeding against the City or is implicated in a claim or proceeding against a third party that may hinder or interfere with the efficacy of the Business Incentive.
- 2.3 *Threshold Prerequisites.* As a condition for application filing and City administrative evaluation, the project must:
- 2.3.1 Conform to the City's Comprehensive Zoning Ordinance;
- 2.3.2 Comply with all City ordinances and state and federal laws and regulations;
- 2.3.3 Meet at least one of the following:

- 2.3.3.1 The project value, including land, construction and fixed improvements, totals at least \$10,000,000 for new Construction or at least \$5,000,000 for an Existing Facility;
- 2.3.3.2 The City deems the project an Exceptional Project;
- 2.3.3.3 The project contributes to the retention or expansion of employment;
- 2.3.3.4 The project contributes substantially to redevelopment efforts as opposed to merely transferring employment from one business in the City to another;
- 2.3.3.5 At least fifty (50) jobs will be created or retained that meet or exceed the per capita income level in the Texarkana MSA.
- 2.3.3.6 At least \$5,000,000 in annual payroll will be paid by the project; or
- 2.3.3.7 At least \$400,000 in local sales taxes are to be directly generated by the project.

Section 3. Application Guidelines and Evaluation.

- 3.1 *Application.* Any Business Incentive Prospect may request the consideration of a Business Incentive by filing a completed Business Incentive Program Application with the City Secretary.
 - 3.1.1 *Map, Description, and Schedule.* The Business Incentive Prospect must include with the application submission a detailed map and property description together with a time schedule for undertaking and completing the project.
 - 3.1.2 *Application materials.* The Business Incentive Prospect must submit detailed financial and other information to enable City to evaluate the proposed project with the evaluative criteria set forth in section 3.2. Any required appraisal or appraised value required in section 3.2 by shall be performed or otherwise secured from the Chief Appraiser of the Bowie Central Appraisal District.
 - 3.1.3 *Administrative rejection of application without prejudice.* The City administration shall reject any incomplete application or an application proposing a project that does not conform with the Section 2 requirements. The Business Incentive Prospect may submit a new application to cure any incomplete or deficient application rejected under this subsection.
- 3.2 *Administrative evaluation.* The City administration shall review each application on its individual merits utilizing the following criteria as applicable to the proposed project.

- 3.2.1 The Business Incentive Prospect's financial capacity and available resources to fund, develop, and complete the proposed project, excluding consideration of any Business Incentive.
- 3.2.2 The assessed, taxable value of land and existing improvements, if any, associated with the project, separately stated for real and personal property, for the tax year immediately preceding the year of application.
- 3.2.3 Type, value, and Productive Life of proposed project improvements.
- 3.2.4 Number of existing jobs that meet or exceed the per capita income level for the Texarkana MSA to be retained by the proposed project.
- 3.2.5 Number and type of new jobs that meet or exceed the per capita income level for the Texarkana MSA to be created by the proposed project, and whether the new jobs will be filled by persons residing or projected to reside within the Texarkana MSA.
- 3.2.6 Amount of payroll within the City's territorial jurisdiction to be created or retained by the proposed project.
- 3.2.7 Amount of payroll within the City's extraterritorial jurisdiction to be created or retained by the proposed project.
- 3.2.8 Amount of local sales tax to be generated directly by the proposed project.
- 3.2.9 Amount of property tax base valuation that will be increased during and after the Business Incentive Period.
- 3.2.10 City costs to be incurred to provide facilities or services directly resulting from the proposed project.
- 3.2.11 The amount of ad valorem taxes to be paid to the City during the Business Incentive Period, taking into consideration the pre-application values, the amount and type of the Business Incentive, the Business Incentive Period, and the value after expiration of the Business Incentive Period.
- 3.2.12 The population growth of the City that occurs directly as a result of the proposed project.
- 3.2.13 The types and values of public improvements, if any, to be made by the Business Incentive Prospect.
- 3.2.14 Whether the proposed project restricts or enhances the business opportunities of existing businesses within the City.

- 3.2.15 Whether the proposed project attracts other new business or new economic development to the area.
 - 3.2.16 Whether the project is environmentally compatible with the City as it exists prior to receipt of the application.
 - 3.2.17 Whether the proposed project will generate a negative impact on the quality of life within the City, constitute a nuisance, or constitute a hazard to public safety, health, and welfare.
 - 3.2.18 Whether and to what extent the proposed project makes a substantial contribution to redevelopment efforts or special area plans by enhancing either functional or visual characteristics (examples include historical structures, traffic circulation, parking, facades, signs, materials, and urban design).
 - 3.2.19 Whether the location of the proposed project furthers the City's development goals.
 - 3.2.20 Whether the proposed project or requested Business Incentive would result in an adverse effect on government services or the local tax base.
 - 3.2.21 Whether the proposed project or requested Business Incentive would decrease or exclude the amount of the tax increment of any taxing unit or any deposit made by any taxing unit to the tax increment fund for the City's Tax Increment Reinvestment Zones.
- 3.3 *Confidential or Proprietary Information.* Submission of an application shall be deemed an acknowledgement by the Business Incentive Prospect that the City is subject to Chapter 552 of the Texas Government Code, otherwise known as the "Texas Public Information Act" or "Texas Open Records Act" ("the Act"), the City has made no representation as to whether any information contained in the application is excepted from required disclosure under the Act, the Business Incentive Prospect has had the opportunity to consult with its own legal counsel regarding the Act, and the Business Incentive Prospect agrees to the following with regard to the information it provides to the City:
- 3.3.1 Unless disclosure is required by law, the City shall exercise reasonable measures to safeguard information that the Business Incentive Prospect deems confidential or proprietary; provided that prior to submission to the City, the Business Incentive Prospect explicitly identifies and marks any such information as to document, page, paragraph, and sentence, as applicable, identifying the asserted section(s) of the Act authorizing withholding as required by the Act for the purpose of asserting a statutory exception to withhold information from public disclosure.
 - 3.3.2 Information shall not be considered proprietary in the following circumstances: the Business Incentive Prospect authorizes disclosure or has already publicized

the information; the City obtained the information from a source independent of the Business Incentive Prospect; or an opinion of the Attorney General of the State of Texas or court order requires disclosure.

- 3.3.3 In the event the City receives a third-party request for information pursuant to the Act that affects information contained in the application, then upon notice to the Business Incentive Prospect of such request, the Business Incentive Prospect shall state in writing to the City within three (3) business days of receiving the City's notice whether it intends to approve release of the requested information or assert to the Attorney General statutory exceptions to withhold the information from public disclosure. If the Business Incentive Prospect decides to assert exceptions to the Act in response to the request, then the Business Incentive Prospect shall, at its own expense, prepare and send the notices, comments, and briefing for its submission to the Attorney General in accordance with the substantive requirements and time periods provided in the Act. The Business Incentive Prospect shall also prepare at its expense for the City's use the notices, comments, and briefing for the City's submission to the Attorney General in accordance with the substantive requirements and time periods provided in the Act.
- 3.3.4 In the event the Business Incentive Prospect seeks a judicial ruling on its asserted statutory exceptions to withholding information requested under the Act by a third party, for any lawsuit pursuant to Sections 552.324 and 552.325 of the Act, the Business Incentive Prospect shall bear all litigation costs, expenses, attorney's fees, and assessments, including the costs, expenses, and attorney's fees incurred by the City and any adverse assessments against the City arising out of the City being a named party to such a suit. As a condition precedent to City's involvement in such a suit, the Business Incentive Prospect shall deposit with the City the dollar amount estimated by the City that will be incurred for costs, expenses, and attorney's fees.
- 3.4 *City Council consideration.* City administration shall prepare a recommendation on the application and submit the recommendation to the City Council for consideration.
 - 3.4.1 The City Council shall receive a first briefing on the recommendation during a regular council meeting.
 - 3.4.2 Following the first briefing, the City Council shall conduct at least one public hearing to be held at a subsequent regular council meeting, at which hearing the Business Incentive Prospect applicant and any interested person shall have the opportunity to comment.
 - 3.4.3 A Business Incentive shall only be approved by formal resolution of the City Council authorizing an Agreement. Any motion to approve a Business Incentive that fails to secure the affirmative votes required by the City Charter shall bar the Business Incentive Prospect from submitting an application for the same or

similar project for a calendar year from the date of the council meeting at which the motion to approve failed.

3.4.4 *City signing of Agreement.* The signing of any Agreement authorized by the City Council shall be delayed indefinitely until such time that:

3.4.4.1 The Business Incentive Prospect has provided all necessary information and documentation to the City for implementation of the Business Incentive and preparation of the Agreement; and

3.4.4.2 The Agreement contains, to the satisfaction of the City Manager and City Attorney, the required provisions set forth in Section 4 and any other provisions required by City ordinance, state and federal law, and the resolution of the City Council authorizing the Agreement.

Section 4. Required Agreement Provisions.

Any Agreement authorized by the City Council shall include the following provisions:

4.1 Business Incentive specific provisions

4.1.1 The type and value of the Business Incentive, deducting general fees set by the City Council for City functions involved with the proposed project, and deducting City costs and expenses specific to the proposed project.

4.1.2 The Business Incentive Period, including provisions for City recovery of any Business Incentive, as applicable, in the event the Business Incentive Prospect relocates, sells, closes, or discontinues the business relating to the proposed project (examples including the Business Incentive Prospect bearing responsibility for payment of any remaining balance of a loan or execution of a promissory note with sufficient security for such balance).

4.1.3 The proposed project and intended use of project features (including such particulars, as applicable, identifying the nature of construction and project improvements, time schedule for construction and completion, City remedies for project delay, size of investment and average number of new jobs specific to the proposed project, and description and map of affected property).

4.1.4 For an Agreement involving Leased Property, the lessor(s) and lessee(s) shall sign the Agreement and shall each agree to joint and several responsibility for compliance with the Agreement.

4.1.5 Reasonable access by City to the areas of the proposed project and access to current financial documentation to evaluate performance of the Agreement.

- 4.1.6 For an Agreement involving construction, a payment bond or other comparable security to ensure full and timely payment to contractors and subcontractors.
- 4.1.7 A condition precedent to all City obligations under the Agreement, including the Business Incentive, shall be availability of funds out of current revenues and appropriated for such purposes. In the event a Non-appropriations Event occurs, City will notify the Business Incentive Prospect of such occurrence and the Agreement shall terminate, without penalty or expense to the City of any kind whatsoever, on the last day of the fiscal period for which appropriations were received or the day previously-appropriated funds have been exhausted or become unavailable, whichever is earlier. Upon City's termination due to a Non-appropriations Event, each party shall return all documentation and other information disclosed or otherwise delivered to the other party prior to such termination.
- 4.1.8 For an Agreement involving capital improvements, a periodic report from the Business Incentive Prospect delivered to City stating (i) the value of capital improvements made during the prior year, (ii) the number of new full-time employees employed during the preceding calendar year, including the number of hours worked, and (iii) the amount of ad valorem taxes paid by the Business Incentive Prospect with regard to the facility for which the improvements are intended for the immediately preceding calendar year, including, if known, the amount of such taxes that constitute real property taxes.
- 4.1.9 City right of offset with respect to any amounts due from a Business against any debt (including taxes) lawfully due to the City from the Business Incentive Prospect and any affiliated persons, regardless of whether the debt arises pursuant to the terms of the Agreement and regardless of whether the debt has been adjudicated.
- 4.1.10 When the Business Incentive Prospect is a corporation, company, partnership or other entity, a personal guarantee shall be executed by all owners of the Business Incentive Prospect having an ownership interest of five percent (5%) or more.
- 4.1.12 Business Incentive Prospect shall make representations with respect to the proposed project property regarding environmental issues, as applicable, stating that there are no pending environmental actions, no releases on the proposed project property, no underground storage tanks, no presence of asbestos, no hazardous substances, and no other environmental conditions on the proposed project property.
- 4.1.13 Business Incentive Prospect shall represent that it has not previously been, nor to its present knowledge, is not now in violation of or noncompliant with any City codes, ordinances, or resolutions, or any state or federal laws or regulations, including environmental laws or environmental permits.

- 4.1.14 City, through its designated agents or auditors, shall have the right at all reasonable times to audit, review and examine by any means, including electronically through the use of telecommunications devices or otherwise, at City's expense, the books, records, accounts and tax returns of Business Incentive Prospect to ensure compliance with the terms of the Agreement.
- 4.1.15 Other provisions specific to the proposed project and Business Incentive as deemed necessary by the City Manager and City Attorney.
- 4.2 Restrictions on assignment
- 4.2.1 Assignment shall only be authorized by a new resolution of the City Council.
- 4.2.2 Prospective Assignee must submit audited financial documentation proving financial capacity and capability to perform Agreement.
- 4.2.3 No proposed assignment shall be submitted to the City Council for consideration if any party to the Agreement or a proposed assignee is delinquent on paying any obligation to any third party.
- 4.3 Termination and Default provisions
- 4.3.1 Grounds for termination of the Agreement and a reasonable period for the Business Incentive Prospect to cure a default or breach of the Agreement.
- 4.3.2 Termination of the Agreement in the event of Force Majeure.
- 4.3.3 Suspension of Business Incentive during any cure period, dispute resolution period, or Force Majeure.
- 4.3.4 City recapture or recovery of Business Incentive with interest as provided under Chapter 2264 of the Texas Government Code in the event of the Business Incentive Prospect's default or breach of the Agreement, violation of state or federal law, or delinquency on payment of ad valorem taxes owed to City.
- 4.4 Insurance provisions
- 4.4.1 Throughout the term of the Agreement, the Business Incentive Prospect shall, at its expense, maintain in full force and effect the following insurance:
- | | |
|-----------------------|---------------------------------------|
| Type of Insurance | Amount |
| Worker's Compensation | as required by law |
| Commercial General | \$1,000,000 Each Accident/Occurrence. |

Builder's risk insurance	in the amount of the construction values
Liability (Public)	\$1,000,000 Aggregate; \$1,000,000 Products & Completed Operations Aggregate
Owner's Protective	\$600,000 per occurrence
Liability Insurance	\$1,000,000 aggregate
Excess/Umbrella Liability	\$10,000,000 per occurrence w/drop-down coverage
Automobile Liability	\$1,000,000 Combined single limit per occurrence
Environmental Insurance	\$1,000,000

4.4.2 All insurance and certificate(s) of insurance shall contain the following provisions:

- 4.4.4.1 name the City, its officers, agents and employees as additional insureds as to all applicable coverage with the exception of Workers Compensation Insurance;
- 4.4.4.2 provide for at least thirty (30) days prior written notice to the City for cancellation, non-renewal or material change of the insurance; and
- 4.4.4.3 provide for a waiver of subrogation against the City for injuries, including death, property damage, or any other loss to the extent the same is covered by the proceeds of insurance.

4.4.3 All insurance companies providing the required insurance shall be authorized to transact business in Texas and rated at least "A" by AM Best or other equivalent rating service.

4.4.4 A certificate of insurance evidencing the required insurance shall be submitted to the City prior to any implementation of the Business Incentive.

4.4.5 Without limiting any of the other obligations or liabilities of the Business Incentive Prospect, the Business Incentive Prospect shall require its general contractors, at the general contractor's own expense, to maintain during the term of the Agreement the required insurance coverage, the required certificate, and the policy conditions as stated in this section 4.4.

4.5 Dispute resolution provisions

4.5.1 Initial resolution process requiring the party raising a dispute to provide written notice to the other party with sufficient detail describing the provision of the

Agreement alleged to be breached, the underlying facts of the dispute, a proposed solution consistent with the terms of the Agreement, and the relief sought.

- 4.5.2 A required meeting of the designated representatives of the parties within thirty (30) days following receipt of the written notice to discuss the dispute.
- 4.5.3 Mandatory arbitration, if initial resolution process results in an impasse, in accordance with and governed by Texas state law: the City and the Business Incentive Prospect shall each select a disinterested representative who shall be either a qualified registered engineer or certified public accountant experienced in economic development projects; the two selected representatives then choosing a third person similarly qualified; the three persons shall comprise the “arbitration panel”, with authority as provided under Chapter 171 of the Texas Civil Practice and Remedies Code, to render a binding decision on the matter in dispute; each party shall compensate its respective panel member and also shall equally share responsibility for compensating the third panel member; and the breaching party, as determined by the arbitration panel, shall pay the non-breaching party's costs, expenses, attorney's fees, expert fees, and fees and costs for arbitration panel members.
- 4.6 Confidential or Proprietary Information
 - 4.6.1 Same provisions as set forth in Section 3.3 of these program requirements, covering specific information identified and marked by the Business Incentive Prospect prior to the Agreement, and any specific information identified and marked by the Business Incentive Prospect provided after City Council approval of the Agreement and during the Business Incentive Period.
- 4.7 Indemnity / Hold Harmless provisions:
 - 4.7.1 Business Incentive Prospect shall indemnify, defend, and hold harmless City from and against any and all suits, actions, losses, damages, claims or liability of any character, type or description, including all reasonable expenses of litigation, court costs, and attorney's fees, for injury or death to any person, or injury or loss to any property, received or sustained by any person or persons, including the Business Incentive Prospect, relating to, occasioned by, or arising from the performance of the Agreement.
 - 4.7.2 With regard to the proposed project property, Business Incentive Prospect shall indemnify and hold harmless City from and against, and shall reimburse City for any and all losses arising out of, based on or in any way relating to any environmental claim arising under federal or state environmental laws or regulations, or relating to any remedial action arising pursuant to any federal or state environmental laws or regulations. Such claims or actions may include, but shall not be limited to, investigation, remediation, treatment, or cleanup of any hazardous substance which has been or is present, released, or disposed of on the

proposed project property, or which has migrated or has been discharged or transported from the proposed project property in violation of environmental laws. Business Incentive Prospect shall also agree to indemnify, defend, and hold harmless City from and against any and all suits, actions, losses, damages, claims or liability of any character, type or description, including all reasonable expenses of litigation, court costs, and attorney's fees, for injury or death to any person, or injury or loss to any property, received or sustained by any person or persons, including the Business Incentive Prospect, relating to, occasioned by, or arising from any environmental claim with regard to the proposed project property; any such defense of the City shall be made by legal counsel, acceptable to City, who is retained and paid for by the Business Incentive Prospect.

4.7.3 The indemnity and hold harmless provisions shall be solely for the benefit of the City and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

4.7.4 The indemnity and hold harmless provisions shall be extended by the Business Incentive Prospect to indemnify and protect the City from the negligent, reckless, or intentional acts of the Business Incentive Prospect, its officers, employees, agents, contractors, and privies, regardless of whether such acts are the sole or partial cause of any such injury, death, or damage.

4.8 Limitation of City's Liability and Attorney's Fees:

4.8.1 The parties agree that City's liability, if any, for breach of contract shall be governed and limited as provided in Chapter 271, subchapter I, of the Texas Local Government Code.

4.8.2 In the event any legal action or proceeding is commenced between the City and the Business Incentive Prospect to enforce provisions of the Agreement, the prevailing party in such legal action shall be entitled to recover its reasonable attorney's fees and expenses incurred by reason of such action to the extent allowed by law and subject to the limitations of Chapter 271, subchapter I, of the Texas Local Government Code.

4.9 General Provisions:

4.9.1 *No Third Party Beneficiaries.* Nothing in the Agreement should be construed to benefit any person or entity not a signatory to the Agreement.

4.9.2 *Governing Law and Venue.* The Agreement shall be governed exclusively by the laws of the State of Texas with venue fixed in Bowie County, Texas.

4.9.3 *Construction.* In construing the Agreement, none of the parties shall have any term or provision, or any uncertainty or ambiguity as to any provisions, construed against such party solely by reason of such party having drafted the same.

- 4.9.4 *Independent Contractors.* The parties to the Agreement shall be independent contractors. No party shall exercise control over either the performance of the other party or the employees of the other party; and no party shall be deemed to be the agent, employee, or representative of the other party.
- 4.9.5 *No Liability of City Officials.* No City councilmember, officer, agent, employee, or independent contractor shall be personally responsible for any liability arising under or growing out of the Agreement.
- 4.9.6 *No Creation of Debt.* Any Business Incentive extended under the Agreement shall not be construed nor deemed to create a debt under Texas law.
- 4.9.7 *Execution of Agreement.* The Agreement shall be approved by all applicable and requisite corporate or company actions of the Business Incentive Prospect, with a representation that the signatory on behalf of the Business Incentive Prospect has legal authority to enter into the Agreement.
- 4.9.8 *Not Conflict with Business Incentive Prospect's Other Agreements.* Business Incentive Prospect shall represent and warrant that the Agreement, the consummation of the transactions contemplated in the Agreement, and the fulfillment of and compliance with the terms and conditions in the Agreement, do not and will not result in either a breach or default of any agreement or instrument to which Business Incentive Prospect is a party or beneficiary, or a right of the Business Incentive Prospect to cancel any agreement or instrument to which Business Incentive Prospect is a party.
- 4.9.9 The Agreement shall bind, and the benefits thereof shall inure, to the respective parties to the Agreement and their representatives, executors, administrators, successors and assigns.
- 4.9.10 The Agreement constitutes the entire agreement between the parties. Any and all negotiations and oral understandings between the parties shall be merged into the Agreement and superseded by the Agreement. The Agreement may only be amended or changed by a written document executed by all contracting parties.

City of Texarkana, Texas

Version: F

Update Date: 11/15/2015 2:49 PM

Briefing Sheet

Lead Department: Economic Development **Action Officer:** Jerry Sparks, Economic Developer
Subject: Resolution No. 2015-121 authorizing the City Manager to enter into an incentive agreement with Ocean Canyon Properties Inc., funded by the City of Texarkana's Economic Development Fund, in an amount not to exceed FORTY-SIX THOUSAND EIGHT HUNDRED DOLLARS (\$46,800).
Briefing: 1/11/2016 **Public Hearing:** 12/14/2015 **Second Briefing:** January 11, 2016 **Council Vote:** 1/25/2016

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**(Insert Date Here):

(Insert Text Here) or Select, Delete this and all text with parentheses and say "NOT APPLICABLE"

Executive Summary and Background Information:

Ocean Canyon will operate a call-center in property at 1001 Walnut (Reliance building). This will bring 35-50 existing jobs to the downtown area and create 25 new jobs. The application indicates the relocated jobs will be moved from another part of Texarkana. Average wages of \$23.75 per hour and starting wage rate of \$12.00 per hour exceed the current per capita income level of approximately \$11.60 per hour.

Potential Options:

- "
-

Fiscal Implications:

An amount not to exceed \$46,800 from the Economic Development Fund

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

Internal review committee considered the application.

Board/Committee Recommendation:

Approved

Advisory Board/Committee Meeting Date and Minutes:

22 Sept 2015

City of Texarkana, Texas

Attachments

- a. 2015-121 RES Economic Development Fund Incentive Agreement Ocean Canyon (DOC)
- b. 2015-121 Goals & Perspectives (DOCX)
- c. 2015-121 ATTH 1 - Project briefing sheet (DOCX)

Staff Coordination

Economic Development	Completed	Jerry Sparks	Department Head Review	
		10/26/2015 1:00 PM		
Planning and Community Development		David Orr	Review	Completed
		10/26/2015 1:05 PM		
Finance Department	Charlie Bassett	Finance Review	Completed	11/16/2015
8:09 AM				
Assistant City Manager		Shirley Jaster	Assistant City Manager	
Review	Completed	11/16/2015 8:32 AM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
		11/20/2015 9:09 AM		
City Manager	John Whitson	City Manager Review	Completed	11/20/2015
11:24 AM				
City Council	Vicky Coopwood	Meeting	Pending	11/09/2015
6:00 PM				

Meeting History

11/23/15	City Council	MOVED FORWARD	Next: 12/14/15
12/14/15	City Council	MOVED FORWARD	Next: 01/11/16

RESOLUTION NO. 2015-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INCENTIVE AGREEMENT WITH OCEAN CANYON PROPERTIES, INC FUNDED BY THE CITY OF TEXARKANA'S ECONOMIC DEVELOPMENT FUND IN AN AMOUNT NOT TO EXCEED FORTY-SIX THOUSAND EIGHT HUNDRED DOLLARS (\$46,800) FOR A TERM NOT TO EXCEED FIVE (5) YEARS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council, by Ordinance 292-05, established an Economic Development Fund to provide incentives for specified activities; and

WHEREAS, the City Council, by Ordinance 190-2011, adopted an Economic Development Fund Policy establishing criteria for incentive eligibility; and

WHEREAS, Ocean Canyon Properties, Inc. requested consideration of an incentive as a part of the company's plan to relocate into a redevelopment area and create new jobs in our community.

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

SECTION 1: That the City Manager, be and is hereby authorized to enter into an economic development incentive agreement for an amount not to exceed FORTY-SIX THOUSAND EIGHT HUNDRED DOLLARS (\$46,800) for a period of no more than five (5) years with Ocean Canyon Properties, Inc.

SECTION 2: That the City Manager is hereby authorized to execute the necessary documents to implement said incentive agreement.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th** day of **January, 2016**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☒ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☒ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☒ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☐ Model a Positive City Image ☐ Deliver Efficient Services ☐ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☒ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

☐ Newspaper Notice (Required by Statute)	☐ Public Hearing (Required by Statute)
☐ Public Forum/Input Session	☐ Press Release
☐ E-News Distribution	☐ Website Notice
☐ Social Media (Twitter, Facebook, etc.)	☐ Special Mailing
☐ Flyers Posted	☐ Banners Posted
☐ Survey	☐ Automated Phone Call
☒ None Required	☐

Other:

2015-121 Resolution of the City Council of Texarkana, TX
Briefing Sheet

PROGRAM:	Economic Development Fund
PROJECT:	Ocean Canyon Properties Inc.
Objective:	Relocate and create new jobs in redevelopment area
Request	\$46,000
Sources of funds:	Economic Development Fund
Impact:	25 new jobs
	Capital investment and inventory investment

Narrative:
Ocean Canyon Properties

Ocean Canyon will operate a call-center in property at 1001 Walnut (Reliance building). This will bring 35-50 existing jobs to the downtown area and create 25 new jobs. The application indicates the relocated jobs will be moved from another part of Texarkana. Average wages of \$23.75 per hour and starting wage rate of \$12.00 per hour exceed the current per capita income level of approximately \$11.60 per hour.

City of Texarkana, Texas

Version:

Update Date: 11/19/2015 3:43 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk
Subject: Ordinance No. 2015-131 granting a Specific Use Permit to allow a Changeable Electronic Variable Message Sign (CEVMS) on an approximate 7.39 acre tract of land located at 1601 Mall Drive. Church on the Rock, applicant. Jason Offutt, Ace Sign Company, agent.
Briefing: 1/11/2016 **Public Hearing:** 12/14/2015 **Second Briefing:** January 11, 2016 **Council Vote:** 1/25/2016

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

Not applicable

Executive Summary and Background Information:

This is a request by Church on the Rock, owner, and Jason Offutt, Ace Sign Company, agent, for a Specific Use Permit on an approximate 7.39 acre tract of land in the A.J. King HRS, A-331, located at 1601 Mall Drive. The current use of this property is Church. The request for a Specific Use Permit is to allow a Changeable Electronic Variable Message Sign (CEVMS) for the church. A Specific Use Permit is required in the Office zoning district for an on premise electronic message (CEVMS) sign.

The adjacent zoning is SF-2 to south, east and west and Interstate 30 to the north. The adjacent land usage is Interstate-30 to the north, residences to the south and vacant land to the east and west.

The church has an existing pole type sign with two cabinets and a cross on the top. The top cabinet is 7' x 25' (175 overall sq. ft.). The bottom cabinet is a changeable letter type sign that is 6.5' x 22.5' (app. 146 overall sq. ft.). It is 36' in overall height. See attached photograph of existing sign.

The proposed new sign is also 36' in overall height. The double faced internally illuminated pole sign has a top cabinet that is approximately 9' x 18' (162 overall sq. ft.) in size. The electronic messaging portion of the sign is approximately 9' x 16' (144 overall sq. ft.) in size. There is a 6' cross attached to the top cabinet. See attachment for rendering of proposed sign.

This proposed sign is larger than an institution type sign normally allowed for a church. Staff has researched the City Inspection Department's permit files and determined that a sign

City of Texarkana, Texas

permit was issued in August, 1994 that allowed the current size signage. Staff assumes this size signage was allowed because the property is located along the I-30 corridor. Since this size signage was allowed by the City, staff has determined that the existing sign should be considered as a non-conforming sign. Since the total square footage of the proposed sign is less than that of the existing sign, staff recommends for approval of the new signage pending the Planning and Zoning Commission's decision allowing electronic messaging for institutional uses. The applicant should be aware that since this is a non-conforming sign, the size of the sign cannot be increased in the future.

All notification and application requirements have been met to consider this request.

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Since this size signage was previously approved by the City and is now considered non-conforming,
staff recommends for approval of the Specific Use Permit to allow the CEVMS.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission by a vote of 4 to 1 recommended for approval of the Specific Use Permit.

Advisory Board/Committee Meeting Date and Minutes:

November 2, 2015

Attachments

- a. Goals & Perspectives (DOCX)
- b. 2015-131 ORD SUP for CEVMS at 1601 Mall Dr. (DOCX)
- c. 2015-131 ORD ATTH No. 01 EXH 'A' Prop. sign (PDF)
- d. 2015-131 ORD ATTH No. 02 EXH 'B' (PDF)
- e. 2015-131 ORD ATTH No. 03 Existing signage (PDF)
- f. 2015-131 ORD ATTH No. 04 Maps (PDF)

Staff Coordination

Planning and Community Development
Completed

David Orr
11/12/2015 5:28 PM

Department Head Review

City of Texarkana, Texas

Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	11/16/2015 8:31 AM
Public Information Officer	Lisa Thompson	PIO Review Completed
	11/16/2015 8:38 AM	
City Manager	John Whitson	City Manager Review Completed 11/19/2015
3:44 PM		
City Council	Jennifer Evans	Meeting Completed 11/23/2015
6:00 PM		

Meeting History

11/23/15	City Council	MOVED FORWARD	Next: 12/14/15
12/14/15	City Council	MOVED FORWARD	Next: 01/11/16

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
Serve the Community	☐ Promote an Environmentally Sensitive & Livable Community ☐ Provide a Safe Community ☐ Deliver Quality Services ☐ Foster a Healthy Community
Run the Operations	☐ Enhance Community Preparedness & Responsiveness ☐ Maximize Partnership Opportunities ☐ Provide Courteous & Responsive Customer Service ☒ Model a Positive City Image ☐ Deliver Efficient Services ☒ Cultivate Community Involvement & Access
Manage the Resources	☐ Maintain Fiscal Strength ☐ Maximize Utilization & Resources ☐ Invest in Infrastructure & Transportation
Develop Personnel	☐ Develop a Skilled & Diverse Workforce ☐ Create a Positive & Rewarding Work Culture

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

☒	Newspaper Notice (Required by Statute)	☒	Public Hearing (Required by Statute)
☐	Public Forum/Input Session	☐	Press Release
☐	E-News Distribution	☒	Website Notice
☐	Social Media (Twitter, Facebook, etc.)	☒	Special Mailing
☐	Flyers Posted	☐	Banners Posted
☐	Survey	☐	Automated Phone Call
☒	None Required	☒	Sign Posted

Other:

ORDINANCE NO. 2015-131

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-662 TO ALLOW A CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGN (CEVMS) ON AN APPROXIMATE 7.39 ACRE TRACT OF LAND IN THE A.J. KING HRS, A-331, LOCATED AT 1601 MALL DRIVE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an Amendment to the Zoning Ordinance so as to grant a **Specific Use Permit to allow a Changeable Electronic Variable Message Sign (Exhibit “A”)** on an approximate 7.39 acre tract of land in the A.J. King HRS, A-331 (**Exhibit “B”**), located at 1601 Mall Drive in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas **voted four (4) to one (1) to recommend approval of the application for a Specific Use Permit to allow a Changeable Electronic Variable Message Sign (Exhibit “A”)** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit to allow a Changeable Electronic Variable Message Sign (Exhibit “A”)** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended so as to grant a **Specific Use Permit numbered S-661 for the purpose of allowing a Changeable Electronic Variable Message Sign (Exhibit “A”)** on an approximate 7.39 acre tract of land in A.J. King HRS, A-331 (**Exhibit “B”**) in the City of Texarkana, Bowie County, Texas.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 3: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

SECTION 4: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 25th day of January, 2016.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

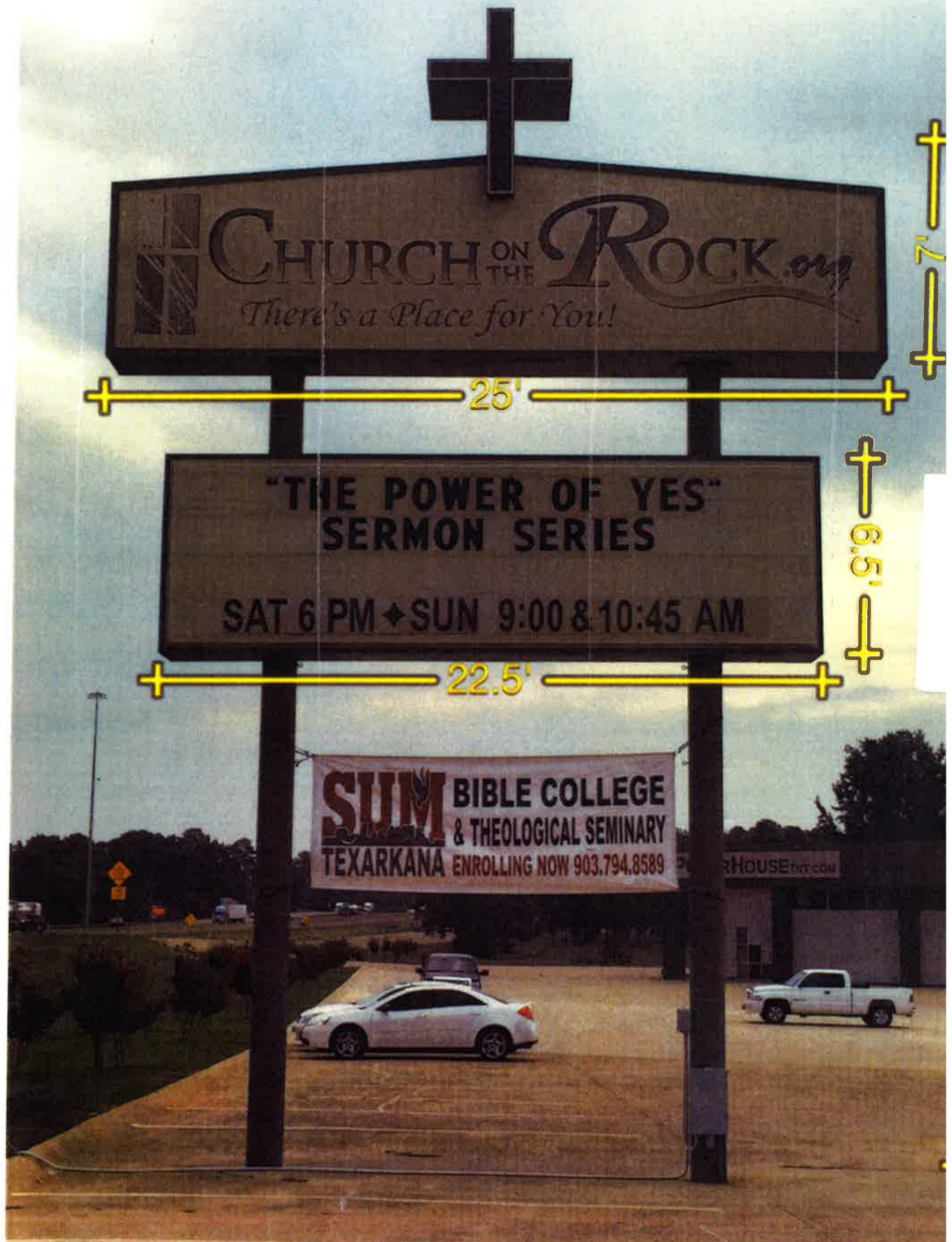


Packet Pg. 238

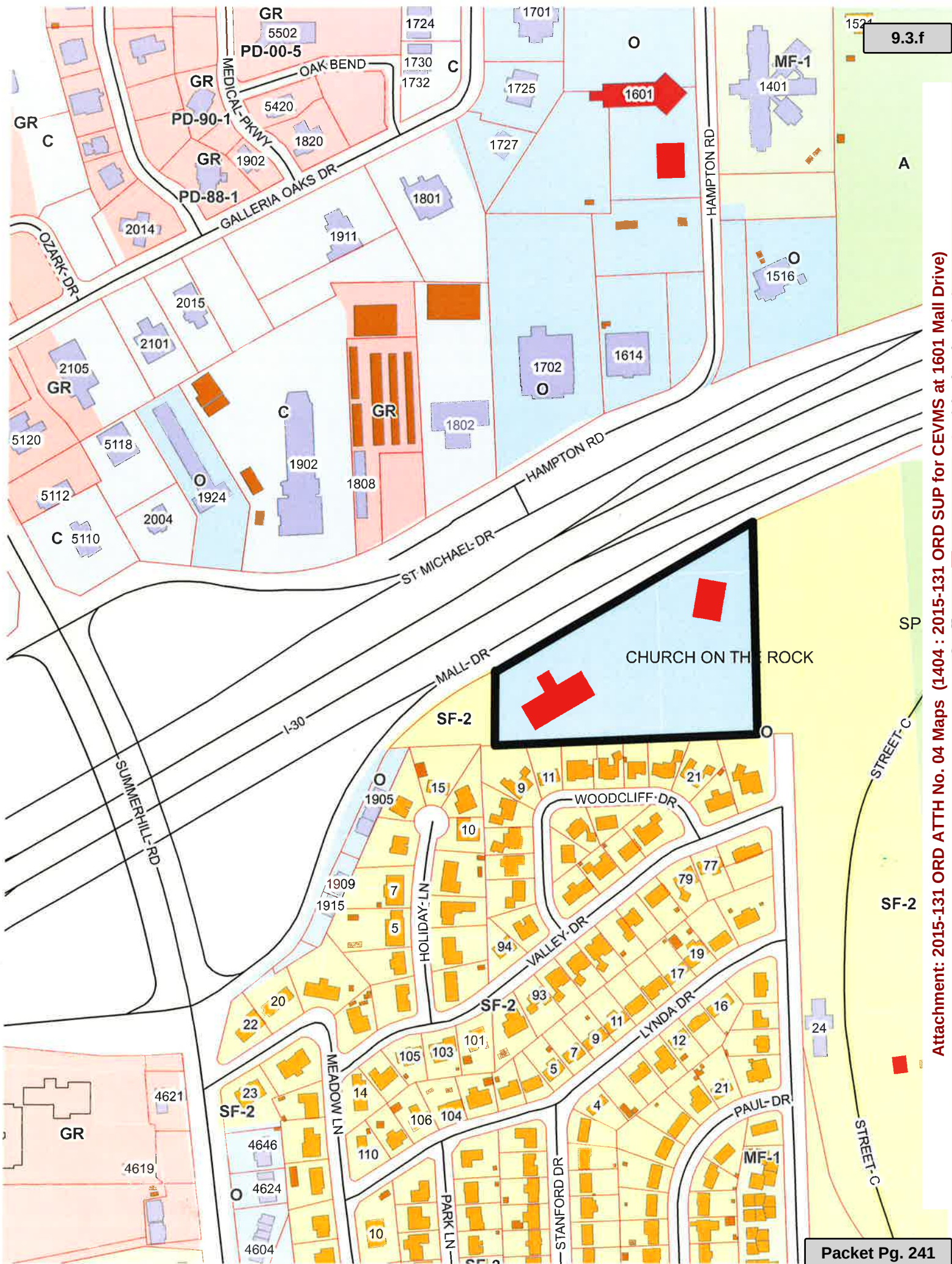
EXHIBIT "B"

All that certain tract of land situated in Bowie County, Texas, a part of the Andrew J. King Headright Survey, Abst. No. 331 and being more particularly described by metes and bounds as follows:
 BEGINNING at the Southeast corner of the Andrew J. King Survey on the West boundary line of the Willis Oldham Survey, a corner of M.E.P. & P. Ry. Co. Survey, Sec. 3;
 THENCE S 89° 29' 56" W., 803.14 ft., with the North boundary line of Block No. 1 of FARR OAKS ADDITION to the City of Texarkana, Bowie County, Texas;
 THENCE N. 00° 36' 53" E., 222.35 ft., along an old fence line, to the South right-of-way line of Interstate Highway 30;
 THENCE N. 61° 33' 53" E., 194.43 ft. along said South right-of-way line, to the beginning point of a curve to the right having a radius of 9349.3 ft.;
 THENCE Northeasterly along the South right-of-way of Interstate Highway 30, said line being 200 ft. from and concentric with the survey centerline; a distance of 712.35 ft., through a central angle of 04° 21' 56"; to an old fence line along the East boundary line of said A.J. King Survey;
 THENCE S. 00° 49' 30" W., 622.97 ft., along said fence line, to the Point of Beginning and containing 7.9313 acres of land, more or less.

Attachment: 2015-131 ORD ATTH No. 02 EXH 'B' (1404 : 2015-131 ORD SUP for CEVMS at 1601 Mall Drive)



Attachment: 2015-131 ORD ATTH No. 03 Existing signage (1404 : 2015-131 ORD SUP for CEVMS at 1601 Mall Drive)



9.3.f

Attachment: 2015-131 ORD ATTH No. 04 Maps (1404 : 2015-131 ORD SUP for CEVMS at 1601 Mall Drive)



9.3.f

Attachment: 2015-131 ORD ATTH No. 04 Maps (1404 : 2015-131 ORD SUP for CEVMS at 1601 Mall Drive)