



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • FEBRUARY 22, 2016

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

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Willie Ray	Ward 2	Present	
Tina Veal-Gooch	Ward 3	Absent	
Brian Matthews	Ward 4	Present	
Christy P. Paddock	Ward 5	Present	
Josh Davis	Ward 6	Absent	

Staff Present: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Charlie Bassett, Karey Parker, Sherry Jackson Hawkins, David Orr, Kyle Dooley, CeCe White, Jim Cornelius, Lisa Thompson, Charles Kreidler, Geoff Lewis, J.D. Phillips, 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, March 14, 2016 at 6:00 p.m.

Monday, March 28, 2016 at 6:00 p.m.

Monday, April 11, 2016 at 6:00 p.m.

Monday, April 25, 2016 at 6:00 p.m.

U. S. Army Corps of Engineers Public Meeting

The Fort Worth District, U.S. Army Corps of Engineers will host public scoping meetings on February 23 and 24, for the ongoing Sulphur River Basin Feasibility Study. The meetings will inform the public on the proposed reallocation of flood storage to water supply at Wright Patman Lake, located in Bowie and Cass Counties, Texas.

The February 23 meeting will be held beginning at 6:00 p.m. in the Great Room of the Truman Arnold Student Center at Texarkana College, 2500 North Robinson Road, Texarkana, Texas.

The February 24 meeting will be held beginning at 6:00 p.m. at the Mount Pleasant Civic Center located at 1800 N. Jefferson Avenue, Mt. Pleasant, Texas.

Parks & Recreation Events:

February 25 th - 26 th	24 th Annual Fishing Derby	Spring Lake Park
March 12 th	March Into Spring-Softball Tournament	Karrh/Wallace 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>

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 made at Open Forum.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:08 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Matthews, Paddock
ABSENT:	Veal-Gooch, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on February 8, 2016 at 6:00 PM.

Closed Session

The City Council did not convene in closed session pursuant to section 551.071, Texas Government Code, for a private consultation with the City Attorney to seek advice regarding the breach of contract, unjust enrichment, and malfeasance assertions / settlement offer by Claire Jaynes / Forest Point Apartment Homes [cf. Proposed Resolution 2015-140] due to the fact that two council members were not in attendance at this meeting. The closed session was postponed.

Action Items

1. 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: March 14, 2016

(6:10 p.m.)

RESULT:	POSTPONED (VOTE) [UNANIMOUS]	Next: 3/14/2016 6:00 PM
MOVER:	Christy P. Paddock, Ward 5	
SECONDER:	Willie Ray, Ward 2	
AYES:	Matlock, Ray, Matthews, Paddock	
ABSENT:	Veal-Gooch, Davis	
EXCUSED:	Bruggeman	

2. 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

(6:12 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Matthews, Paddock
ABSENT:	Veal-Gooch, Davis
EXCUSED:	Bruggeman

VI. FIRST BRIEFINGS

1. Ordinance No. 2016-020 amending the budget estimates of the expenditures in the 2003 and 2005 Bond Funds for the fiscal year ending September 30, 2016 to include funding to complete Shilling Road and Bringle Ridge Drive reconstruction project.

Public Hearing: March 14, 2016
Second Briefing: March 28, 2016
Council Vote: April 11, 2016

Kyle Dooley briefed this item.

RESULT:	MOVED FORWARD	Next: 3/14/2016 6:00 PM
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2. Ordinance No. 2016-021 granting a Specific Use Permit to allow a 100' monopole cellular telecommunications tower and maintenance platform on a 0.0980 acre tract of leased space being a part of a 5.65 acre tract of land in the George Brinlee HRS, A-18, located at 910 Franklin Street. Walnut Church of Christ, owner. Hart Mason, J. Mark Hodges, Inc., agent.

Public Hearing: March 14, 2016
Second Briefing: March 28, 2016
Council Vote: April 11, 2016

David Orr briefed this item.

RESULT:	MOVED FORWARD	Next: 3/14/2016 6:00 PM
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3. Resolution No. 2016-022 authorizing the City Manager to enter into a memorandum of agreement for the Heritage Gateway Public Artwork Project.

Public Hearing: March 14, 2016
Second Briefing: March 28, 2016
Council Vote: April 11, 2016

David Orr briefed this item. Brian Goesl, Executive Director of TRAHC, made a few comments.

RESULT:	MOVED FORWARD	Next: 3/14/2016 6:00 PM
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VII. PUBLIC HEARINGS

1. Motion to move Ordinance No. 2016-007 up for council vote.
(6:23 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Christy P. Paddock, Ward 5
AYES:	Matlock, Ray, Matthews, Paddock
ABSENT:	Veal-Gooch, Davis
EXCUSED:	Bruggeman

2. Ordinance No. 2016-007 amending the Code of Ordinances of the City of Texarkana, Texas Chapter 44-Taxicabs Section 44-108 providing for a rate increase for Taxicab services.

Public Hearing: February 22, 2016
Second Briefing: March 14, 2016
Council Vote: March 28, 2016

Sharon Gustafson, co-owner of ArTex Transport, made a few comments and asked council for an expedited vote on this item.
(6:24 p.m.)

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

3. Resolution No. 2016-017 approving the International Paper Mill Water Treatment Plant Water Conservation and Drought Contingency Plan for Wholesale Public Water Suppliers.

Public Hearing: February 22, 2016
Second Briefing: March 14, 2016
Council Vote: March 28, 2016

There were no comments made at this public hearing.

RESULT:	MOVED FORWARD	Next: 3/14/2016 6:00 PM
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4. Motion to move Resolution No. 2016-018 up for council vote.

(6:27 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Matthews, Paddock
ABSENT:	Veal-Gooch, Davis
EXCUSED:	Bruggeman

5. Resolution No. 2016-018 approving the addition to the TIRZ #1 Project List for the funding or partial funding of an extension of Pavilion Parkway in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) and for an addition to the Bringle Lake Trail in an amount not to exceed TWO HUNDRED THIRTEEN THOUSAND DOLLARS (\$213,000).

Public Hearing: February 22, 2016
Second Briefing: March 14, 2016
Council Vote: March 28, 2016

Kayla Wood, of MTG Engineers, made a few comments and asked council for an expedited vote on this item.
(6:27 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Matthews, Paddock
ABSENT:	Veal-Gooch, Davis
EXCUSED:	Bruggeman

6. Motion to move Resolution No. 2016-019 up for council vote.

(6:29 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Matthews, Paddock
ABSENT:	Veal-Gooch, Davis
EXCUSED:	Bruggeman

7. Resolution No. 2016-019 authorizing the City Manager to enter into a contract or contracts with one or more parties for the funding of street construction and improvements for an extension of Pavilion Parkway from Gibson Lane to McKnight Road; approving the reimbursement of the approved construction costs using funds generated from future development revenue from the Tax Increment Reinvestment Zone #1 Fund in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000).

Public Hearing: February 22, 2016
Second Briefing: March 14, 2016
Council Vote: March 28, 2016

Kayla Wood, of MTG Engineers, asked council for an expedited vote on this item.
(6:29 p.m.)

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

VIII. SECOND BRIEFING WITH UPDATES

1. Motion to move Resolution No. 2016-011 (in support) up for council vote.

(6:33 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Matthews, Paddock
ABSENT:	Veal-Gooch, Davis
EXCUSED:	Bruggeman

2. Resolution No. 2016-011 authorizing support for Texas Department of Housing and Community Affairs (TDHCA) housing tax credit development application for Heritage Pines.

Public Hearing: February 8, 2016
Second Briefing: February 22, 2016
Council Vote: March 14, 2016

David Orr stated that the adjusted language in the body of each proposed resolution satisfies staff concerns for authorizing a letter of support for this application before the Planning and Zoning process.

City Manager Whitson reminded council that two versions of the resolution were presented in the agenda packet. One resolution was "in support" of the application and the other resolution was "no objection" to the application. David Orr said staff now recommends the resolution "in support" of the application.

Dan Allgeier, of NuRock Companies, said he was available to answer any questions.
(6:33 p.m.)

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

IX. SECOND BRIEFING WITHOUT UPDATES

1. Resolution No. 2016-005 establishing and adopting a policy related to citizen submitted petitions.

Public Hearing: February 8, 2016
Second Briefing: February 22, 2016
Council Vote: March 14, 2016

RESULT:	MOVED FORWARD	Next: 3/14/2016 6:00 PM
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X. ITEMS FOR DISCUSSION

Staff Updates

The City of Texarkana, Texas Investment Report for the Quarter Ended December 31, 2015 is now available for viewing on the City's website at <http://tx-texarkana.civicplus.com/ArchiveCenter/ViewFile/Item/641>

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council had no comments for staff.

2. City Staff

City Manager Whitson updated council regarding the Sulphur River Basin Authority (SRBA). At a recent meeting of SRBA, he thanked SRBA for their letter supporting the city retaining current water rights to Lake Wright Patman. He further mentioned that the city council is still waiting to meet with their board members for a briefing and public hearing, as outlined in Resolution No. 2015-124, to discuss their studies and efforts in the basin.

The SRBA Chairman directed their consultant Mr. Jarvis to provide the information. City Manager Whitson asked council if receiving the information from the consultant would suffice or if council wanted to continue pursuing a meeting with their board members or at least with the SRBA president. Council consensus was to pursue a meeting with their board members. City Manager Whitson said he will ask to be on the SRBA's next agenda in March to request this meeting. It is expected that the meeting will be scheduled for a date in April.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:40 p.m.)

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • FEBRUARY 8, 2016

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

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Present	
Willie Ray	Ward 2	Present	
Tina Veal-Gooch	Ward 3	Present	
Brian Matthews	Ward 4	Present	
Christy P. Paddock	Ward 5	Present	
Josh Davis	Ward 6	Present	

Staff Present: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Charlie Bassett, CeCe White, Jim Cornelius, Karey Parker, Mashell Daniel, J.D. Phillips, Sherry Jackson Hawkins, Lisa Thompson, Robby Robertson, David Orr, Charles Kreidler, Geoff Lewis, and Jerry Sparks.

Legal Counsel: Jeff Lewis

II. INVOCATION AND PLEDGE BY COUNCIL MEMBER CHRISTY PADDOCK

The Pledge of Allegiance was led by boy scouts from Troop 16 and Troop 99.

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, February 22, 2016 at 6:00 p.m.

Monday, March 14, 2016 at 6:00 p.m.

Monday, March 28, 2016 at 6:00 p.m.

Monday, April 11, 2016 at 6:00 p.m.

Parks & Recreation Events:

February 25 - 26

24th Annual Fishing Derby

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>

Mayor Bruggeman recognized and welcomed students from Texas High Mr. Littman's government

Minutes Acceptance: Minutes of Feb 8, 2016 6:00 PM (Consent Items)

class. Mayor Bruggeman made a special announcement that it was Council Member Davis' birthday and wished him a "Happy Birthday" along with those in attendance.

Mayor Bruggeman shared that the city celebrated the annual Mardi Gras parade with Texarkana Arkansas city staff on Saturday, February 6th. The event was well-attended by the community. Mayor Bruggeman thanked Texarkana Arkansas Parks & Recreation Superintendent Ross Cowling and staff for their efforts in putting together a float and inviting elected officials from both cities to be a part of the event. Mayor Bruggeman, Council Member Matthews and Council Member Davis were joined by Arkansas Board Director Odom, Arkansas Board Director Miner, and Arkansas Board Director Harris.

Appointments to Boards & Commissions

Council Member Matthews made a recommendation to reappoint Suzanne Heath to the Library Commission.

Council Member Paddock made a recommendation to reappoint Council Member Veal-Gooch to the Bi-State Intergovernmental Advisory Committee.

Council Member Veal-Gooch made a recommendation to appoint Cammy Kennedy and Betty Williams to the Historic Landmark Preservation Committee.

1. Motion to accept recommendations to make appointments and reappointments to various boards and commissions.

(6:09 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brian Matthews, Ward 4
SECONDER:	Christy P. Paddock, Ward 5
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

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 made at open forum.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:11 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on January 25, 2016 at 6:00 PM.

Action Items

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 22, 2016

Claire Jaynes made final remarks regarding this agenda item. Ms. Jaynes asked council to table this agenda item in view of receiving a detection service report later in the week. Council consensus was to postpone this agenda item and consult with the City Attorney about the matter at the next scheduled council meeting in closed session.
 (6:32 p.m.)

RESULT:	POSTPONED (VOTE) [UNANIMOUS]	Next: 2/22/2016 6:00 PM
MOVER:	Christy P. Paddock, Ward 5	
SECONDER:	Tina Veal-Gooch, Ward 3	
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Paddock, Davis	
EXCUSED:	Bruggeman	

VI. FIRST BRIEFINGS

1. Ordinance No. 2016-007 amending the Code of Ordinances of the City of Texarkana, Texas Chapter 44-Taxicabs Section 44-108 providing for a rate increase for Taxicab services.

Public Hearing: February 22, 2016
 Second Briefing: March 14, 2016
 Council Vote: March 28, 2016

Geoff Lewis briefed this item. Angie Buffington, co-owner of Ar-TeX Transport & Courier Taxi, also briefed additional comments.

RESULT: MOVED FORWARD

Next: 2/22/2016 6:00 PM

2. Resolution No. 2016-017 approving the International Paper Mill Water Treatment Plant Water Conservation and Drought Contingency Plan for Wholesale Public Water Suppliers.

Public Hearing: February 22, 2016

Second Briefing: March 14, 2016

Council Vote: March 28, 2016

J.D. Phillips briefed this item.

RESULT: MOVED FORWARD

Next: 2/22/2016 6:00 PM

3. Resolution No. 2016-018 approving the addition to the TIRZ #1 Project List for the funding or partial funding of an extension of Pavilion Parkway in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) and for an addition to the Bringle Lake Trail in an amount not to exceed TWO HUNDRED THIRTEEN THOUSAND DOLLARS (\$213,000).

Public Hearing: February 22, 2016

Second Briefing: March 14, 2016

Council Vote: March 28, 2016

Jerry Sparks briefed this item.

RESULT: MOVED FORWARD

Next: 2/22/2016 6:00 PM

4. Resolution No. 2016-019 authorizing the City Manager to enter into a contract or contracts with one or more parties for the funding of street construction and improvements for an extension of Pavilion Parkway from Gibson Lane to McKnight Road; approving the reimbursement of the approved construction costs using funds generated from future development revenue from the Tax Increment Reinvestment Zone #1 Fund in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000).

Public Hearing: February 22, 2016

Second Briefing: March 14, 2016

Council Vote: March 28, 2016

Jerry Sparks briefed this item.

RESULT: MOVED FORWARD

Next: 2/22/2016 6:00 PM

VII. PUBLIC HEARINGS

1. Resolution No. 2016-005 establishing and adopting a policy related to citizen submitted petitions.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

There were no public comments made at this hearing.

RESULT: MOVED FORWARD

Next: 2/22/2016 6:00 PM

2. Motion to move Resolution No. 2016-006 up for council vote.

(6:45 p.m.)

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

3. Resolution No. 2016-006 authorizing the City Manager to enter into an agreement with Bowie County of a payment plan for the Tax Increment Reinvestment Zone accounts receivable that are in arrears.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

There were no public comments made at this hearing.
 (6:46 p.m.)

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

4. Motion to move Resolution No. 2016-008 up for council vote.

(6:48 p.m.)

Minutes Acceptance: Minutes of Feb 8, 2016 6:00 PM (Consent Items)

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

5. Resolution No. 2016-008 authorizing support for the Texarkana, Texas Housing Authority Robison Terrace development.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

Will Henderson, Director of Affordable Housing at Carleton Residential Properties, addressed council and asked for an expedited vote on this item.
 (6:49 p.m.)

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

6. Motion to move Resolution No. 2016-009 up for council vote.

(6:53 p.m.)

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

7. Resolution No. 2016-009 authorizing financial support for the Texarkana, Texas Housing Authority Robison Terrace development.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

Will Henderson, Director of Affordable Housing at Carleton Residential Properties, addressed council and asked for an expedited vote on this item.
 (6:54 p.m.)

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

8. Motion to move Resolution No. 2016-010 up for council vote.

(6:56 p.m.)

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

9. Resolution No. 2016-010 confirming that Texarkana, Texas has more than twice the state average of units per capita supported by housing tax credits or private activity bonds.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

Will Henderson, Director of Affordable Housing at Carleton Residential Properties, addressed council and asked for an expedited vote on this item. Dan Allgeier, of NuRock Companies, addressed council and asked for an expedited vote on this item.

(6:57 p.m.)

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

10. Resolution No. 2016-011 authorizing support for Texas Department of Housing and Community Affairs (TDHCA) housing tax credit development application for Heritage Pines.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

Dan Allgeier, of NuRock Companies, addressed council and asked for an expedited vote on this item. Will Henderson addressed council on this item. Jeff Lewis made a few comments.

RESULT: MOVED FORWARD **Next: 2/22/2016 6:00 PM**

11. Motion to move Ordinance No. 2016-012 up for council vote.

(7:03 p.m.)

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

12. Ordinance No. 2016-012 rezoning Lots 42 & 43 in Meyer's Subdivision, located at 1710 Meyer Street. Single Family-2 to Single Family-3. Dyeann Berry, applicant.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

Dyeann Berry addressed council and asked for an expedited vote on this item.

(7:03 p.m.)

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

13. Motion to move Ordinance No. 2016-013 up for council vote.

(7:05 p.m.)

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

14. Ordinance No. 2016-013 requesting a Specific Use Permit to allow a HUD code double wide manufactured home on Lots 42 & 43, Meyer's Subdivision, located at 1710 Meyer Street. Dyeann Berry, applicant.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

There were no public comments made at this hearing.

(7:06 p.m.)

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

15. Motion to move Ordinance No. 2016-014 up for council vote.

(7:07 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

16. Ordinance No. 2016-014 rezoning a 1.295 acre tract of land in the George Brinlee HRS, A-18, located at 4824 McKnight Road. Agriculture to Planned Development-Neighborhood Service. Aaron Gaylor, applicant.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

There were no public comments made at this hearing.

(7:07 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Brian Matthews, Ward 4
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

17. Motion to move Ordinance No. 2016-015 up for council vote.

(7:09 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Tina Veal-Gooch, Ward 3
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

18. Ordinance No. 2016-015 amending PD-16-1(NS) for site plan approval on a 1.295 acre tract of land in the George Brinlee HRS, A-18, located at 4824 McKnight Road. Aaron Gaylor, applicant.

Public Hearing: February 8, 2016
 Second Briefing: February 22, 2016
 Council Vote: March 14, 2016

There were no public comments made at this hearing.
 (7:09 p.m.)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Christy P. Paddock, Ward 5
SECONDER: Tina Veal-Gooch, Ward 3
AYES: Matlock, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED: Bruggeman

Public Hearing and Action Item

19. Ordinance No. 2016-016 establishing a 90-day Moratorium on the processing and approval of applications/permits for the placement of Changeable Electronic Variable Message Signs (CEVMS) within the City of Texarkana, Texas.

Public Hearing: February 8, 2016
 Second Briefing: February 8, 2016
 Council Vote: February 8, 2016

City Manager Whitson stated that this ordinance was prepared as a result of council workshops held with the Planning and Zoning Commission. There were no public comments made at this hearing.
 (7:12 p.m.)

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

VIII. SECOND BRIEFING WITH UPDATES

1. 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

David Orr updated council stating that this proposed rezoning has received public opposition. Cynthia Stone addressed council regarding this item.

RESULT: **WITHDRAWN**

IX. SECOND BRIEFING WITHOUT UPDATES

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

RESULT: MOVED FORWARD

Next: 2/22/2016 6:00 PM

X. ITEMS FOR DISCUSSION

Staff Updates

There were no staff updates.

XI. ADMINISTRATIVE COMMENTS

- ## 1. City Council

Council Member Davis said he has received numerous phone calls concerning the intersection at Cowhorn Creek and Galleria Oaks. After some conversation with staff regarding the initial requirements that would warrant installing a signal light device at this intersection, Council Member Davis urged council to consider a proposal to install a new signal light at this location.

City Manager Whitson summarized the normal progression for installing a new signal light at an intersection, but stated that with council consensus, staff could research and design a plan outlining the parameters and costs involved in installing the signal light. This information would be presented to council for consideration at a future meeting. Council members gave their consensus for staff to proceed.

- ## 2. City Staff

There were no administrative comments made by staff.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:29 p.m.)

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Version: K

Update Date: 3/8/2016 10:44 AM

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
Subject: fails to make full payment of its account balance.

Briefing: 3/14/2016 **Public Hearing:** 1/11/2016 **Second Briefing:** January 25, 2016 **Council Vote:** 3/14/2016

Item Schedule

Updates/History of Briefing:

Update #3 for 22 FEB 16 meeting: During the 8 FEB 16 Regular Council Meeting Mrs. Jaynes, Manager, Forest Point Apartment Homes, presented additional comments to the city council. She stated that she has presented factual information and she does not estimate her water usage but rather a third professional party is sub-metering usage by unit and common areas. She feels that these sub-metered totals should be within two to five percent variance of the TWU bills.

Staff Response: To date, no Forest Point Apartment Homes sub-metering data has been shared with the city staff. It is unlikely that the payments made by Mrs. Jaynes are based on sub-meter measurements since the payments continue to be made in what appears to be rounded values:

7/9/2015	\$3,800	8/5/2015	\$3,800	9/10/2015	\$4,000
11/12/2015	\$4,000	12/8/2015	\$4,000	2/2/2016	\$3,500

Mrs. Jaynes doubted that a construction meter was left in place a number of years and continued to be used as the properties' primary water measurement and billing meter. She cited that a typical construction meter is a temporary device attached to a fire hydrant and used by construction crews and then removed once construction is completed.

Staff Response: Staff agrees as to what is typical, however, in 1975 when the Forest Point Apartment complex was constructed, for reasons unknown to the current staff, a typical residential meter was installed on the primary service drop to be used during construction. Once construction was completed the meter was left in place and used as the primary water measurement and billing device, again, the current staff does not know why the meter was left in place.

Mrs. Jaynes stated that TWU did not provide any reasons for changing the complex from a 1" meter to a 3" meter and noted the presentation wherein the staff provided a city-wide inventory of apartment complex meters by type and size. The staff had presented the following inventory:

City of Texarkana, Texas

Water Meters Registering Water Usage in Texarkana Apartments								
Type/Size	5/8"	1"	1.5"	2"	3"	4"	6"	Totals
Standard	88	35	5	23				151
Compound				19	1	5	5	30
Totals	88	35	5	42	1	5	5	181

Mrs. Jaynes noted that the one 3" Compound meter in the inventory is the one at Forest Point Apartments.

Staff Response: The Forest Point Apartment Homes complex has never been served by a 3" Compound meter. Service at Forest Point Apartment Homes started with a 1" Standard meter, changed to two each 2" Compound Meters, and then ultimately a single 2" Compound Meter. The 3" Compound meter in the inventory above is located at the HATT Woodbridge facility.

Mrs. Jaynes stated that the commercial rates are still not available on the water bills and cannot be found on the TWU or City Websites.

Staff Response: Mrs. Jaynes is correct that the water rates are not published on individual water bills. Maybe as we continue to improve our public operations we might be able ultimately publish the rates on individual utility bills. The rates are available on both the city's website (in the Master Fee List) and the TWU website in the Customer Service Section of the website. Please also note that Apartment Complexes do not pay commercial water or sewer rates, they are treated the same as other residential dwellings and charged residential rates which are currently tiered rates.

Mrs. Jaynes stated that the city manager noted that there is no ordinance to permit underpayment of bills and therefore the proposed resolution is not viable.

Staff Response: Mrs. Jaynes has missed the point concerning the reference to the city code being silent concerning intentional underpayment of utility bills. The point is that the customer has not been authorized by ordinance to make a partial payment and expect to continue receiving utility service from the city. The proposed resolution is valid as it does not depend on any reference in the code related to underpaying a utility bill.

Mrs. Jaynes stated that one hotel owner in town who usually has monthly utility billings of \$2,000 to \$3,000 per month received one bill for over \$100,000. She stated that the hotel owner had to hire an attorney and a leak detection corporation to get the TWU staff to reverse the bill.

Staff Response: TWU staff conducted a search of the billing database and was unable to find any retail customer who received a bill for \$100,000 or more in water usage. Additionally, the search was also unable to find any retail customer with a total utility bill of over \$100,000 in either Texarkana, Texas or Texarkana, Arkansas.

After hearing from Mrs. Jaynes the city council voted to postpone action on the time and scheduled a closed session for the 22 FEB 16 meeting in accordance with Texas Government Code 551.071 wherein a Governmental Body may not conduct a private consultation with its attorney except when the governmental body seeks the advice of its attorney about: (a) pending or contemplated litigation, or (b) a settlement offer; or (3) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

City of Texarkana, Texas

Update #2 for 8 FEB 16 Meeting: ATTH 05 has been added to the briefing item. Letter from Mrs. Jaynes to Mayor Bruggeman and Councilmember Matthews. Mayor Bruggeman asked the city manager to review the letter and provide comment. Via email the following response was provided:

“Reference the attached letter from Mrs. Jaynes offering to install a “master” meter inside her property line on the 4” service line, I have not been able to determine what permit she has that would permit her to install a master meter as proposed. To install a meter on the line would require an engineer design to be submitted to TWU for review. The existing approved design drawing shows the property is served by a loop system within the property. The 4” service line crossing the property line from the existing meter (located in the ROW) and ties directly into the looped water supply. At the “T” intersection of the main service line and the loop there are also two water valves (these valves permit water flow to be shut off in either direction of the loop). To install a meter as suggested might require additional valves and/or repositioning of the existing valves.

I have found on the Texas Public Utilities Commission (PUC) website that Forest Point Apartment Homes is registered to sub-meter water and I assume that also means that Forest Point Apartments can now charge their tenants for water and sewer usage outside of the monthly rent. The PUC approval might be the permit which Mrs. Jaynes believes would permit her to install a “master” meter as well, but if the installation alters the approved system then TWU would need to review a new engineer design and ensure the public water supply is protected.

Even with approval of such a meter the city would still rely on the city’s meter to bill the customer, the same as all other customers. We do not currently have any customer providing and maintaining a private “master” meter that we would read to bill the customer for water and sewer service.

As long as mechanical devices are being used to check on other mechanical devices there will be variances. If the “master” meter is functioning at the high side of standard accuracy (101.5%) and the other meters on site (104 individual apartments, laundry, and pool) are operating at the low side of standard accuracy (98.5%) there is potential of about 18,000 gallons being measured at the master but not measured at the sub-meters per 600,000 gallons of actual flow.

The state’s approval for sub-metering also provides a procedure for determining the amount of charges to be passed on the tenants. From what I see in the state’s administrative code the procedure looks more to the charges from the public utility provider versus the gallons measured by the master meter. The code provides what charges can be prorated to the tenants and what charges cannot be prorated. Again, it’s the charges not the gallons. Without access to any of the sub-metering data that has been collected to date by Mrs. Jaynes and her contractor (Utility Billing Services) we have no idea what the current variance is between the public system and the private system.

As to the P.S. comment about \$30,000 worth of water leaking since December 2014, I am not contending that there must be a leak, only that there might have been a leak or leaks on the property. I feel certain from the usage data related to the new meter that the underpayment only relates to true and accurate water metering and should be paid in full at the earliest and reasonable date. If there was over billing in the past I have certainly showed that there was a long period of time when the water was under-metered and therefore the customer under-charged. I don’t see proof of overcharging when compared to many other apartment complexes across the city even with no two complexes being exactly the same.

City of Texarkana, Texas

I don't know what untrue remarks that I made to the press. I have spoken at great lengths with JD Phillips concerning the meter technicians currently working at TWU. They are believed to be excellent employees with a high level of integrity. I don't believe that they have changed their "stories" as commented by Mrs. Jaynes.

Update #1: During the 11 JAN 16 Public Hearing, management for the Forest Point Apartment Homes complex presented information for council's consideration during their deliberations concerning the staff recommended resolution. A number of questions were asked and some comments were made that likely additional information is needed for council's deliberations.

1. City ordinances that were produced are inaccurate applications due to malfunctioning equipment.

- a. City Code Section 42-46 entitled "Failure of meter to register correctly" is the applicable code which states, "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."

2. Why is the name being changed on the bill?

- a. (1:01:23) 24 AUG 15 – "Ron Jaynes called TWU because had not received their bill. Tammy was surprised to find out that on 8/7/15 the name on our account had been changed to Forest Brook and a bill had been sent to the wrong address."
- b. SEP 15 – Received two bills with two different totals.

3. Why am I getting duplicate bills with different meter readings?

- a. The utility bill dated 9/25/15 showed present readings of the two registers of the compound meter as being 017119 (hi-flow) and 15258 (low-flow).
- b. The readings were transposed. When discovered the corrected utility bill was prepared and mailed including a notice of the change printed in the remarks section of the corrected bill (on the rear of the bill).
- c. The correct meter readings on the corrected bill which shows 15258 (hi-flow) and 017119 (low-flow).
- d. When compared to the prior month's reading for both meters the total gallons used was unchanged and therefore the total water and sewer charges were unchanged.

4. Why do I have a different meter from other like complexes?

- a. There are a wide variety of water meters used by TWU throughout the city.
- b. Apartment complexes and/or individual apartments account for 181 meters serving 42 different complexes, as shown below:

Water Meters Registering Water Usage in Texarkana Apartments								
Type/Size	5/8"	1"	1.5"	2"	3"	4"	6"	Totals
Standard	88	35	5	23				151
Compound				19	1	5	5	30
Totals	88	35	5	42	1	5	5	181

5. Why is the water line to the complex 3" when others are 2"?

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- a. Actually, currently there is a 2" tap line between the (10") water main and the meter which feeds into a 4" water line serving the property.
 - b. Originally two 2" water taps were installed at the water main with a plan for two 2" water meters to connect to the one 4" water service line to the property (as designed by the site designer which was reviewed and approved by TWU. The point is that there is not published or city adopted standard. Each designer is responsible for determining what is appropriate for site.
 - c. For a long period of time the property was served by a 1" meter which was connected to one of the 2" taps to the water main and connected to the 4" water service line (likely left over from the construction phase of the project).
 - d. At one point the 1" meter was replaced with two 2" meters and both were connected to the single 4" service line. After a period of time it was determined that the combination of two meters (connected in parallel) may not be capturing the total water usage and the meters were replaced with a single 2" compound meter and one tap line was locked out of service.
- 6. Don't know the source of the statement that the meter is 98.5% to 101.5% accurate.**
- a. The source is the manufacturer's data sheet as was also used by Mrs. Jaynes during her presentation.
- 7. What are the water and sewer rates? Why are they not on the website?**
- a. Water and Sewer rates are posted on the city's Master Fee List which is found at this link <http://www.ci.texarkana.tx.us/documentcenter/view/2942> and on TWU's website at http://www.twu.txkusa.org/departments/customer/water_and_sewer_rates.html.
 - b. The current fiscal year rates are:
 - i. (Water) \$3.25 for each 1,000 gallons of water
 - ii. (Sewer) \$4.41 for each 1,000 gallons of water
 - c. Past rates were:
 - i. (Water) \$3.01 for each 1,000 gallons of water
 - ii. (Sewer) \$3.77 for each 1,000 gallons of water
- 8. Why has the meter been changed five times?**
- a. Since 2005 the meter has been changed three times on these dates:
 - i. (3/5/08) 1-inch meter removed (failed) and replaced with two 2-inch meters
 - ii. (9/16/08) One of the 2-inch meters taken out of service and locked off due to problems with the backflow device
 - iii. (4/15/15) Factory fresh 2-inch meter installed
 - b. Maintenance activity related to the meter:
 - i. (2/20/09) One of two registers was stuck. Replaced both registers and reset them to zero.
 - ii. (11/18/14) One of two registers (low) stuck. Register repaired
 - iii. (1/9/15) Low flow register stuck again, repaired
- 9. Why are the bills \$3,300 to \$12,000?**
- a. For bills between 21 DEC 09 and 22 OCT 15 there were 73 billing periods (months). One bill was for \$12,796.53 which was corrected to \$6,409.71 (20 OCT 11).
 - b. The average bill for the study period was \$5,693.60 (\$415,632.67/73).
 - c. The monthly bills ranged from \$3,162.80 (18 JAN 13) to \$8,323.23 (19 NOV 10).
 - d. The monthly bills include collections for refuge, sales tax, and infrastructure fees.

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- i. Refuge charge is a monthly fixed amount by year
- ii. Sales tax is charged at 8.5% of the refuge charge
- iii. Water and Sewer Infrastructure charges are fixed amounts each month which increased from \$1 to \$1.50 each in 2015.

10. Why am I paying so much more than other like complexes?

- a. All apartment complexes pay water and sewer at the same rates. During this review period the rates were \$3.01 per 1,000 gallons of water and \$3.78 for sewer for a total of \$6.79 per 1,000 gallons of water. The amount of the charge is based on the usage by each customer.

11. Why when occupancy dropped 25% did my bill go up?

- a. The city does not have any information related to how water was used or misused. The city relies on trusted water meters to measure the usage. Forest Point provided a report that tracks vacancies compared to monthly water billing for the period January, 2013 through January, 2015. During this two-year period was the time frame previously reported that the city's water meter register was sticking which failed to register the total usage.
- b. January, 2013 was the lowest usage month in the study period when the meter was failing. Including these low reading months in the basis for evaluating usage during later periods of higher vacancy rates results in an incorrect conclusion. At the time of higher vacancy rates the city also was operating with a recently repaired meter register thus reading more of the usage.

12. Why should I pay \$30,000 when I've been overbilled by \$300,000?

- a. The account has not been paid fully since December, 2014. The partial monthly payments have resulted in an unpaid balance of \$30,258.66 as of November 29, 2015.
- b. Prior to December, 2014 the account was always paid in full each month.
- c. Between October, 2012 and March, 2014 the water meter was documented as having mechanical failure and under-metered the water usage during this time. A typical type failure due to particulate buildup inside the meter thus slowing the meter turbines causing the meter registers to record less flow than was likely flowing through the meter.

13. Why is Forest Point Apartment Homes being treated unfairly?

- a. No customer is singled out and treated any differently than any other customer.
- b. Customers generally expect TWU and the City to collect for city provided services on an equal basis. Should that collection effort appear to be unfair treatment we apologize but we have a duty to collect for publically provided services which have a city approved fee related to the service.

14. TWU has not been a member of AWWA since 2013.

- a. It is true that TWU has not been a member of AWWA since 2013. However, a number of TWU employees are members. TWU pays for the individual memberships versus an organizational membership which is lower cost option for TWU.

15. Unjust enrichment and malfeasance by TWU's public officials.

City of Texarkana, Texas

- a. We have no indication of any misappropriation of public funds.
- b. The city and TWU has adequate internal controls and no audit has discovered any major discrepancies in the accounting records.
- c. Any discovery of wrongdoing by TWU employees is immediately dealt with through proper management actions. Depending on the severity of such wrongdoing the manager/supervisor either corrects the behavior (minor misconduct or poor performance) or senior management terminates the employment (major misconduct or performance failure) of the employee.
- d. Internal controls are routinely reviewed and adjusted appropriately to ensure proper use and accountability of resources at an appropriate cost.

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.

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

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(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 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

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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 ATTH 03 Forest Point Management Response to Staff Presentation (PDF)
- e. 2015-140 ATTH 04 Forest Point Apartment Complex Utility Billing Review 2nd Briefing 20160125 (PDF)
- f. 2015-140 ATTH 05 Note to Dr Matthews and Mayor Bruggeman 20160126 (PDF)
- g. 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			
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	

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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
01/11/16	City Council	MOVED FORWARD	Next: 01/25/16
01/25/16	City Council	MOVED FORWARD	Next: 02/08/16
02/08/16	City Council	POSTPONED (VOTE)	Next: 02/22/16

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

5.1.b



- 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

5.1.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

5.1.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

5.1.b

- 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

5.1.b

- 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

5.1.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

5.1.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

5.1.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

5.1.b

- 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

5.1.b

- 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

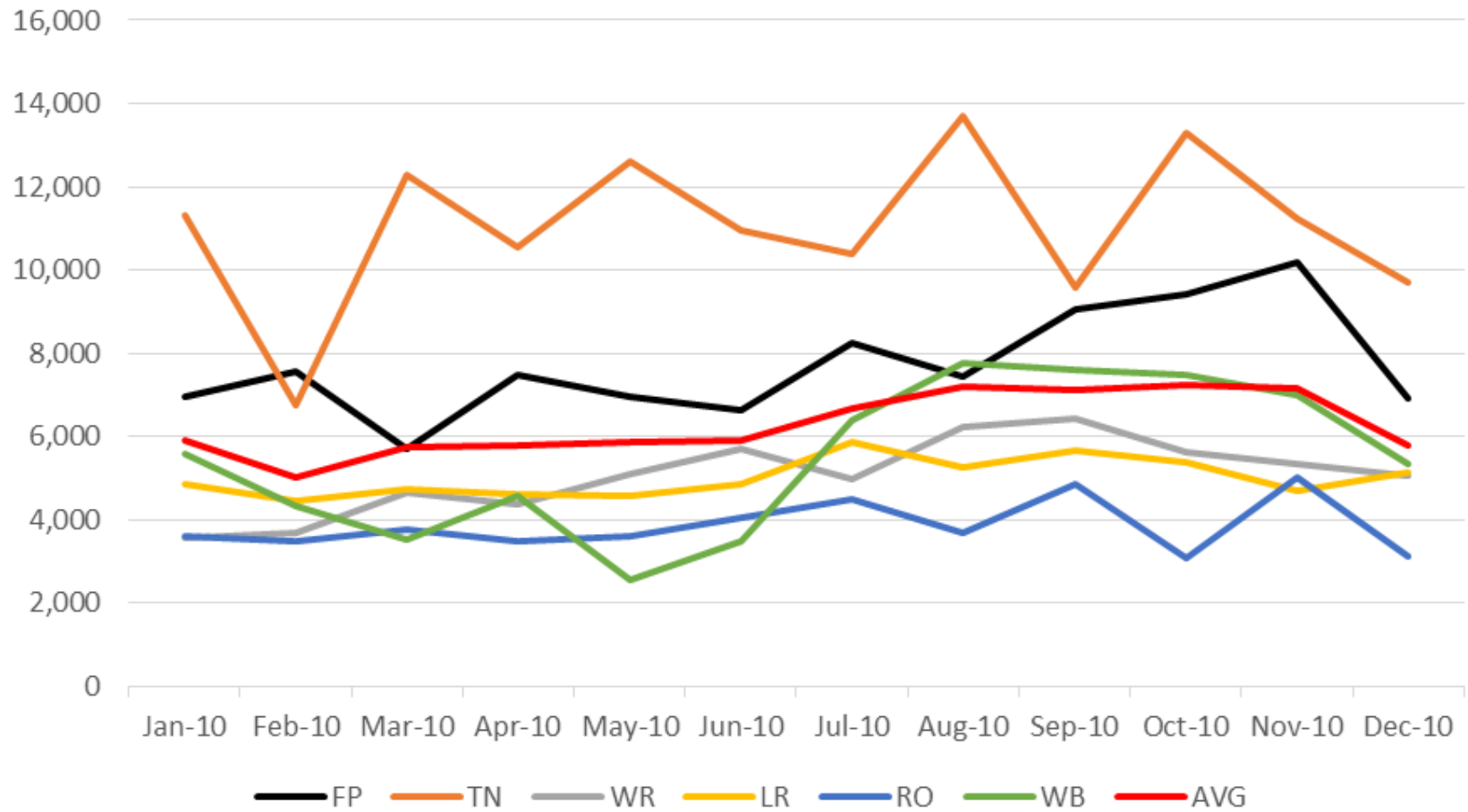
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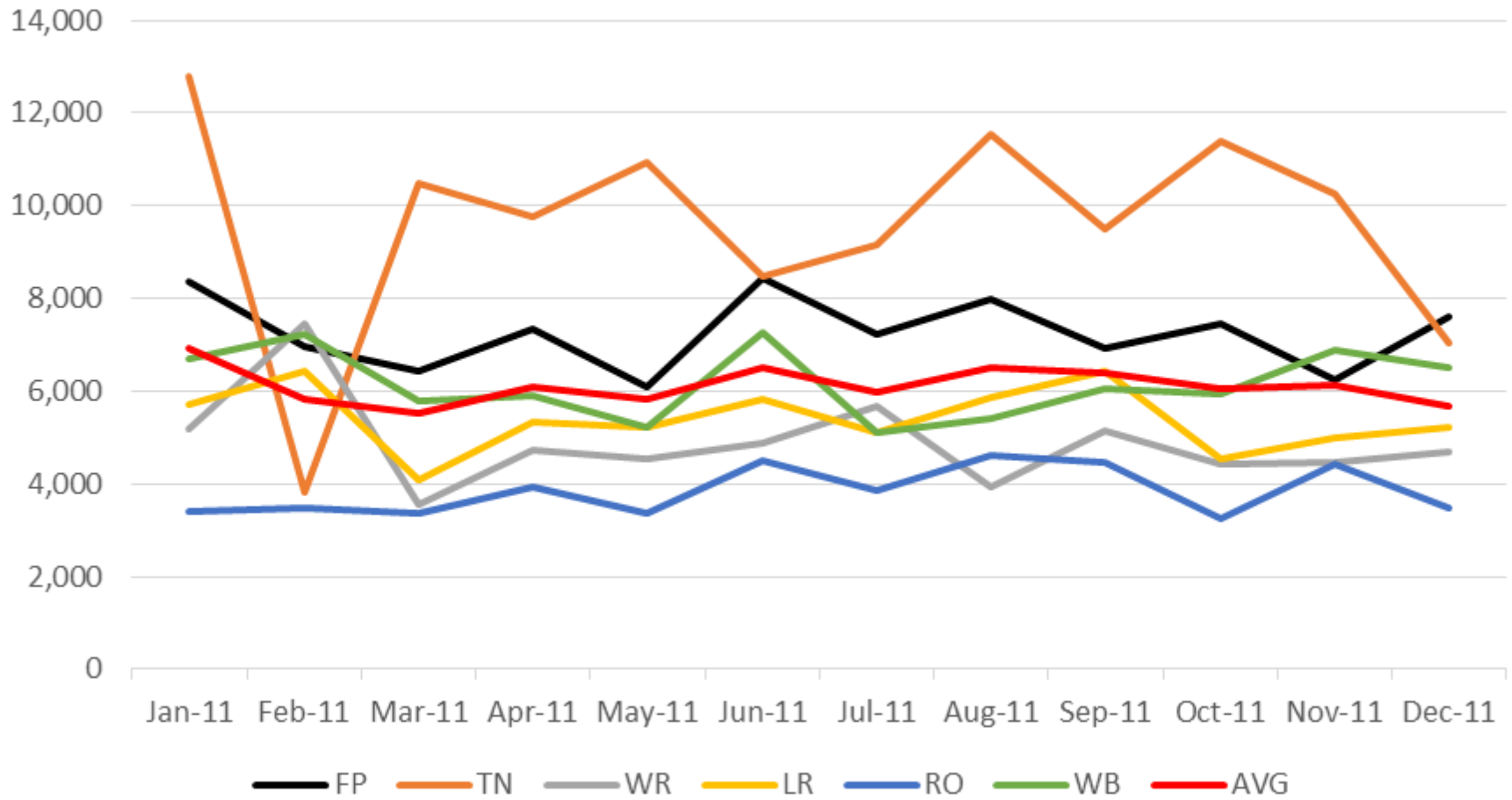
Usage Compared to Other Complexes

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		

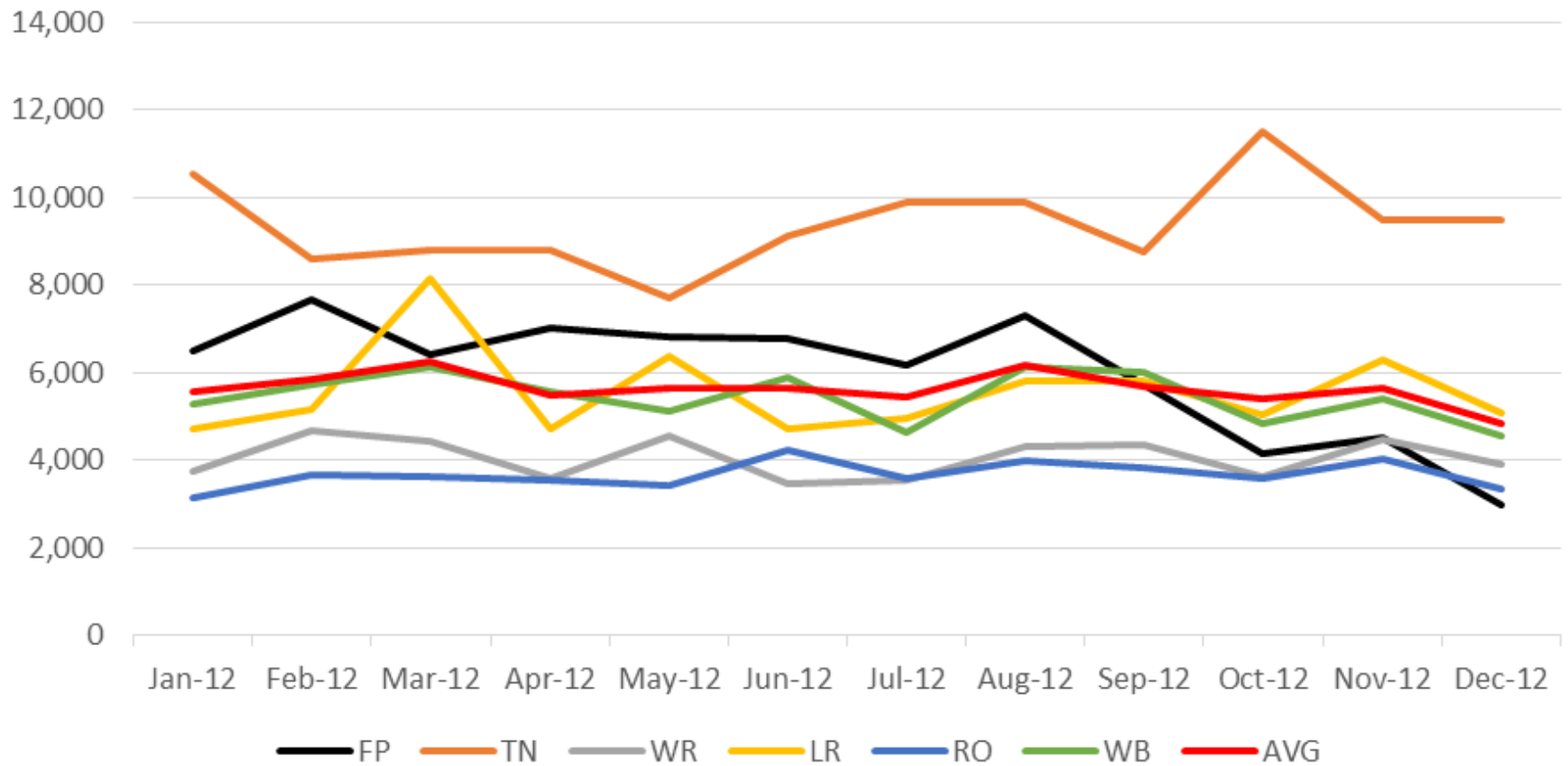
Unit Averages 2010



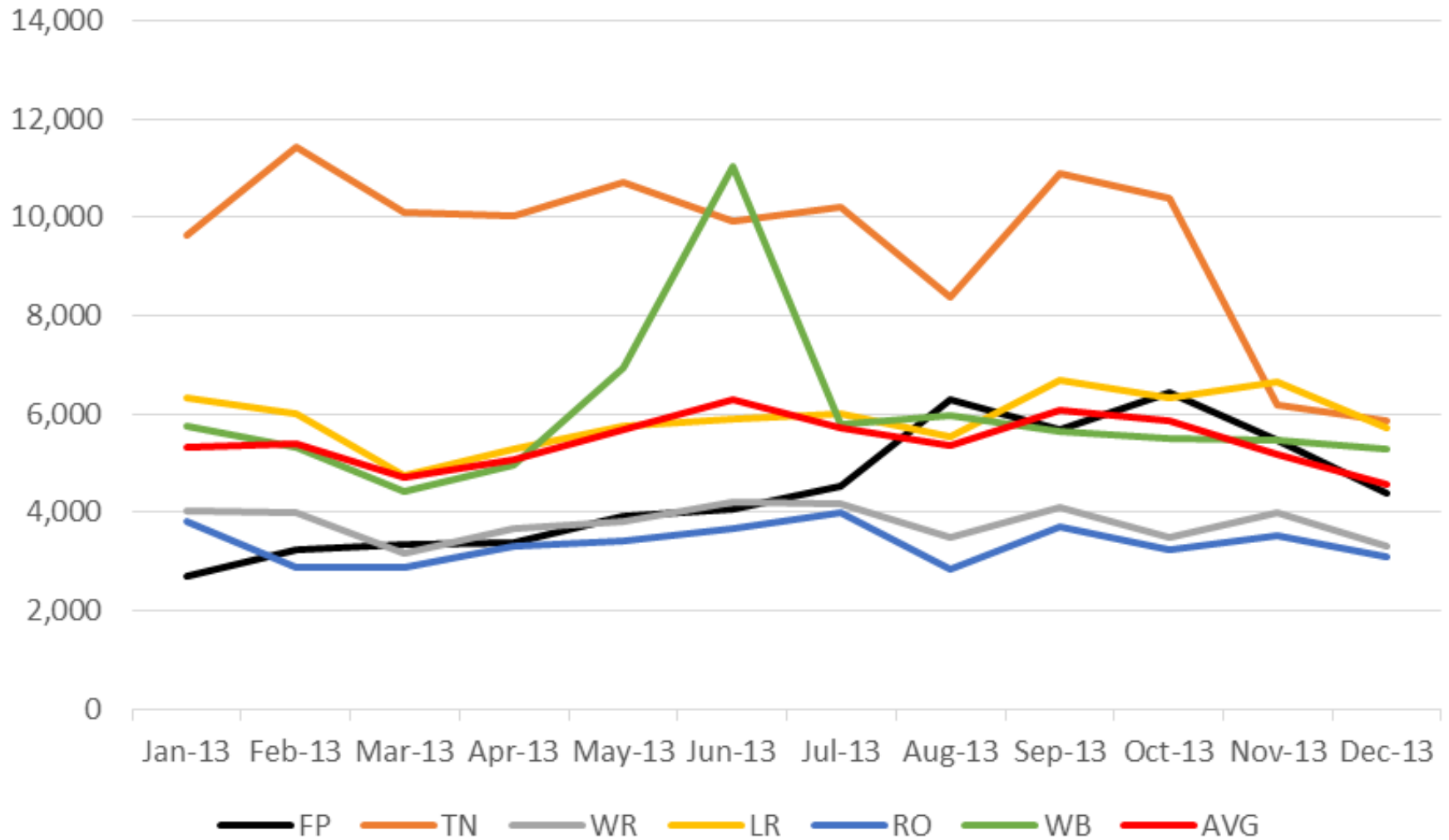
Unit Averages 2011



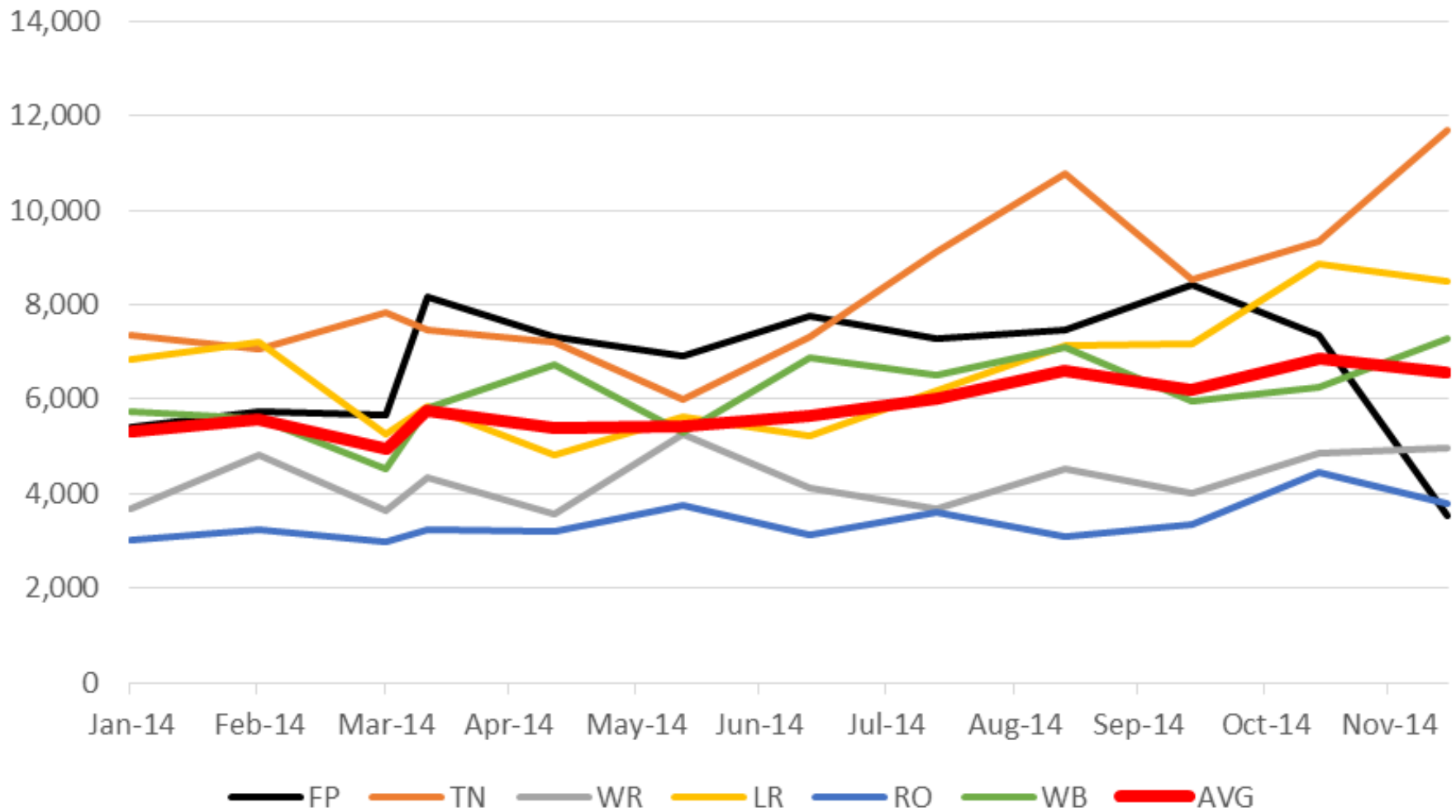
Unit Averages 2012



Unit Averages 2013

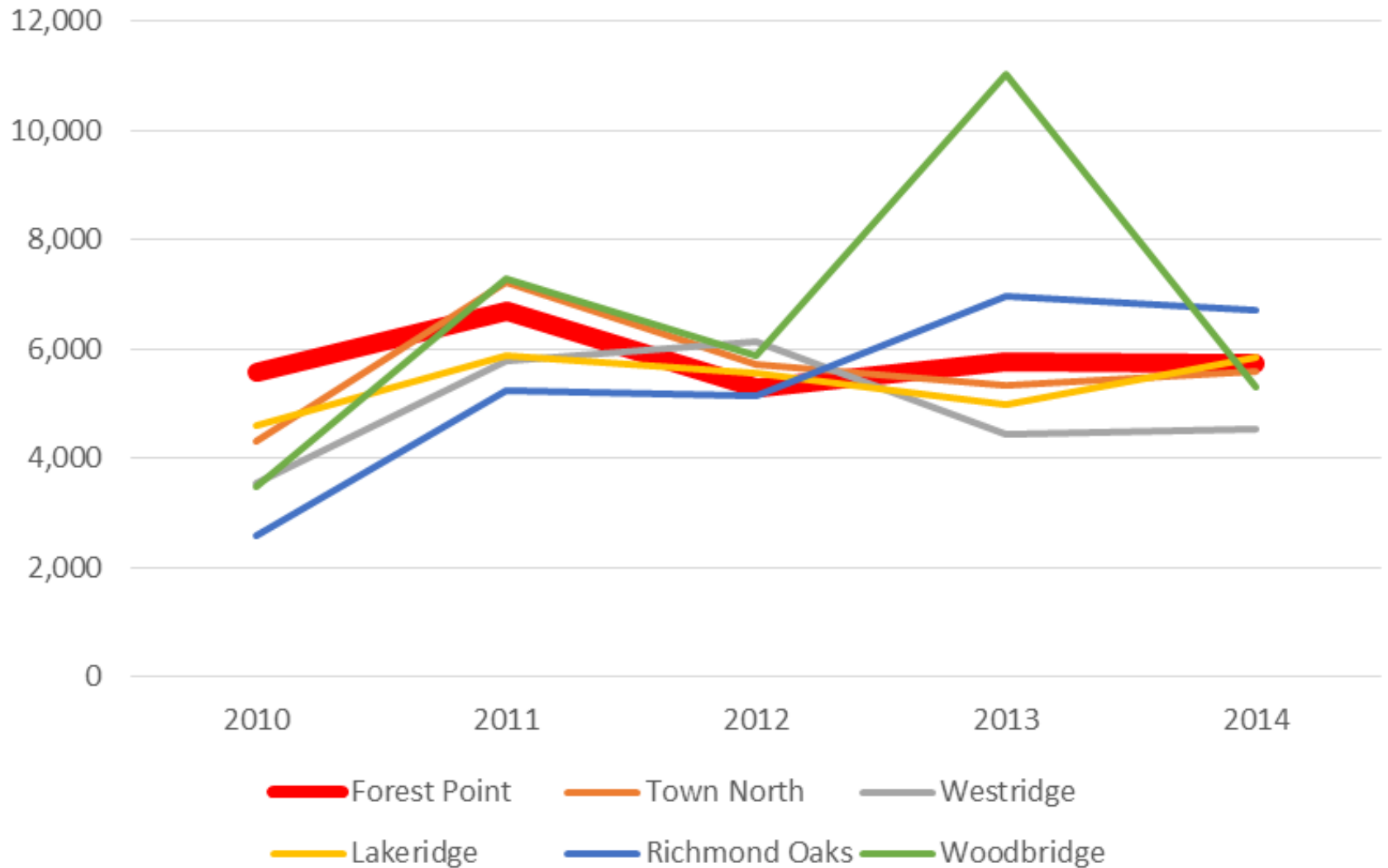


Unit Averages 2014

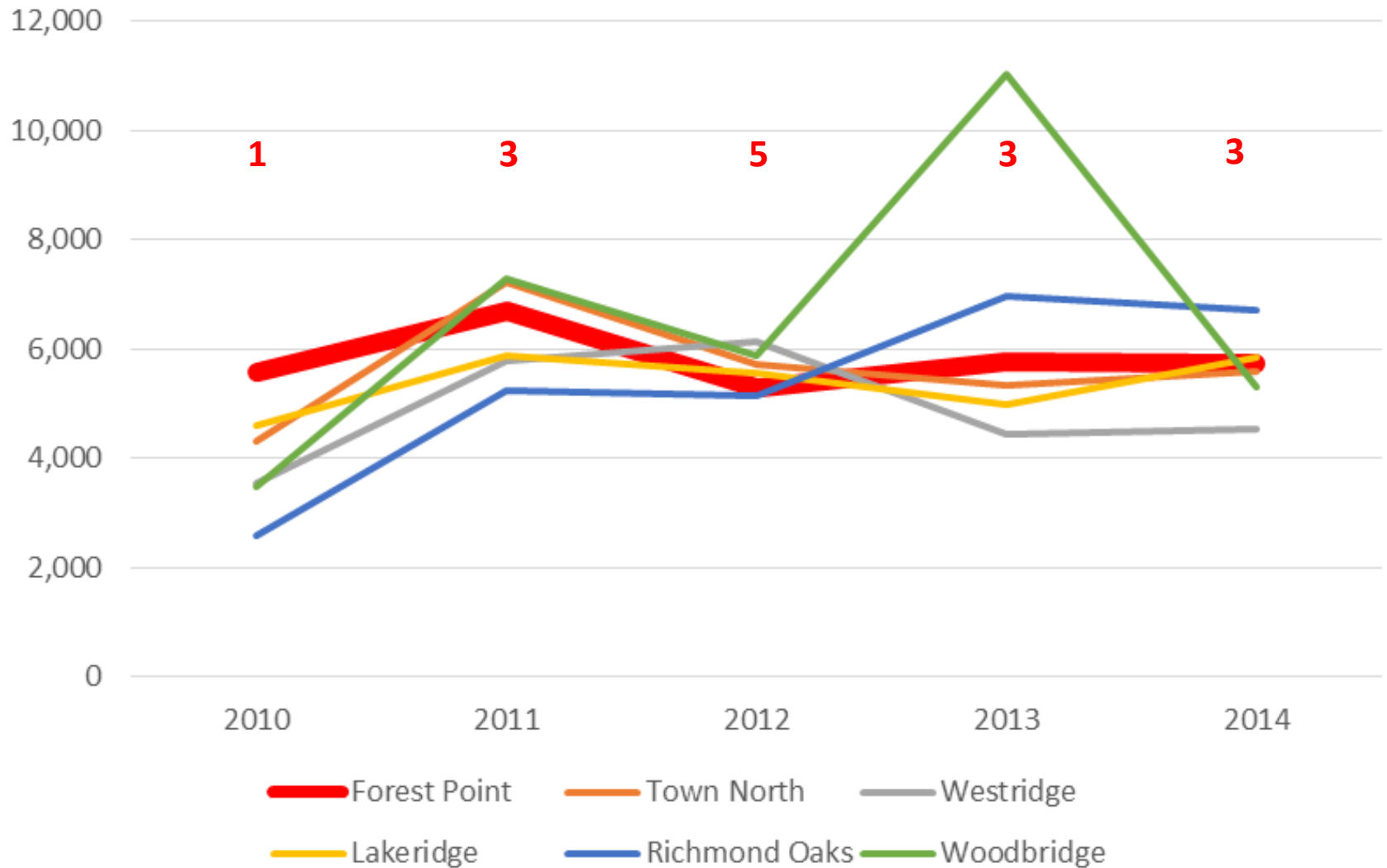


Attachment: 2015-140 ATTH 01 Presentation of Utility Billing at Forest Point Apartments

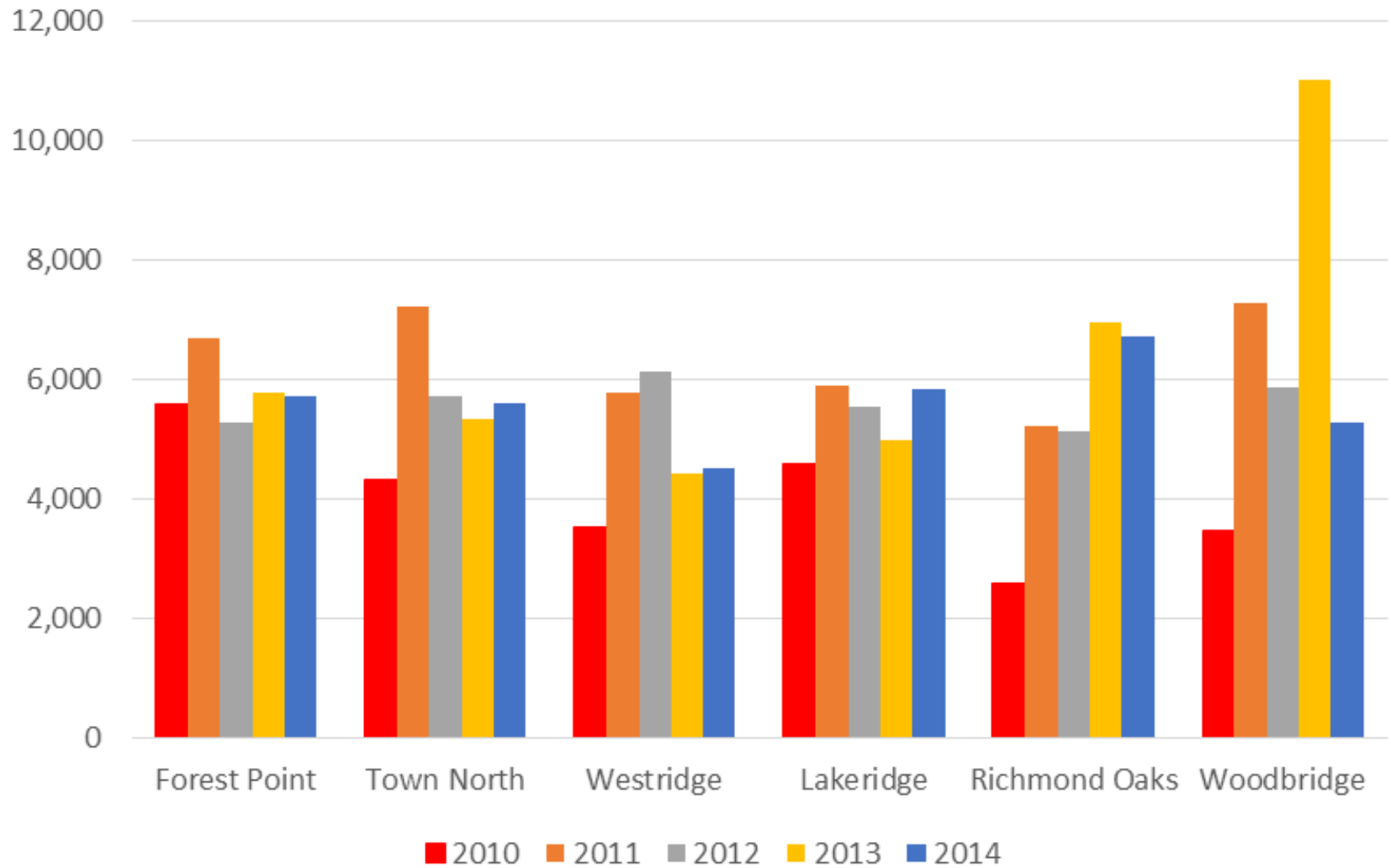
Monthly Average Per Unit by Complex



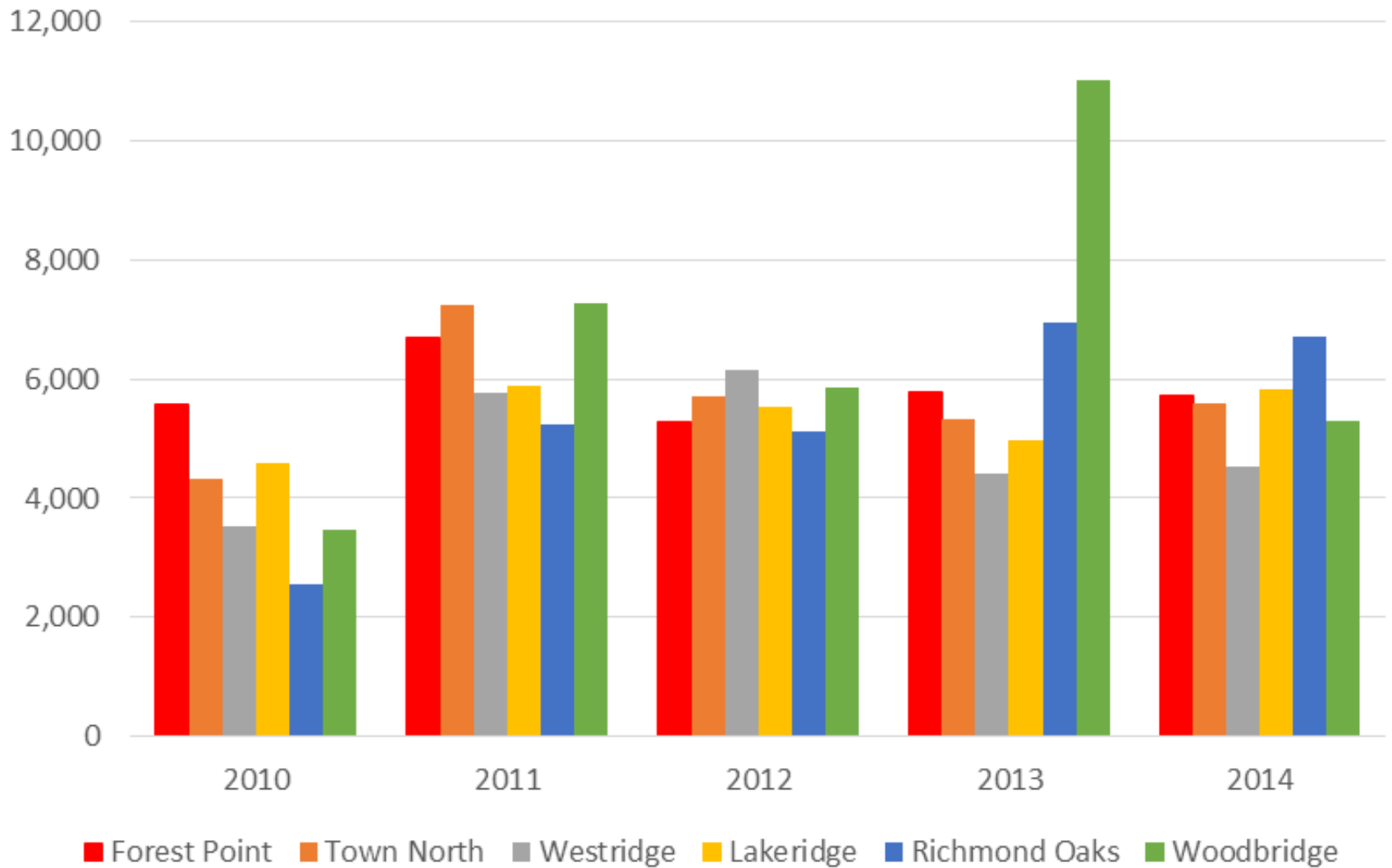
Monthly Average Per Unit by Complex



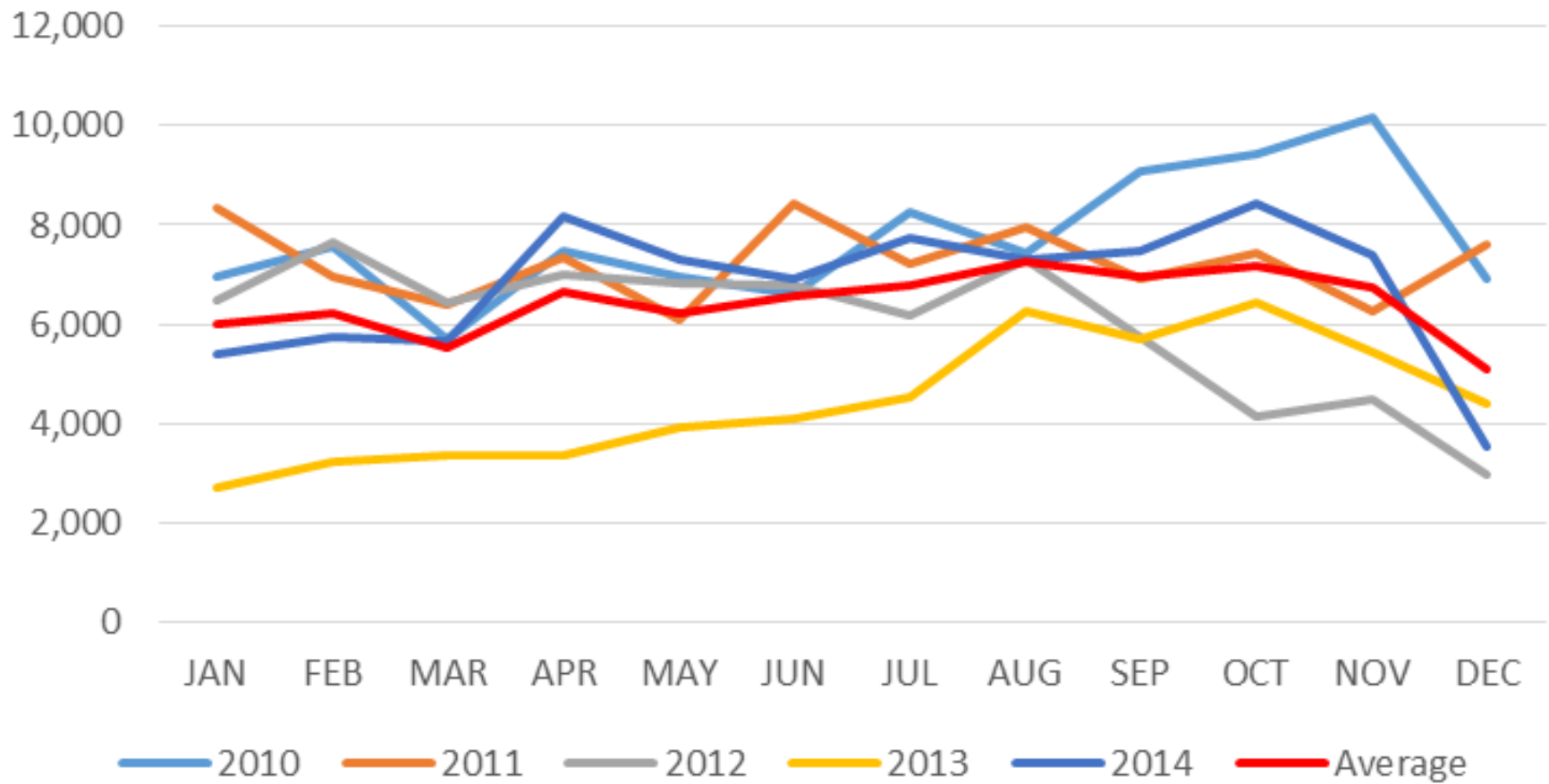
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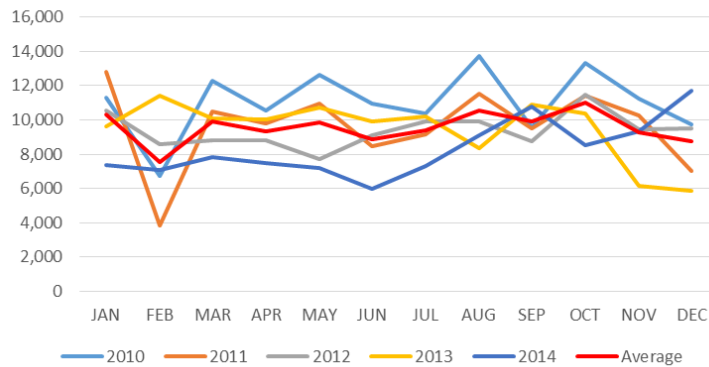
Monthly Average Per Unit by Complex



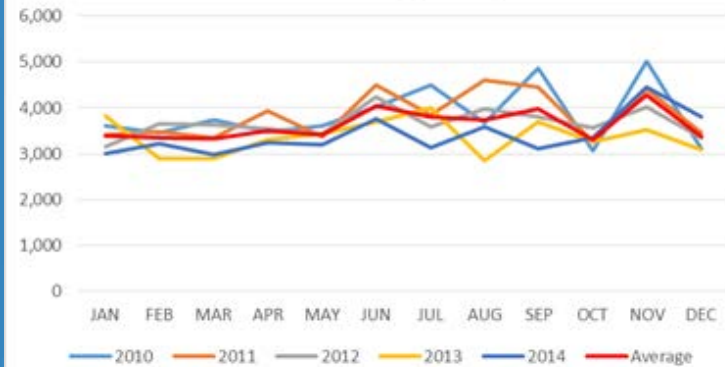
Forest Point Monthly Average Per Unit



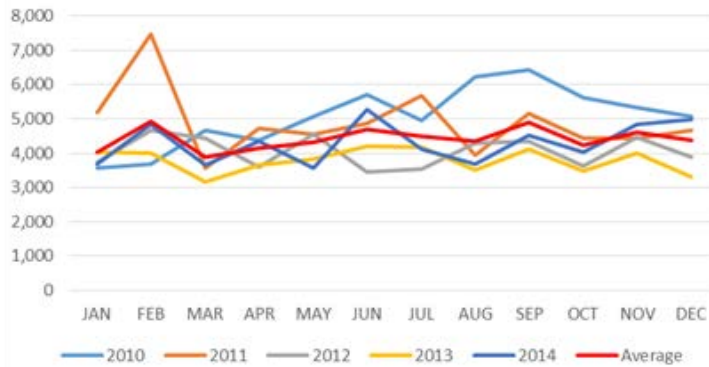
Town North Monthly Average Per Unit



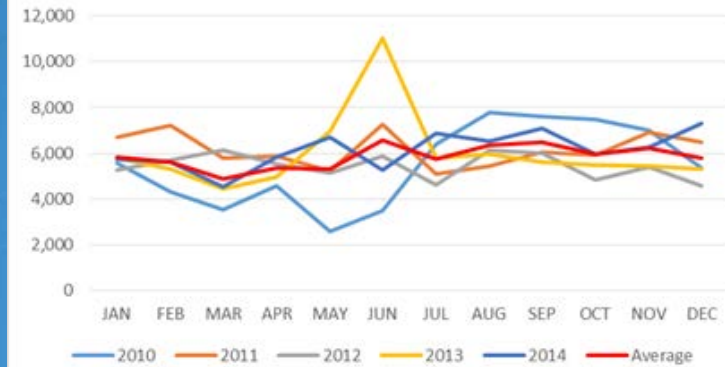
Richmond Oaks Monthly Average Per Unit



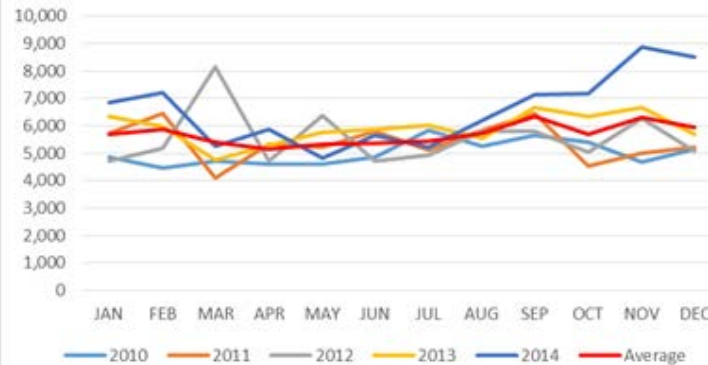
Westridge Monthly Average Per Unit



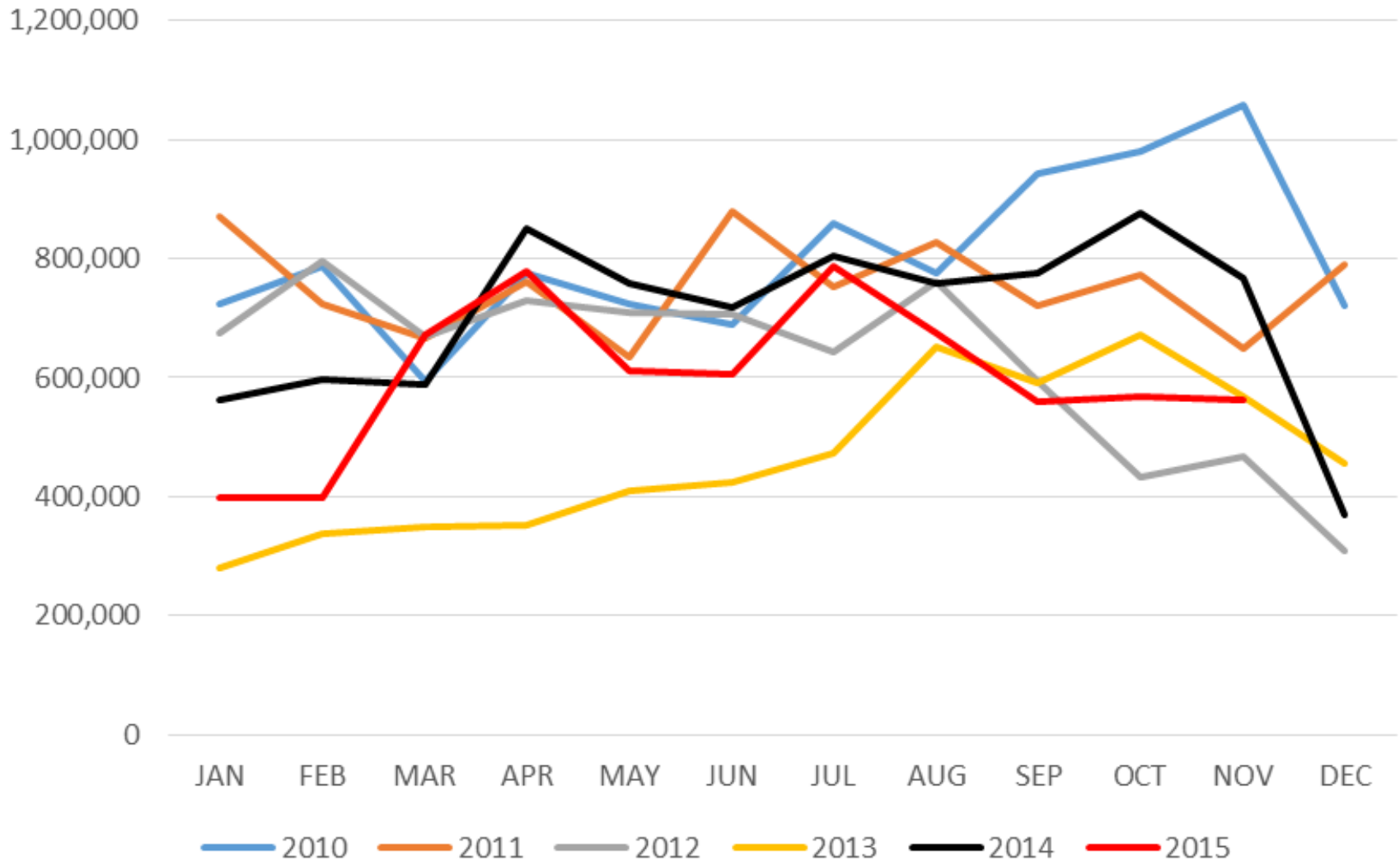
Woodbridge Monthly Average Per Unit



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

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 - 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

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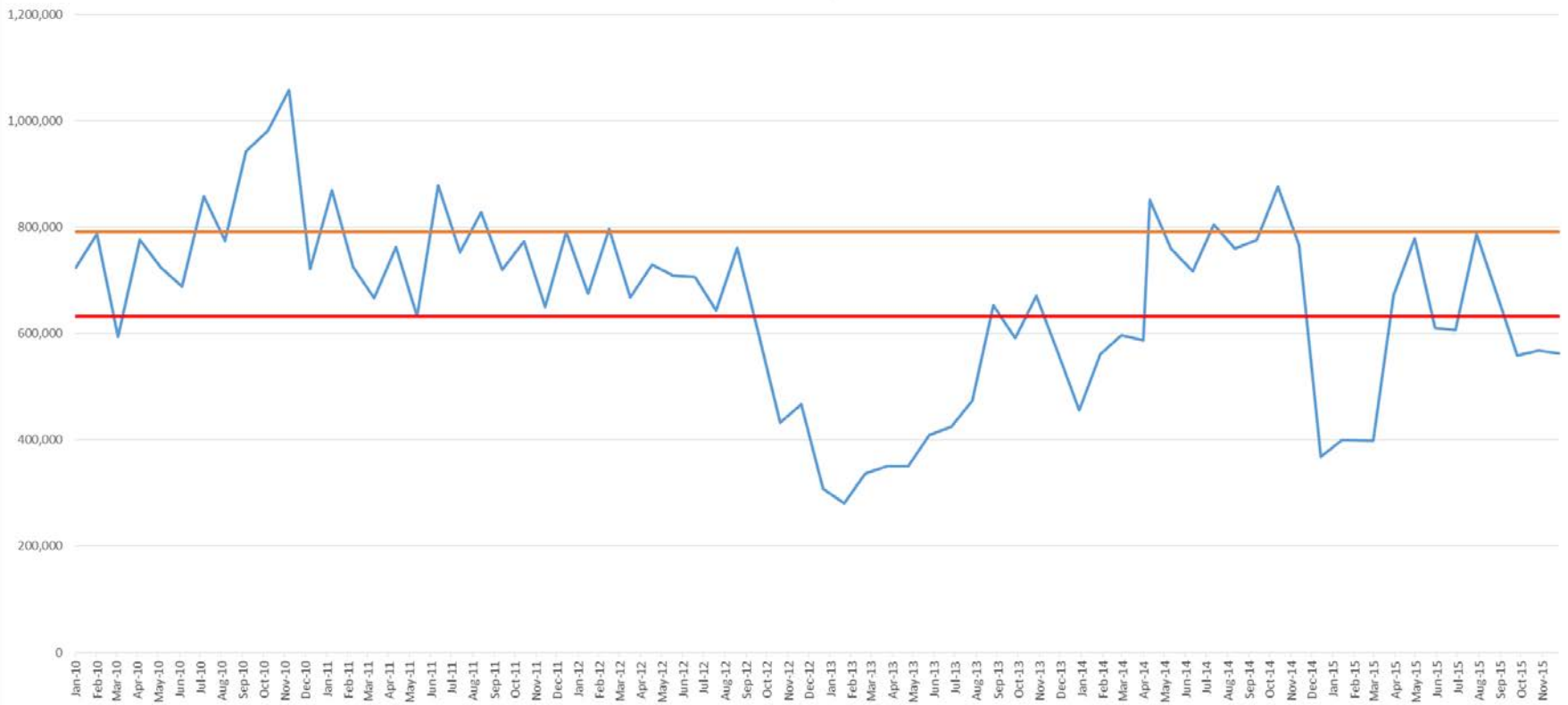
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Monthly Water Usage vs 250 and 200 Gallon Averages

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)

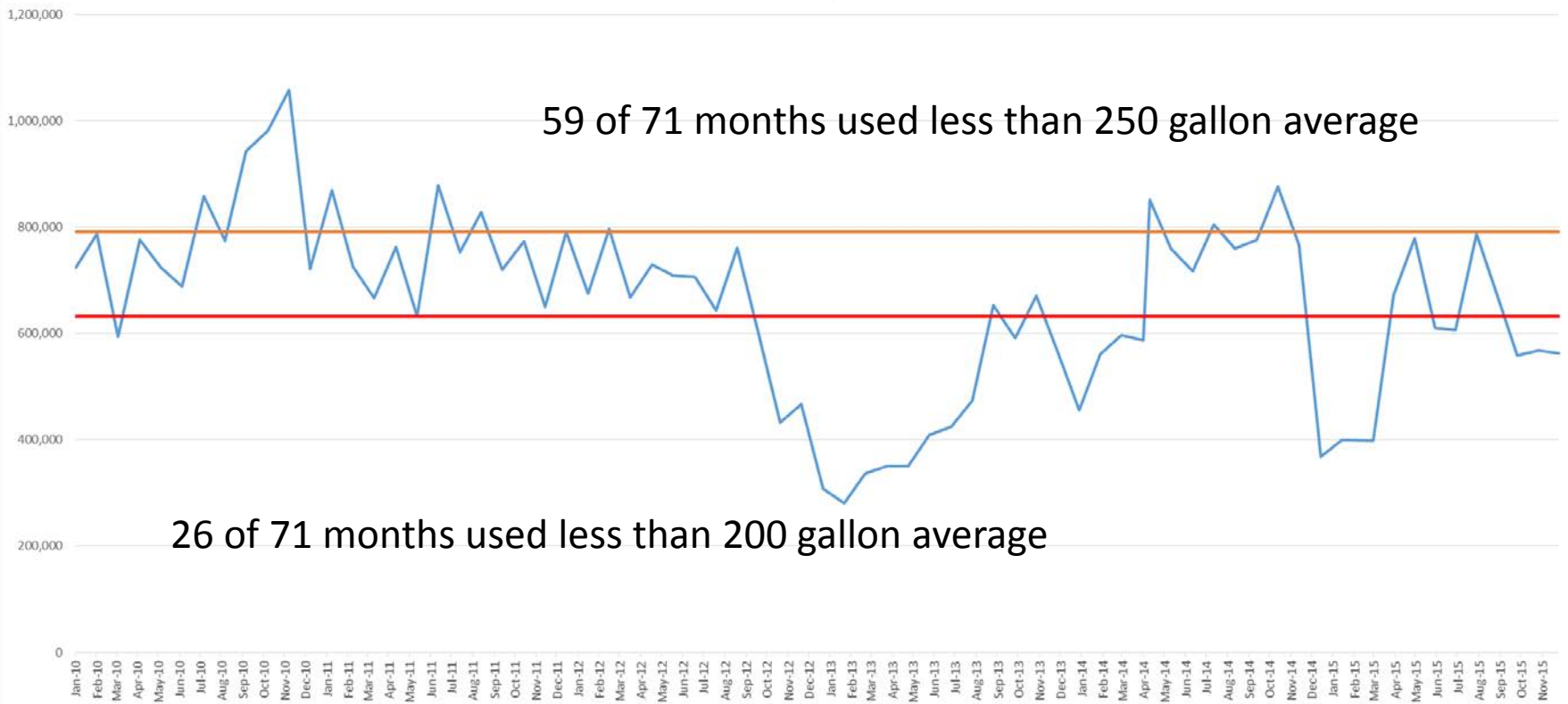
	2010	2011	2012	2013	2014	2015	Totals
JAN	1	0	1	1	1	1	5
FEB	1	1	0	1	1	1	5
MAR	1	1	1	1	1	1	6
APR	1	1	1	1	0	1	5
MAY	1	1	1	1	1	1	6
JUN	1	0	1	1	1	1	5
JUL	0	1	1	1	0	1	4
AUG	1	0	1	1	1	1	5
SEP	0	1	1	1	1	1	5
OCT	0	1	1	1	0	1	4
NOV	0	1	1	1	1	1	5
DEC	1	0	1	1	1		4
Totals	8	8	11	12	9	11	59
							83.10%

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%

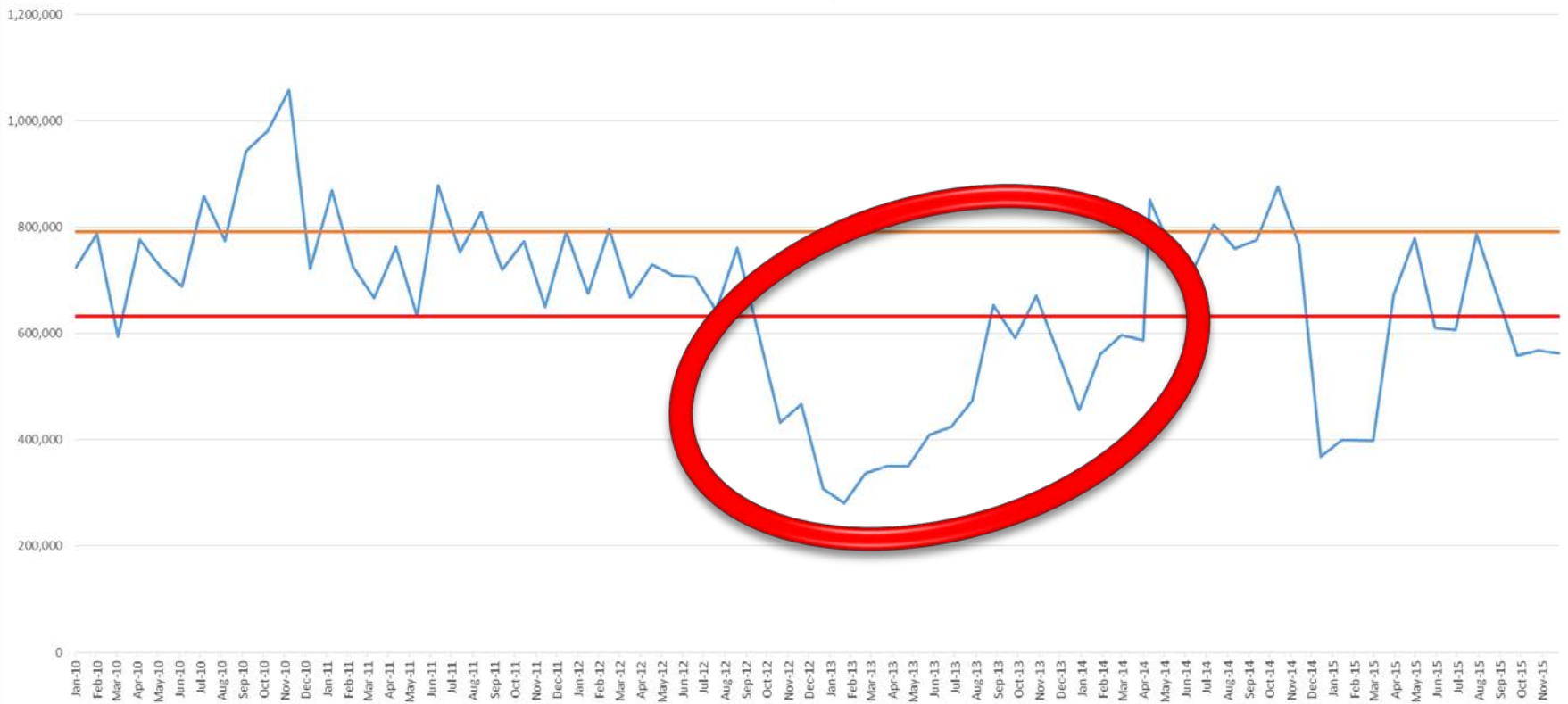
Monthly Water Usage vs 250 and 200 Gallon Averages

Forest Point Monthly Gallons



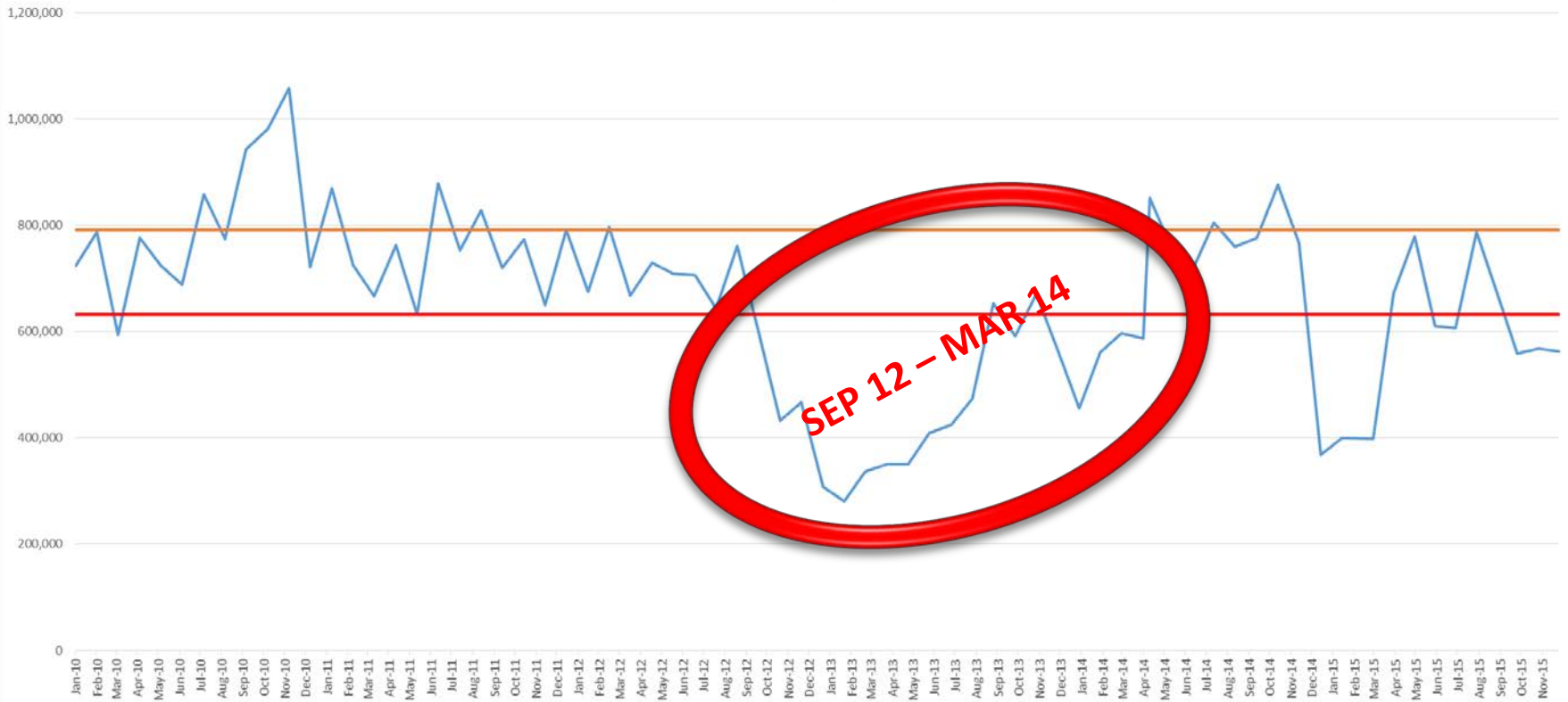
Lower Usage Reviewed

Forest Point Monthly Gallons



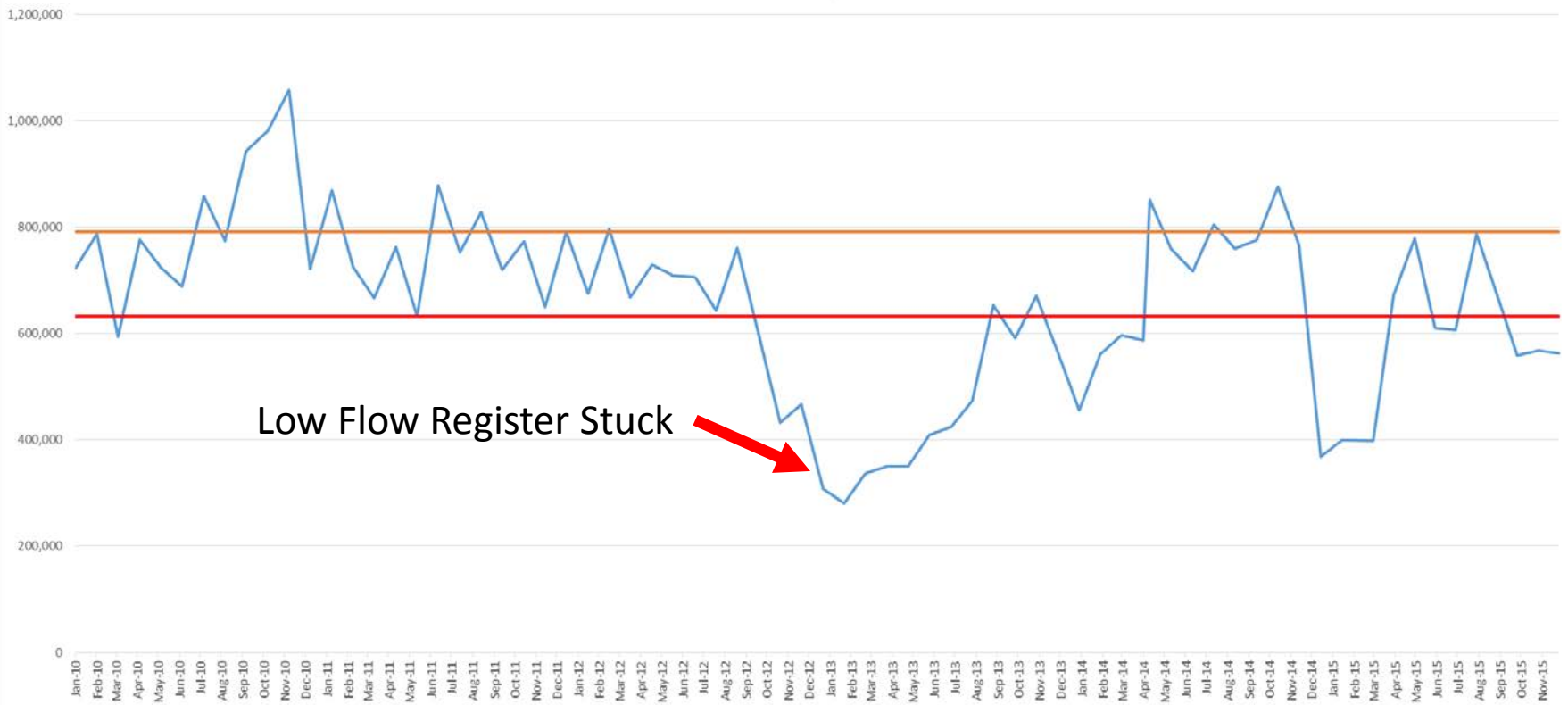
Lower Usage Reviewed

Forest Point Monthly Gallons



Meter Malfunctions Noted

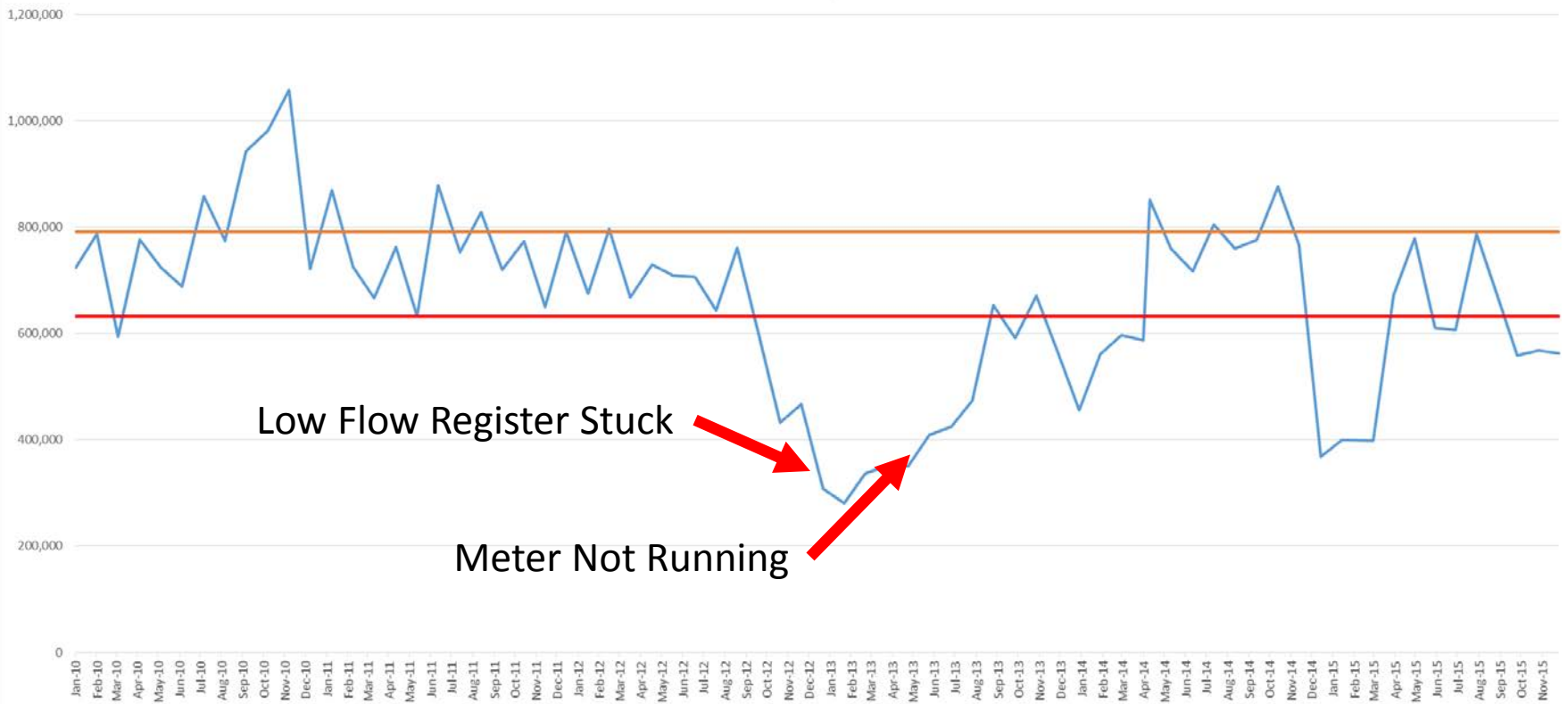
Forest Point Monthly Gallons



Low Flow Register Stuck

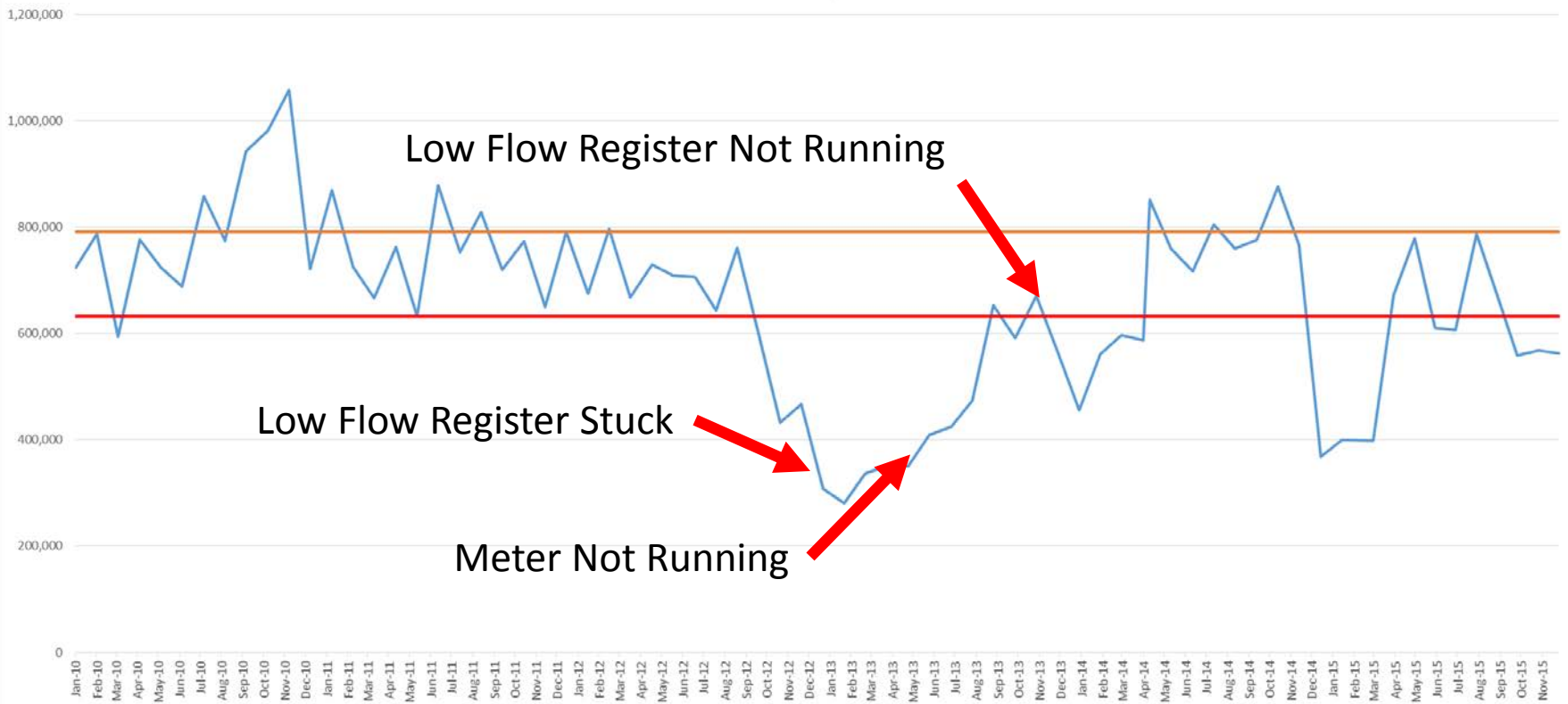
Meter Malfunctions Noted

Forest Point Monthly Gallons



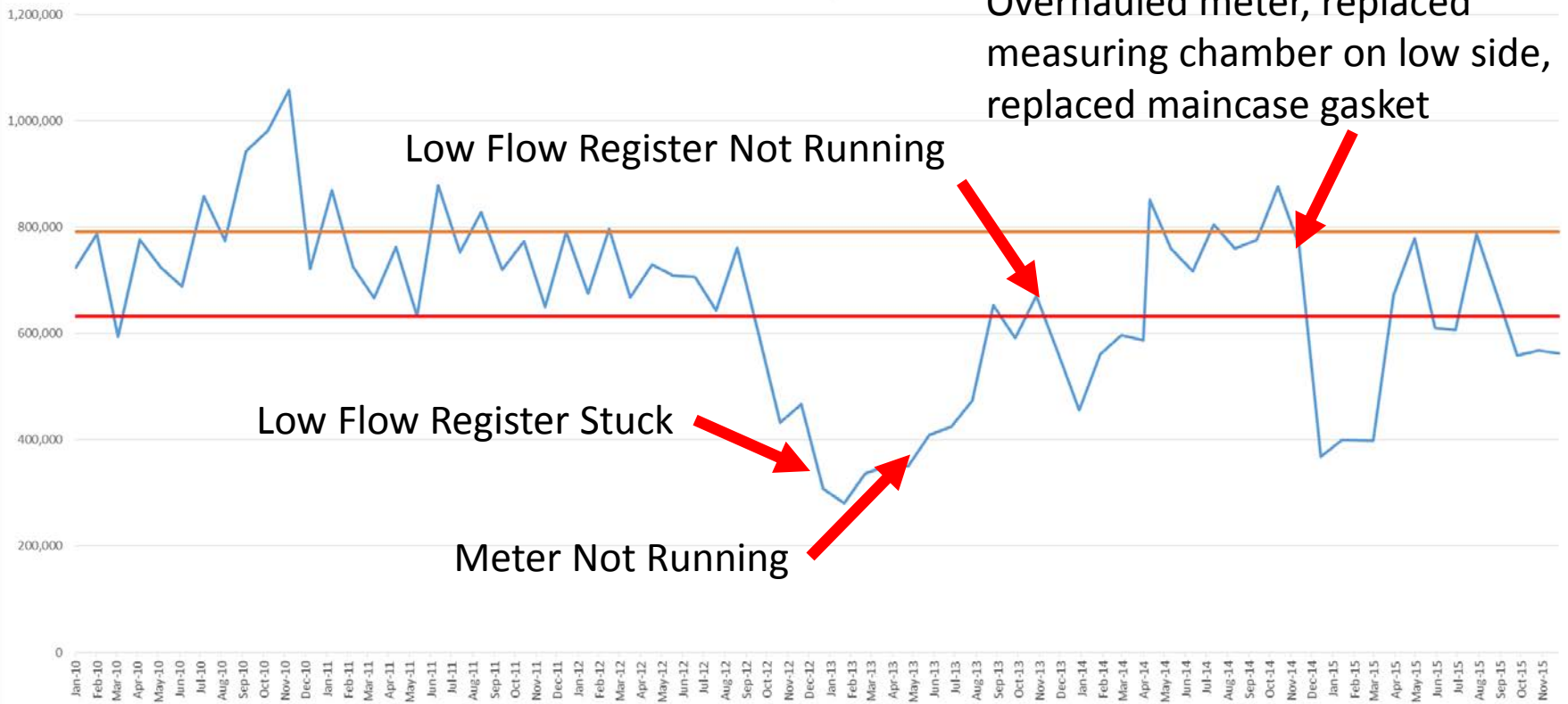
Meter Malfunctions Noted

Forest Point Monthly Gallons



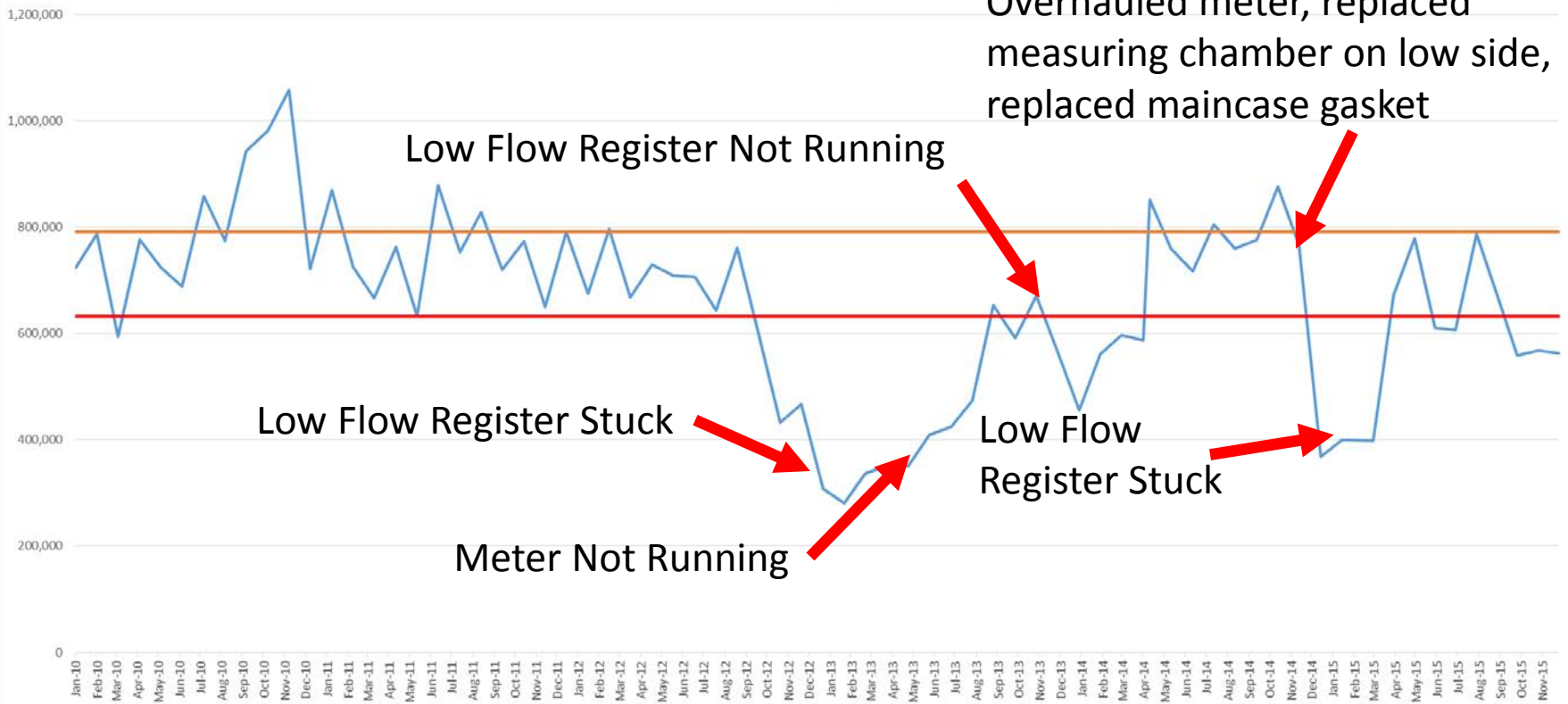
Meter Overhauled

Forest Point Monthly Gallons



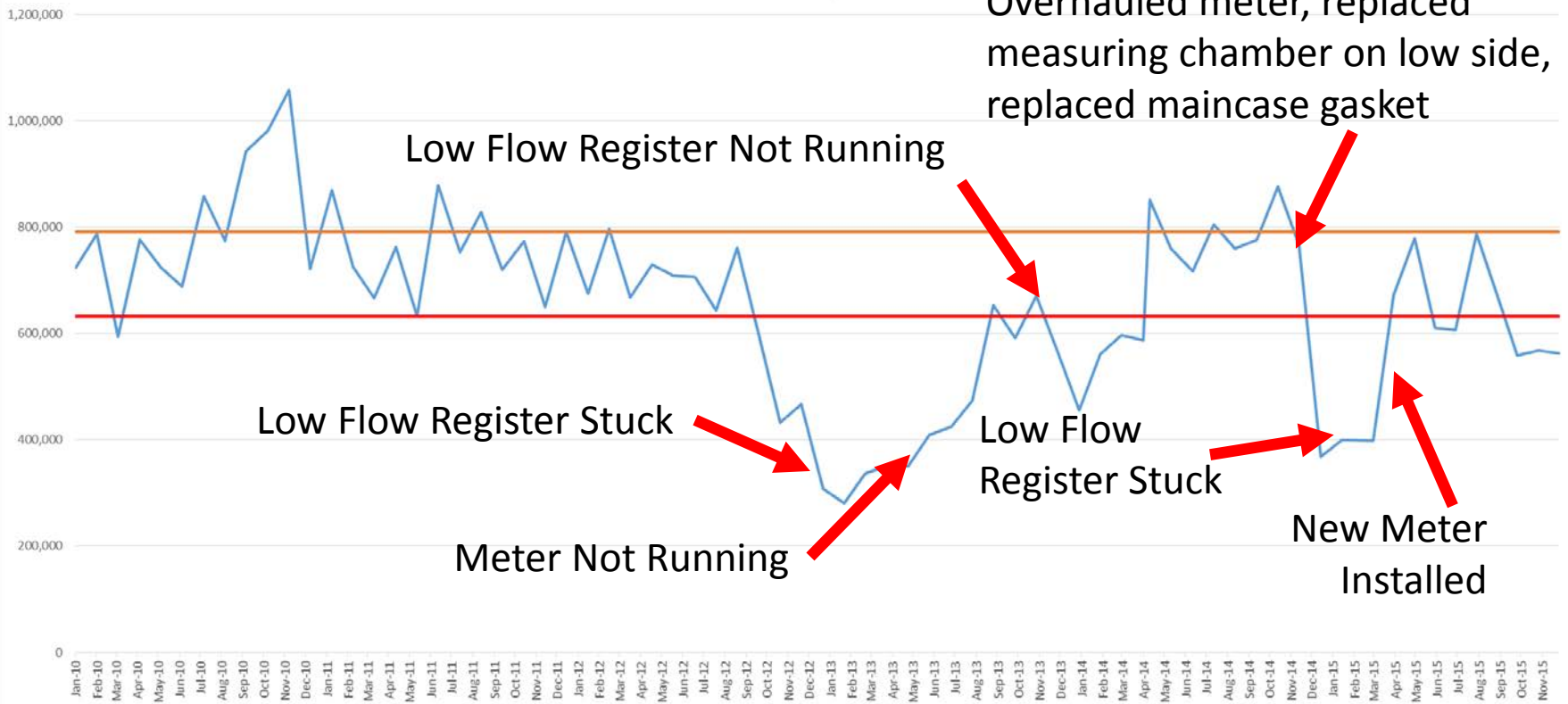
Meter Malfunction Noted

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

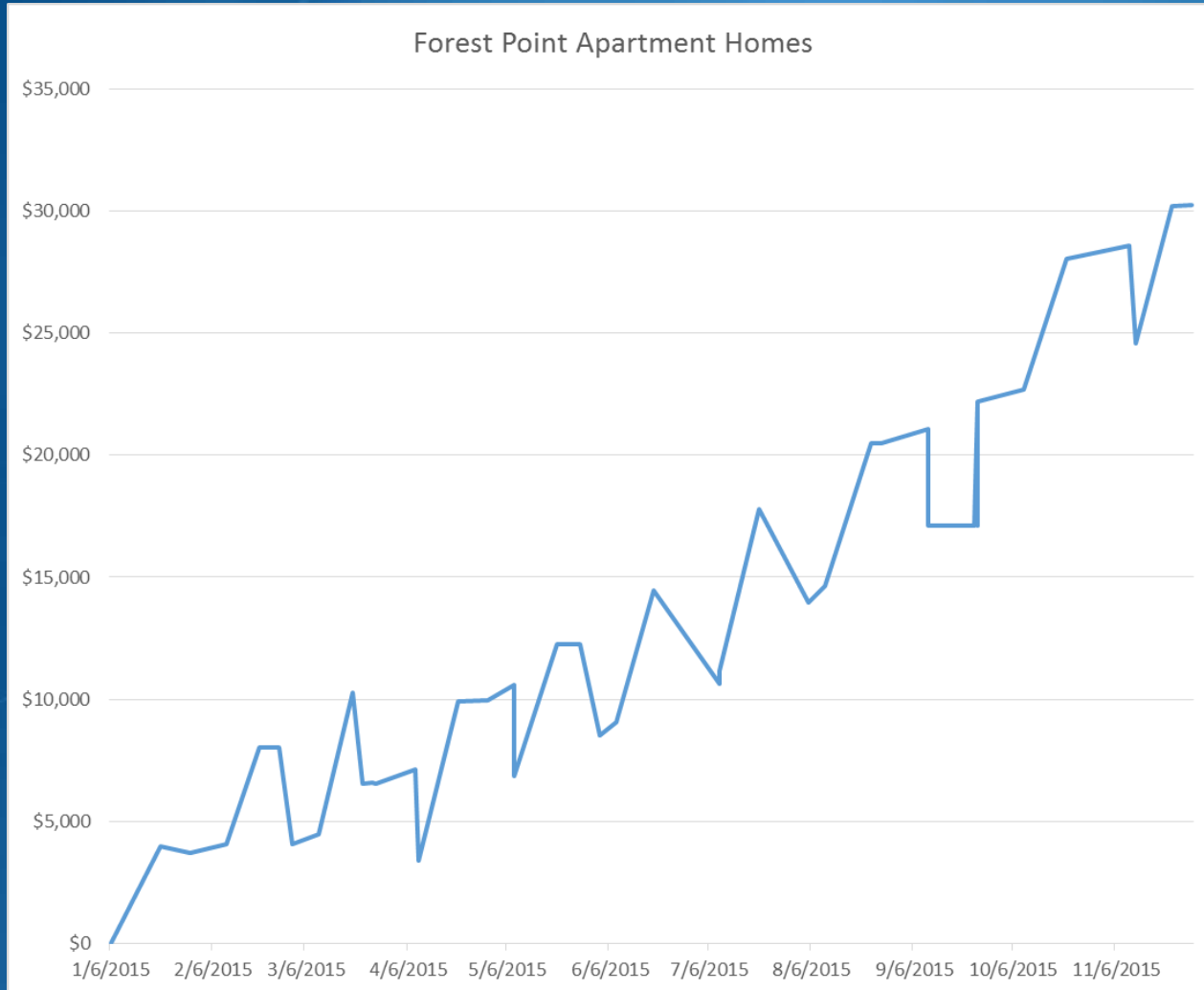
Findings (con't)

- 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

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

Response to Resolution No. 2015-140



Resolution

- **City Codes are an Inaccurate Application due to Malfunctioning Equipment**
- **Incorrect billings**
- **Harassment and Bullying by Texas Water Utilities**
- **Unjust enrichment and malfeasance by TWU's public officials**



TWU's Tru-Flow slide

TRU/FLO COMPOUND METER

- 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



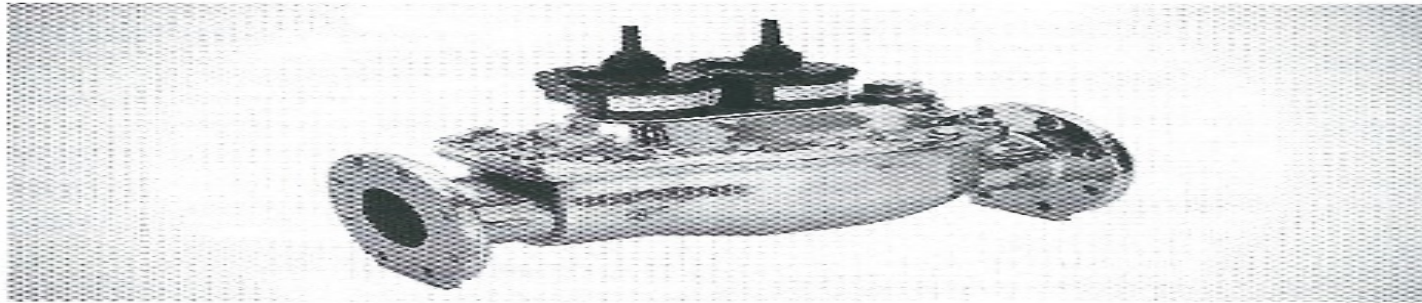
Water Meter Specs from Manufacturer's Website



[Home \(/\)](#) | [Water Meters \(/Water-Meters/\)](#) | [Commercial/Industrial \(/Water-Meters/Commercial-Industrial/\)](#)

TRU/FLO® COMPOUND METER

SIZES: 2" HP, 3", 4", 6" AND 6" x 8"



All TRU/FLO® Compound water meters meet or exceed the latest performance and accuracy requirements set by the AWWA C702 and maximum continuous flow rates may be exceeded by as much as 25% for intermittent periods.

Key Features

- Hydraulic valve design
- Minimum loss of accuracy in the crossover range increases revenue
- Spring-loaded valve eliminates need for frequent adjustment and service

- Picture of Meter for complex with 64 units more than Forest Point Apartment Homes
- Averaging \$5,250 monthly for water, trash and sewer





Picture of meter at a complex that has 72 units more than Forest Point Apartment Homes and when surveyed, reported their current water, trash and sewer bill to be approximately \$4,100.00

TWU Slide

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		

- ▶ Correct Number of Units
- ▶ Woodbridge 88 (1 unit less)
- ▶ Westridge 176 (80 units more)
- ▶ Town North 100 (correct)
- ▶ Forest Point 104 (correct)
- ▶ Lake Ridge 112 (2 units less)
- ▶ Richmond Oaks 120 (correct)
- ▶ Park at Summerhill 184 (left off)
- ▶ Sedona Hills 192 (left off)

1-6-15

Hey Honey,

The water company was
out here today. They
said they were changing
the meter.

Pa

Bill

From: Claire Jaynes [mailto:solutions1122@hotmail.com]
Sent: Wednesday, April 15, 2015 11:58 AM
To: TWU-King, Bill
Subject: water meter

Hi Bill,

Our metering device was removed on Tuesday. Please advise when you plan on replacing the meter.

Also, I haven't heard from CiCi regarding the report.

Thank you,

Claire

HUD Guidelines Presentation by TWU

The customer states that they have been overcharged by TWU

5.1.d

- 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

HUD Guidelines Presentation by TWU (Part 2)

5.1.d

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

[Print](#)[Close](#)

HUD Allowances for Water

From: **Claire Jaynes** (solutions1122@hotmail.com)
Sent: Fri 5/29/15 4:42 PM
To: john.whitson@txkusa.org (john.whitson@txkusa.org)

Dear Mr. Whitson,
HUD has guidelines for their subsidized clients.
They allow their clients an allowance which is intended to be more than enough to cover their water, trash and sewer.

HUD's guidelines applied to our unit mix is as follows:

1 bedrooms \$24.00/mo x 32 units = \$768

2 bedrooms \$36.00/mo x 48 units = \$1,728

3 bedrooms \$54.00/mo x 24 units = \$1,296

Total \$3,792.00. These numbers assume all units have washer/dryer hook-ups.

Our pool is full year-round and the clubhouse is used by myself and occasional residents - we don't even have the hot water hooked up.

Thought you'd find these calculations by HUD allowances interesting.

Thank you,

Claire Jaynes

HUD Allowances
forwarded to John
Whitson on 5/29/15.
These numbers provided
by the Housing Authority
of Texarkana, Texas

5.1.d

Attachment: 2015-140 ATTH 03 Forest Point Management Response to Staff Presentation

- All charts from Page 21 to Page 24 , per Mr. Whitson, are based on information he gathered on internet calculators and do not have merit compared to actual numbers provided by sub-meters which are more accurate than the Neptune.
- Mr. Whitson said it was difficult to find information on the internet about water usage for complexes. The American Water Works Association is the “go to” authority (especially for public water companies) for questions regarding water issues.
- TWU has not been a member since 2013.
- Charts on pages 25-28 confirm my claims of meter problems per my years of correspondence



5:20 PM
05/27/15
Accrual Basis

Forest Point Apartment Homes
Profit & Loss
January 2013 through December 2014

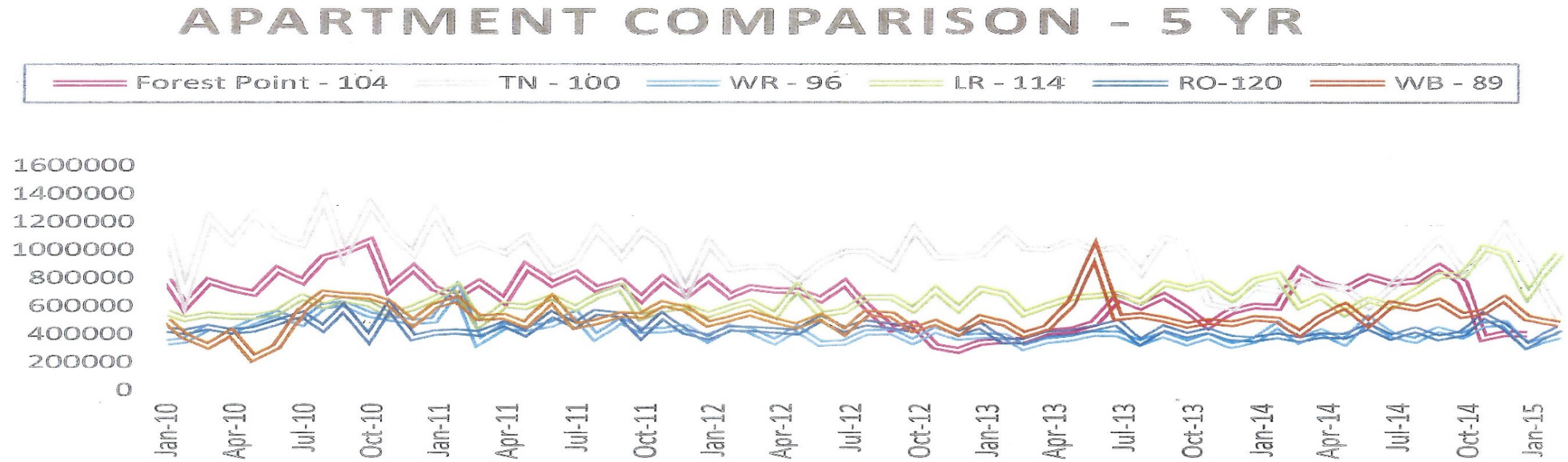
	Jan - Dec 13	Jan - Dec 14	TOTAL
Ordinary Income/Expense			
Expense			
Utilities			
Water	51,462.40	73,203.54	124,665.94
Total Utilities	51,462.40	73,203.54	124,665.94
Total Expense	51,462.40	73,203.54	124,665.94
Net Ordinary Income	(51,462.40)	(73,203.54)	(124,665.94)
Net Income	<u>(51,462.40)</u>	<u>(73,203.54)</u>	<u>(124,665.94)</u>

Presented to TWU on 3/10/2015

Market Survey Water

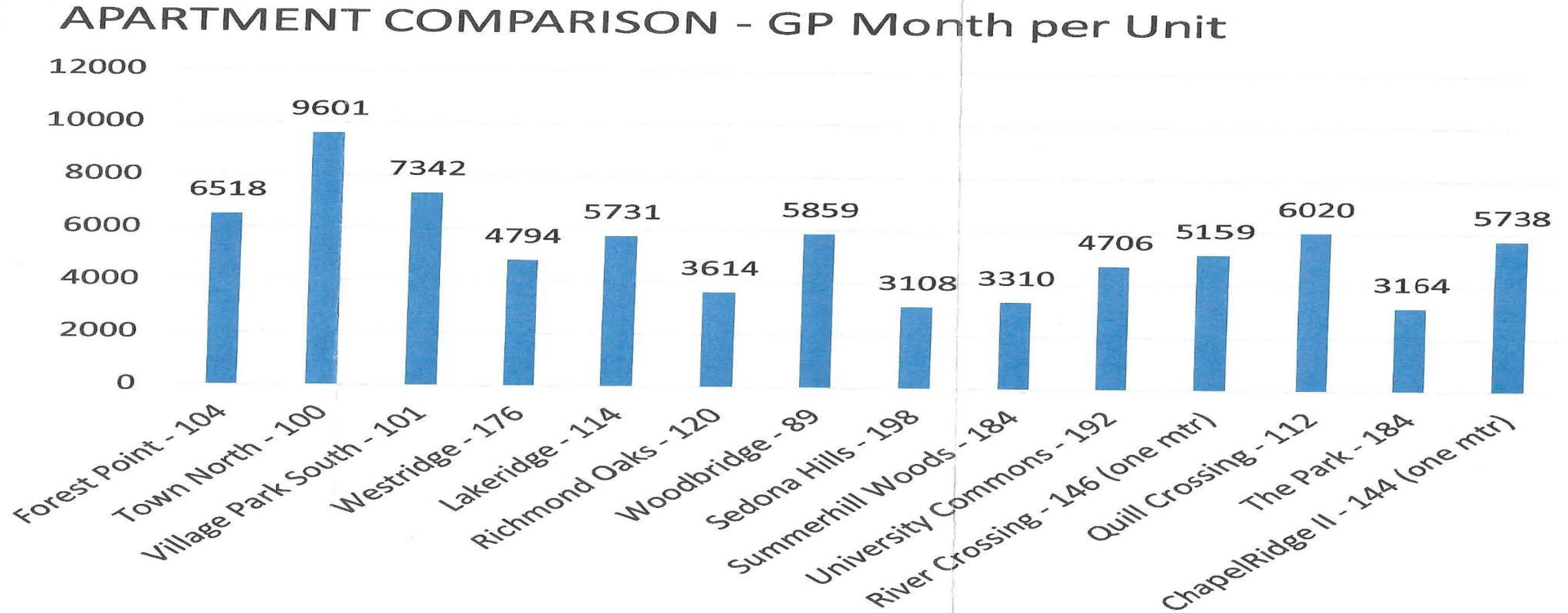
Complex	Bed/Bath	Sq. Ft.	Rent	\$ per Sq Ft	Deposit	Utilities	Units	
Forest Point Apt Homes 903-838-9808	1	740	\$525	1.41	\$300	resident pays electric	104	
	2b1b	900	\$640	1.41	\$300	landlord pays water		
	2b2b	960	\$660	1.45	\$300	no w/d hu		
	2b2b	960	\$680	1.41	\$300			
	3b2b	1120	\$840	1.33	\$400			
Complex	Bed/Bath	Sq. Ft.	Rent	\$ per Sq Ft	Deposit	Utilities	Units	
Sedona Hills 903-793-7667	1	680	\$495.00	1.3737	\$150	no w/d hu	198	\$4,500.00
	1	680	\$525.00	1.2952		resident pays electric	192 u	23.44/unit
	2b1b	860	\$545.00	1.5780	\$200	and water		
	2b2b	952	\$570.00	1.6702	\$200	basic cable free		
	3b	1360	\$760.00	1.7895	\$300			
Complex	Bed/Bath	Sq. Ft.	Rent	\$ per Sq Ft	Deposit	Utilities	Units	
Summer Hill Woods 903-793-7888	1	670	\$525-\$595	1.12-1.27	\$250	resident pays electric	176	\$5,700.00
	2	853	\$635-\$695	1.22-1.34	\$250	24.00 1bd water 36.00 2bd water		32.39
Complex	Bed/Bath	Sq. Ft.	Rent	\$ per Sq Ft	Deposit	Utilities	Units	
The Pines 903-838-9801	2	1080	\$750	1.4400	\$250	resident pays electric	Units	
	2	930	\$725	1.2828	\$250	Water Included	60	
	2 TH	1100	\$750	1.4667	\$250			
	2 FL	1100	\$750	1.4667	\$250			
Complex	Bed/Bath	Sq. Ft.	Rent	\$ per Sq Ft	Deposit	Utilities	Units	
Westridge Apts. 903-832-5541	1	531	\$535	0.9925	\$200	residents pays electric		\$ 4,106.43
	1	680	\$585	1.1624	\$200	and water	176	23.34
	1	721	\$615	1.1724	\$200			
	2	895	\$660	1.3561	\$200			
	2	1014	\$725	1.3986	\$200			
	2	1148	\$755	1.5205	\$200			
	3	1339	\$860	1.5570	\$400			
Complex	Bed/Bath	Sq. Ft.	Rent	\$ per Sq Ft	Deposit	Utilities	Units	
Wood Ridge 903-838-8723	1	755	\$445	1.6966	\$250	residents pays electric		\$3,000.00
	2	978	\$535-\$560	1.74-1.82	\$250	Water included	88	\$34.00
	3	1184	\$650-\$685	1.72-1.82	\$250			
Complex	Bed/Bath	Sq. Ft.	Rent	\$ per Sq Ft	Deposit	Utilities	Units	
The Park at Summerhill 903-831-7056	1	550	\$510	1.0784	\$300	residents pays electric	184	\$5,600.00
	1	682	\$605	1.1273	\$300	and water		\$24-\$36
	2	880	\$710	1.2394	\$300			\$30.32
	2	1053	\$825	1.2764	\$300			
	3	1043	\$885	1.1785	\$300			
Lakeridge							168	\$5000-\$5500

Presented by TWU at meeting of 3/10/15



*higher
lower
are assisted
living fac*

5-Year Comparison Provided by TWU



Timeline

2007 – In April , Mr. King showed up at the office demanding I pay another \$14,000 +/- run for a bill up by the prior owner (I'd already paid \$14,710.02). I did not pay this additional balance and Mr. King, after bullying me, agreed I was not liable for this amount.

- . Please note that even though escrow on this building closed on 1/21/2007,
on 12/6/2006 I paid \$3,701.08 per the November bill.
on 1/2/2007 I paid \$3,719.93 per the December bill.
on 2/6/2007 I paid an amount almost double of these two months of \$7,289.27.**

In 2007, our complex replaced the water main, installed or corrected toilets, showerheads and other plumbing fixtures making sure they were “low flow”. Outside faucets had already been removed. In 2008, all plumbing lines to the swimming pool were replaced.

T

T
S
W

Chronological History

February 2008 – Texarkana Water Utilities (TWU) contacted us to report that our meter was “stuck” and not working. They then prepared an “estimated” bill for additional charges for services through 1/14/08. This additional new invoice was based on past usage and asked for additional monies based on this average. The water company has no actual proof of this water usage. We were under the sincere belief that a lower water bill was in direct proportion to the massive effort invested in making our property more efficient. These are things we did: fully repaired the water main that had been broken for over 4-years, fixed the leaky swimming pool, converted to low-flow toilets, replaced leaking water valves in tub/showers, repaired/replaced leaking toilets, bathroom and kitchen sink faucets, replaced all exterior hose bibs, and replaced all leaking water heaters. We offered, in good faith, to pay the additional “estimated” charges for January through a payment plan.

We received an “estimated” bill for services through 2/14/2008 as well as through 3/13/2008.

March 12, 2008 – TWU replaced the 1” pipe feeding our meter, as well as the meter and replaced it with 2 compound meters.

In April 2008, we received only one invoice for services through 4/15/08 that said “corrected bill” showing a monthly usage of 319000. We were relieved to finally have a meter that worked and showed a decline in usage do to the many thousands of dollars of plumbing rehab work completed on the property.

May 2008, June 2008, July 2008 – we were very concerned to see the usage was still not in line with the “corrected bill.”

August 2008 – received a bill through 8/13/2008 showing a total amount due of \$8,500.36, based on water usage in one month of 1,290,100. Contact with TWU was immediately initiated and a tech at TWU told Naomi Knifong, Property Manager, that she’d send a tech out to re-read the meter for accuracy.

The next day a tech came to the property and contacted Ms.Knifong to report that neither meter was reporting correctly (as reflected in the tech’s description of an “astronomical” amount of water was shown being used).

Another technician was sent out who reported to Ms. Knifong that only one meter was being read, not two. He said they (TWU) would be “wiping the slate clean” and would be in contact shortly regarding resolution.

September 5, 2008 – TWU sent another tech out to discuss in detail their finding regarding our water meters. He reported that one of the meters had never even been in their system at all, and that TWU’s system showed only 1 meter on file. He said the

Chronological History

Page two

“unknown” meter had not been read since it was installed last March, but TWU was not going to ask for any charges from March 23, 2008 to September 5, 2008. He then reported that two new meters were going to be installed and not to pay anything on the current bill of \$8,500.36, because TWU truly did not know what we owed. He also said that Cindy Tyre, from their office, would be contacting Ms. Knifong for further discussion.

September 9, 2008 – Ms. Knifong paid \$3,650 (an estimate by Forest Point’s Accounting Dept.) to the TWU for water usage for the period ending 8/13/08. Cindy Tyre still had not contact Ms. Knifong regarding this issue. Ms. Knifong left a message for Ciny Tyre at TWU, because the receipt after the \$3,650 was paid still showed a balance due.

Tyre returned Knifong’s call and arranged to meet at 1:00 p.m. the same day. Tyre produced multiple confusing spreadsheets of prior meter readings and explained to Knifong the last year’s usage averaged 751,900 gallon per month, and that based on her averaging technique, that \$6,100 was due in addition to monies already paid for the past 6-months, and that the current month of \$8,500.36 was correct and due. She said that we owed them \$14,600 total in addition to monies already paid.

Although there has never been an invoice for this dollar amount and there is absolutely no proof of this usage, Knifong called Claire Southward, Managing Member of Forest Point to speak in conference with Tyre.

Cindy Tyre would not let Southward complete her sentences before interrupting. Southward asked Tyre if water rates had increased – Tyre said “no.” She then later contradicted her initial statement and said very snottily, “well of course rates go up on January 1 of every year by way of city ordinance.” Southward then asked Tyre for legal counsel contact information from Tyre, and explained that Southward would review records and have contact made by either herself, or her counsel, Don Capshaw. Tyre said all legal matters were to be referred to William King, the Executive Director of TWU.

It was also discovered that a charge for an additional dumpster (that does not exist) had incorrectly been made.

September 11, 2008 – Tyre returned to Forest Point property without an appointment and met with Knifong. Tyre reported she’d taken all the records home and went over everything the prior night and that no past monies were due, by current monies were going to be due. When Knifong would not agree to this arrangement, Tyre started harassing Knifong with questions such as “how come you didn’t notify TWU you’re your bill dropped?” When Tyre was told by Knifong that it was her company’s responsibility to install working equipment and correct readings were not the responsibility of the property owner, Tyre began questioning the pool she could see from the office door.

Chronological History

Page 3

Knifong explained the pool had not had any water put in it this year, and that it was currently under repair. Tyre began harassing Knifong with questions about the property that were not in the scope of her employment with TWU.

Tyre then started arguing that the pool was what was using so much water. Knifong, again, explained the pool was not operational. Tyre then started asking about building permits for construction on the pool and that she was going to report us to the City for permit purposes.

It was explained to her that our pool repairs were being made by a contractor, not any employee of Forest Point. Our contractor confirmed no permit was necessary for repairs – no new construction was being performed.

September 12, 2008 – Our pool contractor reported the City had called to inquire about permits for the swimming pool.

Ms. Knifong, as a contract representative of Forest Point Apartment Homes, and with direct knowledge of its Managing Member, Claire Southward, is filing a harassment charge with the Texarkana Police Department. It also being requested that due to the unprofessional nature of Ms. Tyre, that she be banned from the property.

Further conversations with property managers in the area, show that apartment complexes with similar years of construction, and with as many as 40 more units than Forest Point have a combined water/sewer/refuse bill. of much less.

I Tommy L. Jones spoke to a Gentleman whom stated that he was an Employee of the Texas-Ozona Water Utility Company; On or about the date of 8/10/08 This representative told me that he was here to check on why the water usage was so high. about an hour later after he had checked the (meter base) he then started taking pictures of the grounds. When he was finished he came over to me and asked if I had notice any water leaks from on the side of any buildings. I told him that every faucet on the grounds are off and that I check them daily. This representative told me that they had placed the wrong meters in the Forest Point Ar Well base; and that they where not suppose to be here but instead they where to be somewhere else. He then told me that a guy will be out to remove them tomorrow because these meters are wrong showing that they show 300 gallons per 20 sec... the very next day the Gentleman showed up with another Gentleman and they removed the meter and placed another one in its place.

Sincerely,
Tommy L. Jones

2/19/09

Electronic
meter
Reader

* Received call from ~~CEO~~ Executive Dir.
William King SR. to let me know
they were putting in a temporary
Digital Meter for a few days to
read our meter. King wants
to set up phone conference
with Claire. The meter was
installed 3:30 pm 2/19/09

3/3/09

Follow up call

low duty register
moving all time

will email meter reading
to me tomorrow 3/4
Spoke w Bill King

10th of month

Record of meeting / conversation

On 3/10/15, Bill King, John Whitson, an engineer and a technician showed up unannounced at the property around 1:00 P.M. They were looking at the meter in front of Forest Point Apartment Homes.

I told them their technician had been out and changed the meter on 1/6/15. Mr. King and the technician told me it had been years since the meter was changed. I went on to tell them that their technician had the meter removed from the box, on the ground, and told me TWU was changing it.

Mr. King then said that this didn't happen!

Mr. Whitson told me that we had violated many city ordinances by opening the cover and installing a meter on their meter. We didn't open the box, nor did we install the meter. In no way had the meter been touched by us, nor tampered with.

Ronald Jay
Ronald Jay

[Print](#)[Close](#)

Forest Point Apartment Homes - Part 1

From: Claire Jaynes (solutions1122@hotmail.com)
Sent: Wed 5/27/15 6:57 PM
To: john.whitson@txkusa.org (john.whitson@txkusa.org)
Bcc: dr.brian.matthews@gmail.com (dr.brian.matthews@gmail.com)

8 attachments

2013-2014 Water Cost.pdf (7.1 KB) , my notes after speaking with other complexes.pdf (23.3 KB) , Examples of bills from water company.pdf (60.4 KB) , 5-Year Lump Graph.pdf (470.9 KB) , another email.pdf (166.6 KB) , email matching rent roll to water bills.pdf (117.0 KB) , 2008 -2015 Manager Notes.pdf (769.0 KB) , 1.13-1.15 RR + Water Records.xlsx (23.3 KB)

Dear Mr. Whitson,

There are many files with handwritten notes and further documentation than provided here. Hopefully, I've made this the "condensed" version. My husband, Ron, was kind enough to bring the off-site files into the office this evening and I'll keep them here in case you'd like to look at them in more detail tomorrow or Friday.

Late last June, my husband and I returned to managing the property ourselves. We evicted 25% of the renters to reposition the property.

We noticed that the water bills were increasing, even though our occupancy was at an all time low (you'll see a financial history of the water expense attached). Our water conservation practices have never been more stringent.

Please note that since 2008 we have replaced the water main, made sure all toilets were low-flowing, replaced showerheads with low-flow models, replaced faucets, stems, water heaters and more. Every apartment is checked at least once a month and we have a \$50 fine written into the Community Rules for unreported water leaks. We have removed all exterior faucets (except 2), and have completely replaced all plumbing related to the skimmers, pool lines and pumps. The underground plumbing was camera'd looking for leaks.

There is no exterior irrigation. The property is walked at least once weekly checking exterior stucco and concrete foundations for water marks.

There is historical documentation of TWU's equipment malfunctioning. Attached are file notes from managers, contractors and others regarding this matter. Also attached you will see bills ranging from \$3,317.90 to \$12,796.33 (they admitted this high one was a billing error). There are more. There are invoices showing two meter billings, and one meter billings with zeros in the second meter spot.

Last January, we saw TWU workers working on the meter. Our bills finally fell in line with other complexes in the area.

When Ron visited TWU regarding our belief that we had been grossly over-billed for years, TWC employees and Bill King told him they had replaced the meter because it wasn't working, then he was told the current meter wasn't working. When my husband explained that 25% of our units had been shut down and the WTS bill continued to climb, Bill King asked that the burdensome task of our historical rent roll vacancy matched to TWU invoices be completed (attached). He has never responded to this documentation.

Prior to approaching TWU (again) with our concerns, we consulted with Water Signal, Inc. (who provided the meter you saw), and Water Systems, Inc. (we are purchasing the individual unit meters from them). Both corporations independently stated after reviewing the bills and other documentation, that it appeared we were being billed on an "estimation" basis. I also called other complexes in the area and asked what their TWU bills were running. They told me and I produced this to TWC this past March (attached).

When we met in March, many staff members contradicted prior conversations. CeCe Williams was asked to produce a history of apartment complexes usage, in confirmation of my spreadsheet, showing what other apartments told me they paid. 6 weeks following the meeting, I was sent a 5-year lump graph of all complexes in the area, that confirmed my belief that we were being overbilled (this is all attached). I have asked for a yearly breakdown and have not received it. In many of Bill King's emails, he says he will forward the meter readings to us from the "new" Neptune compound meter. We have not received any of these readings.

This afternoon, I spoke with Sean Rayborn of Water Signal, Inc. The data from the previous water meter (the one you saw with their metering device) was lost when TWU replaced the meter, yet again. The new meter has a plastic cover over it, which initially prevented Water Signal's device from working. We did, however, manage to get this device back on line and calibrated as of 5/10/15 (so we don't have 30-days usage yet). This device only registers the water from the city meter. It will not work correctly if the TWU's meter is faulty. What it will show is the exact usage (not estimated usage). It will also tell us immediately if there is a spike in usage.

We have records of TWU replacing the meter four times (that we know of) since 2008. TWC denies this, but the documentation stands for itself.

HUD guidelines for water per unit show that the usage billing here is in excess of their guidelines (I'll submit this to you tomorrow).

We live in an old 1950's home on Texas Blvd. While we've made improvements, it's 3400 sq.ft., the hot-tub took 10 gallons of water a day (until we removed it last month), all the bathrooms leak and the sprinklers leak. We are parents to 7 children and 7 grandchildren ... my point is there is a myriad of traffic and water usage. The bill for this home is less than the per unit cost at Forest Point Apartment Homes, many of which have only one occupant and no washer/dryer connection. CeCe William's remark regarding this fact was "that's just the way it is." CeCe also made a remark about subsidized properties using more water. While her prejudiced opinion may be true, we are not a tax-credit property and less than 22% of our residents are subsidized. As a side note, in this March meeting, Bill King chastised us for smiling, which has led us to question the integrity of these public servants.

I believe this is resolvable. All units should be online by the end of June with their own meters. The usage will speak for itself. Bill King did warn us there is a 2-5% variance from sub-metered units

when comparing it to a TWU bill. The actual water flowing through the meter (as long as it is working) will be confirmed by Water Signal.

If I owe the money, I'll pay it. If I don't, then I expect a refund.

We've made a substantial investment to correct water problems, make sure water conservation is maximized, and confirm the accuracy of water usage.

My request to you is to postpone mailing to my clients that I have not paid the bill (I've paid based on other like complexes), until we have the data in. If you need confirmation of my ability to perform on a possible balance, I'd be happy to forward it for your personal review.

Please let me know what other information you may need, and I'll forward the HUD guidelines tomorrow.

Thank you for your consideration,

Claire Jaynes
Forest Point Apartment Homes

Attachment: 2015-140 ATTH 03 Forest Point Management Response to Staff Presentation

August 24, 2015

Ron Jaynes called TWU because we hadn't received our bill yet.

Tammy was surprised to find out that on 8/7/15 the name on our account had been changed to Forest Brook and a bill had been sent to the wrong address.

September 2015

Received two bills with two different totals



Texarkana Water Utilities

801 Wood Street, P.O. Box 2008, Texarkana, Texas 75504

(903) 798-3800 Phone

(903) 791-0724 Fax

5.1.d

TEXAS

Customer Name:
FOREST POINT APT HOMES

Service Address:
2605 KENNEDY LN

Account #:
03918120-05

Bill Date:
09/25/15

Type:
TX APARTMENTS >=8

Of Units:
104

Customer #:
00059817

Due Date:
10/09/15

Last Bill	Payments (Credits)	Adjustments	Balance Forward	New Charges	ACCOUNT BALANCE
20,475.52	-4,000.00	653.42	17,128.94	5,055.86	22,184.80

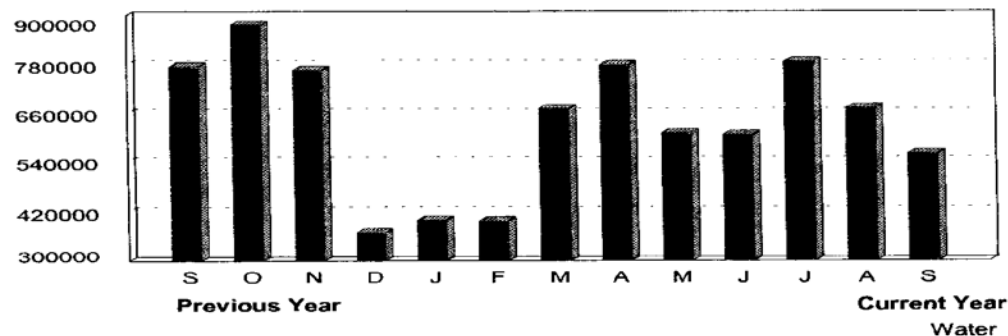
CURRENT METER INFORMATION

Description	Service Period	# of Days	Meter Number	Meter Multiplier	Previous Reading	Present Reading	Usage
Water	08/14/15 - 09/14/15	31	0070299684	100	013010	017119	410900 gal
Water	08/14/15 - 09/14/15	31	0070299684	100	13778	15258	148000 gal

558900
V# 14302 \$4,000.00

actual 400,800

USAGE BY BILL DATE



All unpaid previous balance are due by 5:00 PM
09/24/15 to avoid disconnection.
Current bill is due before 5:00 PM
10/09/15 to avoid 10% late penalty.

NEW CHARGES

WATER	1,659.27
RIVERBEND WATER FEE	25.15
W INFRASTRUCTURE FEE	1.50
SEWER	2,110.03
S INFRASTRUCTURE FEE	1.50
REFUSE	1,162.50
TEXAS TAX	95.91

TOTAL NEW CHARGES

5,055.86

Packet Pg. 136



Texarkana Water Utilities

801 Wood Street, P.O. Box 2008, Texarkana, Texas 75504

(903) 798-3800 Phone

(903) 791-0724 Fax

5.1.d

TEXAS

Customer Name:
FOREST POINT APT HOMES

Service Address:
2605 KENNEDY LN

Account #:
03918120-05

Bill Date:
09/25/15

Type:
TX APARTMENTS >=8

Of Units:
104

Customer #:
00059817

Due Date:
10/09/15

Last Bill	Payments (Credits)	Adjustments	Balance Forward	New Charges	ACCOUNT BALANCE
22,184.80	0.00	-4,550.28	17,634.52	5,055.86	22,690.38

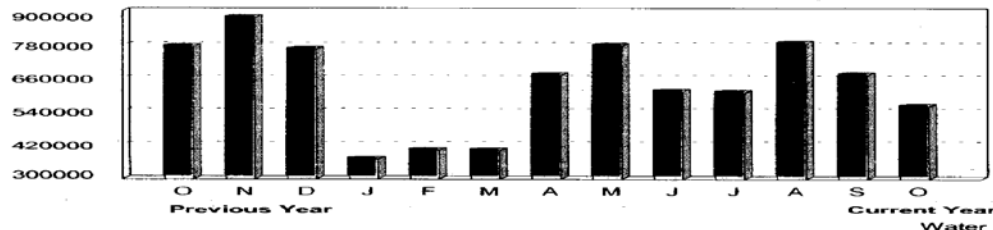
CURRENT METER INFORMATION

Description	Service Period	# of Days	Meter Number	Meter Multiplier	Previous Reading	Present Reading	Usage
Water	08/14/15 - 09/14/15	31	0070299684	100	013010	015258	224800 gal
Water	08/14/15 - 09/14/15	31	0070299684	100	13778	17119	334100 gal

nothing paid

*duplicate sent with
September bill - but with
different totals*

USAGE BY BILL DATE



All unpaid previous balance are due by 5:00 PM
10/29/15 to avoid disconnection.
Current bill is due before 5:00 PM
10/09/15 to avoid 10% late penalty.

NEW CHARGES

WATER	1,659.27
RIVERBEND WATER FEE	25.15
W INFRASTRUCTURE FEE	1.50
SEWER	2,110.03
S INFRASTRUCTURE FEE	1.50
REFUSE	1,162.50
TEXAS TAX	95.91

TOTAL NEW CHARGES 5,055.86

Texarkana Water Utilities

Please remit payment to:
PO Box 2008
Texarkana, TX 75504-2008

Office: (903) 798-3800 After Hours: (903) 798-3850
Or visit us at www.txkusa.org/twu

***AUTO**5-DIGIT 75503 24 PS5 94331AA22-A-1
L230 1 AV 0-388

FOREST POINT APT HOMES
2605 KENNEDY LN
TEXARKANA TX 75503-2527



If any of your personal information has changed, please provide corrections on the reverse side of this form

ACCOUNT INFORMATION

Account #: 03918120-05 Customer #: 00059817
Service Address: 2605 KENNEDY LN
Bill Date: 09/25/15
Previous Unpaid or Credit Balance: 17,634.52
(Unpaid balances are due before 5:00 PM 10/29/15 to avoid disconnection)

Current Charges due before 5:00 PM on 10/09/15: 5,055.86
Current Charges due after 5:00 PM on 10/09/15: 5,561.44
(includes 10% late fee)

Account Balance: 22,690.38

Amount Enclosed:

01 03918120 05 000226

Packet Pg. 137



WATER
SYSTEMS
INCORPORATED

Utility Billing Services

Technology

Page 1 of 1

[HOME](#)[RESIDENT LOGIN](#)[MANAGER LOGIN](#)[CONTACT](#)[People](#)[Billing Services](#)[Technology](#)[Software](#)[System Design](#)[Maintenance](#)

Technology

Industrial Quality Components - Rugged components tested in environments far tougher than that of your property. All NEMA-4 environmental protection packaging of electronics.

Component Isolation Architecture - An approach to system design which means a failure in one component does not result in a system-wide problem. The WSI system design is in contrast to highly integrated electronics where one circuit board failure means impairment or outage of the entire system.

Highest Resolution Meters - The **water sub-meters** used by WSI in many cases are 5 to 10 times more precise in measuring the increments of the utility consumed.

Application "Right" Engineering - WSI systems aren't over-engineered. They are engineered the "right" way. Our competition is under-engineered when compared to WSI.

RESULT - Remarkable reliability, longevity, and accuracy with the WSI metering and leak detection systems.

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Water Works WAMR for Windows ver 4.15 (Licensed to: Forest Pointe Apartment Homes)

File Read SetUp FTP Windows Help

Read One Radio Read All Radios View Previous Read One Radio Reads Exit WAMR System

Browse Read All Radios Result

Reading: 10450410, 2016 6:47PM

Location	Serial Number	Meter Type	Reading	Meter Pulse	Valve Status	Battery	Alarm	EEProm	Signal
101	1504020957	Water	123	1	Open	3.6V	No	Normal	80%
102	1506150140	Water	34	1	Open	3.6V	No	Normal	100%
103	1503160819	Water	173	1	Open	3.6V	No	Normal	80%
104	1511130449	Water	68	1	Open	3.5V	No	Normal	74%
105	1511130319	Water	57	1	Open	3.6V	No	Normal	60%
106	1503150581	Water	237	1	Open	3.5V	No	Normal	62%
107	1504020433	Water	613	1	Open	3.6V	Yes	Normal	50%
108	1506150487	Water	59	1	Open	3.6V	Yes	Normal	54%
109	1511130441	Water	33	1	Open	3.6V	No	Normal	74%
110	1504020436	Water	846	1	Open	3.6V	Yes	Normal	54%
111	1506150889	Water	180	1	Open	3.6V	No	Normal	66%
112	1506150778	Water	279	1	Open	3.6V	No	Normal	44%
113	1504020956	Water	639	1	Open	3.6V	No	Normal	54%
114	1504020424	Water	503	1	Open	3.5V	No	Normal	42%
115	1506150782	Water	417	1	Open	3.6V	No	Normal	48%
116	1503160818	Water	1919	1	Open	3.6V	No	Normal	50%

Total Radios Read: 104
 Successful Readings: 94 90.38%
 Last Successful Readings Used: 10 9.62%
 No Readings: 0 0.00%

Last Read Successfully on 01/03/2016 11:30PM

[NOTE: [**] - Last Successful Reading Used]

Close

Browsing All Readings

SUMMARY TO DATE

7/14/15-8/14/2015

200 Apartments
100 Apartments
Laundry
Pool
USED

Gallons

131495
135277
19840
20800

307412 BILLED FOR

673700

8/15/15-9/14/2015

200 Apartments
100 Apartments
Laundry
Pool
USED

170857
182161
23360
14130

390508 BILLED FOR

558900

9/15/15-10/14/15

200 Apartments
100 Apartments
Laundry
Pool
USED

179873
168276
17240
13280

378669 BILLED FOR

568800

10/15/15-11/15/15

200 Apartments
100 Apartments
Laundry
Pool
USED

188362
171642
9200
5170

374374 BILLED FOR

562800

11/16/15-12/24/15

200 Apartments
100 Apartments
Laundry
Pool
USED

193944
180168
13480
4480

392072 BILLED FOR

412,500

		Billing Based on	Billing Based on	Billing Based On
SINCE 2008	PAID TO TWU \$590,879.69	\$ 4,000.00	\$ 3,600.00	\$3,000.00
		316,000.00	296,600	249,000
	Difference Due Back to Forest Point Apartment Homes	<u>274,879.69</u>	<u>294,279.69</u>	<u>341,879.69</u>

“HE SAID – SHE SAID”

CLOSING THOUGHTS FOR THE COUNCIL

WHY????

- Why are the bills \$3,300 to \$12,000? Why is the name being changed on the bill? Why am I getting duplicate bills with different meter readings?
- Why has the meter been changed 5 times?
- Why is the water line to the complex 3" when others are 2"?
- Why am I paying so much more than other like complexes?
- Why do I have a different meter from other like complexes?
- Why when occupancy dropped 25% did my bill go up?
- Why should I pay \$30,000 when I've been overbilled by \$300,000?

WHY IS FOREST POINT APARTMENT HOMES BEING TREATED UNFAIRLY?

PROPOSAL

Here are the numbers again:

\$590,879.69 amount paid to TWU since 2008

\$249,000.00 amount should've been paid

\$341,879.69 OVERPAYMENT due to Forest Point Apartment Homes

Rather than having a protracted legal confrontation:

- Forest Point Apartment Homes will forgive \$311,679.69 due from overbillings
- TWU will remove the incorrect balance due \$27,286.85
- TWU will put a like kind meter other apartments shown in the presentation
- Have a 3rd party monitor the unit consumption with meters that are already installed.
- Have a 3rd party coordinate with TWU to insure future billings are true and accurate
- TWU will install lights along the “river walk” they’re planning to put along Cowhorn Creek adjacent to Forest Point Apartment Homes, in exchange for the lights, permission will be granted for the River Walk easement.



Forest Point Apartment Homes

Forest Point Apartment Complex Utility Billing Dispute

Texarkana City Council Meeting
January 24, 2015

Forest Point Questions and Comments to City Council

- City ordinances that were produced are inaccurate applications due to malfunctioning equipment?

Forest Point Questions and Comments to City Council

- City ordinances that were produced are inaccurate applications due to malfunctioning equipment?
 - City Code Section 42-46 entitled “Failure of meter to register correctly” is the applicable code which states, “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.”

Forest Point Questions and Comments to City Council

- Why is the name being changed on the bill?

Forest Point Questions and Comments to City Council

- Why is the name being changed on the bill?
 - (1:01:23) 24 AUG 15 – “Ron Jaynes called TWU because had not received their bill. Tammy was surprised to find out that on 8/7/15 the name on our account had been changed to Forest Brook and a bill had been sent to the wrong address.”

Forest Point Questions and Comments to City Council

- Why is the name being changed on the bill?
 - (1:01:23) 24 AUG 15 – “Ron Jaynes called TWU because had not received their bill. Tammy was surprised to find out that on 8/7/15 the name on our account had been changed to Forest Brook and a bill had been sent to the wrong address.”
 - Neither the customer name nor the address was changed in the TWU billing database
 - TWU contracts the printing and mailing of utility bills to a bulk mailing service
 - The USPS approved software used by the bulk mailing service does change delivery information on pieces of mail to match the information in the USPS system to improve delivery of mail.

Forest Point Questions and Comments to City Council

- Why am I getting duplicate bills with different meter readings?

Forest Point Questions and Comments to City Council

- Why am I getting duplicate bills with different meter readings?
 - The utility bill dated 9/25/15 showed present readings of the two registers of the compound meter as being 017119 (hi-flow) and 15258 (low-flow).
 - The readings were transposed. When discovered the corrected utility bill was prepared and mailed including a notice of the change printed in the remarks section of the corrected bill (on the rear of the bill).
 - The correct meter readings are on the corrected bill which shows 15258 (hi-flow) and 017119 (low-flow).
 - When compared to the prior month's reading for both meters the total gallons used was unchanged and therefore the total water and sewer charges were unchanged.



Texarkana Water Utilities

801 Wood Street, P.O. Box 2008, Texarkana, Texas 75504

(903) 798-3800 Phone

(903) 791-0724 Fax

orig

TEXAS

Customer Name:
FOREST POINT APT HOMES

Service Address:
2605 KENNEDY LN

Account #:
03918120-05

Bill Date:
09/25/15

Type:
TX APARTMENTS >=8

Of Units:
104

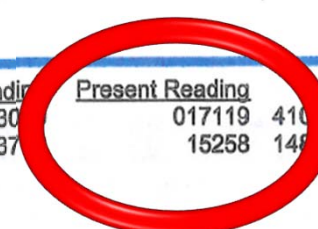
Customer #:
00059817

Due Date:
10/09/15

Last Bill	Payments (Credits)	Adjustments	Balance Forward	New Charges	ACCOUNT BALANCE
20,475.52	-4,000.00	653.42	17,128.94	5,055.86	22,184.80

CURRENT METER INFORMATION

Description	Service Period	# of Days	Meter Number	Meter Multiplier	Previous Reading	Present Reading	Usage
Water	08/14/15 - 09/14/15	31	0070299684	100	0130	017119	41000 gal
Water	08/14/15 - 09/14/15	31	0070299684	100	137	15258	14800 gal





Texarkana Water Utilities

801 Wood Street, P.O. Box 2008, Texarkana, Texas 75504

(903) 798-3800 Phone

(903) 791-0724 Fax

Corr

TEXAS

Customer Name:
FOREST POINT APT HOMES

Service Address:
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Account #:
03918120-05

Bill Date:
09/25/15

Type:
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Of Units:
104

Customer #:
00059817

Due Date:
10/09/15

Last Bill	Payments (Credits)	Adjustments	Balance Forward	New Charges	ACCOUNT BALANCE
22,184.80	0.00	-4,550.28	17,634.52	5,055.86	22,690.38

CURRENT METER INFORMATION

Description	Service Period	# of Days	Meter Number	Meter Multiplier	Previous Reading	Present Reading	Change
Water	08/14/15 - 09/14/15	31	0070299684	100	013010	015258	22480 gal
Water	08/14/15 - 09/14/15	31	0070299684	100	13778	17119	33410 gal

SPECIAL MESSAGES

THIS IS A CORRECTED BILL FOR THE BILLING PERIOD OF 8/14/15 - 9/14/15.
THE ORIGINAL BILL HAD THE HIGH AND LOW METER READING SWITCHED.
THIS BILL CORRECTS THE ERROR SO THAT THE BILLING FOR 9/14/15 - 10/14/15 WILL BE ACCURATE.

IMPORTANT PAYMENT INFORMATION

Forest Point Questions and Comments to City Council

- Why do I have a different meter from other complexes?

Forest Point Questions and Comments to City Council

- Why do I have a different meter from other complexes?
 - There are a wide variety of water meters used by TWU throughout the city.
 - Apartment complexes and/or individual apartments account for 181 meters serving 42 different complexes, as shown below:

Water Meters Registering Water Usage In Texarkana Apartments								
Type/Size	5/8"	1"	1.5"	2"	3"	4"	6"	Totals
Standard	88	35	5	23				151
Compound				19	1	5	5	30
Totals	88	35	5	42	1	5	5	181

Forest Point Questions and Comments to City Council

- Why is the water line to the complex 3" when others are 2"?
 - Actually, currently there is a 2" tap line between the (10") water main and the meter which feeds into a 4" water line serving the property.
 - Originally two 2" water taps were installed at the water main with a plan for two 2" water meters to connect to the one 4" water service line to the property as designed by the site designer which was reviewed and approved by TWU. The point is that there is not a published or city adopted standard. Each designer is responsible for determining what is appropriate for site.
 - For a long period of time the property was served by a 1" meter which was connected to one of the 2" taps to the water main and connected to the 4" water service line (likely left over from the construction phase of the project).
 - At one point the 1" meter was replaced with two 2" meters and both were connected to the single 4" service line. After a period of time it was determined that the combination of two meters (connected in parallel) may not be capturing the total water usage and the meters were replaced with a single 2" compound meter and one tap line was locked out of service.

Forest Point Questions and Comments to City Council

- Don't know the source of the statement that the meter is 98.5% to 101.5% accurate.

Forest Point Questions and Comments to City Council

- Don't know the source of the statement that the meter is 98.5% to 101.5% accurate.
 - The source is the manufacturer's data sheet as was also used by Mrs. Jaynes during her presentation.

TRU/FLO® COMPOUND METER

SIZES: 2" HP, 3", 4", 6" AND 6" x 8"



All TRU/FLO® Compound water meters meet or exceed the latest performance and accuracy requirements set by the AWWA C702 and maximum continuous flow rates may be exceeded by as much as 25% for intermittent periods.

Key Features

- Hydraulic valve design
- Minimum loss of accuracy in the crossover range increases revenue
- Spring-loaded valve eliminates need for frequent adjustment and service

Combined Turbine and Disc Measuring Elements

- Industry-leading flow ranges at 98.5%–101.5% accuracy ensure maximum revenue
- 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

Compact Maincase

- Made from lead free high copper alloy
- NSF/ANSI 61, Annex G certified and Annex F compliant
- Lifetime guarantee
- Compact, lightweight design provides for easy installation and in-line serviceability

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Combined Turbine and Disc Measuring Elements

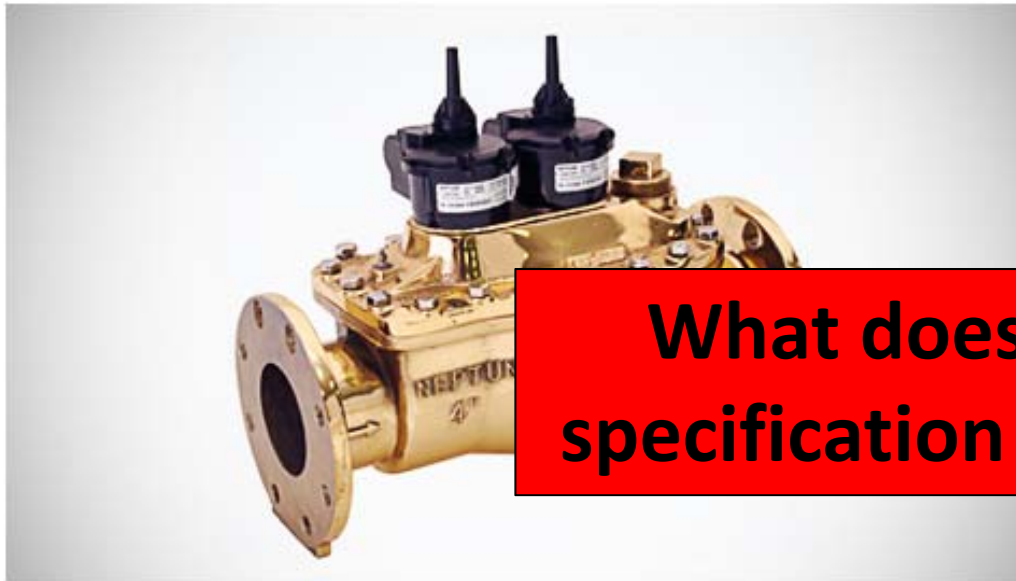
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TRU/FLO® COMPOUND METER

SIZES: 2" HP, 3", 4", 6" AND 6" x 8"



What does this specification mean?

All TRU/FLO® Compound water meters meet or exceed the latest performance and accuracy requirements set by the AWWA C702 and maximum continuous flow rates may be exceeded by as much as 25% for intermittent periods.

Key Features

- Hydraulic valve design
- Minimum loss of accuracy in the crossover range increases revenue
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Combined Turbine and Disc Measuring Elements

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- Lifetime guarantee
- Compact, lightweight design provides for easy installation and in-line serviceability

What does “maximum continuous flow rates may be exceeded by as much as 25% for intermittent periods” mean?

- Look at the rated capacity of the meter

OPERATING CHARACTERISTICS

Meter Size	Normal Operating Range @ 95% Accuracy ($\pm 1.5\%$)	AWWA Standard	Low Flow @ 95% Accuracy
2"	½ to 200 US gpm 0.11 to 45.4 m³/h	1 to 160 US gpm .227 to 36.34 m³/h	⅛ US gpm 0.03 m³/h
3"	½ to 450 US gpm 0.11 to 102.2 m³/h	2 to 350 US gpm .454 to 79.5 m³/h	⅛ US gpm 0.03 m³/h
4"	1 to 1000 US gpm 0.23 to 227.1 m³/h	3 to 600 US gpm .68 to 136.3 m³/h	½ US gpm 0.11 m³/h
6"	1 ½ to 2000 US gpm 0.34 to 454.2 m³/h	5 to 1350 US gpm 1.14 to 306.6 m³/h	¾ US gpm 0.17 m³/h
6" x 8"	1 ½ to 2000 US gpm 0.34 to 454.2 m³/h	16 to 1600 US gpm 3.63 to 363.4 m³/h	¾ US gpm 0.17 m³/h

OPERATING CHARACTERISTICS

Meter Size	Normal Operating Range @100% Accuracy ($\pm 1.5\%$)
2"	$\frac{1}{2}$ to 200 US gpm 0.11 to 45.4 m ³ /h
3"	$\frac{1}{2}$ to 450 US gpm

What does “maximum continuous flow rates may be exceeded by as much as 25% for intermittent periods” mean?

- Look at the rated capacity of the meter
 - Accurate from 0.5 to 200 gallons per minute

What does “maximum continuous flow rates may be exceeded by as much as 25% for intermittent periods” mean?

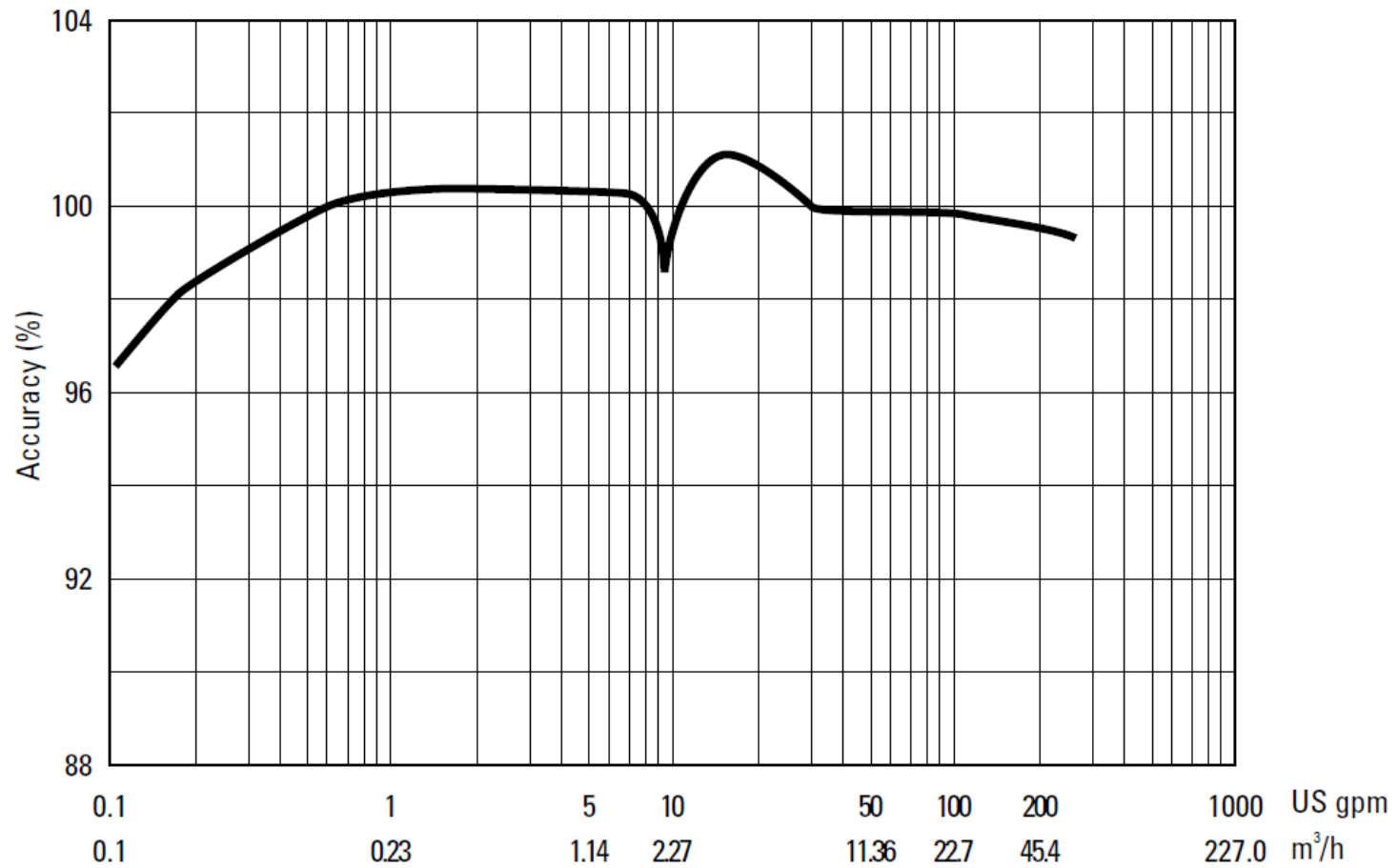
- Look at the rated capacity of the meter
 - Accurate from 0.5 to 200 gallons per minute
 - Even at 25% over rated capacity for intermittent periods
 - Or, up to 250 gallons per minute

What does “maximum continuous flow rates may be exceeded by as much as 25% for intermittent periods” mean?

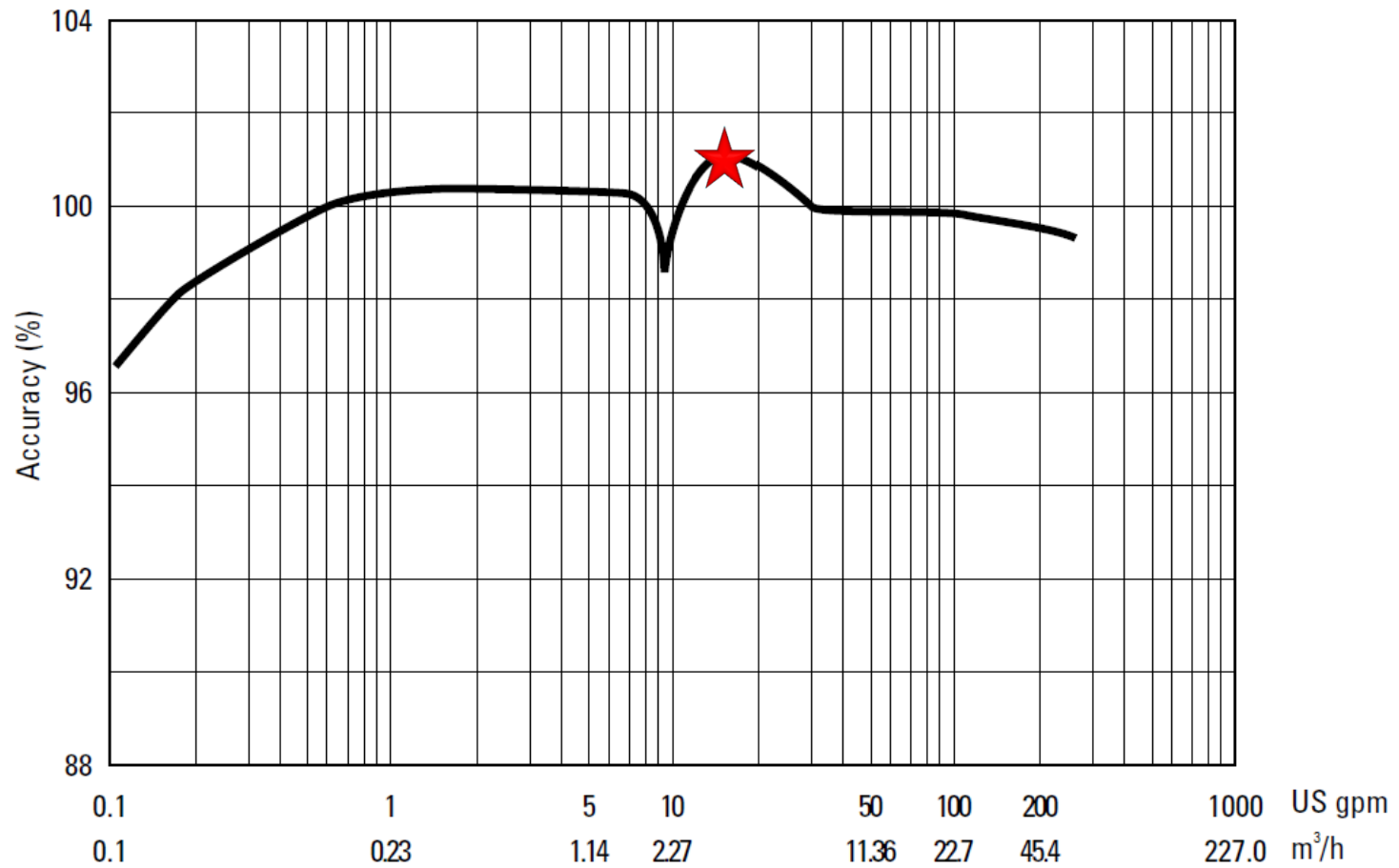
- Look at the rated capacity of the meter
 - Accurate from 0.5 to 200 gallons per minute
 - Even at 25% over rated capacity for intermittent periods
 - Or, up to 250 gallons per minute
- How much water will flow through the meter at 200 gallons per minute?

Item	Factor	Gallons
Max flow rate per minute	200	200
Hour	60	12,000
Day	24	288,000
Month	30	8,640,000
Recent Monthly Average for Forest Point		660,000
Operating Percentage of Maximum Flow		7.64%
Average Flow per Minute	43,200	15.28

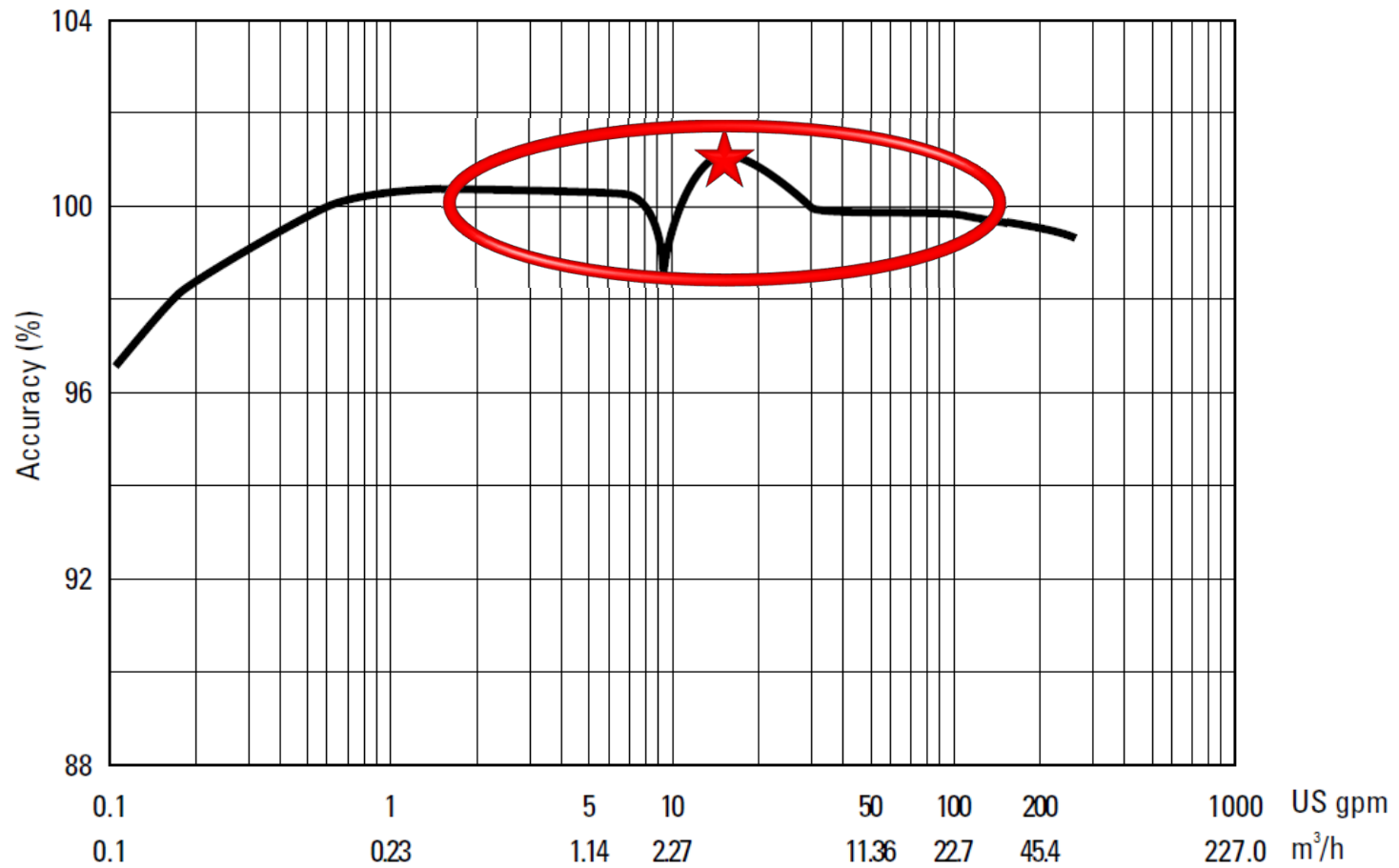
2" ACCURACY



2" ACCURACY



2" ACCURACY



Forest Point Questions and Comments to City Council

- What are the water and sewer rates?
- Why are they not on the website?

Forest Point Questions and Comments to City Council

- What are the water and sewer rates?
- Why are they not on the website?
 - Water and Sewer rates are posted on the city's Master Fee List which is found at this link <http://www.ci.texarkana.tx.us/documentcenter/view/2942> and on TWU's website at http://www.twu.txkusa.org/departments/customer/water_and_sewer_rates.html .

Forest Point Questions and Comments to City Council

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 - The current fiscal year rates are:
 - (Water) \$3.25 for each 1,000 gallons of water
 - (Sewer) \$4.41 for each 1,000 gallons of water

Forest Point Questions and Comments to City Council

- What are the water and sewer rates?
- Why are they not on the website?
 - Water and Sewer rates are posted on the city's Master Fee List which is found at this link <http://www.ci.texarkana.tx.us/documentcenter/view/2942> and on TWU's website at http://www.twu.txkusa.org/departments/customer/water_and_sewer_rates.html .
 - The current fiscal year rates are:
 - (Water) \$3.25 for each 1,000 gallons of water
 - (Sewer) \$4.41 for each 1,000 gallons of water
 - Past rates were:
 - (Water) \$3.01 for each 1,000 gallons of water
 - (Sewer) \$3.77 for each 1,000 gallons of water

Forest Point Questions and Comments to City Council

- Why has the meter been changed five times?

Forest Point Questions and Comments to City Council

- Why has the meter been changed five times?
 - Since 2005 the meter has been changed three times on these dates:
 - (3/5/08) 1-inch meter removed (failed) and replaced with two 2-inch meters
 - (9/16/08) One of the 2-inch meters taken out of service and locked off due to problems with the backflow device
 - (4/15/15) Factory fresh 2-inch meter installed

Forest Point Questions and Comments to City Council

- Why has the meter been changed five times?
 - Since 2005 the meter has been changed three times on these dates:
 - (3/5/08) 1-inch meter removed (failed) and replaced with two 2-inch meters
 - (9/16/08) One of the 2-inch meters taken out of service and locked off due to problems with the backflow device
 - (4/15/15) Factory fresh 2-inch meter installed
 - Maintenance activity related to the meter:
 - (2/20/09) One of two registers was stuck. Replaced both registers and reset them to zero.
 - (11/18/14) One of two registers (low) stuck. Register repaired
 - (1/9/15) Low flow register stuck again, repaired

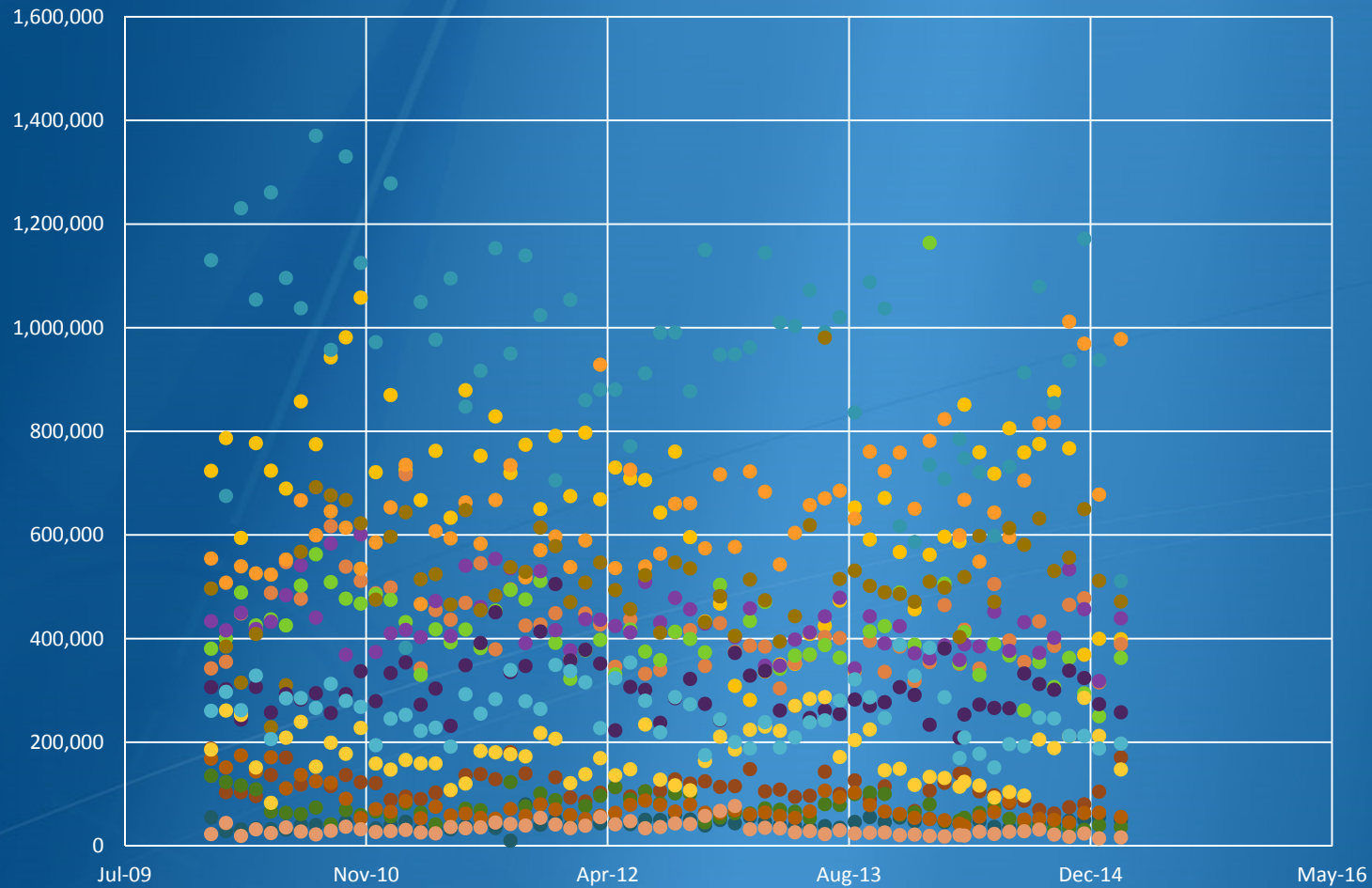
Forest Point Questions and Comments to City Council

- Why are the bills \$3,300 to \$12,000?

Forest Point Questions and Comments to City Council

- Why are the bills \$3,300 to \$12,000?
 - For bills between 21 DEC 09 and 22 OCT 15 there were 73 billing periods (months). One bill was for \$12,796.53 which was corrected to \$6,409.71 (20 OCT 11).
 - The average bill for the study period was \$5,693.60 (\$415,632.67/73).
 - The monthly bills ranged from \$3,162.80 (18 JAN 13) to \$8,323.23 (19 NOV 10).
 - The monthly bills include collections for refuge, sales tax, and infrastructure fees.
 - Refuge charge is a monthly fixed amount by year
 - Sales tax is charged at 8.5% of the refuge charge
 - Water and Sewer Infrastructure charges are fixed amounts each month which increased from \$1 to \$1.50 each in 2015.

Monthly Water Usage



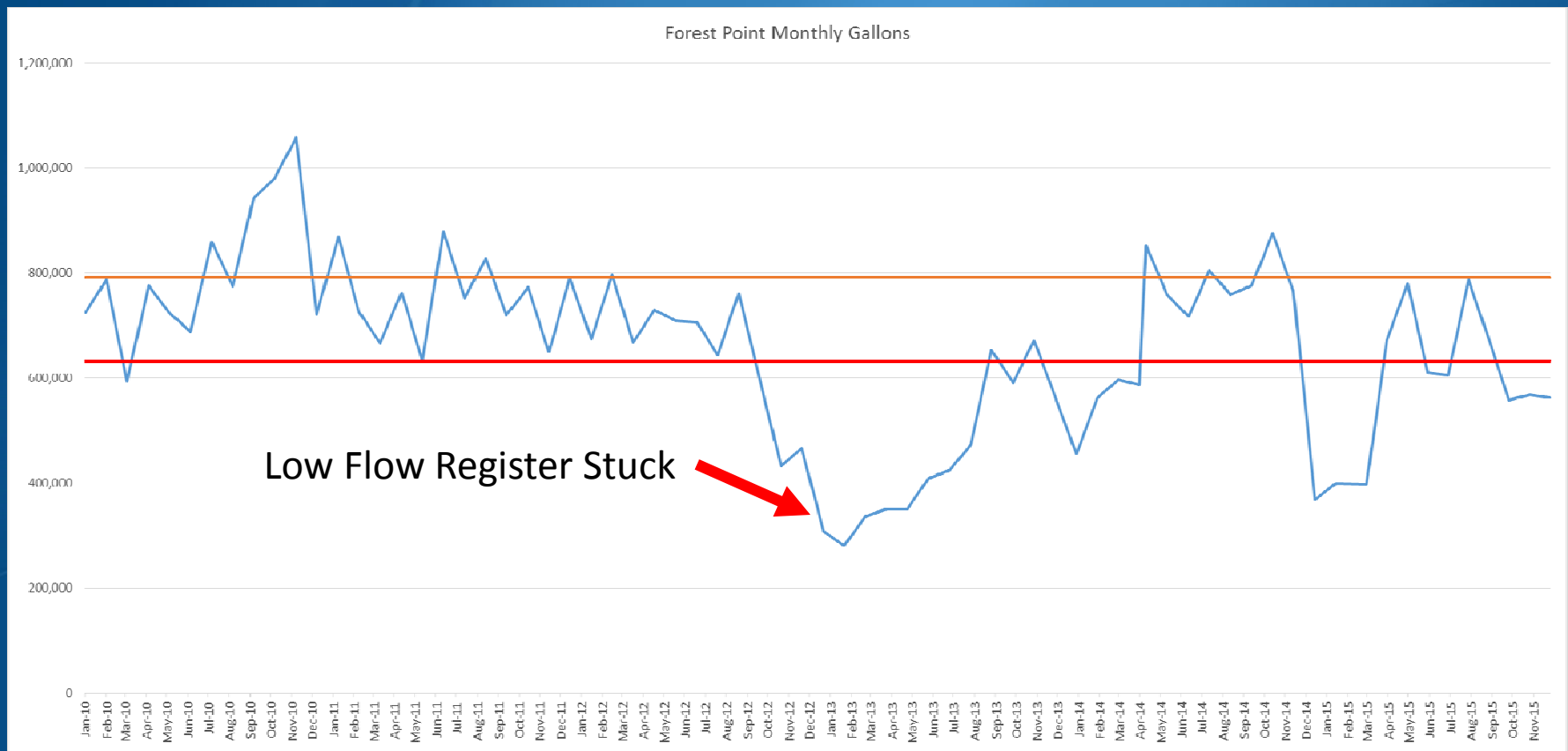
- | | | | | |
|-----------------|--------------------|-----------------|-----------------|------------------|
| ● Forest Point | ● Town North | ● Westridge (1) | ● Westridge (2) | ● Lakeridge |
| ● Richmond Oaks | ● HATT: Woodbridge | ● LaCasa | ● Brentwood (1) | ● Brentwood (2) |
| ● Brookhaven | ● Georgia Manor | ● Forest Green | ● Hillside VLG | ● Oak Street (1) |

915 Data Points

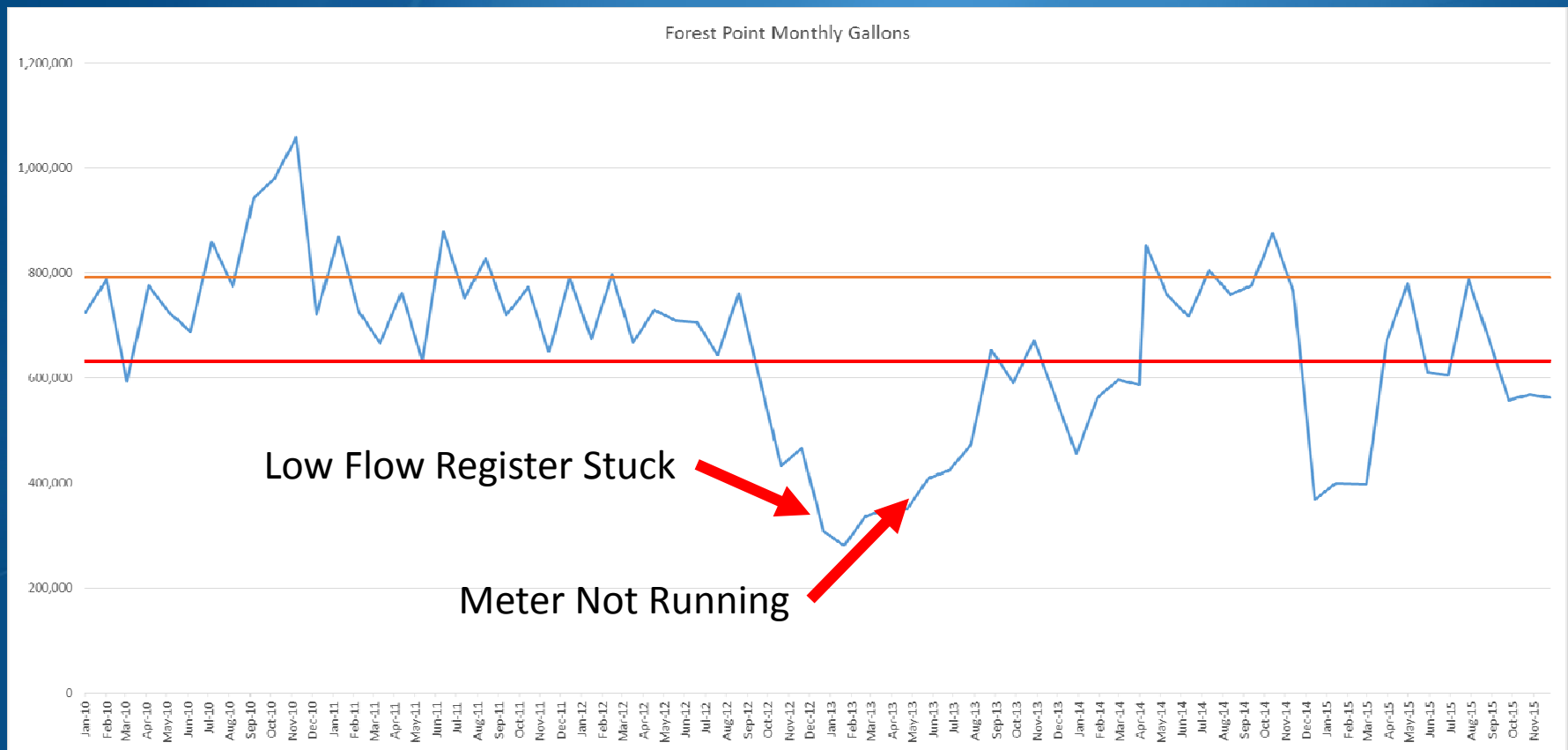
Forest Point Questions and Comments to City Council

- Why when occupancy dropped 25% did my bill go up?

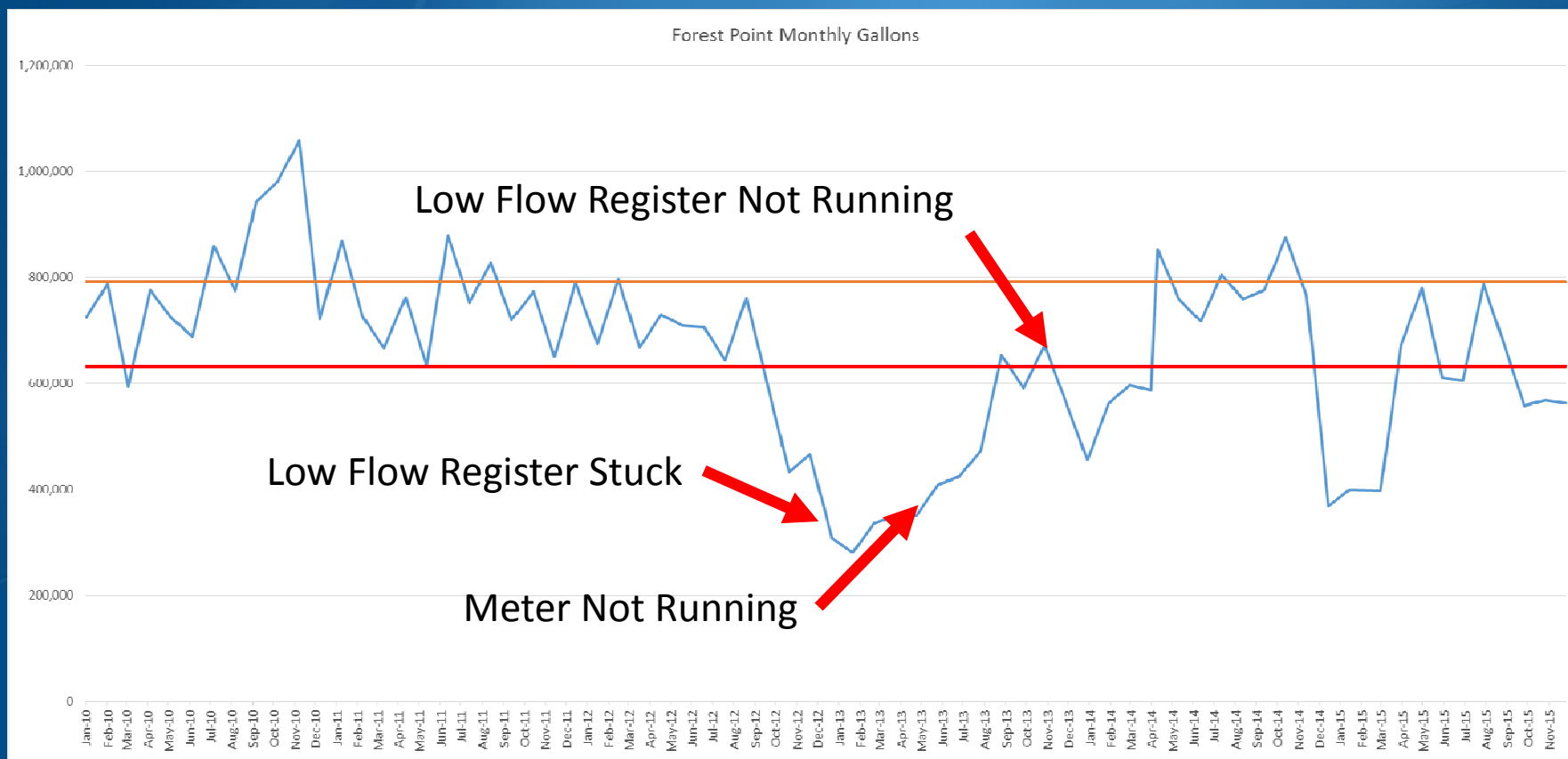
Meter Malfunctions Noted



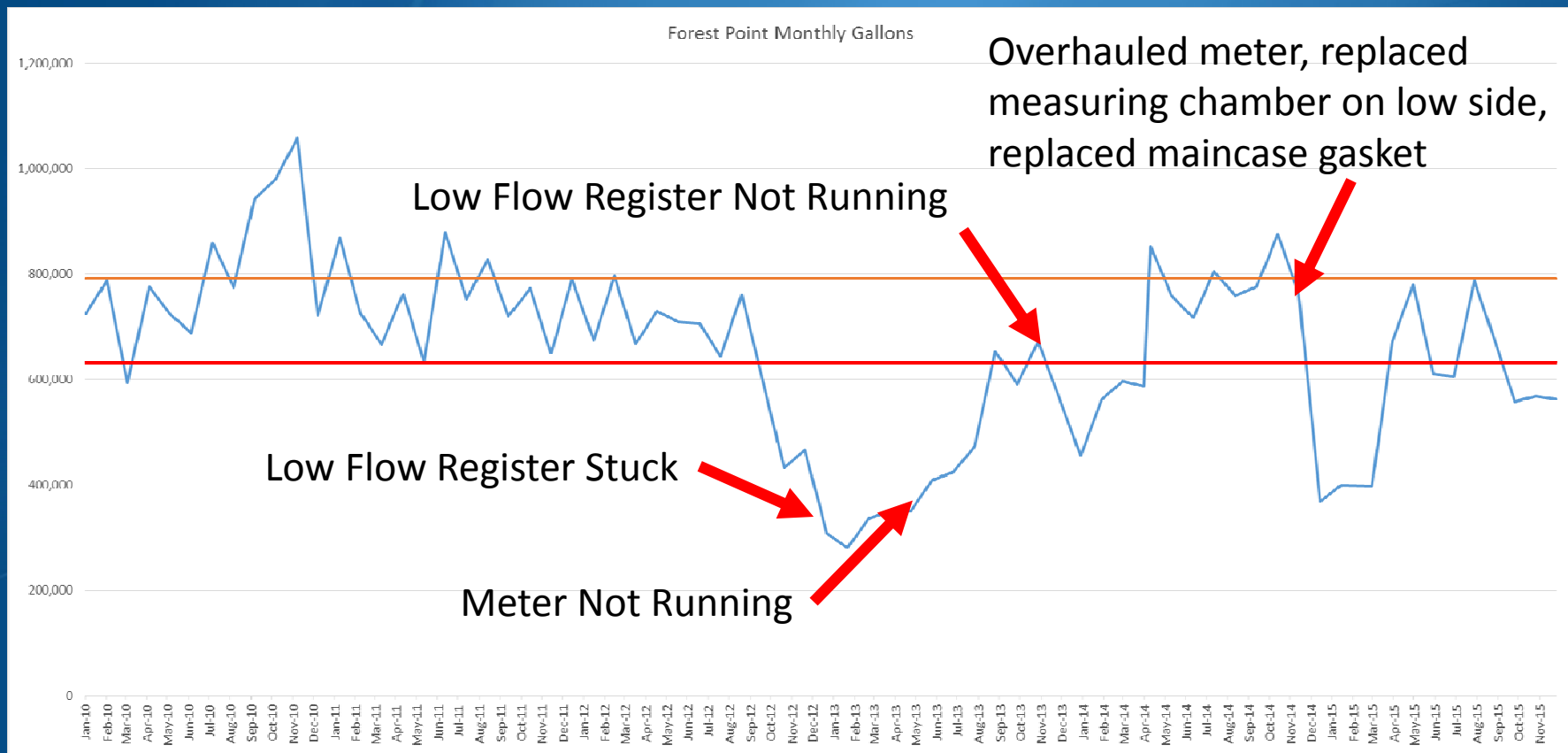
Meter Malfunctions Noted



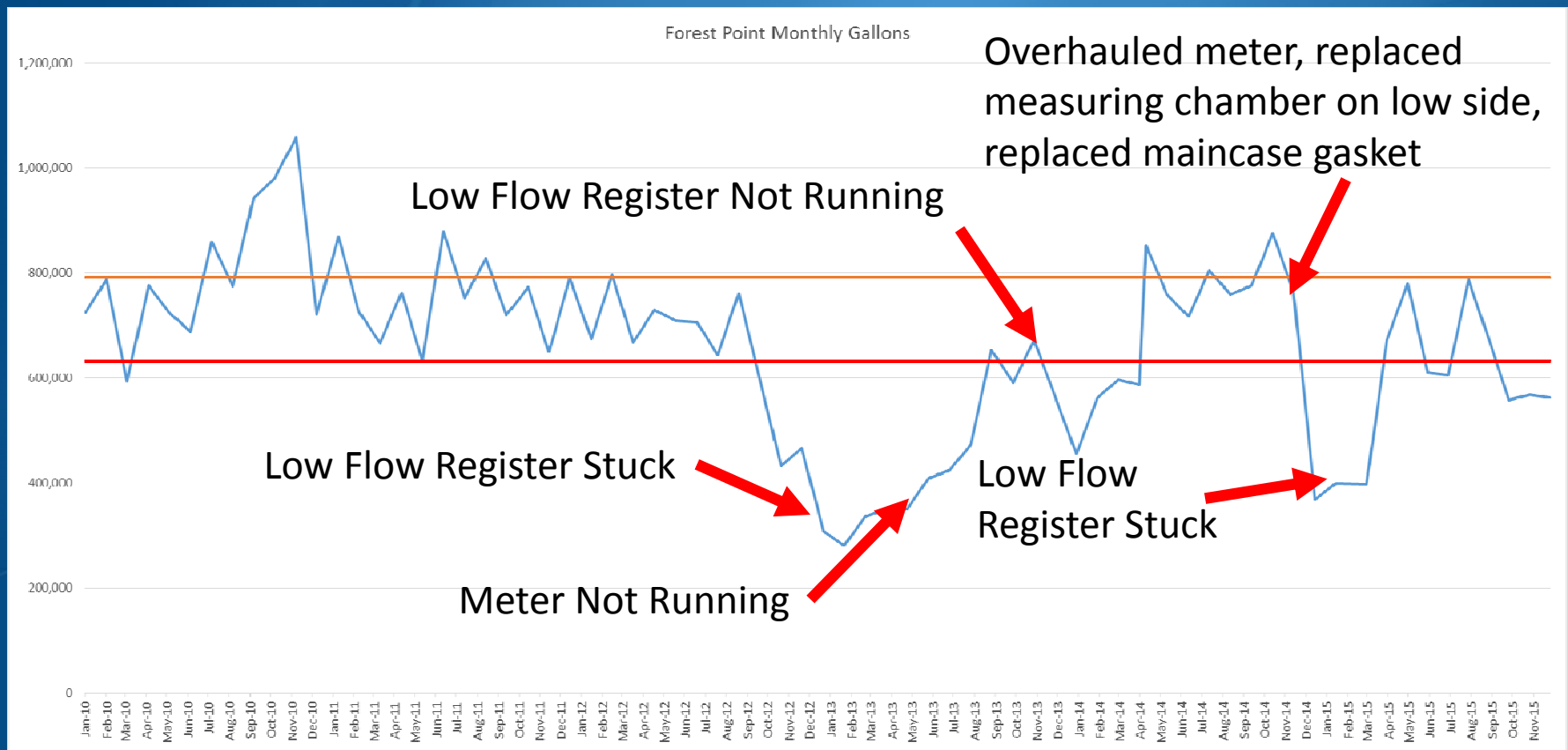
Meter Malfunctions Noted



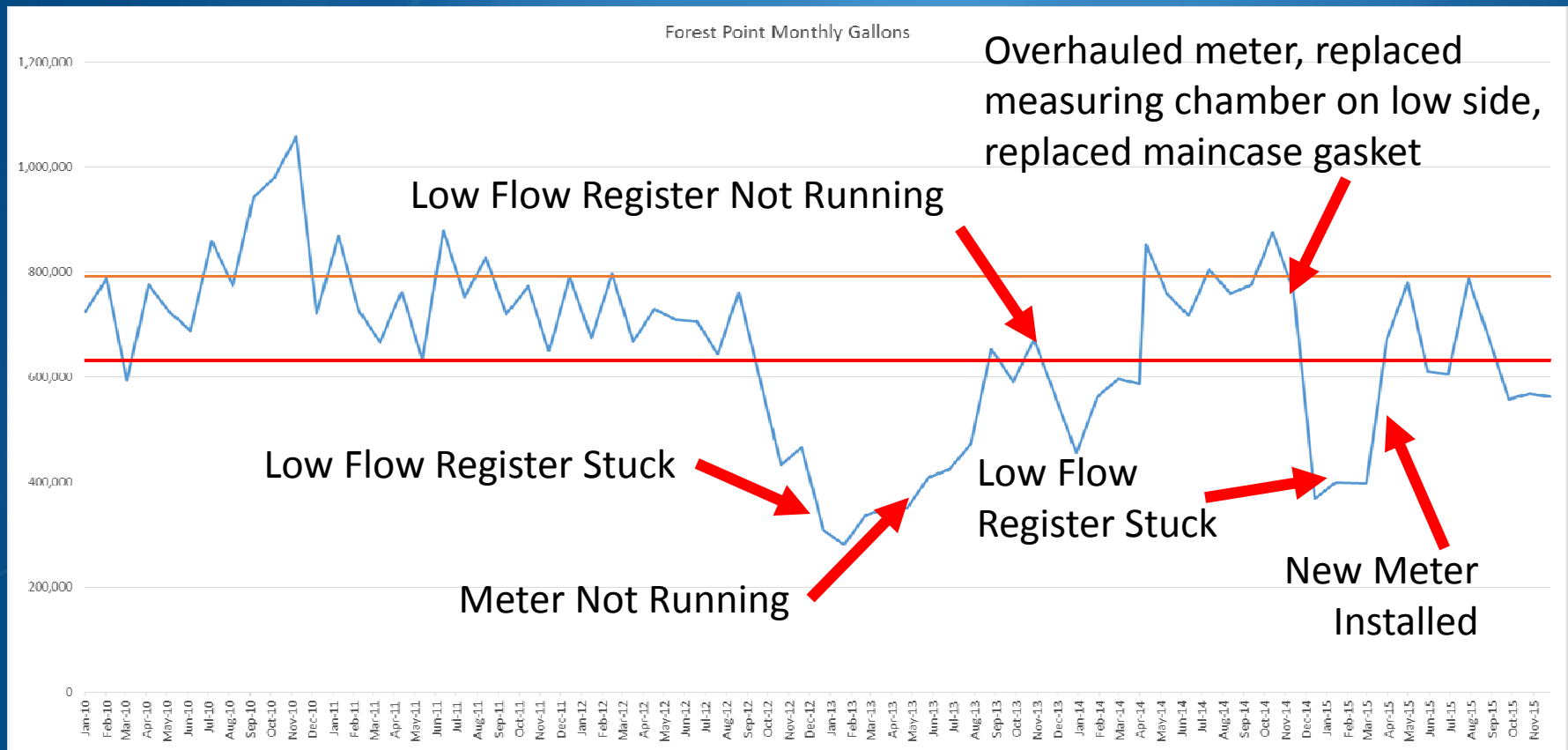
Meter Overhauled



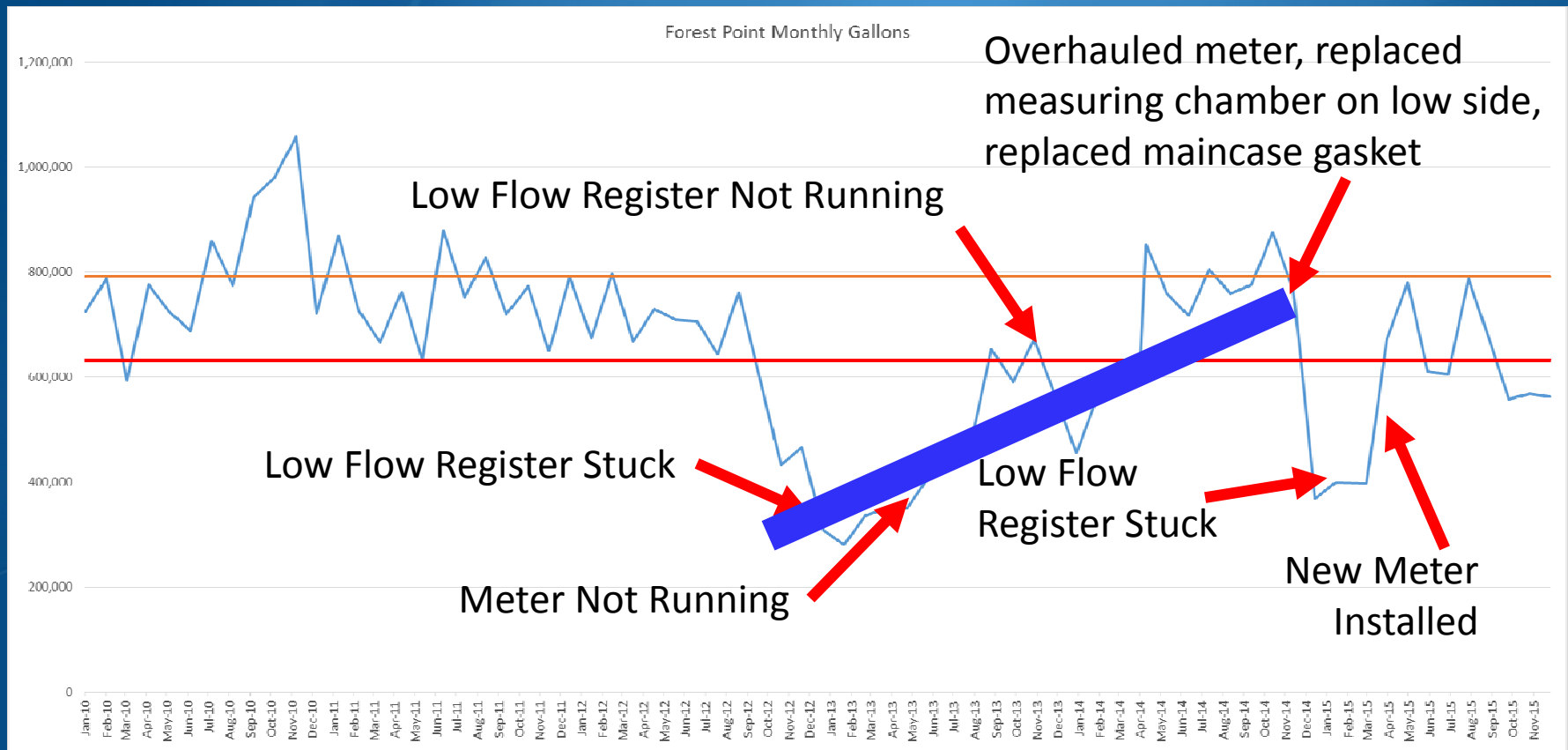
Meter Malfunction Noted



Meter Replaced



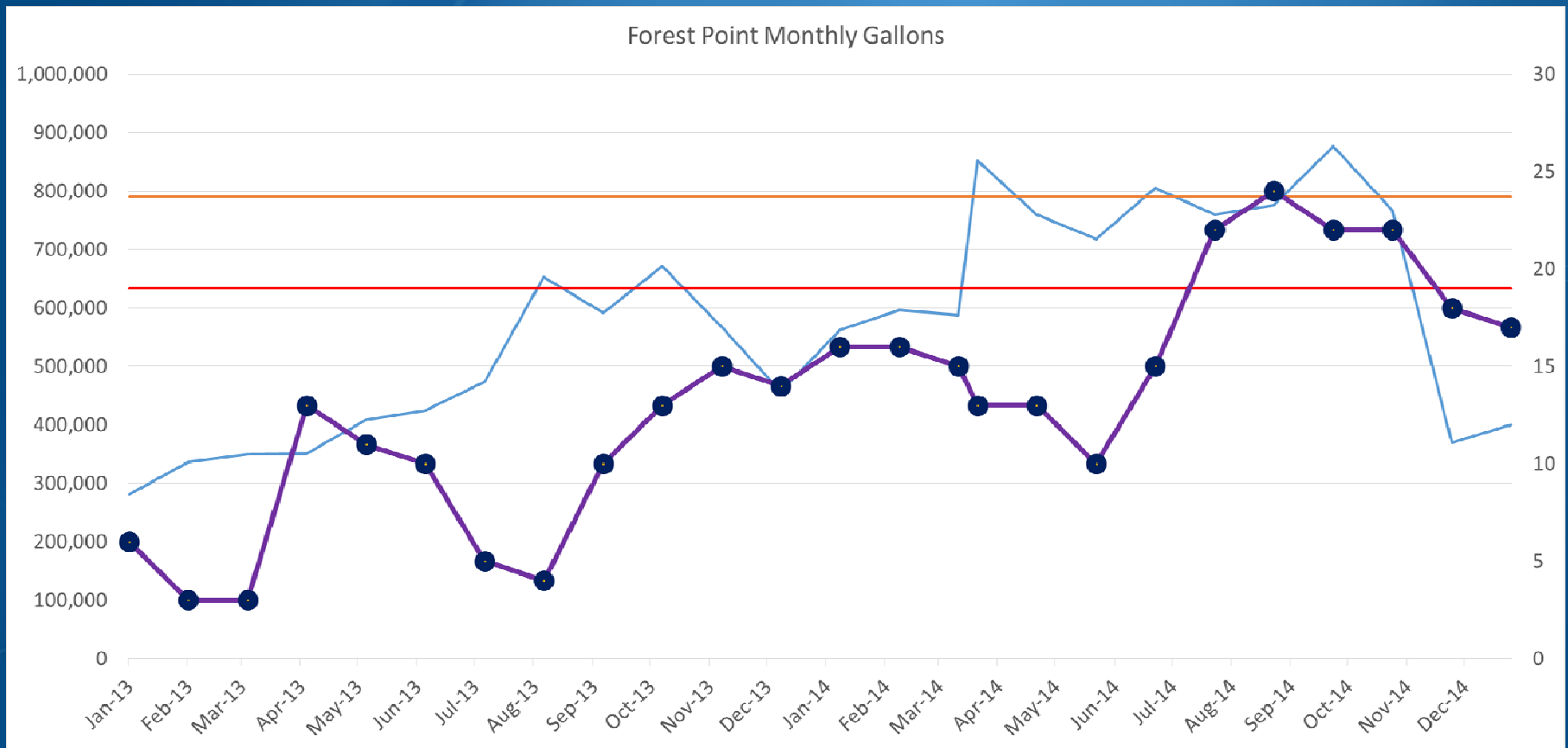
Meter Replaced



Forest Point Questions and Comments to City Council

- Why when occupancy dropped 25% did my bill go up?
 - The city does not have any information related to how water was used or misused. The city relies on trusted water meters to measure the usage. Forest Point provided a report that tracks vacancies compared to monthly water billing for the period January, 2013 through January, 2015. During this two-year period was the time frame previously reported that the city's water meter register was sticking which failed to register the total usage.
 - January, 2013 was the lowest usage month in the study period when the meter was failing. Including these low reading months in the basis for evaluating usage during later periods of higher vacancy rates results in an incorrect conclusion. At the time of higher vacancy rates the city also was operating with a recently repaired meter register thus reading more of the usage.

Water Usage vs Vacancies



Forest Point Questions and Comments to City Council

- Why should I pay \$30,000 when I've been overbilled by \$300,000?

Forest Point Questions and Comments to City Council

- Why should I pay \$30,000 when I've been overbilled by \$300,000?
 - The account has not been paid fully since December, 2014. The partial monthly payments have resulted in an unpaid balance of \$30,258.66 as of November 29, 2015.
 - Prior to December, 2014 the account was always paid in full each month.
 - Between October, 2012 and March, 2014 the water meter was documented as having mechanical failure and under-metered the water usage during this time. A typical type failure due to particulate buildup inside the meter thus slowing the meter turbines causing the meter registers to record less flow than was likely flowing through the meter.

Forest Point Questions and Comments to City Council

- Why is Forest Point Apartment Homes being treated unfairly?

Forest Point Questions and Comments to City Council

- Why is Forest Point Apartment Homes being treated unfairly?
 - No customer is singled out and treated any differently than any other customer.
 - Customers generally expect TWU and the City to collect for city provided services on an equal basis. Should that collection effort appear to be unfair treatment we apologize but we have a duty to collect for publically provided services which have a city approved fee related to the service.

Forest Point Questions and Comments to City Council

- TWU has not been a member of AWWA since 2013?

Forest Point Questions and Comments to City Council

- TWU has not been a member of AWWA since 2013?
 - It is true that TWU has not been a member of AWWA since 2013. However, a number of TWU employees are members. TWU pays for the individual memberships versus an organizational membership which is lower cost option for TWU.

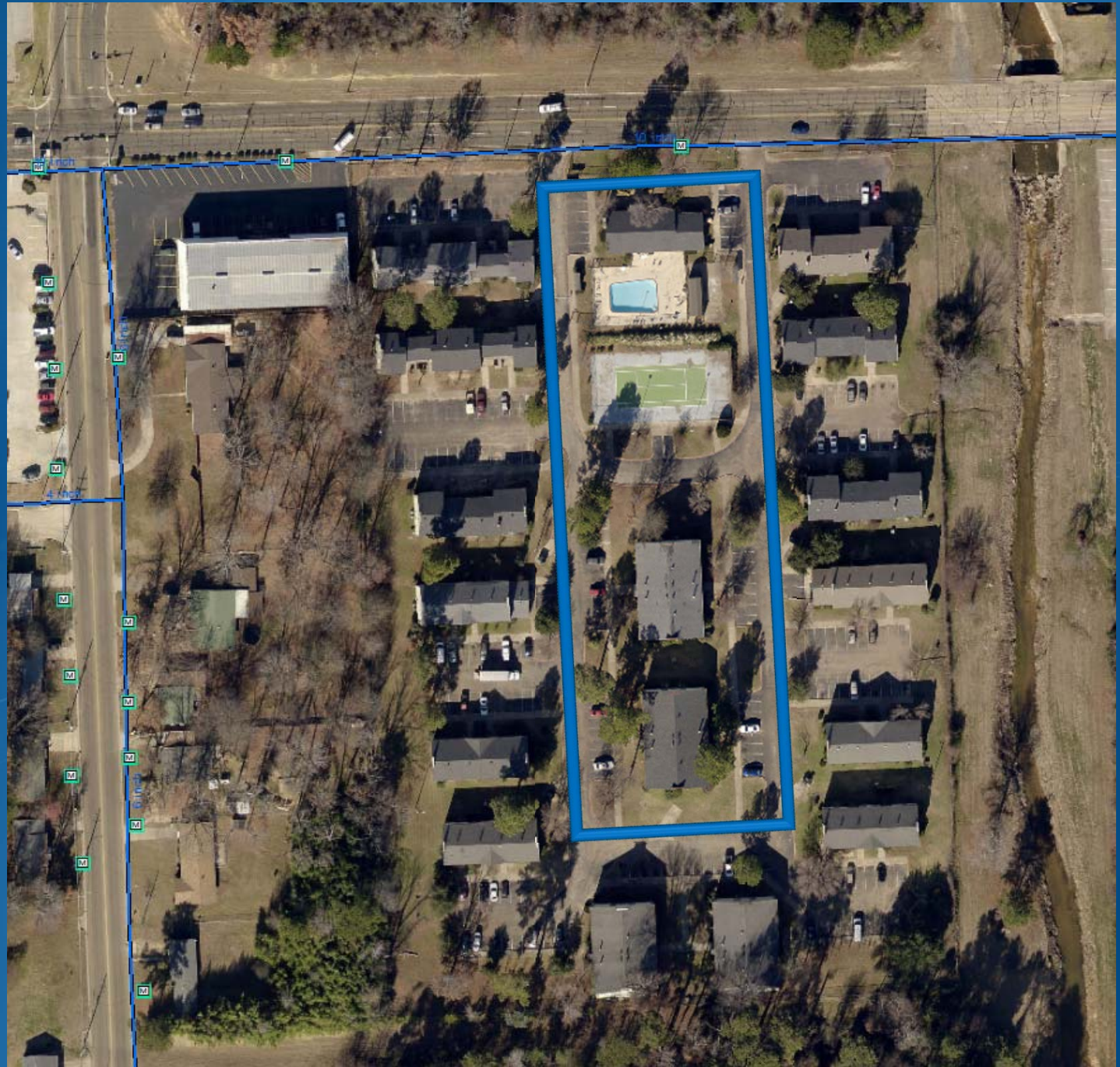
Forest Point Questions and Comments to City Council

- Believes that there is unjust enrichment and malfeasance by TWU's public officials.

Forest Point Questions and Comments to City Council

- Believes that there is unjust enrichment and malfeasance by TWU's public officials.
 - We have no indication of any misappropriation of public funds.
 - The city and TWU has adequate internal controls and no audit has discovered any major discrepancies in the accounting records.
 - Any discovery of wrongdoing by TWU employees is immediately dealt with through proper management actions. Depending on the severity of such wrongdoing the manager/supervisor either corrects the behavior (minor misconduct or poor performance) or senior management terminates the employment (major misconduct or performance failure) of the employee.
 - Internal controls are routinely reviewed and adjusted appropriately to ensure proper use and accountability of resources at an appropriate cost.

There is more than 2,000 feet of water line between the city's meter and the customer's third-party unit meters.





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G64 fx 4200																		
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R
		River Crossing (1)	River Crossing (2)	River Crossing (3)	River Crossing (4)	River Crossing (5)	River Crossing (6)	River Crossing (7)	River Crossing (8)	River Crossing (9)	River Crossing (10)	River Crossing Totals	Average Per Apartment Unit		Forest Point	Average Per Apartment Unit	Highest Average	
1	Meter Type	1" S	1" S	1" S	1" S	2" S	1" S	1" S	1" S	1" S	1" S	2" S			2" C			
2	Meters	1	1	1	1	1	1	1	1	1	1	10			1			
3	Apartment Units	10	10	10	10	10	10	10	10	10	10	100			104			1
4																		
5	Jan-10	13,100	12,500	13,900	48,000	308,000	23,300	15,200	16,000	10,100	834,800	1,294,900	12,949		723,550	6,957	RC	0
6	Feb-10	19,400	23,700	14,600	40,600	429,000	41,100	17,400	20,100	16,700	894,400	1,517,000	15,170		786,930	7,567	RC	0
7	Mar-10	14,100	12,300	9,900	21,800	299,500	28,200	13,700	13,700	11,200	752,100	1,176,500	11,765		594,080	5,712	RC	0
8	Apr-10	14,100	16,100	9,700	26,900	347,500	22,900	22,200	16,600	10,300	740,200	1,226,500	12,265		776,890	7,470	RC	0
9	May-10	16,500	19,300	15,700	22,700	367,000	18,300	21,100	18,800	9,100	785,500	1,294,000	12,940		723,970	6,961	RC	0
10	Jun-10	10,000	20,900	9,800	28,000	394,000	18,900	16,700	20,200	10,700	881,500	1,410,700	14,107		689,210	6,627	RC	0
11	Jul-10	5,200	19,100	9,700	23,700	357,500	21,200	10,200	14,300	6,100	819,000	1,286,000	12,860		857,770	8,248	RC	0
12	Aug-10	2,700	14,900	12,000	27,300	322,000	24,200	7,300	14,000	8,100	1,063,800	1,496,300	14,963		775,030	7,452	RC	0
13	Sep-10	14,000	15,500	12,300	36,300	332,000	47,700	19,400	19,200	9,900	935,100	1,441,400	14,414		942,670	9,064	RC	0
14	Oct-10	12,200	13,800	11,500	29,100	278,500	57,300	13,300	16,400	7,600	671,000	1,110,700	11,107		981,230	9,435	RC	0
15	Nov-10	17,000	16,700	11,300	37,100	367,500	93,000	18,000	18,000	10,200	812,000	1,400,800	14,008		1,057,850	10,172	RC	0
16	Dec-10	13,500	5,400	8,600	31,200	282,000	83,100	14,600	13,200	10,700	607,000	1,069,300	10,693		721,050	6,933	RC	0
17	Jan-11	15,300	0	11,600	33,100	246,500	88,100	13,600	17,000	13,300	663,100	1,101,600	11,016		869,700	8,363	RC	0
18	Feb-11	11,700	0	28,500	30,100	303,500	95,600	11,500	16,400	11,500	829,500	1,338,300	13,383		725,100	6,972	RC	0
19	Mar-11	12,300	16,800	24,700	29,900	358,500	118,000	15,200	14,600	13,300	774,000	1,377,300	13,773		666,970	6,413	RC	0
20	Apr-11	12,800	25,697	25,200	34,700	332,500	63,500	14,800	17,000	10,800	721,300	1,258,297	12,583		762,170	7,329	RC	0
21	May-11	19,100	12,846	17,400	23,600	355,500	4,700	14,500	18,900	8,700	662,000	1,137,246	11,372		633,080	6,087	RC	0
22	Jun-11	8,500	15,531	26,200	32,400	454,000	33,800	15,300	27,900	9,800	894,700	1,518,131	15,181		879,030	8,452	RC	0
23	Jul-11	7,700	15,125	23,100	29,000	380,000	7,200	5,400	18,700	7,600	826,300	1,320,125	13,201		752,640	7,237	RC	0
24	Aug-11	16,100	18,449	32,000	28,000	365,000	8,700	19,300	24,400	14,800	900,700	1,427,449	14,274		828,660	7,968	RC	0
25	Sep-11	13,700	16,579	28,700	22,500	385,000	7,300	35,000	17,800	17,500	821,500	1,365,579	13,656		719,610	6,919	RC	0
26	Oct-11	10,200	14,578	21,700	19,900	314,500	40,100	15,200	17,200	15,300	824,600	1,293,278	12,933		774,010	7,442	RC	0
27	Nov-11	21,900	21,331	34,600	31,100	379,000	90,000	25,500	13,000	17,500	971,400	1,605,331	16,053		649,780	6,248	RC	0
28	Dec-11	18,400	19,140	21,500	62,300	430,500	39,300	19,000	15,500	16,600	790,000	1,432,240	14,322		791,080	7,607	RC	0
29	Jan-12	14,600	19,713	24,300	81,800	327,500	23,100	14,500	13,300	18,000	713,500	1,250,313	12,503		674,890	6,489	RC	0
30	Feb-12	15,100	22,331	29,600	86,200	344,500	17,600	26,200	14,200	21,400	787,200	1,364,331	13,643		797,160	7,665	RC	0
31	Mar-12	13,200	19,602	26,100	46,400	320,000	18,300	16,000	14,200	19,100	813,300	1,306,202	13,062		668,600	6,429	RC	0
32	Apr-12	15,600	20,597	18,500	23,800	326,000	16,800	15,700	16,000	20,700	856,700	1,330,397	13,304		730,000	7,019	RC	0
33	May-12	14,000	21,393	22,400	21,800	367,500	25,000	11,000	9,000	21,300	1,151,800	1,665,193	16,652		709,050	6,818	RC	0
34	Jun-12	12,100	20,679	18,800	19,900	457,000	41,000	10,800	14,900	18,600	981,100	1,594,879	15,949		705,790	6,786	RC	0
35	Jul-12	14,100	25,389	19,400	23,200	429,500	13,100	6,300	17,400	19,100	873,900	1,441,389	14,414		643,200	6,185	RC	0

J2																		
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	
		River Crossing (1)	River Crossing (2)	River Crossing (3)	River Crossing (4)	River Crossing (6)	River Crossing (7)	River Crossing (8)	River Crossing (9)	River Crossing (10)	River Crossing Totals	Average Per Apartment Unit		Forest Point	Average Per Apartment Unit	Highest Average		
1	Meter Type	1" S	1" S	1" S	1" S	1" S	1" S	1" S	1" S	2" S				2" C				
2	Meters	1	1	1	1	1	1	1	1	1	9			1				
3	Apartment Units	10	10	10	10	10	10	10	10	10	90			104			6	
4	Jan-10	13,100	12,500	13,900	48,000	23,300	15,200	16,000	10,100	834,800	986,900	10,966		723,550	6,957	RC	0	
5	Feb-10	19,400	23,700	14,600	40,600	41,100	17,400	20,100	16,700	894,400	1,088,000	12,089		786,930	7,567	RC	0	
6	Mar-10	14,100	12,300	9,900	21,800	28,200	13,700	13,700	11,200	752,100	877,000	9,744		594,080	5,712	RC	0	
7	Apr-10	14,100	16,100	9,700	26,900	22,900	22,200	16,600	10,300	740,200	879,000	9,767		776,890	7,470	RC	0	
8	May-10	16,500	19,300	15,700	22,700	18,300	21,100	18,800	9,100	785,500	927,000	10,300		723,970	6,961	RC	0	
9	Jun-10	10,000	20,900	9,800	28,000	18,900	16,700	20,200	10,700	881,500	1,016,700	11,297		689,210	6,627	RC	0	
10	Jul-10	5,200	19,100	9,700	23,700	21,200	10,200	14,300	6,100	819,000	928,500	10,317		857,770	8,248	RC	0	
11	Aug-10	2,700	14,900	12,000	27,300	24,200	7,300	14,000	8,100	1,063,800	1,174,300	13,048		775,030	7,452	RC	0	
12	Sep-10	14,000	15,500	12,300	36,300	47,700	19,400	19,200	9,900	935,100	1,109,400	12,327		942,670	9,064	RC	0	
13	Oct-10	12,200	13,800	11,500	29,100	57,300	13,300	16,400	7,600	671,000	832,200	9,247		981,230	9,435	FP	1	
14	Nov-10	17,000	16,700	11,300	37,100	93,000	18,000	18,000	10,200	812,000	1,033,300	11,481		1,057,850	10,172	RC	0	
15	Dec-10	13,500	5,400	8,600	31,200	83,100	14,600	13,200	10,700	607,000	787,300	8,748		721,050	6,933	RC	0	
16	Jan-11	15,300	0	11,600	33,100	88,100	13,600	17,000	13,300	663,100	855,100	9,501		869,700	8,363	RC	0	
17	Feb-11	11,700	0	28,500	30,100	95,600	11,500	16,400	11,500	829,500	1,034,800	11,498		725,100	6,972	RC	0	
18	Mar-11	12,300	16,800	24,700	29,900	118,000	15,200	14,600	13,300	774,000	1,018,800	11,320		666,970	6,413	RC	0	
19	Apr-11	12,800	25,697	25,200	34,700	63,500	14,800	17,000	10,800	721,300	925,797	10,287		762,170	7,329	RC	0	
20	May-11	19,100	12,846	17,400	23,600	4,700	14,500	18,900	8,700	662,000	781,746	8,686		633,080	6,087	RC	0	
21	Jun-11	8,500	15,531	26,200	32,400	33,800	15,300	27,900	9,800	894,700	1,064,131	11,824		879,030	8,452	RC	0	
22	Jul-11	7,700	15,125	23,100	29,000	7,200	5,400	18,700	7,600	826,300	940,125	10,446		752,640	7,237	RC	0	
23	Aug-11	16,100	18,449	32,000	28,000	8,700	19,300	24,400	14,800	900,700	1,062,449	11,805		828,660	7,968	RC	0	
24	Sep-11	13,700	16,579	28,700	22,500	7,300	35,000	17,800	17,500	821,500	980,579	10,895		719,610	6,919	RC	0	
25	Oct-11	10,200	14,578	21,700	19,900	40,100	15,200	17,200	15,300	824,600	978,778	10,875		774,010	7,442	RC	0	
26	Nov-11	21,900	21,331	34,600	31,100	90,000	25,500	13,000	17,500	971,400	1,226,331	13,626		649,780	6,248	RC	0	
27	Dec-11	18,400	19,140	21,500	62,300	39,300	19,000	15,500	16,600	790,000	1,001,740	11,130		791,080	7,607	RC	0	
28	Jan-12	14,600	19,713	24,300	81,800	23,100	14,500	13,300	18,000	713,500	922,813	10,253		674,890	6,489	RC	0	
29	Feb-12	15,100	22,331	29,600	86,200	17,600	26,200	14,200	21,400	787,200	1,019,831	11,331		797,160	7,665	RC	0	
30	Mar-12	13,200	19,602	26,100	46,400	18,300	16,000	14,200	19,100	813,300	986,202	10,958		668,600	6,429	RC	0	
31	Apr-12	15,600	20,597	18,500	23,800	16,800	15,700	16,000	20,700	856,700	1,004,397	11,160		730,000	7,019	RC	0	
32	May-12	14,000	21,393	22,400	21,800	25,000	11,000	9,000	21,300	1,151,800	1,297,693	14,419		709,050	6,818	RC	0	
33	Jun-12	12,100	20,679	18,800	19,900	41,000	10,800	14,900	18,600	981,100	1,137,879	12,643		705,790	6,786	RC	0	
34	Jul-12	14,100	25,389	19,400	23,200	13,100	6,300	17,400	19,100	873,900	1,011,889	11,243		643,200	6,185	RC	0	

Gallons Usage by Apartment Complex.xlsx - Excel																			
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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	A
1		Arista (1011)	Arista (1012)	Arista (1013)	Arista (1014)	Arista (1015)	Arista (1016)	Arista (1021)	Arista (1022)	Arista (1023)	Arista (1024)	Arista (1025)	Arista (1026)	Arista (1032)	Arista (1033)	Arista (1034)	Arista (1035)	Arista (711)	
2	Meter Type	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	
3	Meters	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
4	Apartment Units	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
50	Oct-13	8,017					3,853	4,042	1,442				3,082					4,433	
51	Nov-13	7,327					2,784	3,625	1,541				2,849					4,950	
52	Dec-13	6,474					3,190	3,423	1,405				2,382					4,007	
53	Jan-14	5,603					3,731	4,247	1,397				1,855					1,873	
54	Feb-14	7,205					2,693	2,596	1,360				3,111					4,722	
55	Mar-14	5,629					2,704		906				2,610					3,284	
56	Apr-14	6,036					2,604		1,018	430		1,162	2,631						
57	May-14	6,089					3,289	3,127	978	849	1,377	1,066	3,528						
58	Jun-14	6,733					3,261	5,573	992	1,110	2,125	939	2,313			1,577			
59	Jul-14	6,630		439	2,659		4,275	5,175	738	1,270	1,614	1,560	2,142			4,350		1,836	
60	Aug-14	161		774	3,802		5,247	4,280	713	1,149	1,946	1,883	2,851			2,208	518	4,069	
61	Sep-14	6,546		398	2,065		3,421	4,810		1,272	1,638	370	2,096		1,005	2,033	869	2,859	
62	Oct-14	7,140		638	1,698		3,905	5,464		1,024	2,312				1,898	2,419	931	4,083	
63	Nov-14	7,661		770	2,846		3,725	6,730		933	2,161				1,942	3,511	914	3,410	
64	Dec-14	7,757		741	1,913		3,941	6,302		984	1,983	1,861	669		1,947	2,926	1,102	3,761	
65	Jan-15	3,721		465	3,106		2,618	3,728		651	1,915	1,114	2,318		1,091	1,733	773	3,264	
66	Feb-15	7,468		994	2,035		581	5,352		1,131	2,200	1,571	3,204		8,496	2,659	973	4,010	
67	Mar-15	5,882		707	577	1,040	706	4,600		1,225	2,266	1,492	2,560		4,122	3,569	854	3,274	
68	Apr-15	7,523	394	690	1,721	2,120	3,369	5,389	525	564	2,625	2,550	3,498		1,950	1,612	1,044	2,475	
69	May-15	6,960	768	892	1,084	2,000	2,764	4,890	389	120	2,078	2,855	2,913	642	1,973	3,027	1,030		
70	Jun-15	6,146	1,051	845	1,927	1,540	3,302	6,051	504	1,187	1,220	617	1,766	3,115	2,659	2,548	1,170		
71	Jul-15	5,504	1,239	869	3,810	2,750	5,137	4,320	429	1,875	2,304	1,514	2,269	4,239	770	3,208	1,080	4,411	
72	Aug-15	7,122	1,047	855	3,380	3,600	4,402	5,007	550	2,034	2,164	1,448	2,381	4,247	2,108	3,211	1,221	4,799	
73	Sep-15	5,901	1,070	661	3,381	3,200	3,493	5,910	657	1,822	2,355	1,159	3,056	4,041	2,069	3,603	1,179	6,340	
74	Oct-15	5,696	1,636	587	2,851	2,900	2,763	5,705	438	1,522	2,352	1,340	2,541	3,868	1,739	2,731	995	4,645	
75	Nov-15	5,256	1,471	477		2,400	2,731	1,947	534	1,783	1,900	333	2,699	2,974	1,677	2,459	940	6,773	
76	Dec-15	4,505	1,085	417		1,850	2,313		777	1,640	1,763		2,896	2,486	1,495	2,305	792	593	
77	Count	31	9	18	16	10	30	30	23	21	20	18	30	8	16	19	17	27	
78	Gallons	197,369	9,761	12,219	38,855	23,400	92,841	136,763	21,094	24,575	40,298	24,834	78,663	25,612	36,941	51,689	16,385	110,418	
79	Average	6,367	1,085	679	2,428	2,340	3,095	4,559	917	1,170	2,015	1,380	2,622	3,202	2,309	2,720	964	4,090	
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	A	R	S	T	U	V	W	X	Y	Z	AA	AB	AC	AD	AE	AF	AG	AH	AI
1		Arista (711)	Arista (712)	Arista (713)	Arista (714)	Arista (715)	Arista (716)	Arista (721)	Arista (722)	Arista (723)	Arista (724)	Arista (725)	Arista (726)	Arista (732)	Arista (733)	Arista (734)	Arista (735)	Arista (811)	Arista (812)
2	Meter Type	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S
3	Meters	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
4	Apartment Units	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
50	Oct-13	4,433	1,001		1,298	1,336	3,339	1,049	1,352	714	809	4,855	9,010	926	1,386				3,587
51	Nov-13	4,950	814		1,299	1,187	2,895	1,379	1,231	639	765	3,683	2,282	726	58				2,922
52	Dec-13	4,007	769		639	1,197	2,897	1,195	982	505	669	3,999	905	955					2,674
53	Jan-14	1,873	1,229			1,197	3,033	1,997	1,361	618	845	4,093	1,387	691					2,706
54	Feb-14	4,722	1,123			1,113	2,422	1,411	1,551	440	833	3,586	6,720	748					1,784
55	Mar-14	3,284	814			1,164	1,303	621	1,269	658	708	2,333	4,339	521			716		
56	Apr-14		1,109		915	1,731	2,604	1,056	1,802	724	738	1,843	6,655	716			3,054	3,832	
57	May-14		976	1,390	1,401	1,055	2,226	774	1,436	863	500	1,647	5,072	687	1,088		2,677	3,217	
58	Jun-14		1,105	765	1,215	1,165	2,616	2,343	726	1,297	594	3,583	5,156	620	1,523		2,902	3,858	
59	Jul-14	1,836	666	983	1,582	940	2,745	2,892	534	847	763	4,181	3,254	736	1,521	4,754	2,962	4,030	
60	Aug-14	4,069	852	917	1,282	1,498	3,657	2,157	460	526	638	3,066	5,352	599	1,593	2,816	2,248	3,603	
61	Sep-14	2,859	665	671	1,116	1,183	1,273	1,340	965	845	461		4,842	610	1,395	2,755	2,316	3,170	
62	Oct-14	4,083	704	127	1,383	1,077	3,399			725	452	320	4,887	560	1,824	2,518	2,094	3,506	
63	Nov-14	3,410	792	2,028	1,229	1,151	4,420			671	512	1,336	5,377	460	1,353	2,765	1,814	3,930	
64	Dec-14	3,761	1,257	2,572	1,101	1,636	7,089			618	429	1,381	4,288	363	1,289	2,891	2,005	3,505	
65	Jan-15	3,264	359	1,381	1,224	890	5,120			322	346	1,050	2,822	356	826	1,901	1,693	2,509	
66	Feb-15	4,010		1,769	1,380	1,107	7,262	271		919	618	1,214	5,324	443	739	2,721	2,329	3,607	
67	Mar-15	3,274	1,261	2,641	1,176	1,122	6,281	2,491	546		476	1,074	3,968	443	749	3,098	1,039	4,601	
68	Apr-15	2,475	3,215	1,254	1,159	1,154	7,114	2,612	761	1,155	651	1,122	1,708	368	1,215	2,730	499	4,111	
69	May-15		2,513	224	1,104	1,032	6,321	1,977	622	2,762	540	1,123	1,882	605	480	2,232	2,514	2,207	
70	Jun-15		2,510	1,392	1,479	992	6,785	2,229	551	3,768	491		2,038	577	485	2,367	1,289		
71	Jul-15	4,411	2,259	1,066	1,991	1,145	4,756	5,790	630	3,769	647	956	2,246	492	3,236	960	1,249		
72	Aug-15	4,799	124	1,619	1,744	1,394	3,978	5,526	239	2,859	311	2,272	2,132	434	4,174	1,519	1,043	2,865	
73	Sep-15	6,340		1,789	1,214	1,415	4,600	4,902	329		826	1,928	2,036	483	2,869	1,297	1,646	1,913	
74	Oct-15	4,645	3,100	2,390	1,268	1,360	3,781	5,712	1,853	772	648	1,777	2,027	300		849	291	5,340	
75	Nov-15	6,773	2,026		834	1,110		5,174	1,510	413	612	1,814	2,143	452	1,720	948	51	2,987	
76	Dec-15	593	1,928	1,369	644	898	4,077	778	1,361	561	395	1,561	2,642	318	1,138	934	1,981	1,065	
77	Count	27	28	27	28	30	27	33	25	27	32	30	36	34	28	18	22	32	
78	Gallons	110,418	35,968	38,320	35,165	35,835	107,642	73,958	25,681	29,326	19,836	77,651	147,735	20,607	42,739	40,055	38,412	96,985	
79	Average	4,090	1,285	1,419	1,256	1,195	3,987	2,241	1,027	1,086	620	2,588	4,104	606	1,526	2,225	1,746	3,031	
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	A	AH	AI	AJ	AK	AL	AM	AN	AO	AP	AQ	AR	AS	AT	AU	AV	AW	AX
1		Arista (811)	Arista (8110)	Arista (8111)	Arista (8112)	Arista (812)	Arista (813)	Arista (814)	Arista (815)	Arista (816)	Arista (817)	Arista (818)	Arista (819)	Arista (821)	Arista (8210)	Arista (8211)	Arista (8212)	Arista (822)
2	Meter Type	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S
3	Meters	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
4	Apartment Units	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
50	Oct-13	3,587		1,295	1,269		622	1,094		356			2,109	3,968	4,357			1,626
51	Nov-13	2,922		1,006	833		421	884					1,857	3,856	3,475		1,432	1,639
52	Dec-13	2,674		851			435	852					2,062	3,065			1,274	
53	Jan-14	2,706		999			597	1,356					1,961	2,932			980	486
54	Feb-14	1,784		1,210			580	1,266					2,151	3,561			1,464	652
55	Mar-14			1,168	907		261	246					930	3,270			2,215	906
56	Apr-14	3,832	4,157	1,144	3,094	911	210	31		414				3,708			2,159	616
57	May-14	3,217	2,974	1,069	2,641	1,089		23		1,422				3,387			1,928	
58	Jun-14	3,858	2,616	1,827	2,740	763	693	32		1,404			709	4,403			1,977	
59	Jul-14	4,030	2,373	1,425	2,691	1,167	1,939	1,423		1,692	1,029		3,722	3,703			2,167	
60	Aug-14	3,603	3,080	1,513	2,725	1,063	2,631	1,841		1,469	895		3,041	2,979			2,115	
61	Sep-14	3,170	1,985	924	2,329	1,065	2,075	1,623	570	1,335	847		3,134	3,411			2,138	
62	Oct-14	3,506	1,534	1,122	2,867	1,479	2,459	1,692	2,294	1,491	833		3,158	4,106			2,175	
63	Nov-14	3,930	1,341	1,237	3,028	1,132	2,134	1,657	2,912	1,047	834		3,236	2,984			1,698	
64	Dec-14	3,505	2,150	1,207	3,354	2,134	2,373	1,856	3,163	1,155			3,450	3,952			2,439	
65	Jan-15	2,509	2,102	773	1,935	1,636	1,812	1,185	1,186	987			2,150	2,383			1,697	
66	Feb-15	3,607	2,023	1,096	2,695	3,019	2,347	1,866	3,201	1,454			3,910	3,740			1,989	
67	Mar-15	4,601	2,081	1,062	2,588	2,928	1,810	1,326	2,768	1,312			2,607	3,285			1,811	
68	Apr-15	4,111	3,032	1,409	2,869	191	2,161	1,681	2,846	962			2,964	2,695			1,610	
69	May-15	2,207	2,146	1,125	2,310	48	1,885	1,600	2,872	860	2,611	495	3,029	3,422		1,265	1,837	
70	Jun-15		1,738		988	1,136	1,286	1,473	2,792	1,239	3,580	1,184	2,768	3,201		3,918	344	
71	Jul-15		1,964	410		925	2,400	1,634	3,668	936	4,493	1,038	3,645	3,793		4,276	1,021	
72	Aug-15	2,865	2,078	3,205		1,290	2,222	1,876	4,399	1,302	7,140	1,249	4,017	4,285	2,804	4,224	392	
73	Sep-15	1,913	1,326	2,150		1,282	1,846	1,863	2,644	1,272	8,436	124	382	3,760	3,928	3,999	1,106	
74	Oct-15	5,340	1,185	2,064		1,099		740	2,860	1,259	4,891		3,870	3,497	4,010	3,545	2,038	
75	Nov-15	2,987	1,570	1,807		64	556	893	2,153	1,425	8,781	519	2,907	2,722	3,782	3,395	1,676	
76	Dec-15	1,065	1,434	1,872		449	445	720	2,223	960	4,497	744	2,731	2,174	3,555	2,931	1,263	2,355
77	Count	32	21	31	20	21	27	31	16	28	13	7	30	28	11	8	26	12
78	Gallons	96,985	44,889	43,090	43,393	24,870	37,443	36,988	42,551	34,456	48,867	5,353	75,648	93,780	38,763	27,553	42,945	13,638
79	Average	3,031	2,138	1,390	2,170	1,184	1,387	1,193	2,659	1,231	3,759	765	2,522	3,349	3,524	3,444	1,652	1,137
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	A	AX	AY	AZ	BA	BB	BC	BD	BE	BF	BG	BH	BI	BJ	BK	BL	BM	BN
1		Arista (822)	Arista (823)	Arista (824)	Arista (825)	Arista (826)	Arista (827)	Arista (828)	Arista (829)	Arista (835)	Arista (836)	Arista (837)	Arista (838)	Arista (911)	Arista (9110)	Arista (9111)	Arista (9112)	Arista (912)
2	Meter Type	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S
3	Meters	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
4	Apartment Units	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
50	Oct-13	1,626					4,984			1,360								
51	Nov-13	1,639					4,309											
52	Dec-13						4,877											
53	Jan-14	486					5,416											
54	Feb-14	652				5,252	407											
55	Mar-14	906				3,296	670											
56	Apr-14	616				3,338	942											
57	May-14					3,820	679				47				503	188		1,584
58	Jun-14					3,512	874				895				1,304	836		3,524
59	Jul-14					3,527	1,245				662			4,950	1,435	465		4,037
60	Aug-14				974	2,643	1,045				747	327	1,188	3,071	1,411	908		7,046
61	Sep-14				1,266	2,849	1,323				212	469	2,392	3,776	1,319	925		6,799
62	Oct-14				1,489	2,448	863	4,354		1,616	142	712	4,243	3,095	1,611	1,488		4,834
63	Nov-14				690	2,174	1,095	2,887		1,572	91	1,190	2,459	2,691	1,756	679	900	2,563
64	Dec-14				726	318	861	3,273		1,862	2,609	833	2,280	3,707	724		2,200	5,100
65	Jan-15				404		373	2,718		1,023	2,341	602	2,229	3,605	405		1,000	2,186
66	Feb-15				410		853	3,891		1,885	3,419	957	3,510	3,783	1,369		1,700	
67	Mar-15				536		782	3,533		1,664	2,724	711	2,098	3,002			1,400	
68	Apr-15		1,563		694		644	3,758		1,433	3,415	737	2,551	3,731			2,100	
69	May-15		1,037		485	1,792	780	3,036		1,940	2,043	1,078	1,278	2,886			2,150	
70	Jun-15		349		441	3,155	806	3,199		1,949			1,638				750	
71	Jul-15				842	3,466	953	3,055		1,968	759	3,376	2,021				2,700	
72	Aug-15				734	2,920	1,301	3,289		2,686	770	484	2,166			693	2,750	
73	Sep-15			4,159	515	2,892	991	3,929		1,634	1,031		1,928	661	1,493	2,194	2,750	3,974
74	Oct-15			3,112	637	2,805	688			2,087	410	1,248	1,544	1,458	2,011	2,232	2,200	5,151
75	Nov-15			2,405	394	2,309	469			1,931	336	2,231	2,521	1,198	2,024	1,836	1,800	1,651
76	Dec-15	2,355		3,314	354	2,500	808		5,607	1,639	384	1,798	2,300	723	1,247	1,775	1,050	2,372
77	Count	12	3	4	17	22	29	12	1	19	24	16	17	15	14	12	14	13
78	Gallons	13,638	2,949	12,990	11,591	56,594	48,748	40,922	5,607	33,385	25,539	17,822	38,346	42,337	18,612	14,219	25,450	50,821
79	Average	1,137	983	3,248	682	2,572	1,681	3,410	5,607	1,757	1,064	1,114	2,256	2,822	1,329	1,185	1,818	3,909
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	A	BN	BO	BP	BQ	BR	BS	BT	BU	BV	BW	BX	BY	BZ	CA	CB	CC	CD
1		Arista (912)	Arista (913)	Arista (914)	Arista (915)	Arista (916)	Arista (917)	Arista (918)	Arista (919)	Arista (921)	Arista (9210)	Arista (9211)	Arista (9212)	Arista (922)	Arista (923)	Arista (924)	Arista (925)	Arista (926)
2	Meter Type	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S
3	Meters	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
4	Apartment Units	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
50	Oct-13													4,182				
51	Nov-13													3,265				
52	Dec-13													3,451				
53	Jan-14													4,042				
54	Feb-14													4,267				
55	Mar-14													4,093				
56	Apr-14													4,295				
57	May-14	1,584	2,105			950								3,973				396
58	Jun-14	3,524	1,755	881		2,147								4,547				763
59	Jul-14	4,037	1,359	1,162	479	2,475	1,154							3,039			953	1,291
60	Aug-14	7,046	1,679	994	1,434	2,241	2,190	1,351						4,554			1,849	1,292
61	Sep-14	6,799	1,921	935	1,310	2,262	1,859	998						4,522			1,986	657
62	Oct-14	4,834	1,869	1,090	1,382	2,097	1,628	1,062						4,285			2,462	1,015
63	Nov-14	2,563	1,888	907	1,592	1,999	2,207	1,043						3,520			2,013	
64	Dec-14	5,100	1,928	914	1,473	2,154	2,608	906						2,619			2,619	1,031
65	Jan-15	2,186	1,236	479	1,285	1,560	1,461	876						3,232		1,479	1,972	1,812
66	Feb-15		875	786	1,140	2,175	2,286	1,076	5,821					4,687		3,180	2,642	889
67	Mar-15			625	1,416	2,569	1,899	992	4,269					5,102		3,219	1,981	702
68	Apr-15			929	1,554		2,583	1,098	5,502					4,325		3,055	575	
69	May-15		718	797	1,241	2,838	2,243	1,449	1,958					4,679		3,052	311	1,303
70	Jun-15		945	703	1,153	2,709	927	649	803					5,424	1,740	2,607		1,629
71	Jul-15		904	1,101	1,219	3,704	2,526	905						5,406	1,820	2,374		1,629
72	Aug-15		608	941	1,569	3,240	2,265	916	937		1,872			6,543	1,604	3,706	4,300	2,330
73	Sep-15	3,974	451	847	1,468	2,845	2,295	802	2,070	3,483	2,275			6,192	1,247	3,783	2,132	1,788
74	Oct-15	5,151	675	812	926	1,995	2,169	718	1,842	2,337	2,213	1,216		2,109	2,198	2,591	3,422	1,237
75	Nov-15	1,651	167	659	1,288	1,917	2,181	315	1,496	2,246	2,369	3,818		8,694	1,879	2,733	1,871	845
76	Dec-15	2,372	1,220	600	967	2,439	1,354	2,240	1,253	924	2,616	3,405		4,616	1,466	2,544	1,638	1,399
77	Count	13	18	19	18	19	18	17	10	4	5	3		28	7	12	16	18
78	Gallons	50,821	22,303	16,162	22,896	44,316	35,835	17,396	25,951	8,990	11,345	8,439		124,620	11,954	34,323	32,726	22,008
79	Average	3,909	1,239	851	1,272	2,332	1,991	1,023	2,595	2,248	2,269	2,813		4,451	1,708	2,860	2,045	1,223
80																		
81																		

Gallons Usage by Apartment Complex.xlsx - Excel																		
FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW DEVELOPER ACROBAT																		
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	A	BY	BZ	CA	CB	CC	CD	CE	CF	CG	CH	CI	CJ	CK	CL	CM	CN	CO
1		Arista (9212)	Arista (922)	Arista (923)	Arista (924)	Arista (925)	Arista (926)	Arista (927)	Arista (928)	Arista (929)	Arista (935)	Arista (936)	Arista (937)	Arista (938)	Meter Readings	Total Gallons		
2	Meter Type	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S	5/8" S				
3	Meters	1	1	1	1	1	1	1	1	1	1	1	1	1	88			
4	Apartment Units	1	1	1	1	1	1	1	1	1	1	1	1	1	88			
50	Oct-13		4,182												31	82,753	2,669	
51	Nov-13		3,265												30	65,933	2,198	
52	Dec-13		3,451												26	55,134	2,121	
53	Jan-14		4,042												26	56,632	2,178	
54	Feb-14		4,267												27	64,228	2,379	
55	Mar-14		4,093												27	47,541	1,761	
56	Apr-14		4,295												32	65,679	2,052	
57	May-14		3,973				396		2,494		1,046	1,824			44	79,454	1,806	
58	Jun-14		4,547				763		2,763		1,204	1,538			48	97,798	2,037	
59	Jul-14		3,039			953	1,291	835	1,437		1,441	1,953			58	123,308	2,126	
60	Aug-14		4,554			1,849	1,292	1,712	1,740		1,003	1,383		568	64	127,567	1,993	
61	Sep-14		4,522			1,986	657	2,113	1,230		897	1,063		1,077	64	118,585	1,853	
62	Oct-14		4,285			2,462	1,015	2,366	1,221		1,136	2,458	327	863	64	132,454	2,070	
63	Nov-14		3,520			2,013		3,716	1,120		1,244	2,109	211	861	64	130,858	2,045	
64	Dec-14		2,619			2,619	1,031	2,116	1,784		1,313	2,148	158	1,091	65	142,899	2,198	
65	Jan-15		3,232		1,479	1,972	1,812	1,473	1,344			1,121	175	538	64	102,071	1,595	
66	Feb-15		4,687		3,180	2,642	889	2,821	1,910			2,181	20	1,112	64	153,095	2,392	
67	Mar-15		5,102		3,219	1,981	702	864	2,498			803		868	63	131,675	2,090	
68	Apr-15		4,325		3,055	575		1,267	713		768	1,917	413	1,001	67	137,623	2,054	
69	May-15		4,679		3,052	311	1,303	1,101	1,466		2,305	1,255	275	1,022	74	134,546	1,818	
70	Jun-15		5,424	1,740	2,607		1,629	1,928	1,403		1,998	232	181	1,038	68	126,604	1,862	
71	Jul-15		5,406	1,820	2,374		1,629	1,224	1,249		2,509	603	414	716	70	154,566	2,208	
72	Aug-15		6,543	1,604	3,706	4,300	2,330	1,659	1,498		3,459	1,177	860	1,430	76	180,999	2,382	
73	Sep-15		6,192	1,247	3,783	2,132	1,788	983	1,475		2,809	1,437	1,430	1,286	78	180,511	2,314	
74	Oct-15		2,109	2,198	2,591	3,422	1,237		1,736		2,622	1,322	1,559	1,082	77	167,199	2,171	
75	Nov-15		8,694	1,879	2,733	1,871	845	1,049	1,277		2,435	1,134	1,332	778	78	151,986	1,949	
76	Dec-15		4,616	1,466	2,544	1,638	1,399	2,428	1,517		1,630	768	1,233	498	80	137,546	1,719	
77	Count		28	7	12	16	18	17	20		17	20	14	17	1,679	3,491,247	2,079	
78	Gallons		124,620	11,954	34,323	32,726	22,008	29,655	31,875		29,819	28,426	8,588	15,829				
79	Average		4,451	1,708	2,860	2,045	1,223	1,744	1,594		1,754	1,421	613	931				
80																		
81																		
Meter Readings Arista Individual Meters Arista Master Meters Arista and Forest Point ...																		
READY																		

Summary and Recommendation

- Water usage has been reviewed of all apartment complexes in the city
- Usage varies by unit, by complex, and by month
- Very difficult to determine any reliable standard of use by unit by month
- Meters are generally reliable and accurate
- Some evidence that a meter failure resulted in under-metering water usage
- Recommend the city council adopt the proposed resolution



2605 Kennedy Lane Texarkana, TX 75503
Phone 903.838.9808 Fax 903.832.4939

January 26, 2016

Dr. Brian Matthews and Mayor Bruggeman
Via emails

Dear Dr. Matthews and Mayor Bruggeman,

KTFS radio sure has a following. Much like the broadcast a couple weeks ago, the community is contacting me with their remarks.

A couple of thoughts I'd like to share with you prior to my final remarks scheduled for February 8, 2016.

In 2009, we met with TWU about overbilling. They told us we must have a leak. They also told us that it was our problem, not theirs, and at no time did they offer to come on the property to help us with this problem. They did, however, tell us how to conduct the test by shutting off the water to all units while posting someone at the meter on the street. Buildings were then turned on one-by-one to see if any water registered. (Residents were not allowed to run water during this lengthy, all-consuming procedure).

Prior to conducting this test, we paid \$5,932.18 to Cook's Plumbing to install shut-off valves at every building.

The test was conducted and no evidence of water leaks was found. The lines have also been inspected with cameras, with no notification of leaks.

On January 6, 2015, the TWU's technician had our meter out on the ground, and when asked what he was doing, told our representative that he was replacing the meter.

When we met with TWU in March 2015, TWU denied the meter was changed. Bill King called his tech in from the field and told him he was only cleaning it, not changing it. The tech agreed (in front of his boss).

Based on untrue remarks made by Mr. Whitson to the press about Forest Point Apartment Homes, and our personal experience of TWU employees changing their stories, at this point in time, I no longer have faith in TWU to inspect my lines without prejudice.

In an effort to come to an unbiased opinion, I'm willing to put a meter, at our cost, inside my fence line on our 4" water line (I already have the permit). This meter would be independent of our sub-meters, but the sub-meters should sure add up to the readings on this meter.

While I can make the installation happen by next week, it will not have a month's billing cycle in for reconciliation by February 8, 2016. Can the final remarks date be extended until a full cycle has been completed?

I'd like to know your thoughts.

Thank you,

Claire

p.s. Interesting comment from someone after this morning's broadcast "if there was \$30,000 worth of water leaking since December 2014, this place would be deep underwater."

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

Version: E

Update Date: 1/26/2016 8:03 AM

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: 2/22/2016 **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:**

The public hearing for this item was held at the City Council meeting on January 25, 2016. No one had any comments on this item during the public hearing.

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:

City of Texarkana, Texas

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2016-001 ORD Rescinding Ordinance No. 188-08 (DOC)
- b. 2016-001 ORD ATTH 01 Copy of Ordinance No. 188-08 (PDF)
- c. 2016-001 ORD ATTH 02 Texas Local Government Code Chapter 2254 Professional Services (PDF)
- d. 2016-001 ORD Goals & Perspectives (DOCX)
- e. 2016-001 ORD Rescinding Ord. 188-08 External Professional Service Provider List signed (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	Jennifer Evans	Meeting Completed 01/11/2016
6:00 PM		

Meeting History

01/11/16	City Council	MOVED FORWARD	Next: 01/25/16
01/25/16	City Council	MOVED FORWARD	Next: 02/08/16
02/08/16	City Council	MOVED FORWARD	Next: 02/22/16

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.

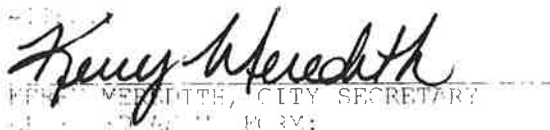
SECTION 3: That the City Council hereby approves the appointment of the above-mentioned firms as external providers for the City of Texarkana, Texas, on an as needed basis.

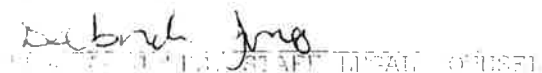
SECTION 4: That the City Council hereby approves the appointment of the above-mentioned firms as external providers for the City of Texarkana, Texas, on an as needed basis.

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 J. MAYO, 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

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:

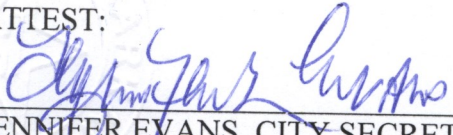
SECTION 1: That the City Council rescinds Ordinance No. 188-08, which established a list of external professional engineering and surveying service providers.

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.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:12 p.m.

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 2/9/2016 3:12 PM

Lead Department: Public Works Department **Action Officer:** Kyle Dooley
Ordinance No. 2016-020 amending the budget estimates of the expenditures in the 2003 and 2005 Bond Funds for the fiscal year ending September 30, 2016 to include funding to complete Shilling Road and Bringle Ridge Drive reconstruction project.

Subject: reconstruction project.

Briefing: 3/14/2016 **Public Hearing:** 3/14/2016 **Second Briefing:** March 28, 2016 **Council Vote:** 4/11/2016

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

In the 2014 Street Inventory list, the remaining portion of pavement for Shilling Lane rated highest in the area in need of street reconstruction. Bringle Ridge Drive rated high in need of repair also in the 2014 Street Inventory list. Since that list was compiled, other street construction projects have been completed in this area. Heavy loads were routed through Shilling Road and Bringle Ridge Drive during these construction projects. These loads damaged the Shilling and Bringle Ridge pavements even further.

Staff is planning on repairing the subgrade on Shilling Road and Bringle Ridge Drive this summer using the Asphalt Zipper and adding cement, similar to the process we have followed on College Drive. We then plan to put in a two inch asphalt surface over the repaired subgrade. Our cost estimate for this project is approximately \$353,300. The plan is contingent on being able to use unallocated bond funds to help pay for the materials needed to construct this project. There is \$80,604.77 that is available currently in the bond funds to be spent towards this project. Also, there are available unallocated funds in the 2003 Bond Funds of \$182,210.92 and available unallocated funds in the 2005 Bond Funds of \$94,285.35, which if approved, could be used to help fund this project. Should Council approve this budget amendment, which would allow the expenditure of the currently unallocated funds in the 2003 and 2005 Bond Funds, this project would be scheduled to be completed by the end of this summer construction season.

Potential Options:

- Approve the budget amendment
- Do not approve the budget amendment

Fiscal Implications:

2003 Bond Fund – additional allocation of \$182,210.92
 2005 Bond Fund – additional allocation of \$94,285.35

City of Texarkana, Texas

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2016-020 ORD FY16 Budget Amendment for 2003 and 2005 Bond Funds (DOC)
- b. 2016-020 Goals & Perspectives (DOCX)
- c. 2016-020 ATTH 01 Project Map (PDF)

Staff Coordination

Public Works Department	Kyle Dooley	Department Head Review
Completed	02/10/2016 1:58 PM	
Finance Department	Charlie Bassett	Review
2:12 PM		Completed 02/12/2016
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	02/12/2016 3:51 PM
Public Information Officer	Lisa Thompson	PIO Review
02/12/2016 3:53 PM		Completed
City Manager	John Whitson	City Manager Review
8:33 AM		Completed 02/15/2016
City Council	Jennifer Evans	Meeting
6:00 PM		Completed 02/22/2016

Meeting History

ORDINANCE NO. 2016-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE BUDGET ESTIMATES OF THE EXPENDITURES IN THE 2003 AND 2005 BOND FUNDS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2016 TO INCLUDE FUNDING TO COMPLETE SHILLING ROAD AND BRINGLE RIDGE DRIVE RECONSTRUCTION PROJECT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Council approved Ordinance 2015-079, which was the FY16 annual budget and included the approved expenditures for the 2003 and 2005 Bond Funds; and

WHEREAS, project expenditures were estimated at THREE HUNDRED FIFTY-THREE THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$353,300.00) for the Shilling Road and Bringle Ridge Drive Reconstruction Project; and

WHEREAS, if approved, TWO HUNDRED SEVENTY-SIX THOUSAND FOUR HUNDRED NINETY-SIX AND 27/100 DOLLARS (\$276,496.27) could be covered by unallocated funds available in the 2003 and 2005 Bond Funds.

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

SECTION 1: That appropriations from the unallocated funds in the 2003 Bond Fund, a total amount of ONE HUNDRED EIGHTY-TWO THOUSAND TWO HUNDRED TEN AND 92/100 DOLLARS (\$182,210.92) in FY16, being allocated to the overall expenditure line item total for Shilling Road and Bringle Ridge Drive Reconstruction Project, is hereby amended and approved.

SECTION 2: That appropriations from the unallocated funds in the 2005 Bond Fund, a total amount of NINETY-FOUR THOUSAND TWO HUNDRED EIGHTY-FIVE AND 35/100 DOLLARS (\$94,285.35) in FY16, being allocated to the overall expenditure line item total for Shilling Road and Bringle Ridge Drive Reconstruction Project, is hereby amended and approved.

SECTION 3: That a copy of said amended final adopted budget shall be placed on the City's website.

SECTION 5: 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 6: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment on the City's website.

PASSED AND APPROVED in Regular Council Session on this the **11th day of April, 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:

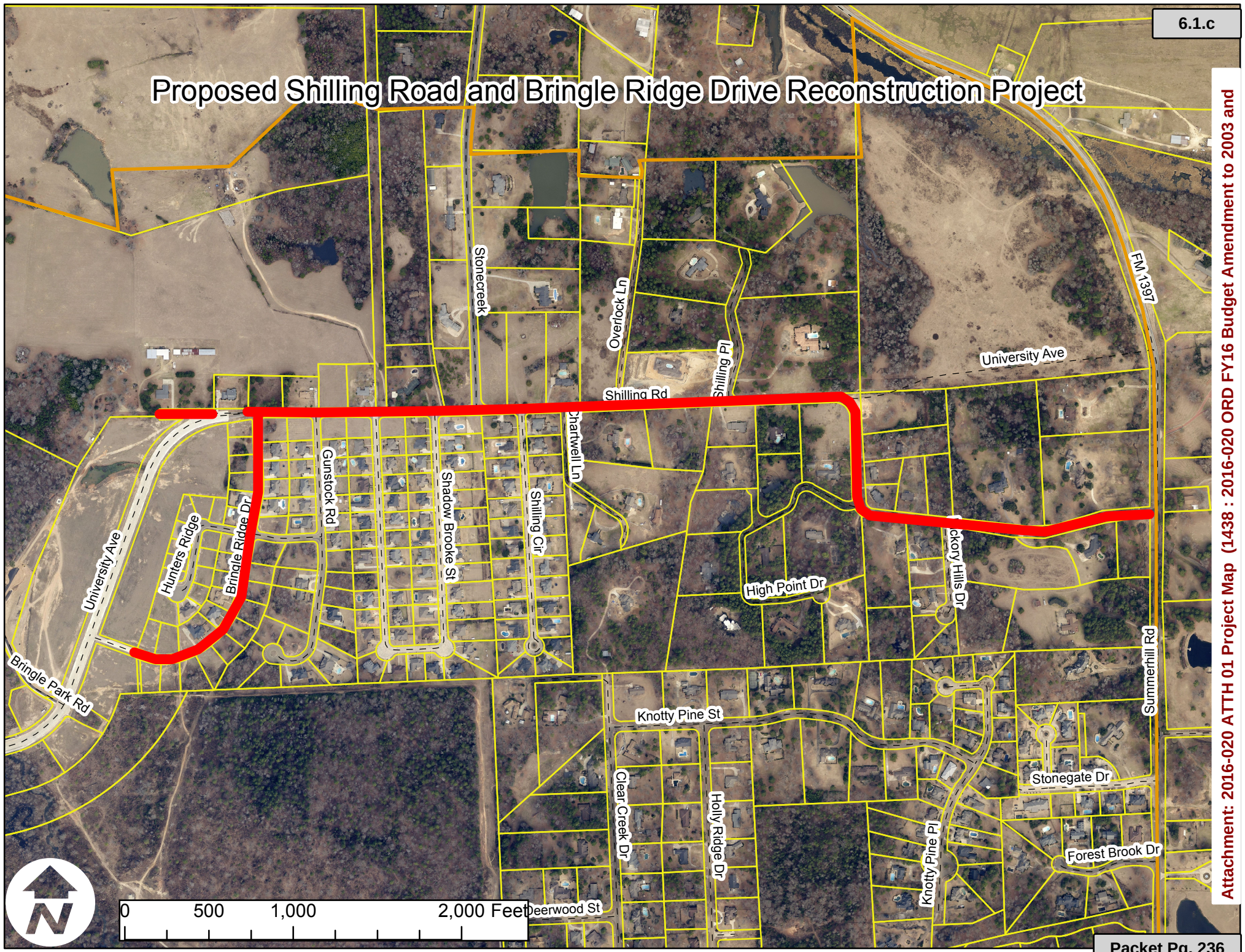
None Applicable

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:

Proposed Shilling Road and Bringle Ridge Drive Reconstruction Project



Attachment: 2016-020 ATTH 01 Project Map (1438 : 2016-020 ORD FY16 Budget Amendment to 2003 and

City of Texarkana, Texas

Version: B

Update Date: 2/23/2016 11:10 AM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk
Ordinance No. 2016-021 granting a Specific Use Permit to allow a 100' monopole cellular telecommunications tower and maintenance platform on a 0.0980 acre tract of leased space being a part of a 5.65 acre tract of land in the George Brinlee HRS, A-18, located at 910 Franklin Street. Walnut Church of Christ, owner. Hart Mason, J. Mark Hodges, Inc., agent.

Subject: Christ, owner. Hart Mason, J. Mark Hodges, Inc., agent.

Briefing: 3/28/2016 **Public Hearing:** 3/14/2016 **Second Briefing:** March 28, 2016 **Council Vote:** 4/11/2016

Item Schedule

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

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

S-666: This is a request by Walnut Church of Christ, property owner, and Hart Mason with J. Mark Hodges, Inc., agent, requesting a Specific Use Permit to allow the location of a Verizon Wireless new build 100' monopole cellular telecommunications tower and maintenance platform on a 0.0980 acre tract of leased space being a part of a 5.65 acre tract of land in the George Brinlee HRS, A-18, located at 910 Franklin Street. This property is located on a wooded tract of land at the dead end of Franklin Street.

The adjacent zoning is Single Family-2 to the north, south, east and west. The adjacent land use is residences to the west and south and vacant land to the north and east.

Verizon Wireless has indicated in a "statement of need" letter to the City that "existing towers do not provide adequate coverage to the immediate vicinity of this proposed site". The letter further states that "this site is needed to provide fill in coverage to the area surrounding it. There are no other towers in the surrounding area that can provide the required coverage".

The proposed cellular tower will be a collapsible monopole type construction, 100 feet in height. Verizon Wireless has leased a 50' x 50' tract of land along with gravel driveway access (from Franklin Street) to the proposed tower. Trees will be removed within the leased area. The plan is to install an outdoor steel platform on a concrete pad that will hold equipment. A chain link fence with gate will secure the tower and equipment.

At the present time, Verizon is the only carrier for the tower. Based on correspondence from Verizon, the tower is structurally capable of supporting additional carriers.

There appears to be three homes that are within 100-125 feet of the proposed tower site.

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

City of Texarkana, Texas

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Due to this being a relatively isolated site, staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval of this request with the following stipulation:

- That if the cellular telecommunications tower and platform is not constructed within a three (3) year period from the date of this Ordinance, the Specific Use Permit will be revoked.

Advisory Board/Committee Meeting Date and Minutes:

February 1, 2016

Attachments

- a. 2016-021 ORD requesting SUP for cell tower (PDF)
- b. 2016-021 ATTH 01 zoning and aerial maps (PDF)
- c. 2016-021 ATTH 02 maps showing ground site (PDF)
- d. 2015-021 ATTH 03 Statement of need from Verizon (PDF)
- e. 2016-021 ATTH 04 letter from tower manufacturer (PDF)
- f. 2016-021 ATTH 05 map showing both tower locations (PDF)
- g. 2016-021 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	02/08/2016 3:47 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	02/08/2016 4:02 PM
Public Information Officer	Lisa Thompson	PIO Review
	02/08/2016 4:29 PM	Completed
City Manager	John Whitson	City Manager Review
8:29 AM		Completed
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		02/22/2016

City of Texarkana, Texas

Meeting History

ORDINANCE NO. 2016-021

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-666 TO ALLOW THE LOCATION OF A 100' MONOPOLE CELLULAR TELECOMMUNICATIONS TOWER AND MAINTENANCE PLATFORM ON A 0.0980 ACRE TRACT OF LEASED SPACE BEING A PART OF A 5.65 ACRE TRACT OF LAND IN THE GEORGE BRINLEE HRS-18, LOCATED AT 910 FRANKLIN 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 so as to grant a **Specific Use Permit** to allow **the location of a 100' monopole cellular telecommunications tower and maintenance platform (Exhibit 'A')** on a 0.0980 acre tract of leased space being a part of a 5.65 acre tract of land in the George Brinlee HRS, A-18 (**Exhibit 'B'**), located at 910 Franklin 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 **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a 100' monopole cellular telecommunications tower and maintenance platform (Exhibit 'A')** 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 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 **Specific Use Permit numbered S-666 for the purpose of allowing the location of a 100' monopole cellular telecommunications tower with maintenance platform (Exhibit 'A') on a 0.0980 acre tract of leased space being a part of a 5.65 acre tract of land in the George Brinlee HRS, A-18 (Exhibit 'B'), located at 910 Franklin Street in the City of Texarkana, Bowie County, Texas.**

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

- That if the cellular telecommunications tower and platform is not constructed within a three (3) year period from the date of this Ordinance, the Specific Use Permit will be revoked.

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 **11th day of April, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT 'A'

A 100' MONOPOLE CELLULAR TELECOMMUNICATIONS TOWER AND MAINTENANCE PLATFORM FOR VERIZON WIRELESS, INC., LOCATED AT 910 FRANKLIN STREET.

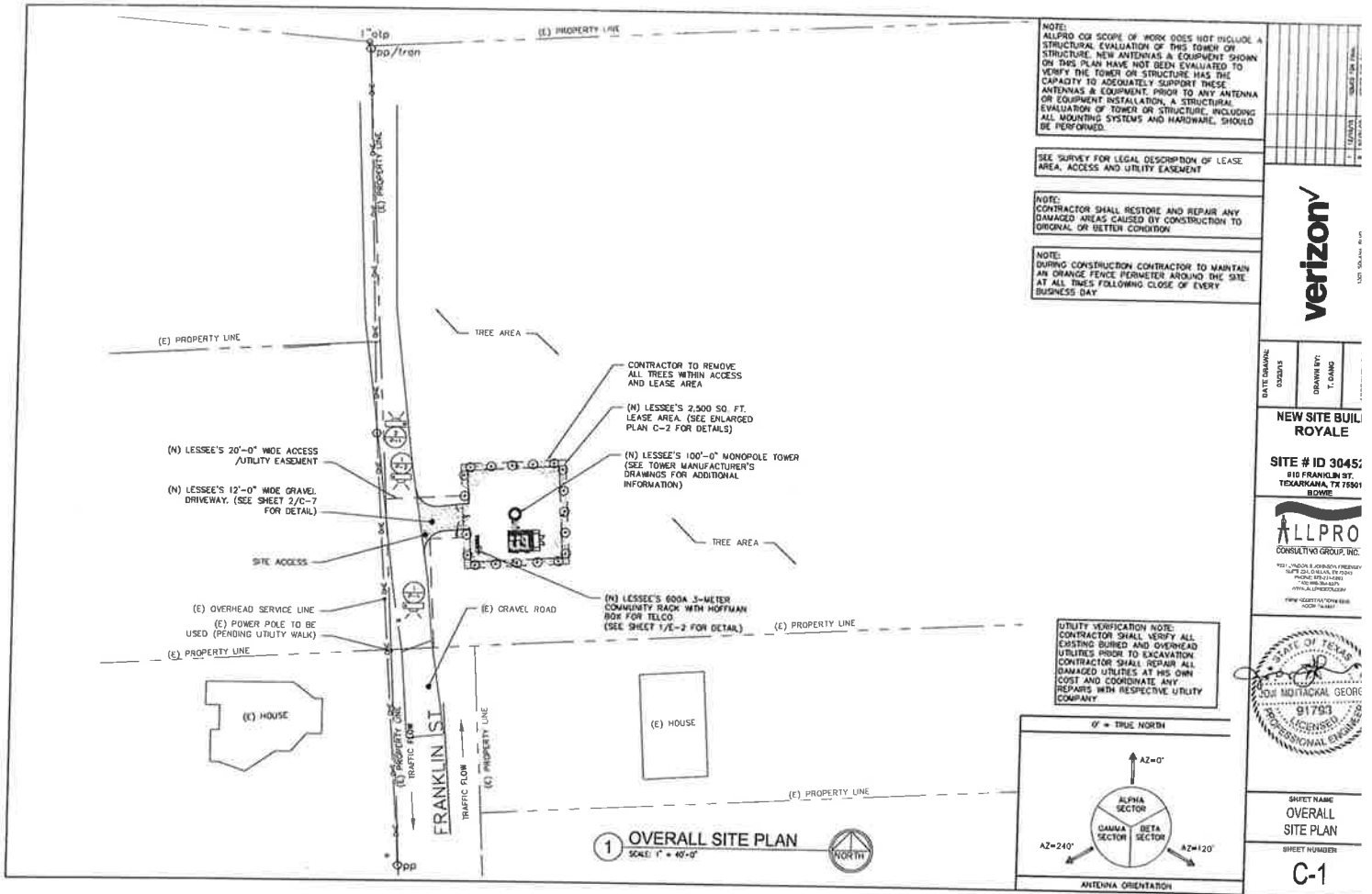


EXHIBIT 'B'**LESSEE'S LAND SPACE**

BEING a tract of land situated in the George Brinlee Headright Survey, Abstract No. 18, Texarkana, Bowie County, Texas, also being out of and a portion of that certain tract of land conveyed to Walnut Street Church of Christ, as recorded in Volume 1636, Page 10 of the Deed Records of Bowie County, Texas, and being more particularly described as follows:

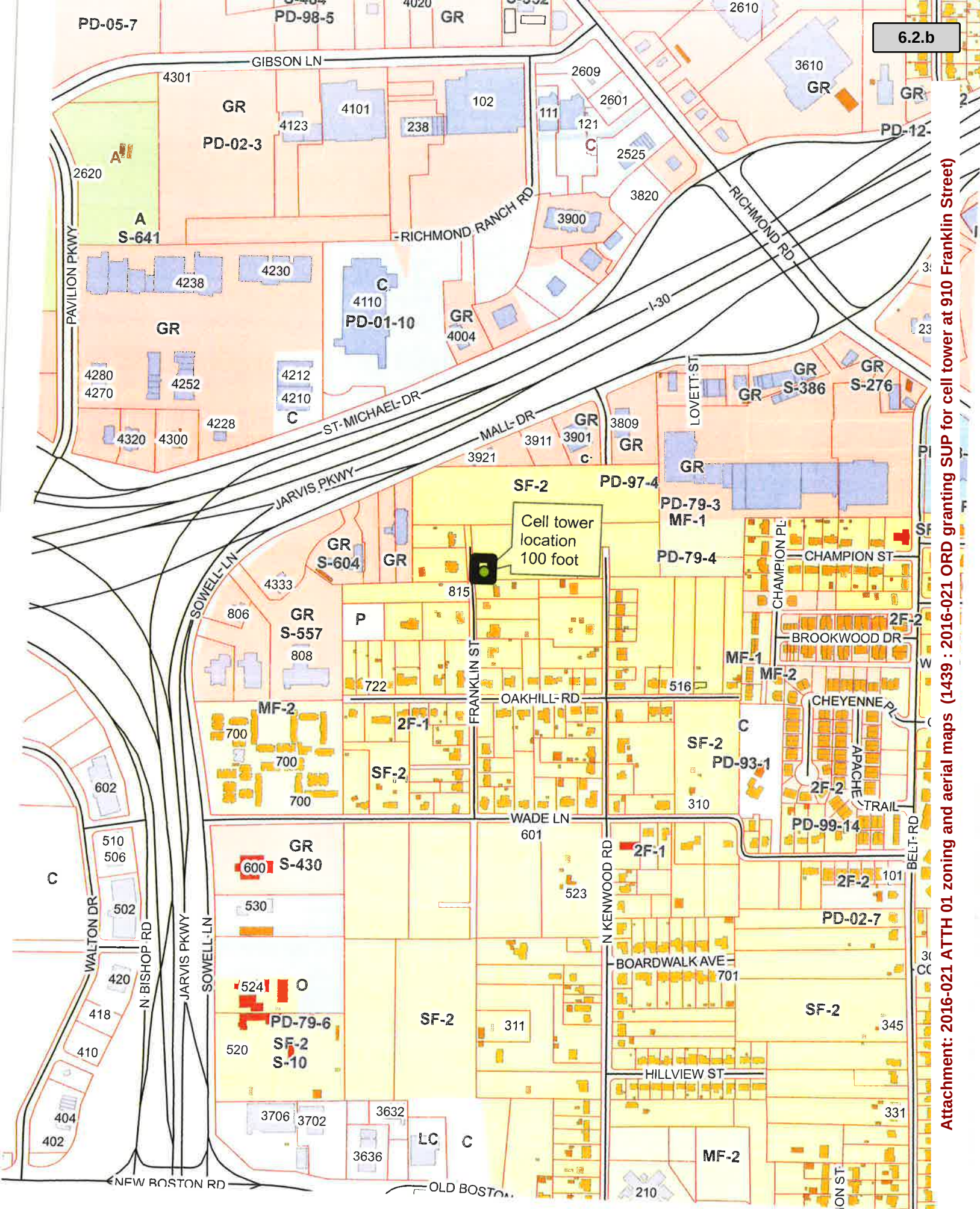
COMMENCING at a 1 inch open top pipe found for the southwest corner of said Church tract and the north right-of-way line of said Franklin Street;
 THENCE North 03 degrees 17 minutes 15 seconds West, a distance of 72.16 feet to a Point;
 THENCE North 86 degrees 42 minutes 45 seconds East, a distance of 36.15 feet to a Point;
 THENCE North 03 degrees 17 minutes 15 seconds West, a distance of 15.00 feet to the POINT OF BEGINNING hereof;

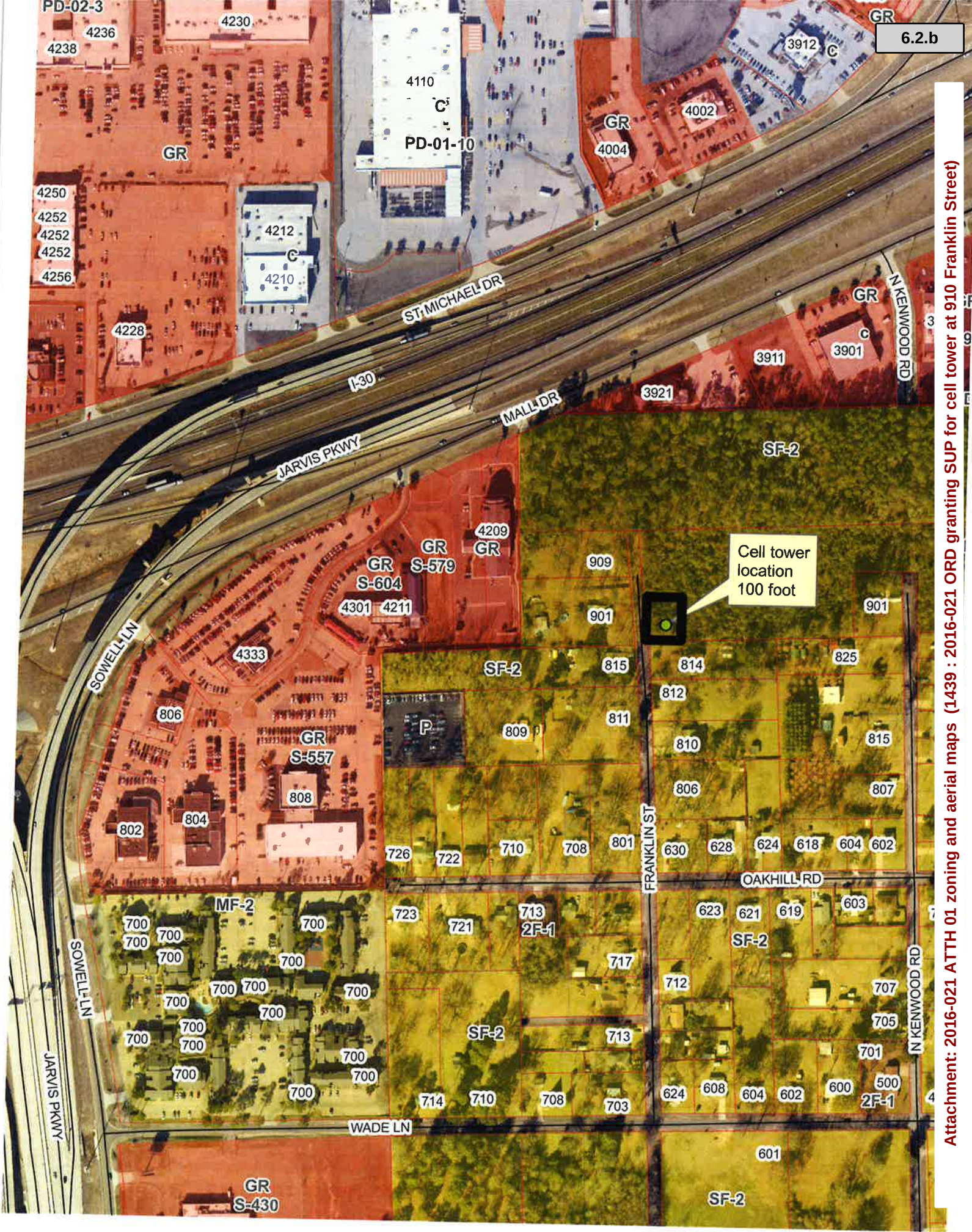
THENCE North 86 degrees 42 minutes 45 seconds East, a distance of 50.00 feet to a Point;
 THENCE South 03 degrees 17 minutes 15 seconds East, a distance of 50.00 feet to a Point;
 THENCE South 86 degrees 42 minutes 45 seconds West, a distance of 50.00 feet to a Point;
 THENCE North 03 degrees 17 minutes 15 seconds West, a distance of 50.00 feet to the POINT OF BEGINNING hereof and containing 0.0574 acres or 2,500 square feet of land, more or less.

LESSEE'S ACCESS AND UTILITY RIGHT-OF-WAY

BEING a tract of land situated in the George Brinlee Headright Survey, Abstract No. 18, Texarkana, Bowie County, Texas, also being out of and a portion of that certain tract of land conveyed to Walnut Street Church of Christ, as recorded in Volume 1636, Page 10 of the Deed Records of Bowie County, Texas, and being more particularly described as follows:

BEGINNING at a 1 inch open top pipe found for the southwest corner of said Church tract and the north right-of-way line of said Franklin Street;
 THENCE North 03 degrees 17 minutes 15 seconds West, a distance of 72.16 feet to a Point;
 THENCE North 86 degrees 42 minutes 45 seconds East, a distance of 36.15 feet to a Point;
 THENCE South 03 degrees 17 minutes 15 seconds East, a distance of 20.00 feet to a Point;
 THENCE South 86 degrees 42 minutes 45 seconds West, a distance of 16.15 feet to a Point;
 THENCE South 03 degrees 17 minutes 15 seconds East, a distance of 52.19 feet to a Point;
 THENCE South 86 degrees 47 minutes 53 seconds West, a distance of 20.00 feet to the POINT OF BEGINNING hereof and containing 0.0408 acres or 1,767 square feet of land, more or less.





Attachment: 2016-021 ATTH 01 zoning and aerial maps (1439 : 2016-021 ORD granting SUP for cell tower at 910 Franklin Street)



① SITE PHOTOGRAPH
SCALE: NTS



③ SITE PHOTOGRAPH
SCALE: NTS



② SITE PHOTOGRAPH
SCALE: NTS



④ SITE PHOTOGRAPH
SCALE: NTS

DATE DRAWN 08/01/15		DRAWN BY T. GARD		APPROVED BY [Signature]	
NEW SITE BUILD ROYALE SITE # ID 304528 810 FRANKLIN ST. TEXARKANA, TX 75781 BORNE					
100 LINDSEY ST. JARVIS PRAIRIE APT. 201 DALLAS, TX 75241 TEL: 972-251-0000 WWW.ALLPROCONSULTING.COM FIRM REGISTRATION NO. 01581					
SHEET NAME SITE PHOTOGRAPHS					
SHEET NUMBER P-1					

Attachment: 2016-021 ATTH 02 maps showing ground site (1439 : 2016-021 ORD granting SUP for cell tower at 910 Franklin Street)



① SITE PHOTOGRAPH
SCALE: NTS



② SITE PHOTOGRAPH
SCALE: NTS



③ SITE PHOTOGRAPH
SCALE: NTS



④ SITE PHOTOGRAPH
SCALE: NTS

DATE CHANGED 10/20/15	DRAWN BY T. JAMES
APPROVED BY J. GEORGE	
NEW SITE BUILD ROYALE	
SITE # ID 304528 910 FRANKLIN ST. TEXARKANA, TX 78661 SCONE	
REG. PROFESSIONAL ENGINEER STATE OF TEXAS EXPIRATION DATE 09/01/2017 91793 JEFFREY MORTON	
SHEET NAME SITE PHOTOGRAPHS	
SHEET NUMBER P-2	

Attachment: 2016-021 ATTH 02 maps showing ground site (1439 : 2016-021 ORD granting SUP for cell tower at 910 Franklin Street)



City of Texarkana
220 Texas Blvd
Texarkana, TX 75504

December 7, 2015

Re: Verizon Wireless New Build Cell Tower
"Statement of Need for New Proposed Tower"
Verizon Site: Royale, Loc. #304528
E911 Address: 910 Franklin St., Texarkana, TX 75501
Property Owner: Walnut Street Church of Christ, 2720 Moores Lane, Texarkana, Texas 75503

To Whom It May Concern,

In my capacity as a Radio Frequency Engineer for Verizon Wireless (hereinafter "Verizon"), I am writing to you for and on behalf of Verizon in support of Verizon's application to construct a 100' monopole-telecommunication facility known as the Royale site. My responsibilities for Verizon include, but are not limited to, the design and engineering of Verizon's wireless communications network in the State of Texas.

Presently, Verizon operates the following surrounding sites – Summerhill Road, Wake Village, and West 17th sites. The above mentioned sites do not provide adequate coverage to the immediate vicinity of the proposed Royale site. Royale site is designed to provide fill-in coverage to area surrounding it. There are no other towers in the surrounding area that can provide the required coverage.

There are no towers within the search area or immediate vicinity that can be utilized and a map will be provided showing the location of the sites that are within three (3) miles of this proposed location. By allowing a tower at 100' monopole, Verizon will be able to properly provide adequate coverage to areas surrounding Royale.

The facility will meet all standards of the FCC, FAA, and/or other Federal Agencies having jurisdiction.

Sincerely,

Said Rachid
RF Design Engineer
Verizon Wireless

A handwritten signature in blue ink, appearing to be "Said Rachid", written over a faint circular stamp.

Sabre Industries™

Towers and Poles

December 1, 2015

Hart Mason
JMARKHODGESINC
SH-26 Lake Cherokee
Henderson, TX 75652

RE: Proposed 100 ft Sabre Monopole for Royale, TX

Dear Mr. Mason,

Upon receipt of order, we propose to design and supply the above referenced Sabre monopole for a Basic Wind Speed of 90 mph with no ice and 30 mph with 3/4" ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas".

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the monopole will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one of the monopole shaft sections. This would result in a buckling failure mode, where the steel shaft would bend beyond its elastic limit (beyond the point where the shaft would return to its original shape upon removal of the wind load).

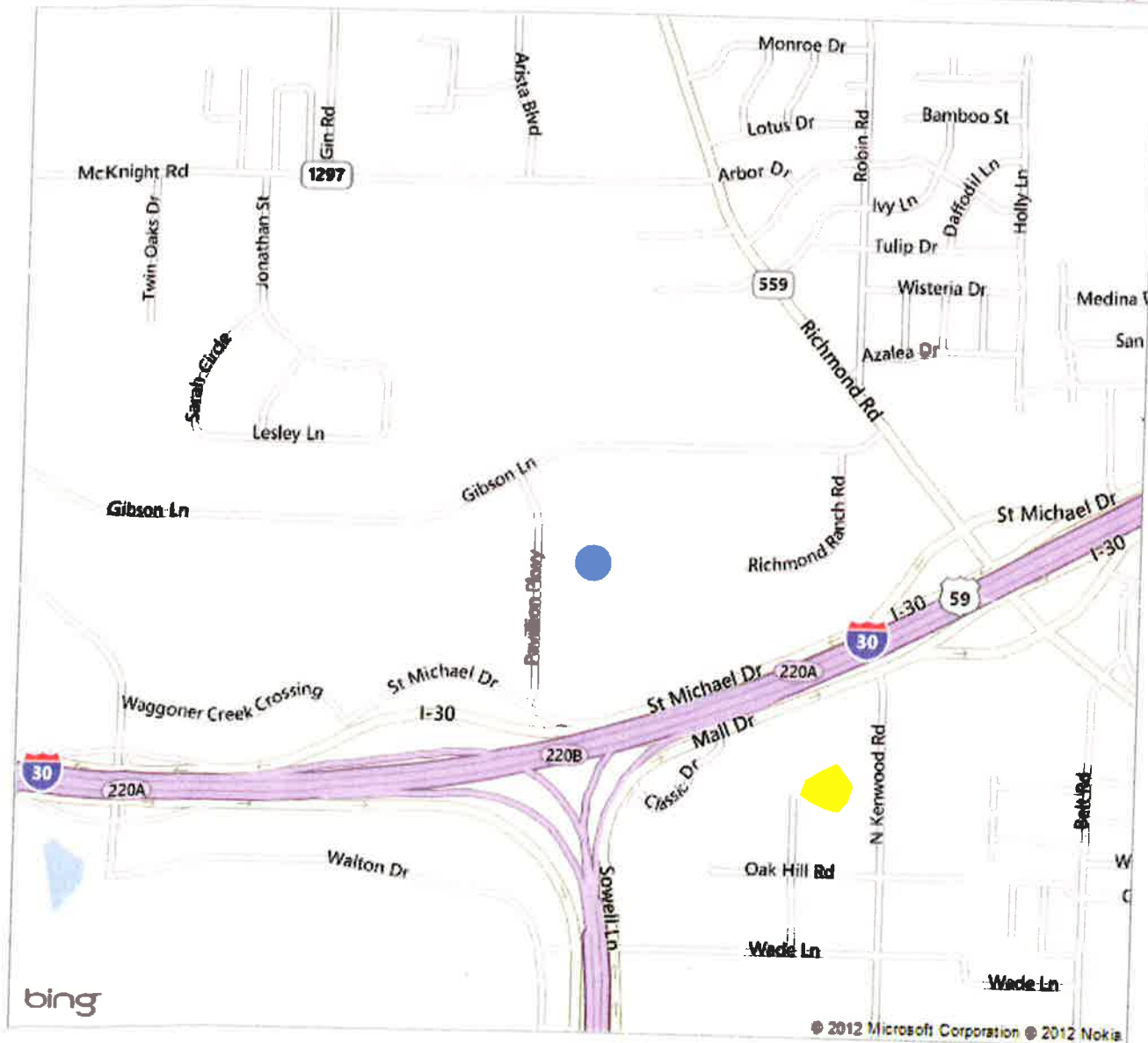
Therefore, the overall effect of an extreme wind event would be localized buckling of the monopole shaft. Assuming that the wind pressure profile is similar to that used to design the monopole, the shaft will buckle at the location of the highest combined stress ratio in the upper portion of the monopole. This would result in the portion of the monopole above "folding over" onto the portion below, essentially collapsing upon itself. **Please note that this letter only applies to a monopole designed and manufactured by Sabre Towers & Poles.** In the unlikely event of total separation, this, in turn, would result in collapse of that portion to the ground within a radius equal to 100 feet.

Sincerely,

Amy R. Herbst, P.E.
Senior Design Engineer



Sabre Towers and Poles • 7101 Southbridge Drive • P.O. Box 658 • Sioux City, IA 51102-0658
P: 712-258-6690 F: 712-279-0814 W: www.SabreTowersandPoles.com



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: B

Update Date: 3/8/2016 8:34 AM

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>David Orr, Planning & Community Development Director</u>
Subject:	<u>Resolution No. 2016-022 authorizing the City Manager to enter into a memorandum of agreement for the Heritage Gateway Public Artwork Project.</u>		
Briefing:	<u>3/14/2016</u>	Public Hearing:	<u>3/14/2016</u>
		Second Briefing:	<u>March 28, 2016</u>
		Council Vote:	<u>4/11/2016</u>

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Heritage Gateway is an architecturally significant Public Artwork, located on the State Line where Arkansas and Texas share common ground. It creates a visual entryway into the historical/cultural district of Texarkana, and utilizes the North side of the Post Office. It is constructed of Arkansas limestone, Texas pink granite and red brick pavers salvaged from the streets of Texarkana. The Heritage Gateway serves to welcome residents and visitors alike to our great community. The Gateway took shape thirteen years ago in the hearts and minds of the Leadership Texarkana Class of 2003 as an inspiring class project.

Project

An art screen for the north side of the post office was first shown in Texarkana Education Cultural and Arts Partner's (TECAP) "Reestablishing Downtown Texarkana," a plan prepared by the UALR Department of Urban Studies and Design in August of 2002. The Leadership Texarkana Class of 2003 (LTC03) saw this project as an opportunity to salute the rich heritage of the Texarkana region and to contribute to the preservation of that heritage visually for generations to come. They teamed with TECAP, Texarkana Regional Arts and Humanities Council (TRAHC), Main Street Texarkana (formerly BOND), the Federal Government, the two cities, area industries and individual contributors to develop the plan presented herein.

The Fountain

The main feature of the Gateway is a fountain framed by abstracted limestone "eagle's wings" with appropriate landscaping. A water course displays cascading water descending from the fountain on State Line, and is meant to artistically depict the cooperative spirit that has historically bound Texarkana, Arkansas and Texarkana, Texas together economically, spiritually, culturally, and in so many other ways. The Post Office parking lot is screened by an arborvitae of cedar trees, and the

City of Texarkana, Texas

building, a major landmark for the region, will be lit at night as will be the fountain, landscaping and entry marker.

Artist

The artist of the project is Texarkana's own James DeWoody, graduate of Texas High and of Pratt Institute in New York. DeWoody, son of local resident, Mrs. Cornelia DeWoody, has lived and worked in New York as an artist for over thirty years. His artwork is in the permanent collections of The Metropolitan Museum of Art and various public and private collections across the US and internationally.

Purpose

The Leadership Texarkana Class of '03 has agreed from the beginning that mediocrity is not an option for the site selected for this piece of public art. ***This is a prime piece of real estate*** viewed by literally hundreds of people daily. Because of its "one of a kind," two-state location, over a dozen artists from across the United States submitted detailed public art proposals for the project.

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Over \$100,000 has been raised to construct the Heritage Gateway. The City of Texarkana, Texas and the Texarkana Water Utilities is handling routine maintenance of the fountain and the grounds.

H. E. Wright and Company was the general contractor for the project and William Wright donated all of his time overseeing construction. H. E. Wright has also advanced money to pay the various sub-contractors most of which provided substantial discounts for their services. The Cities of Texarkana Arkansas and Texas each made a final donation over two years (2010 and 2011) of \$15,000 each to pay off the debt to H. E. Wright and Company. In 2012, a grant was obtained from the Texarkana Community Foundation to complete the donor sign. There is currently a balance of \$868.73 in a restricted account at Guaranty Bank.

Current Status

Leadership Texarkana Class of 2003 representatives were recently contacted by Danny Brandt of the GSA regarding the maintenance of the Heritage Gateway. The GSA's budget has been reduced by 20% so every attempt to cut costs is being explored. The water for the fountain and irrigation of the landscaping is being paid by the GSA and Mr. Brandt requested a separate meter be installed and that the water be paid by the City.

In the spirit of LIFT, the goal is a joint agreement to share the costs and ownership between Texarkana, Texas and Arkansas and ensure the Heritage Gateway continues to greet our visitors to the Historic Arts and Cultural District for many years to come.

Potential Options:

- List or "None"
-

City of Texarkana, Texas

Fiscal Implications:

Total fiscal impact \$1,540.39 annually through TWU budget. Approximately, \$794.19 in annual water costs and \$746.20 annually for staff time performing maintenance checks.

Staff Recommendation:

Staff recommends for approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2016-022 RES Heritage Gateway Public Artwork MOA (DOCX)
- b. 2016-022 ATTH 01 Revocable License for Heritage Gateway Fountain A (PDF)
- c. 2016-022 ATTH 02 Heritage Gateway Fountain MOA Exhibit B (2) (PDF)
- d. 2016-022 ATTH 03 Revocable License for Heritage Gateway Fountain CGLI (PDF)
- e. 2016-022 ATTH 04 Heritage Gateway Public Artwork Plans (PDF)
- f. 2016-022 ATTH 05 Heritage Gateway Public Artwork Pictures Before (PDF)
- g. 2016-022 ATTH 06 Heritage Gateway Public Artwork Pictures Const (PDF)
- h. 2016-022 ATTH 07 Heritage Gateway Current Pictures & Status (PDF)
- i. 2016-022 Goals & Perspectives (DOCX)
- j. 2016-022 ATTH 08 Revocable License for Heritage Gateway Fountain GSA (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	02/10/2016 5:49 PM	
Water Utilities	JD Phillips	Action
Completed	02/17/2016 11:28 AM	
Finance Department	Charlie Bassett	Finance Review
Completed	02/17/2016 1:38 PM	
Purchasing and Contracting	Sharon Moore	Purchasing Review
Completed	02/17/2016 2:04 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	02/17/2016 4:10 PM
Public Information Officer	Lisa Thompson	PIO Review
Completed	02/17/2016 4:12 PM	
City Manager	John Whitson	City Manager Review
Completed	02/17/2016 5:55 PM	

City of Texarkana, Texas

City Council
6:00 PM

Jennifer Evans

Meeting

Completed

02/22/2016

Meeting History

RESOLUTION NO. 2016-022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE CITY OF TEXARKANA, ARKANSAS TO WORK COOPERATIVELY TO MAINTAIN, REPAIR, AND PROVIDE UTILITIES FOR THE HERITAGE GATEWAY PUBLIC ARTWORK; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Heritage Gateway Public Artwork is an architecturally significant public artwork located at 500 State Line Avenue, Texarkana, USA, where Arkansas and Texas share common ground at the United State Federal Courthouse/Post Office; and

WHEREAS, an art screen for the north side of the post office was first shown in Texarkana Education Cultural and Arts Partner's (TECAP) "Reestablishing Downtown Texarkana," a plan prepared by the UALR Department of Urban Studies and Design in August of 2002; and

WHEREAS, the Leadership Texarkana Class of 2003 (LTC03) saw this project as an opportunity to salute the rich heritage of the Texarkana region and to contribute to the preservation of that heritage visually for generations to come; and

WHEREAS, H. E. Wright and Company was the general contractor for the project and William Wright donated his time overseeing construction; and

WHEREAS, over \$100,000 was raised to construct the Heritage Gateway and the Cities of Texarkana Arkansas and Texas each made a final donation over two years in 2010 and 2011 of \$15,000 to complete the project; and

WHEREAS, in the spirit of the Leadership Initiative for Texarkana (L.I.F.T.), the goal is a joint agreement to share the costs and ownership between Texarkana, Texas and Arkansas and ensure the Heritage Gateway continues to greet our visitors to the Historic Arts and Cultural District for many years to come.

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 a Memorandum of Agreement (MOA) with The City of Texarkana, Arkansas, a municipality of the State of Arkansas.

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 **11th** day of **April, 2016**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

STREET.



Exhibit “B”

MEMORANDUM OF AGREEMENT BETWEEN

THE CITY OF TEXARKANA, ARKANSAS AND THE CITY OF TEXARKANA, TEXAS;

This Memorandum of Agreement (the "MOA") is between The City of Texarkana, Arkansas, a municipality of the State of Arkansas and The City of Texarkana, Texas, a municipality of the State of Texas; and is dated effective as of _____, 2016. The parties to this Agreement hereby agree to work cooperatively to maintain, repair, and provide utilities for the Heritage Gateway Public Artwork.

In order to accomplish this purpose, the parties agree as follows:

AGREEMENTS:

A. Definitions.

1. GSA – General Services Administration – Contracting office of the United States of America, and Licensor of the real property on which the Heritage Gateway Public Artwork resides.
2. Heritage Gateway Public Artwork – It is an architecturally significant public artwork located at 500 State Line Avenue, Texarkana, USA, where Arkansas and Texas share common ground at the United State Federal Courthouse/Post Office.
3. License – License granted by the United States of America to the City of Texarkana, Arkansas, and the City of Texarkana, Texas, to perform hereunder, the form of which is attached hereto as Exhibit “A”.
4. Texarkana, Arkansas – City of Texarkana, Arkansas, a municipality of the State of Arkansas, and Co-Licensee of the property on which the Heritage Gateway Public Artwork resides.
5. Texarkana, Texas – City of Texarkana, Texas, a municipality of the State of Texas, and Co-Licensee of the property on which the Heritage Gateway Public Artwork resides.
6. TWU – Texarkana Water Utilities, a joint department of the City of Texarkana, Texas, and the City of Texarkana, Arkansas.

B. Ownership Structure.

Exhibit “B”

1. The United States of America will, subject to Federal law and policy maintain ownership of the real property on which the Heritage Gateway Public Artwork resides.
2. The Cities of Texarkana, Arkansas, and Texarkana, Texas, will own jointly the Heritage Gateway Public Artwork, to maintain, repair, and provide utilities for equally.
3. The duties of the Cities of Texarkana, Arkansas, and Texarkana, Texas, will be set forth herein and in the License Agreement as they pertain to the Licensor, the United States of America.

C. **Financing.**

1. The Cities will be jointly and equally responsible for the costs of the water for the Heritage Gateway Public Artwork. In addition, the Cities will be jointly and equally responsible for the costs of routine and regular maintenance and repair for the Heritage Gateway Public Artwork, which will be performed by TWU.
2. TWU has agreed to be the custodian of funds donated for extraordinary expenses incurred for the maintenance and repair of Heritage Gateway Public Artwork and landscaping costs. This includes an initial donation from Leadership Texarkana of \$868.73. TWU will be responsible for coordinating the landscaping as long as the License is in effect.

D. **Maintenance and Repair**

1. Annually, or as requested, the fountain shall be inspected by TWU for proper operations and maintenance. The inspection will include the proper operation of the water pump and will ensure there is no water loss, due to leaks. The brick and rock work will be inspected for safety and infrastructure integrity; all deficiency shall be corrected within 60 calendar days of inspection or as soon as practically possible.
2. All repairs shall be performed so as to comply with federal and state codes and requirements, if any.
3. All maintenance will be subject to approval by the GSA.

E. **Management and Operation.**

The Cities would be designated as equal Co-Managers of Heritage Gateway Public Artwork.

F. **Community Support.**

All parties to this Agreement shall be jointly responsible for interfacing with the community in connection with support for the maintenance and repair of this Project. The parties will consult with each other and coordinate the response to any media

Exhibit “B”

inquiries that may arise.

G. Insurance

1. TWU agrees to maintain real and personal property coverage insurance, including replacement value coverage, on the Heritage Gateway Public Artwork in an amount no less than its estimated value of \$136,000.
2. TWU agrees to maintain Commercial General Liability Insurance (CGLI) and further agrees to add the United States of America (USA) C/O General Services Administration (GSA), 819 Taylor Street Fort Worth, Texas 76108 as an additional insured to their CGLI policy. ***(Note – once a property is added it is not removed – additional insured are notified of any changes per the policy)***
3. TWU agrees to provide a copy of their certificate of CGLI, showing the policy coverage amount(s) and the endorsement page that documents and confirms the USA C/O GSA has been added as an additional insured to their CGLI policy annually.

H. Right to Opt Out

Each City will have the right to opt out of this Agreement provided that it has given all parties thirty (30) days' notice via certified mail, return receipt requested. The time limit begins from the date actually received.

I. Miscellaneous

1. This MOA and the License attached as Exhibit “A”, reflects the entire understanding between the parties and may only be amended by the parties in writing, signed by all parties. This MOA is not merely an "agreement to agree".
2. Each party hereto is prohibited from assigning any of its interests or responsibilities hereunder to any third party or related third party, without the prior written consent of the other parties, such consent not to be unreasonably withheld.
3. The parties agree to execute such documents and do such things as may be necessary or appropriate to facilitate the consummation of their agreement herein.
4. This MOA may be executed in several counterparts, each of which shall be deemed to be an original copy and all of which together shall constitute one agreement binding on all parties hereto, notwithstanding that all the parties shall not have signed the same counterpart.
5. In case any one or more of the provisions contained in this MOA for any reason are held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability will not affect any other provision hereof, and this MOA will be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Exhibit “B”

6. Unless otherwise provided by Federal law, the parties hereto submit exclusively to the jurisdiction of the federal courts of the Eastern District of Texas, Texarkana Division, and venue for any cause of action arising hereunder shall lie exclusively in the federal courts of the Eastern District of Texas, Texarkana Division.
7. The subject headings contained in this MOA are for reference purposes only and do not affect in any way the meaning or interpretation hereof.
8. This MOA shall continue until terminated upon the occurrence of one of the following conditions:
 - i. The parties sign a mutual consent to terminate this Agreement;
 - ii. One of the parties breaches its obligations under this MOA, the non-binding party provides the breaching party notice of such fact and a 20-day opportunity to cure, and the breaching party fails to do so; or
 - iii. One of the parties' files for bankruptcy protection, makes an assignment for the benefit of creditors, has a receiver appointed as to its assets or generally becomes insolvent.
9. Upon termination of this MOA, no party shall have any ongoing obligation to the other with respect to this MOA and the Heritage Gateway Public Artwork, except as provided in the License attached as Exhibit “A”.
10. If this MOA is terminated for any reason, Main Street Texarkana shall retain all rights to control and maintain the Heritage Gateway Public Artwork, including the right to identify any alternate partners. The Cities agree, upon termination of this MOA, to execute any document reasonably requested by Main Street Texarkana to give effect to the provisions of this paragraph. The provisions of this paragraph shall survive termination of this MOA for as long as the License is in effect.

Exhibit “B”

EXECUTED to be effective as of the date above shown.

CITY OF TEXARKANA, ARKANSAS

CITY OF TEXARKANA, TEXAS

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Exhibit “B”

EXHIBIT “A”

**REVOCABLE LICENSE FOR NON-FEDERAL USE OF REAL PROPERTY
GSA FORM 1582 (REV. 11/2015-R7)
(TO BE ATTACHED)**



EXHIBIT "C" Pg. 1 of 4

Certificate of Coverage

6.3.d

TMLIRP Contract Number: 5959	Member: Texarkana Water Utilities Mr. Jim Cornelius Finance Director PO Box 2008 Texarkana, Texas 75504	Company Affording Coverage: Texas Municipal League Intergovernmental Risk Pool (TMLIRP) PO Box 149194 Austin, TX 78714-9194 (512) 491-2300 or (800) 537-6655 Fax: (512) 491-2404
-------------------------------------	---	--

Certificate Holder:
United States of America
c/o General Service Administration
819 Taylor Street
Fort Worth, TX 76102

This is to certify that the coverages listed below have been provided to the member and are in effect at this time. Notwithstanding any requirements, or conditions of any other contract or agreement with respect to which this certificate may be issued or may pertain, the coverage afforded by TMLIRP described herein is subject only to the terms, exclusions and additions of TMLIRP's coverage contracts between TMLIRP and its member(s). Coverage is continuous until canceled.

General Liability Effective Date: 10/1/2015 Anniversary Date: 10/1/2016 Limits of Liability (Each Occurrence): \$2,000,000 Sudden Events Involving Pollution (Each Occurrence): \$2,000,000 Annual Aggregate: \$4,000,000 Deductible per Occurrence: \$0	Real & Personal Property Effective Date: 10/1/2015 Anniversary Date: 10/1/2016 Limits of Coverage: \$127,322,189 Deductible per Occurrence: \$10,000																											
Law Enforcement Liability Effective Date: _____ Anniversary Date: _____ Limits of Liability (Each Occurrence): _____ Annual Aggregate: _____ Deductible per Occurrence: _____	Mobile Equipment Effective Date: _____ Anniversary Date: _____ Limits of Coverage: _____ Deductible per Occurrence: _____																											
Errors and Omissions Liability Effective Date: _____ Anniversary Date: _____ Limits of Liability (Each Wrongful Act): _____ Annual Aggregate: _____ Deductible per Occurrence: _____	Boiler & Machinery - Broad Form Effective Date: _____ Anniversary Date: _____ Per Accident Limit: _____ Deductible per Occurrence: _____																											
Auto Liability Effective Date: _____ Anniversary Date: _____ Limits of Liability (Each Occurrence): _____ Deductible per Occurrence: _____	<table border="1"><thead><tr><th></th><th>Yes</th><th>No</th></tr></thead><tbody><tr><td>Mortgagee</td><td></td><td></td></tr><tr><td>Loss Payee</td><td></td><td></td></tr><tr><td>Loan Number:</td><td></td><td></td></tr></tbody></table>		Yes	No	Mortgagee			Loss Payee			Loan Number:																	
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Loss Payee																												
Loan Number:																												
Auto Physical Damage Effective Date: _____ Anniversary Date: _____ Limits of Liability: _____ Collision Deductible: _____ Comprehensive Deductible: _____	<table border="1"><thead><tr><th>Year/Make/Model</th><th>VIN</th><th>Value</th></tr></thead><tbody><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr><tr><td></td><td></td><td></td></tr></tbody></table>	Year/Make/Model	VIN	Value																								
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	Yes	No																										
Loss Payee:																												
	Loan Number:																											

DESCRIPTION:

As respects the agreement between the Texarkana Water Utilities and the United States of America for the Heritage gateway Public Artwork fountain located at 500 State Line Avenue, Texarkana, USA (Texas and Arkansas) Certificate Holder is listed under EL217 - Indemnification Under Contract. The fountain, valued at \$136,000 is covered under Real and Personal Property coverage, special form, including flood and earthquake.

Cancellation: Should any of the above described coverages be canceled before the anniversary date thereof, TMLIRP will endeavor to mail 30 days written notice to the above named certificate holder, but failure to mail such notice shall impose no obligation or liability of any kind upon TMLIRP.

Authorized Representative: Kris Reim

Date Issued:

10/9/2015

Packet Pg. 264

Attachment: 2016-022 ATTH 03 Revocable License for Heritage Gateway Fountain CGLI (1440 : 2016-022 RES Heritage Gateway Public Artwork

INDEMNIFICATION UNDER CONTRACT

This endorsement forms a part of the **Declarations** to which attached, effective on the inception date of the coverage unless otherwise stated herein, and clarifies such coverage as is afforded by the provisions of the coverage shown below:

- ☒ **GENERAL LIABILITY**
- ☐ **AUTOMOBILE LIABILITY**
- ☐ **LAW ENFORCEMENT LIABILITY**
- ☐ **AIRPORT (GENERAL LIABILITY
HAZARDS) PREMISES LIABILITY**

Entity Name : Texarkana Water Utilities
Entity ID : 5959
Effective Date : 10/1/15

It is agreed that coverage is provided for the liability assumed by the **Fund Member** to indemnify the person or organization named below under a contract between such person or organization and the **Fund Member**, but such coverage shall not exceed the limits of coverage set forth in the **Declarations**.

Person or Organization : United States of America
Address : 819 Taylor Street
City, State & Zip Code : Fort Worth, TX 76102

Description

As respects the agreement between the Texarkana Water Utilities and the United States of America for the Heritage gateway Public Artwork fountain located at 500 State Line Avenue, Texarkana, USA (Texas and Arkansas)

TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL

EL217
08/16/99

Packet Pg. 265



Workers' Compensation • Property • Liability

September 30, 2015

Mr. Jim Cornelius
Finance Director
Texarkana Water Utilities
P O Box 2008
Texarkana, Texas 75504

TEXARKANA WATER UTILITIES

OCT 05 2015

RE: Contribution Bearing Endorsement

Dear Mr. Cornelius:

Enclosed is the contribution bearing endorsement that was produced in accordance with your recent request. The endorsement should be placed behind the appropriate tab in your three ring binder.

Should you have any questions about this document, feel free to contact me at (800) 537-6655.

Thank you,

Kris Reim
Unit Leader

Attachments

Member: Texarkana Water Utilities

Member ID: 5959

Coverage Period: 10/01/2015 to 10/01/2016

Endorsement Number: 2

Date Issued: 09/30/2015

**Coverage: Real and Personal Property**

Limit:	\$127,322,189	Deductible:	\$10,000
Coverage Basis:	Special Form	Coverage Extensions:	As Scheduled
Valuation Basis:	Replacement Cost		
Flood and Earthquake:	Included	Flood and Earthquake Deductible:	\$25,000

Endorsement Effective Date: 10/01/2015

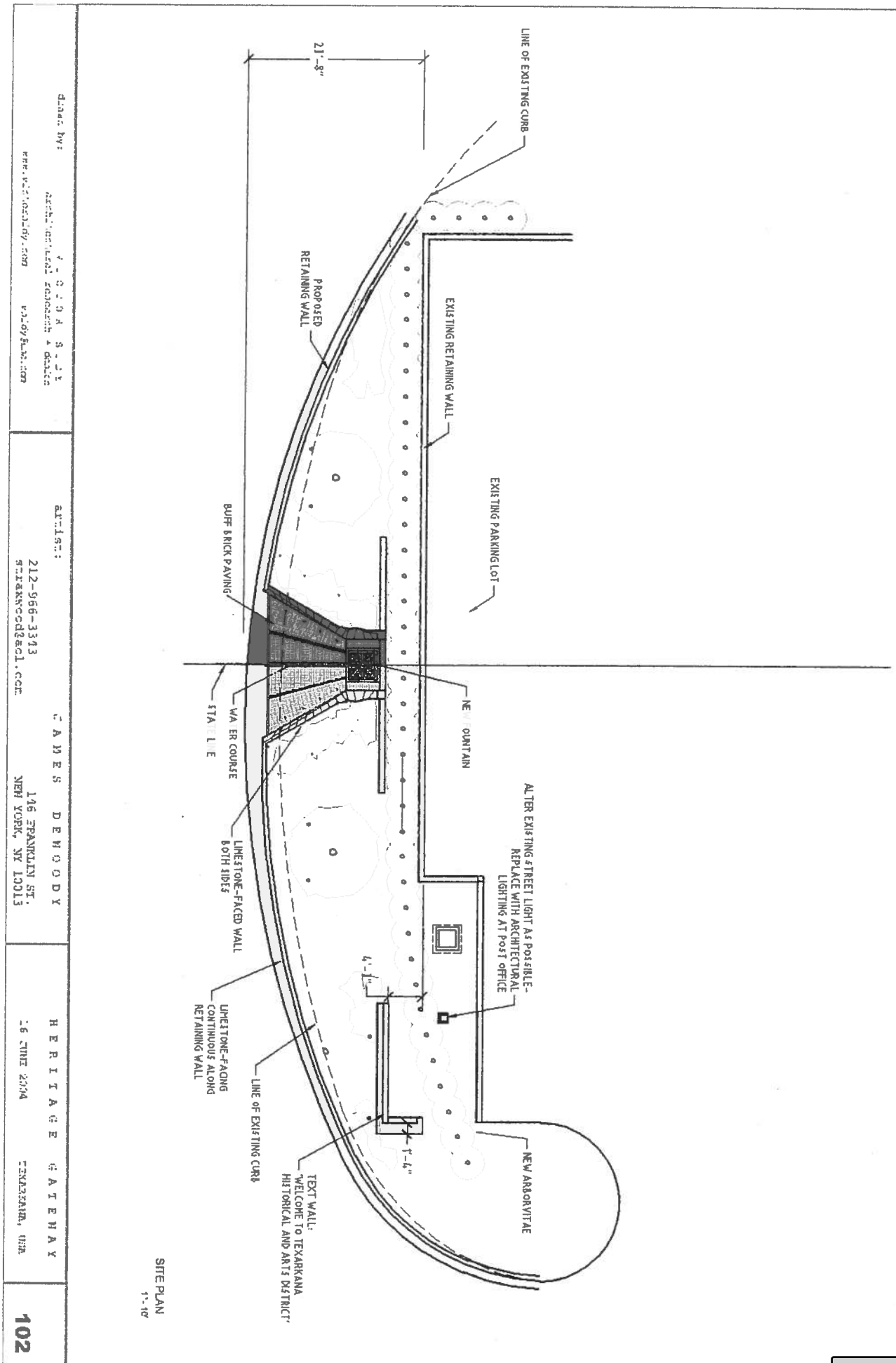
In consideration of the contribution shown below the coverage is amended as follows:

ID	Item Changed	Change Type	Transaction ID
1	Fine Arts Item	Add	2728441
Item Detail 500 State Line Avenue, Heritage Gateway Public Artwork Fountain, \$136,000.00			
Description Schedule Change per members request added Heritage Gateway Public Artwork Fountain located at 500 State Line Avenue			

Coverage Pro-Rata Contribution Adjustment	\$115
--	--------------

All Coverages Pro-Rata Contribution Adjustment	\$115
---	--------------

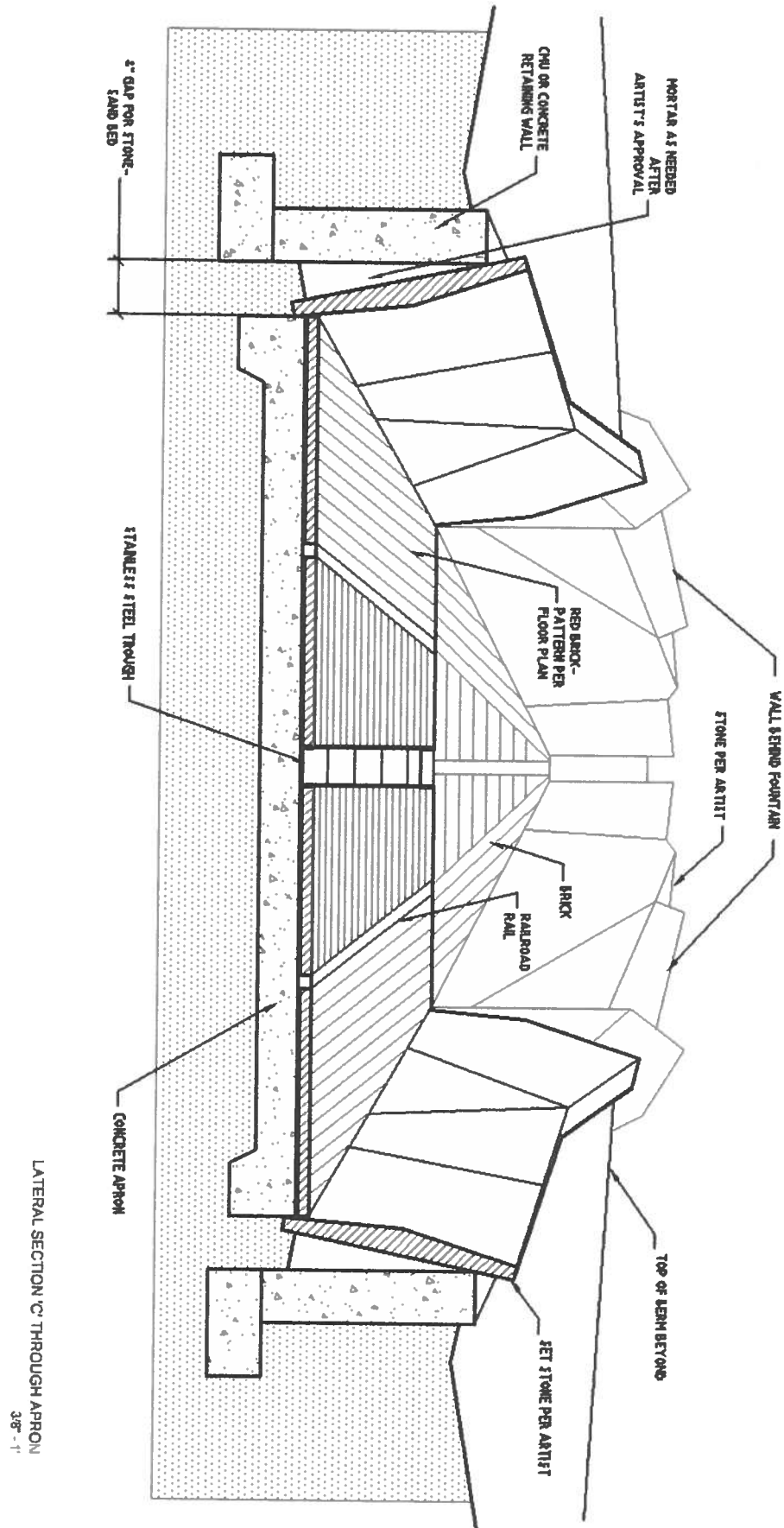
Note: If a contribution change is noted, your next monthly statement will reflect the adjusted billing for this change.

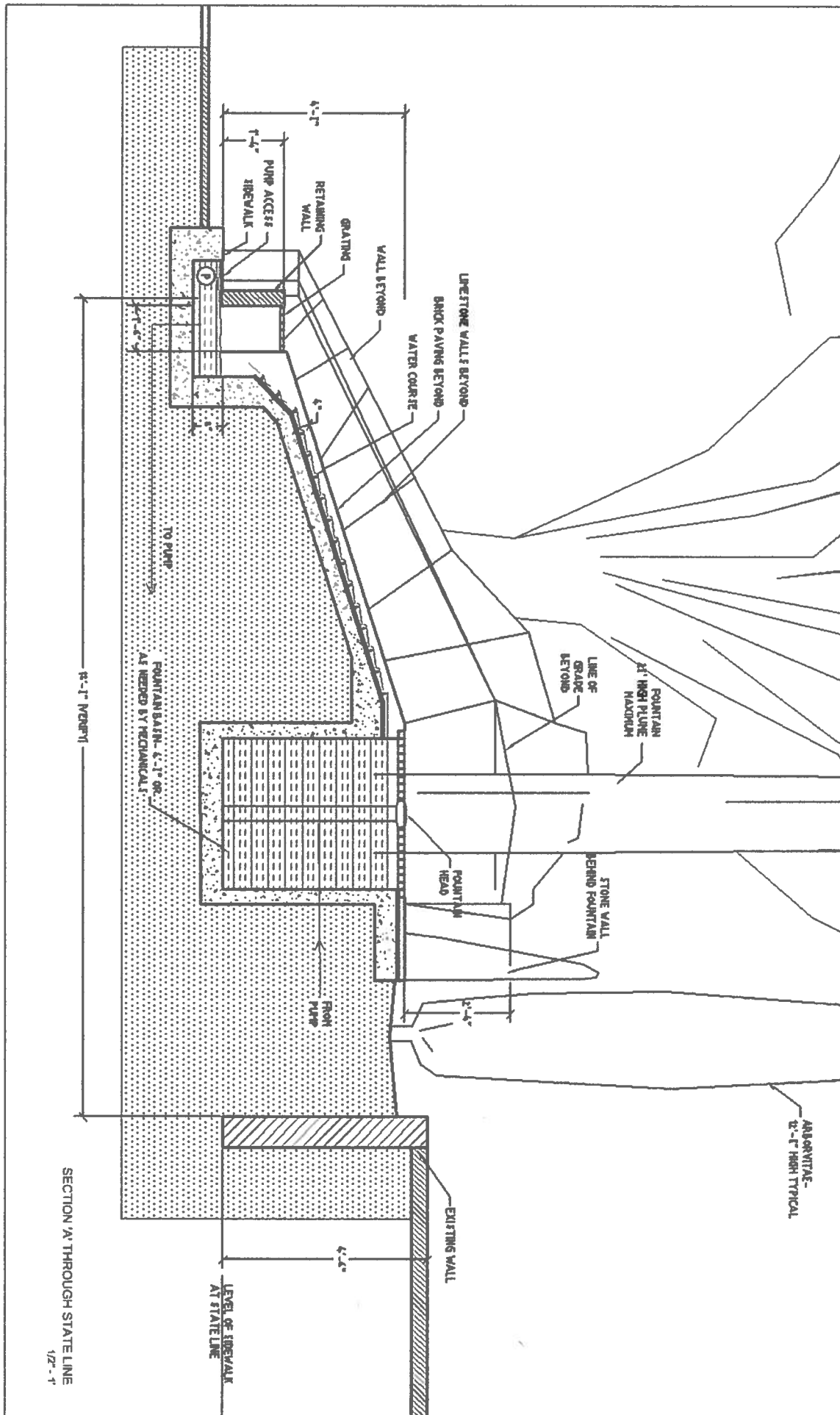


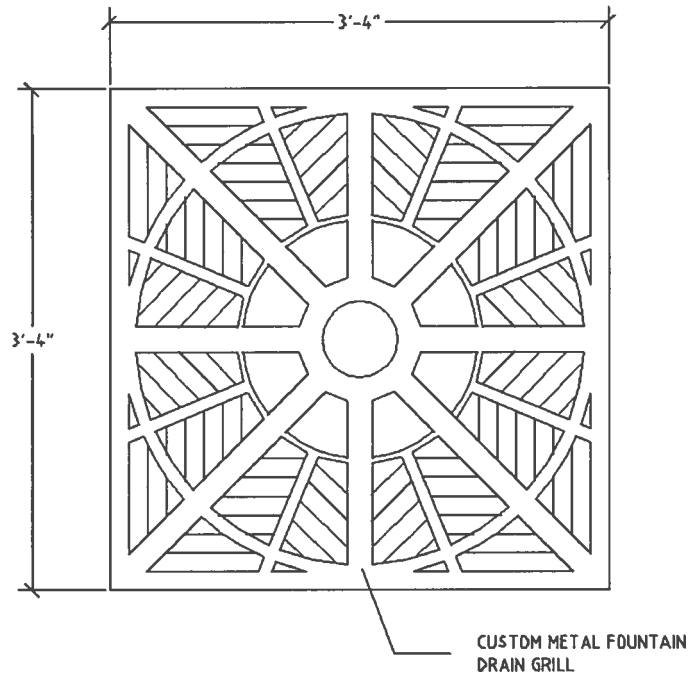




TEXARKANA, USA







DETAIL OF FOUNTAIN GRATING

1" = 1'

drawn by: VICTOR SIDY
architectural research + design
www.victorsidy.com vsidy@usa.com

artist: JAMES DEWOODY
212-966-3343 146 FRANKLIN ST.
straxwood@aol.com NEW YORK, NY 10013

HERITAGE GATEWAY
22 JULY 2004 TEXARKANA, USA



Attachment: 2016-022 ATTH 05 Heritage Gateway Public Artwork Pictures Before (1440 : 2016-022 RES Heritage Gateway Public Artwork MOA)



Heritage Gateway – A Visual “Welcome To Texarkana”

The Heritage Gateway is an architecturally significant Public Artwork, located on the State Line where Arkansas and Texas share common ground. It creates a visual entryway into the historical/cultural district of Texarkana, and utilizes the North side of the Post Office. It is constructed of Arkansas limestone, Texas pink granite and red brick pavers salvaged from the streets of Texarkana. The Heritage Gateway serves to welcome residents and visitors alike to our great community. The Gateway took shape eleven years ago in the hearts and minds of the Leadership Texarkana Class of 2003 as an inspiring class project.

Project:

An art screen for the north side of the post office was first shown in Texarkana Education Cultural and Arts Partner's (TECAP) “Reestablishing Downtown Texarkana,” a plan prepared by the UALR Department of Urban Studies and Design in August of 2002. The Leadership Texarkana Class of 2003 (LTC03) saw this project as an opportunity to salute the rich heritage of the Texarkana region and to contribute to the preservation of that heritage visually for generations to come. They teamed with TECAP, Texarkana Regional Arts and Humanities Council (TRAHC), Main Street Texarkana (formerly BOND), the Federal Government, the two cities, area industries and individual contributors to develop the plan presented herein.

The Fountain

The picture below gives a visual perspective of the Heritage Gateway as one approaches the historic Federal Building down North Stateline from Interstate 30.



The main feature of the Gateway is a fountain framed by abstracted limestone “eagle’s wings” with appropriate landscaping. A water course displays cascading water descending from the fountain on State Line, and is meant to artistically depict the cooperative spirit that has historically bound Texarkana, Arkansas and Texarkana, Texas together economically, spiritually, culturally, and in so many other ways. The Post Office parking lot is screened by an arborvitae of cedar trees, and the building, a major landmark for the region, will be lit at night as will be the fountain, landscaping and entry marker.

Artist

The artist of the project is Texarkana's own James DeWoody, graduate of Texas High and of Pratt Institute in New York. DeWoody, son of local resident, Mrs. Cornelia DeWoody, has lived and worked in New York as an artist for over thirty years. His artwork is in the permanent collections of The Metropolitan Museum of Art and various public and private collections across the US and internationally.



Purpose

The Leadership Texarkana Class of '03 has agreed from the beginning that mediocrity is not an option for the site selected for this piece of public art. ***This is a prime piece of real estate*** viewed by literally hundreds of people daily. Because of its "one of a kind," two-state location, over a dozen artists from across the United States submitted detailed public art proposals for the project.

Because of this significance, the class labored over a year to obtain numerous clearances to construct it on federal property.



Funding Background

Over \$100,000 has been raised to construct the Heritage Gateway. The City of Texarkana, Texas and the Texarkana Water Utilities is handling routine maintenance of the fountain and the grounds.

H. E. Wright and Company was the general contractor for the project and William Wright donated all of his time overseeing construction. H. E. Wright has also advanced money to pay the various sub-contractors most of which provided substantial discounts for their services. The Cities of Texarkana Arkansas and Texas each made a final donation over two years (2010 and 2011) of \$15,000 each to pay off the debt to H. E. Wright and Company. In 2012, a grant was obtained from the Texarkana Community Foundation to complete the donor sign. There is currently a balance of \$868.73 in a restricted account at Guaranty Bank.

A visiting writer indicated that in almost any metropolitan area this would easily be a \$250,000 project.

Current Status

Leadership Texarkana Class of 2003 representatives were recently contacted by Danny Brandt of the GSA regarding the maintenance of the Heritage Gateway. The GSA's budget has been reduced by 20% so every attempt to cut costs is being explored. The water for the fountain and irrigation of the landscaping is being paid by the GSA and Mr. Brandt requested a separate meter be installed and that the water be paid by the City.

In the spirit of LIFT, the goal is a joint agreement to share the costs and ownership between Texarkana, Texas and Arkansas and ensure the Heritage Gateway continues to greet our visitors to the Historic Arts and Cultural District for many years to come.

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:			

REVOCABLE LICENSE FOR NON-FEDERAL USE OF REAL PROPERTY

1. LICENSE NO.

GS-07B-99196

A revocable license affecting the property described and for the purpose designated below is hereby granted to the licensee herein named, subject to all of the conditions, special and general, hereinafter enumerated.

2. NAME OF LICENSEE

City of Texarkana Arkansas /
City of Texarkana Texas

3. ADDRESS

City of Texarkana - 216 Walnut St. Texarkana, AR.
71854 / 220 Texas Blvd. Texarkana, TX. 75501

4. PROJECT DESIGNATION AND ADDRESS

500 N STATE LINE AVE, Texarkana, Ar, 71854-5957

5. MAXIMUM PERIOD COVERED

FROM

02/10/2016

TO

02/09/2021

6. CONSIDERATION (\$)

\$0.00 / And Mutual Covenants

7. DESCRIPTION OF PROPERTY AFFECTED

(As shown on Exhibit

"A"

, attached hereto and made a part hereof.)

"Heritage Gateway Fountain"

8. PURPOSE OF LICENSE

Allow the "Heritage Gateway" fountain to remain in place and be maintained on Federal property pursuant the executed Memorandum of Agreement (MOA), between the licensees and to allow licensees access to the area as shown on exhibit "A". Exhibit "B" MOA attached hereto and made part hereof.

9. By the acceptance of this license, the licensee agrees to abide and be bound by the following conditions:**I. SPECIAL CONDITIONS**

1. Licensees are responsible for all maintenance & repairs to the fountain are / as outlined in the MOA (exhibit "B").
2. Licensees and fountain owner are responsible for any and all damages that may occur as a result of maintenance and repairs to the fountain.
3. The licensees must provide a certificate of current Commercial General Liability Insurance (CGLI), additionally the licensees must name the licensor as an additional insured on the CGLI insurance policy & provide a copy of the certificate & endorsement, to be attached hereto and made a part hereof as exhibit "C".
4. All ownership rights in the fountain will remain are / as outlined in the MOA (exhibit "B"), for the license period.
5. The fountain owner is responsible for the removal & disposal of the fountain at such time this license is not renewed or at the conclusion or completion of the license period.
6. All activities outline in the MOA must be coordinated with GSA's property manager, Kriss Hinebaugh, Office: 501-258-4700, Email: kriss.hinebaugh@gsa.gov, or his appointee.
7. City of Texarkana Arkansas - Office: 870-779-4991 / City of Texarkana Texas - Office: 903-798-3900

LICENSEE	LICENSEE
ACCEPTED (Month, day, year)	ACCEPTED (Month, day, year)
BY (Signature)	BY (Signature)
NAME Kenny Haskin	NAME John A. Whitson
TITLE Interim City Manager - City of Texarkana Arkansas	TITLE City Manager - City of Texarkana Texas
GENERAL SERVICES ADMINISTRATION LICENSOR	
NAME James Weller	DATED (Month, day, year)
BY (Signature)	TITLE Region 7 - PBS Regional Commissioner

If License is a Corporation, the following Certificate of Licensee must be executed:

CERTIFICATE OF CORPORATE LICENSEE

I certify that I was a Secretary of the corporation named as licensee herein; that the person who signed said license on behalf of licensee was with said corporation; and that said license was duly signed for and in behalf of said corporation by authority of governing body, and is within the scope of its corporate powers.

(CORPORATE SEAL) NAME OF LICENSE SIGNER TITLE OF LICENSE SIGNER	NAME OF CERTIFIER
	TITLE OF CERTIFIER
	SIGNATURE OF CERTIFIER

11. GENERAL CONDITIONS

a. **COMPLIANCE.** Any use made of property affected by the license, and any construction, maintenance, repair, or other work performed thereon by the licensee, including the installation and removal of any article or thing, shall be accomplished in a manner satisfactory to the General Services Administration, hereinafter referred to as GSA.

b. **STRUCTURES.** The licensee shall not place or construct upon, over or under the property and installation or structure of any kind or character, except such as are specifically authorized herein.

c. **LAWS AND ORDINANCES.** In the exercise of any privilege granted by this license, licensee shall comply with all applicable federal, state, local government, and municipal laws, statutes, ordinances, rules, regulations, codes, decrees, orders and other such requirements (collectively, Laws) including without limitation Laws regarding wages and hours, health, safety, building codes, emergencies, and security. Licensee shall apply, pay for, and obtain all required licenses and permits, including without limitation licenses and permits for fire and life safety requirements.

d. **SANITARY CONDITIONS.** If this licensee gives possession of United States property, the license shall at all times keep the premises in a sanitary condition satisfactory to GSA.

e. **DAMAGE.** Except as may be otherwise provided by the Special Conditions above, no United States property shall be destroyed, displaced or damaged by the licensee in the exercise of the privilege granted by this license without the prior written consent of GSA and the express agreement of the licensee promptly to replace, return, repair and restore any such property to a condition satisfactory to GSA upon demand.

f. **INDEMNIFICATION.** The licensee shall indemnify and save harmless the United States, its agents, and employees against any and all loss, damage, claim, or liability whatsoever, due to personal injury or death, or damage to property of others directly or indirectly due to the exercise by the licensee of the privilege granted by this license, or any other act or omission of license, including failure to comply with the obligations of said license, to the extent provided by State Law.

g. **STORAGE.** Any United States property which must be removed to permit exercise of the privilege granted by this license shall be stored, relocated or removed from the site, and returned to its original location upon termination of this license, at the sole cost and expense of the licensee, as directed by GSA.

h. **OPERATION.** The licensee shall confine activities on the property strictly to those necessary for the enjoyment of the privilege hereby licensed, and shall refrain from marring or impairing the appearance of said property, obstructing access thereto, interfering with the transaction of Government business and the convenience of the public, or jeopardizing the safety of persons or property, or causing justifiable public criticism.

i. **NOTICE.** Any property of the license installed or located on the property affected by the license shall be removed upon 30 days' written notice from GSA.

j. **GUARANTEE DEPOSIT.** Any deposit which may be required to guarantee compliance with the terms and conditions of this license shall be in the form of a certified check, cashier's check or postal money order in the amount designated above, payable to GSA.

k. **BOND.** Any bond required by this license shall be in the amount designated above, executed in manner and form and with sureties satisfactory to GSA.

l. **EXPENSE.** Any cost, expense or liability connected with or in any manner incident to the granting, exercise, enjoyment or relinquishment of this license shall be assumed and discharged by the licensee.

m. **FUTURE REQUIREMENTS.** The licensee shall promptly comply with such further conditions and requirements as GSA may hereafter prescribe.

n. **ATTEMPTED VARIATIONS.** There shall be no variation or departure from the terms of this license without prior written consent of GSA.

o. **NONDISCRIMINATION.** The licensee agrees that no person will be discriminated against in connection with the use made by the licensee of the property on the ground of race, color or national origin, nor will any person be denied the benefits of or be subjected to discrimination under any program or activity held, conducted or sponsored by the licensee in that any activity, program or use made of the property by the licensee will be in compliance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 238, 252; 42 U.S.C. 2000d) and the applicable regulations of GSA (41 CFR Subpart 101-6.2).

The licensee will obtain from each person or firm, who through contractual or other arrangements with the licensee, provides services, benefits or performs work on the property, a written agreement whereby the person or firm agrees to assume the same obligations with respect to nondiscrimination as those imposed upon the licensee by law and will furnish a copy of such agreement to the licensor.

The breach by the licensee of conditions relating to nondiscrimination shall constitute sufficient cause for cancellations revocation of the license.

City of Texarkana, Texas

Version: E

Update Date: 2/9/2016 9:38 AM

Briefing Sheet

Lead Department: Police **Action Officer:** Michael Henry, Captain
Ordinance No. 2016-007 amending the Code of Ordinances of the City of
Texarkana, Texas Chapter 44-Taxicabs Section 44-108 providing for a rate
Subject: increase for Taxicab services.

Briefing: 2/22/2016 **Public Hearing:** 2/22/2016 **Second Briefing:** March 14, 2016 **Council Vote:** 3/28/2016

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

NOT APPLICABLE

Executive Summary and Background Information:

At the request of ArTex Transport and as the inspecting authority for the city, the Police Department is facilitating this council agenda item for a taxi rate increase proposed by the taxi company.

This item is a request by Sharon Gustafson, owner of ArTex transport, recommending an increase in the Taxicab rates. ArTex Transport is currently the only permitted Taxicab service in Texarkana, Texas. ArTex Transport approached the department in December of 2015 about the rate increase to give the company the ability to attract, train, and pay drivers. ArTex Transport advised the costs associated with maintaining a car fleet grow each year including: parts, labor, and insurance and even though fuel rates have declined in recent months the cost of operating taxi services grows each year. The Texarkana, Texas Police Department has overseen the statutory requirements for ArTex Transport the entire time they have been in business, and no complaints about their service or business have been received. The taxi rates paid by citizens are set by ordinance and no update or increase has been done since 2005 (ORD No. 195-05, 7-25-2005). The rates at the time were located in Section 27-8. The section covering Taxicab rates has since been moved to Section 44-108 as reflected in the proposed ordinance.

The current rates as set by ordinance are as follows:

- For first one-fifth mile or fraction thereof is \$2.50,
- For each additional one fifth mile or fraction thereof is \$0.27,
- Waiting time per hour is \$15.00 and per minute is \$0.25,
- 5 passengers shall be transported for 1 fare,
- Minimum trip charge is \$5.00,
- Minimum round trip charge is \$10.00.

ArTex Transport is proposing the following rates:

- For first one-fifth mile or fraction thereof to \$3.50 (an increase of \$1.00),

City of Texarkana, Texas

- For each additional one fifth mile or fraction thereof to \$0.35 **(an increase of 8 cents)**,
- Waiting time per hour to \$18.00 **(increase of \$3.00)** and per minute to \$0.30 **(an increase of 5 cents)** ,
- Fares with more than 2 passengers will have an additional \$5.00 per passenger charge (additional cost),
- Minimum trip charge will be \$7.00 **(increase of \$2.00)**,
- Minimum round trip charge will be \$14.00 **(increase of \$4.00)**.

It should be noted that the current and proposed ordinances contain language that will keep rates the same between the two cities. Texarkana, Arkansas will need to adopt any rate increases before they will be effective in Texarkana, Texas.

ArTex Transport will present the council with their justification for the rate increase in further detail.

Potential Options:

Council Options:

- Adoption of the rates as proposed by ArTex Transport
- Make adjustments to rates prior to adoption
- Maintain rates at current level

Fiscal Implications:

There is no fiscal impact on the City.

Staff Recommendation:

The Police Department recommends the Council consider the rate increase.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2016-007 ORD Rate Increase for Taxicab Services (DOC)
- b. 2016-007 ORD Goals & Perspectives-Taxi (DOCX)
- c. ArTex Provided Information (PDF)
- d. Current City and State Statutes (DOCX)
- e. 2016-007 ORD Amending Taxicab Rates signed (PDF)

Staff Coordination

City of Texarkana, Texas

Police 2:51 PM	Charles Kreidler	Review	Completed	01/27/2016
Police	Dan Shiner	Department Head Review	Completed	
	01/27/2016 2:56 PM			
Assistant City Manager Review	Completed	Shirley Jaster	Assistant City Manager	
		01/28/2016 4:06 PM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	01/28/2016 4:09 PM			
City Manager 5:25 PM	John Whitson	City Manager Review	Completed	02/01/2016
City Council 6:00 PM	Jennifer Evans	Meeting	Completed	02/08/2016

Meeting History

02/08/16	City Council	MOVED FORWARD	Next: 02/22/16
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PUBLISH

ORDINANCE NO. 2016 – 007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS BY REVISING CHAPTER 44 - TAXICABS SECTION 44-108 SO AS TO PROVIDE A RATE STRUCTURE FOR TAXICAB SERVICES; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 44, Section 44-108 of the Code of Ordinance of the City of Texarkana Texas was codified in 2015 without the rate structure for taxicab services, and;

WHEREAS, ArTex Transport has requested the City Council to consider a rate increase to offset their rising operational costs, and;

WHEREAS, the last rate increase occurred in 2005, and;

WHEREAS, the City Council is authorized by the Texas Local Government Code to establish the prevailing rate structure for taxicab services within the municipality and to regulate said services through ordinance.

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

SECTION 1: That Chapter 44 Taxicabs of the Code of Ordinances of the City of Texarkana, Texas is hereby amended by revising Section 44-108 to read as follows:

- a). It shall be unlawful for any person to charge any fare for taxicab services in excess of the schedule of rates adopted by the city council.
- b.) A copy of the rate schedule shall be maintained for public inspection in the office of the city secretary.
- c.) As many as **two** passengers shall be transported for one fare, calculated according to the maximum rate as set, if picked up at one place and discharged at the same destination. In the event more than one party, each consisting of one or more passengers, desire to be carried to more than one destination, then the fare to the first party discharged shall not be more than the maximum fare as set, and the fare for each subsequent party discharged shall be calculated from the point where the party boarded the cab.
- d.) The fare for transporting each passenger to or from the city municipal airport and points within the city shall be a minimum fare of **\$7.00** or the fare as indicated on the meter, whichever is greater.
- e.) Notwithstanding any rate herein established, no taxicab company operator or driver shall charge or cause to be charged any rate for services in the city, which is greater than the rate applicable for the same services in Texarkana, Arkansas.
- f.) As a part of its rate schedule, each permittee is encouraged to offer a senior citizen discount to those persons 55 years of age or older.
- g.) The following shall be the maximum lawful rate for taxicab service:
 - 1. Rate for first on-fifth (1/5) mile or fraction thereof.....\$3.50

PUBLISH

2. Rate for each additional one-fifth (1/5) mile or fraction thereof.....\$.35
3. Waiting time per hour.....\$18.00, Waiting time per minute.....\$.30
4. Fares with more than two passengers an additional \$5.00 per passenger charge.
5. Minimum trip charge is.....\$7.00
6. Minimum round trip charge.....\$14.00

SECTION 2: That the City Secretary be and is hereby directed to publish the formal Ordinance title 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 3: 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 all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 5: That this Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **28th day of March, 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:

ArTex Transport wants to increase their rates to keep up with the growing costs associated with maintaining their fleet vehicles. The rate increase will also help attract higher quality employees.

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

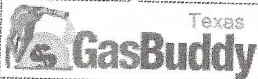
Public Information Plan:

☒ 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:

COST OF LIVING ANALYSIS 2005 - 2015

	<u>2005</u>	<u>2015</u>	INCREASE %
MINIMUM WAGE	5.15	7.25	40%
AVG INCOME	42102	53035	26%
GASOLINE	1.7	2.61	54%
STAMP	0.37	0.49	33%
LOAF BREAD	1.05	2.4	132%
GAL MILK	3.21	3.6	12%
AVG CAR	28450	33560	18%



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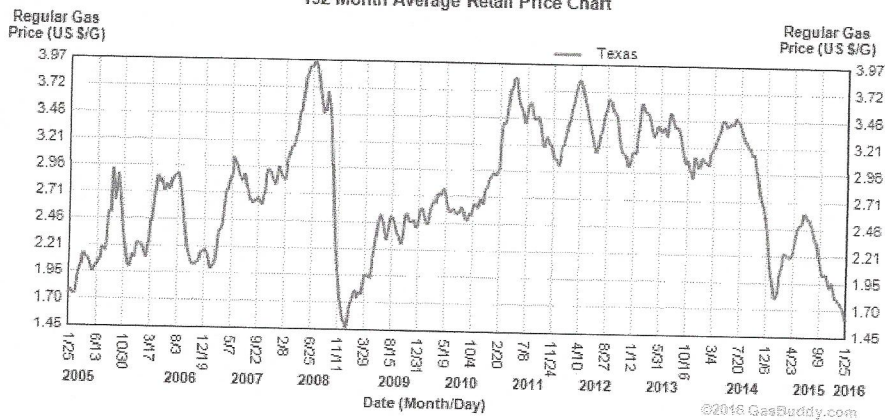
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Historical Price Charts

Quick charts: [1 Month](#) | [3 Month](#) | [6 Month](#) | [9 Month](#) | [1 Year](#) | [18 month](#) | [2 Years](#) | [3 Years](#) | [4 Years](#) | [5 Years](#) | [8 Years](#) | [9 Years](#) | [10 Years](#) | [11 Years](#)

132 Month Average Retail Price Chart



[Add this chart to your website](#) [Link to this Chart](#)

Chart Settings

Area 1:

Area 2:

Area 3:

Time Period:

☐ Show Crude Oil Price

[US \\$/G](#) | [Canadian c/L](#)

Get Gas Price Data

- Historical gas price data (2001 - Present)
- Zip, County, Metro, State, Nationwide Averages
- Instant access to your data

[Get Historical Gas Price Data](#)

Step One - Select a single city in order to identify price trends or to identify a historical price most accurately. Select multiple cities to compare pump prices between cities.

Step Two - Selection of time duration will define how long into history the prices will be displayed. In some cities only limited price history information is available and in those cases the line will be flat for extended periods.

Step Three - When comparing US cities to Canadian cities you have a choice of price units. The standard unit of measure in the US is dollars per gallon and in Canada the standard is cents/liter. Comparison of US and Canadian cities is done using recent currency exchange rates and uses the conversion factor of 1 US gallon being equal to 3.78 liters. For simple plotting of US cities use dollars per gallon (\$/G) and for simple plotting of Canadian cities use cents/liter (c/L).

Step Four - Click the "Create Chart" button to create the chart.

Current Texarkana Texas City Ordinance

Sec. 44-108. - Maximum rates of fares.

- (a) It shall be unlawful for any person to charge any fare for taxicab services in excess of the schedule of rates adopted by the city council by separate resolution.
 - (b) A copy of such rate schedule shall be maintained for public inspection in the office of the city secretary.
 - (c) As many as five passengers shall be transported for one fare, calculated according to the above-defined maximum rate, if picked up at one place and discharged at the same destination. In the event more than one party, each consisting of one or more passengers, desire to be carried to more than one destination, then the fare to the first party discharged shall not be more than the maximum fare as above set out, and the fare for each subsequent party discharged shall be calculated from the point where the party boarded the cab.
 - (d) The fare for transporting each passenger to or from the city municipal airport and points within the city shall be a minimum fare of \$5.00 or the fare as indicated on the meter, whichever is greater. The rule for calculating fares, as set forth in subsection (4) of this section, shall apply to fares being transported from the city municipal airport, except as modified by this section, in order to provide for a minimum fare.
 - (e) Notwithstanding any rate herein established, no taxicab company operator or driver shall charge or cause to be charged any rate for services in the city, which is greater than the rate applicable for the same services in Texarkana, Arkansas.
 - (f) As a part of its rate schedule, each permittee is encouraged to offer a senior citizen discount to those persons 55 years of age or older.
- (Code 1961, § 27-8; Ord. No. 190-88, § 1, 7-11-1988; Ord. No. 228-90, § 1, 9-10-1990; Ord. No. 195-05, § 1, 7-25-2005)

Texas Government Code 215.004

Sec. 215.004. TAXICABS AND LIMOUSINES. (a) To protect the public health, safety, and welfare, a municipality by ordinance:

(1) shall license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger taxicab transportation services for compensation and is designed for carrying no more than eight passengers; and

(2) may license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger limousine transportation services for compensation and is designed for carrying no more than 15 passengers.

(a-1) Subsection (a) applies to a taxicab or limousine service that is operated:

(1) within the jurisdiction of the municipality;

(2) on property owned by the municipality, singly or jointly with one or more other municipalities or public agencies;

(3) on property in which the municipality possesses an ownership interest; or

(4) by transporting from the municipality, municipal property, or property in which the municipality has an interest and returning to it.

(b) The ordinance may include:

(1) regulation of the entry into the business of providing passenger taxicab or limousine transportation services, including controls, limits, or other restrictions on the total number of persons providing the services;

(2) regulation of the rates charged for the provision of the services;

(3) establishment of safety and insurance requirements; and

(4) any other requirement adopted to ensure safe and reliable passenger transportation service.

(c) In regulating passenger taxicab or limousine transportation services under this section, a municipality is performing a governmental function. A municipality may carry out the provisions of this section to the extent the governing body of the municipality considers it necessary or appropriate.

(d) The provisions of this section relating to the regulation of limousine transportation services apply only to a municipality with a population of more than 1.9 million.

Added by Acts 1989, 71st Leg., ch. 1, Sec. 50(a), eff. Aug. 28, 1989.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 476 (H.B. 2338), Sec. 1, eff. September 1, 2007.

PUBLISH

ORDINANCE NO. 2016 – 007

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS BY REVISING CHAPTER 44 - TAXICABS SECTION 44-108 SO AS TO PROVIDE A RATE STRUCTURE FOR TAXICAB SERVICES; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Chapter 44, Section 44-108 of the Code of Ordinance of the City of Texarkana Texas was codified in 2015 without the rate structure for taxicab services, and;

WHEREAS, ArTex Transport has requested the City Council to consider a rate increase to offset their rising operational costs, and;

WHEREAS, the last rate increase occurred in 2005, and;

WHEREAS, the City Council is authorized by the Texas Local Government Code to establish the prevailing rate structure for taxicab services within the municipality and to regulate said services through ordinance.

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

SECTION 1: That Chapter 44 Taxicabs of the Code of Ordinances of the City of Texarkana, Texas is hereby amended by revising Section 44-108 to read as follows:

- a). It shall be unlawful for any person to charge any fare for taxicab services in excess of the schedule of rates adopted by the city council.
- b.) A copy of the rate schedule shall be maintained for public inspection in the office of the city secretary.
- c.) As many as **two** passengers shall be transported for one fare, calculated according to the maximum rate as set, if picked up at one place and discharged at the same destination. In the event more than one party, each consisting of one or more passengers, desire to be carried to more than one destination, then the fare to the first party discharged shall not be more than the maximum fare as set, and the fare for each subsequent party discharged shall be calculated from the point where the party boarded the cab.
- d.) The fare for transporting each passenger to or from the city municipal airport and points within the city shall be a minimum fare of **\$7.00** or the fare as indicated on the meter, whichever is greater.
- e.) Notwithstanding any rate herein established, no taxicab company operator or driver shall charge or cause to be charged any rate for services in the city, which is greater than the rate applicable for the same services in Texarkana, Arkansas.
- f.) As a part of its rate schedule, each permittee is encouraged to offer a senior citizen discount to those persons 55 years of age or older.
- g.) The following shall be the maximum lawful rate for taxicab service:
 1. Rate for first on-fifth (1/5) mile or fraction thereof.....\$3.50

Attachment: 2016-007 ORD Amending Taxicab Rates signed (1429 : 2016-007 ORD Amending Taxicab Rates)

PUBLISH

2. Rate for each additional one-fifth (1/5) mile or fraction thereof.....\$.35
3. Waiting time per hour.....\$18.00, Waiting time per minute.....\$.30
4. Fares with more than two passengers an additional \$5.00 per passenger charge.
5. Minimum trip charge is.....\$7.00
6. Minimum round trip charge.....\$14.00

SECTION 2: That the City Secretary be and is hereby directed to publish the formal Ordinance title 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.

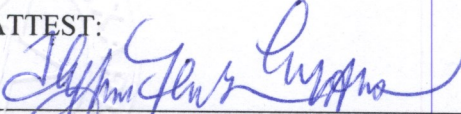
SECTION 3: That in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 5: That this Ordinance shall be in full force and effect ten (10) days 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

6:24 p.m.

City of Texarkana, Texas

Version: C

Update Date: 2/2/2016 12:18 PM

Briefing Sheet

Lead Department: Water Utilities **Action Officer:** Pam White,
Resolution No. 2016-017 approving the International Paper Mill Water
Treatment Plant Water Conservation and Drought Contingency Plan for
Subject: Wholesale Public Water Suppliers.

Public **Second** **Council**
Briefing: 3/28/2016 **Hearing:** 2/22/2016 **Briefing:** March 14, 2016 **Vote:** 3/28/2016

Item Schedule

Updates/History of Briefing:

"NOT APPLICABLE"

Executive Summary and Background Information:

The State of Texas requires wholesale water providers to prepare and approve a water conservation and drought contingency plan (Title 30, Texas Administrative Code, §288.5 & §288.22). The Texas Commission on Environmental Quality (TCEQ) reviews and administers the plans. The TCEQ has requested the City of Texarkana, Texas, as the owner, to prepare a water conservation and drought contingency plan for the International Paper wholesale water system. The International Paper wholesale water system currently serves the International Paper mill and the Cities of Atlanta and Domino, Texas. The City of Texarkana's current water conservation and drought contingency plan was used as a guide in preparing the International Paper plan. The plan was submitted to the TCEQ for administrative review and the TCEQ has accepted the plan pending approval of the Texarkana, Texas City Council.

Potential Options:

- "None"
-

Fiscal Implications:

None

Staff Recommendation:

TWU staff recommend approval.

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. 2016-017 RES Approving the International Paper Plant Water Conservation Plan (DOC)
- b. 2016-017 ATTH 01 IP Water Conservation Plan (DOC)
- c. 2016-017 Goals & Perspectives (DOCX)

Staff Coordination

Water Utilities	JD Phillips	Department Head Review	Completed	
	01/27/2016 8:53 AM			
Public Information Officer		Lisa Thompson	PIO Review	Completed
	01/27/2016 1:49 PM			
City Secretary	Jennifer Evans	Review	Completed	02/02/2016
12:18 PM				
City Manager	John Whitson	City Manager Review	Completed	02/03/2016
7:26 AM				
City Council	Jennifer Evans	Meeting	Completed	02/08/2016
6:00 PM				

Meeting History

02/08/16	City Council	MOVED FORWARD	Next: 02/22/16
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RESOLUTION NO. 2016 - 017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, APPROVING THE INTERNATIONAL
PAPER MILL WATER TREATMENT PLANT WATER
CONSERVATION AND DROUGHT CONTINGENCY PLAN FOR
WHOLESALE PUBLIC WATER SUPPLIERS; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, Title 30 Texas Administrative Code §288.5 Water Conservation Plans for Wholesale Water Suppliers and §288.22 Drought Contingency Plans for Wholesale Water Suppliers requires wholesale water providers to prepare and approve a water conservation and drought contingency plan; and

WHEREAS, the Texarkana, Texas Water and Sewer staff has prepared a Water Conservation and Drought Contingency Plan for Wholesale Public Water Suppliers for the International Paper Mill WTP; and

WHEREAS, the City of Texarkana's current approved water conservation plan was used as a guide in preparing the International Paper plan and the proposed plan was submitted to the Texas Commission on Environmental Quality (TCEQ) for administrative review and the TCEQ has accepted the plan pending approval of the Texarkana, Texas City Council, a copy of which is **attached** hereto.

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

SECTION 1: The proposed International Paper Mill WTP Profile and Water Conservation and Drought Contingency Plan for Wholesale Public Water Suppliers, a copy of which is attached hereto, be and is hereby approved.

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 **28th day of March, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

**City of Texarkana, Texas
INTERNATIONAL PAPER MILL WTP
PROFILE & WATER CONSERVATION PLAN
FOR WHOLESALE PUBLIC WATER SUPPLIERS**

Name of Entity: Texarkana Water Utilities

Address & Zip: 801 Wood Street, Texarkana, Texas 75501

Telephone Number: (903) 798-3800 Fax: (903) 793-0610

Form Completed By: J.D. Phillips, P.E.

Title: Director of Engineering

Signature: _____ Date: _____

Name and Phone Number of Person/Department responsible for implementing a water conservation program: J.D. Phillips, P.E.
Engineering Department
Texarkana Water Utilities
(903) 798-3821

PROFILE

I. WHOLESALE SERVICE AREA POPULATION AND CUSTOMER DATE

A. Population and Service Area Data

1. Service areas size in square miles: 12.97 sq. Miles
(A copy of service-area map is attached)
2. Current Population of service area: 5673
3. Current Population of Wholesale Customers Served for:
 - a. water: 5,673
 - b. wastewater: 5,596

4. Population served for previous five years:

Year	Population
2010	5,768
2011	5,755
2012	5,684
2013	5,706
2014	5,673

5. Projected population for service area in the following decades:

Year	Population
2020	5,934
2030	6,164
2040	6,393
2050	6,393
2060	6,393

6. List source or method for the calculation of current and projected population:

www.texas-demographics.com

Extrapolated from data from 2011 Region D Water Plan

U.S. Census Bureau State & County Quick Facts
<http://quickfacts.census.gov/qfd/index.html>

B. Customer Data

List (or attach) the names of all the wholesale customers, amount of annual contract, and amount of the annual use for each of the previous year:

	Wholesale Customer	Contracted Amount (acre-feet)	Previous Year Amount of Water Delivered (acre-feet)
(1)	Atlanta, Texas	1,657.2	931.1
(2)	Domino, Texas	165.7	45.0
(3)	International Paper	67,544.7	30,658.0

II. WATER USE DATA FOR SERVICE AREA

A. Water Delivery

Indicate if the water provided under wholesale contracts is treated or raw water and the annual amount for each previous year:

	Total amount delivered or sold for previous year (acre-feet)
Treated	976.10
Raw	30,658.05

B. Water Accounting Data

- Total amount of water diverted at point of diversion(s) for previous five year (in acre-feet) for all water uses:

Lake Wright Patman

Year	2010	2011	2012	2013	2014	2015
January	2,946.86	2,585.91	2,650.31	2,724.87	2,693.44	2,814.30
February	2,644.56	2,395.27	2,459.95	2,413.89	2,432.09	2,564.17
March	3,055.31	2,505.22	2,427.62	2,728.62	2,643.72	2,835.00
April	3,017.24	2,594.58	2,192.26	2,724.76	2,768.19	2,785.13
May	2,960.46	2,653.61	2,523.65	2,729.54	2,957.63	2,955.51
June	2,900.93	2,582.51	2,467.01	2,626.10	2,716.96	2,890.01
July	2,937.63	2,852.95	2,572.35	2,850.20	2,746.06	2,882.04
August	2,927.01	2,724.97	2,827.67	2,946.09	2,724.57	3,029.03
September	2,675.43	2,597.43	2,634.93	2,848.54	1,944.91	
October	2,476.07	2,534.81	2,494.83	2,388.37	2,684.21	
November	2,609.17	2,792.21	2,588.97	2,588.26	2,704.22	
December	2,676.11	2,537.51	2,782.49	2,662.00	2,561.16	
TOTALS	33,826.78	31,356.98	30,622.04	32,231.24	31,577.16	

2. Wholesale population served and total amount of water diverted for municipal use for previous five years:

Year	Total Population Served	Total Annual Water Diverted for Municipal Use (acre-feet)
2010	5,768	1,044.1
2011	5,755	1,118.9
2012	5,684	1,013.1
2013	5,706	972.8
2014	5,673	976.1

C. Projected Water Demands

(Water use is in acre-feet per year)

Cass County	2020	2030	2040	2050
Municipal Water Use	4,993	5,130	5,277	5,263
Manufacturing Water Use	115,199	121,355	127,237	132,324
Power Water Use	0	0	0	0
Mining Water Use	851	874	896	939
Irrigation Water Use	6	6	6	6
Livestock Water Use	834	834	834	834
Total County Demand	121,883	128,199	134,250	139,344

(Data obtained from Northeast Texas Regional Water Plan)

III. WATER SUPPLY SYSTEM DATA

A. Water Supply Sources

List all current water supply sources and the amounts authorized with each:

Source:

Amount Authorized:

Surface Water:

Lake Wright Patman

108,654 acre-feet/year

Other:

None

B. Treatment and Distribution System

1. Design daily capacity of system: 40.8 Million Gallons per Day
2. Storage Capacity: Elevated 0 MG, Ground 0.372 MG
3. Water System Description:

The International Paper/Texarkana Water Utilities Water Treatment Plant (IP/TWU WTP) serves residents of Domino, Texas and Atlanta, Texas as well as providing potable and process water to the IP Paper Mill at Domino, Texas. The total population served by IP/TWU is 5673.

The IP/TWU WTP has the ability to treat 40,800,000 gallons of water per day. The majority of this water is used by the paper mill as process water. The water plant has the ability to pump 3,369,000 gallons of potable water per day. Average daily consumption of potable water is 1,273,000 gallons per day. There is one clearwell at the water plant capable of storing 372,000 gallons.

International Paper takes their water directly from the water treatment facility at the paper mill. There are approximately 65,260 LF of distribution pipelines from the water treatment plant. The pipeline that supplies the Cities of Domino and Atlanta is sixteen inches (16") in diameter and approximately 62,020 feet in length from the paper mill approximately to Atlanta. There is also a 3,240 foot eight inch (8") spur to Queen City, Texas. Queen City has no current contract to purchase water from the Texarkana Water Utilities.

IV. WASTEWATER SYSTEM DATA

ipwaterconplan01

A. Wastewater System Data

International Paper operates a wastewater treatment facility owned by the Texarkana Water Utilities at their plant site. Atlanta, Texas owns and operates its own wastewater treatment facilities. More specific data about the individual cities' wastewater treatment plants can be provided in their water conservation and drought contingency plans.

WATER CONSERVATION PLAN FOR MUNICIPAL AND WHOLESALE WATER SUPPLIERS

Specific, Quantified 5 & 10-Year Targets

The State Water Conservation Implementation Task Force recommended a statewide goal for municipal use of 140 gallons per capita per day (gpcpd). Systems which experience a per capita usage greater than 140 gpcpd should perform a water audit to more clearly identify the source of the higher consumption. 140 gpcpd will not be considered an enforceable limit, but rather a reasonable target.

Higher per capita consumption figures are often related to “unaccounted-for” water - water which is produced or purchased, but not sold to the end user. Systems with a water “loss” greater than fifteen percent (15%) will be encouraged to perform physical and record surveys to identify the sources of their unaccounted-for water.

<u>Water User Group</u>	<u>GPCD*</u>	Base				Goal
		Reduction from Base GPCD				
		<u>2020</u>	<u>2030</u>	<u>2040</u>	<u>2050</u>	<u>2060</u>

Domino	115	0	0	0	0	0
Atlanta	206	6	10	13	14	14

* - Gallons Per Capita Daily

These goals were established by using data from the North East Texas Regional Water Plan. The goals are not enforceable by the Utility and the Utility does not mean to suggest that these are enforceable limits. Numbers for Domino are from the Cass County-Other Sulphur River Basin line item.

Metering Devices

The Texarkana Water Utilities has a meter located on the raw water supply line at the International Paper Mill. The meter is calibrated yearly to maintain an accuracy of plus or minus 5.0%.

Record Management Program

The Texarkana Water Utilities maintains daily records of the amounts of raw water taken from Wright Patman Reservoir and the amount of treated water pumped into the distribution system.

Metering/Leak-Detection and Repair Program

The Texarkana Water Utilities currently meters all wholesale accounts. The Utility has its own meter shop that both tests and repairs water meters in the Utility's distribution system. Large meters that are beyond the Utility's testing capabilities are regularly tested by outside sources. The Utility's operations division does leak detection in the field. The operations division has leak detection equipment and has received training from the Texas Water Development Board in its proper use. The Utility staff will continue to utilize the leak detection equipment in areas where metering totals indicate a loss, where unexplained wet areas appear and when operations and water production divisions employees suspect a leak. The Utilities operations divisions employees are capable of repairing any size water distribution main in the distribution system and there are two (2) manufactures of repair products in the Texarkana area that the Utility works with.

Reservoir Systems Operations Plan

The reservoir that the IP/TWU draws from, Lake Wright Patman, is owned and operated by the U.S. Army Corps of Engineers. The Corps of Engineers controls the level of the

lake and the release rates. The Corps has cooperated in the past with the Utility and withheld releases from Lake Wright Patman during times of low lake levels.

Contract Requirements for Successive Customer Conservation

As wholesale water supply contracts are renewed or entered into after approval of this plan, the Utility will require the wholesale customer to develop and implement a water conservation plan or provide documentation that they already have a plan that has been approved by the TCEQ. If the Utility's wholesale customer intends to resell the water, the customer's contract will require that successive customers will be required to implement water conservation measures in accordance with the provisions of Title 30 TAC Chapter 288.5(G).

Enforcement Procedure & Official Adoption

On _____, 2016 the Texarkana, Texas City Council adopted the Wholesale Water Conservation Plan with Ordinance No. XXX-XX.

Coordination with the Regional Water Planning Group

The service area of the Texarkana Water Utilities is located within the Northeast Texas Regional Water Planning Group and the Texarkana Water Utilities has provided a copy of this water conservation plan to the Northeast Texas Regional Water Planning Group.

Plan Review and Update

This water conservation plan shall be reviewed and updated no later than _____, 2021.

DROUGHT CONTINGENCY PLAN FOR MUNICIPAL AND WHOLESALE PUBLIC WATER SUPPLIERS

The Texarkana Water Utilities understands that water conservation is a viable strategy for protecting water resources both now and in the future, and that adequate planning for times of drought or emergency is a necessary part of conservation. The purpose of this plan is to prepare for the possibility of a drought or emergency situation where water is in short supply. This plan will help to ensure that the Texarkana Water Utilities and its wholesale customers use water wisely and efficiently during periods of drought.

The Texarkana Water Utilities utilizes surface water from Wright Patman Reservoir. Supply is secured by water right from the U.S. Army Corps of Engineers with a contract. Wholesale customers of the Texarkana Water Utilities include; Domino and Atlanta, Texas and the International Paper Company Mill. The contracted amounts for each entity is as follows:

<u>CITY</u>	<u>Annual Amount (1000 Gallons)</u>
Domino, Texas	54,000
Atlanta, Texas	540,000
International Paper Mill	22,009,500

International Paper takes their water directly from the water treatment facility at the paper mill. There are approximately 65,260 LF of distribution pipelines from the water treatment plant. The pipeline that supplies the Cities of Domino and Atlanta is sixteen inches (16") in diameter and approximately 62,020 feet in length from the paper mill approximately to Atlanta. There is also a 3,240 foot eight inch (8") spur to Queen City, Texas. Queen City has no current contract to purchase water from the Texarkana Water Utilities.

Coordination With the North East Texas Regional Water Planning Group

A copy of this adopted plan will be submitted to the NETRWPG, % Northeast Texas Municipal Water District, P.O. Box 955, Hughes Springs, Texas 75656. Proof of submittal is attached hereto as Figure 1.

Informing the Public

Efforts to inform the wholesale customers and the public about each stage of the plan, and when stages are implemented or rescinded, will be through different means. Wholesale customers will be notified by telephone and in writing. The public will be notified by website announcements and the local media sources: radio; television; and newspapers. The Utility maintains a current listing of all local media outlets to send public service announcements.

Authorization/Applicability

The Mayor or his/her designee is hereby authorized to monitor weather conditions as well as

water supply and demand conditions and to implement the Drought Contingency Plan as appropriate. The Texarkana, Texas City Council authorizes the Plan by an ordinance of the City Council, which has been included in this Plan.

Coordination with the Texas Commission on Environmental Quality

This plan was submitted to the executive director of the Texas Commission of Environmental Quality on _____, 2016.

Plan Definitions

For the purposes of this Plan, the following definitions, taken from TCEQ guidance, shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the Texarkana Water Utilities.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

- (a) irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
- (b) use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle
- (c) use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard surfaced areas;
- (d) use of water to wash down buildings or structures for purposes other than immediate fire protection;
- (e) flushing gutters or permitting water to run or accumulate in any gutter or street;
- (f) use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
- (g) use of water in a fountain or pond for aesthetic or scenic purposes except where necessary to support aquatic life;
- (h) failure to repair a controllable leaks within a reasonable period after having been given notice directing the repair of such leaks; and
- (i) use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

RESPONSE TO A DROUGHT EVENT

Stage 1 - Mild Water Shortage

Initiation: The Texarkana Water Utilities will consider that a mild water shortage exists when any one (1) of the following conditions occurs:

- (a) When the level of Wright Patman Reservoir is 220.60 and falling;
- (b) When the treated water supply main from the IP/TWU WTP is out of service due to a break and treated water demand is 0.95 million gallons per day or higher (Atlanta has 950,000 gallons of storage);
- (c) When the high service pumps at the IP/TWU WTP are out of service and treated water demand is 0.95 million gallons per day or higher (Atlanta has 950,000 gallons of storage);
- (d) When only two (2) of the pumps at the raw water pump platform are operational.

Target Goal: Inform the wholesale customers of the Texarkana Water Utilities/IP of the situation and encourage the wise use of water.

Measures:

- (a) When mild water shortage conditions exist, the Texarkana Water Utilities will inform its wholesale customers of the drought condition by mail and telephone.
- (b) The wholesale customers will be asked to provide information and answer inquiries from their citizens.
- (c) Texarkana Water Utilities will advise its wholesale customers of the condition(s) that are causing the water shortage. Each wholesale customer in turn will follow its individual emergency measures.

Termination: Stage 1 shall be rescinded either by rising lake levels and reduced water demand or repair of the transmission main or pumps.

Water Management Strategies: During Stage 1 the Utility will contact its wholesale customers by certified letter and request that the wholesale customer notify its customers of the mild water shortage and implement their drought contingency plans. The Utility will reserve the right to curtail water deliveries to wholesale water customers by a pro-rata method as provided in Texas Water Code, §11.039.

Stage 2 - Moderate water Shortage

Initiation: The Texarkana Water Utilities will consider that a moderate water shortage exists when any two (2) of the following conditions occurs:

- (a) When the level of Wright Patman Reservoir is 220.60 and falling;
- (b) When the treated water supply main from the IP/TWU WTP is out of service due to a break and treated water demand is 0.95 million gallons per day or higher (Atlanta has 950,000 gallons of storage);
- (c) When the high service pumps at the IP/TWU WTP are out of service and treated water demand is 0.95 million gallons per day or higher (Atlanta has 950,000 gallons of storage);
- (d) When only two (2) of the pumps at the raw water pump platform are operational.

Target Goal: When a moderate water shortage exists, the Texarkana Water Utilities will ask the wholesale customers to implement their water management strategies in an attempt to achieve a thirty percent (30%) voluntary reduction in non-essential water use.

Termination: Stage 2 shall be rescinded either by rising lake levels and reduced water demand or repair of the transmission mains or pumps. Upon termination of Stage 2, Stage

1 becomes operative.

Water Management Strategies: During Stage 2 the Utility may request its wholesale customers to implement voluntary lawn irrigation restrictions through the media. The Utility will contact its wholesale customers by certified letter and request that the wholesale customer notify its customers of the moderate water shortage and implement their drought contingency plans. The Utility will ask the International Paper Mill to reduce the use of water for non-production related activities. The Utility may request its wholesale customers to prohibit such other non-essential outdoor uses such as car washing, filling of swimming pools, etc. The Utility will reserve the right to curtail water deliveries to wholesale water customers by a pro-rata method as provided in Texas Water Code, §11.039.

Stage 3 - Severe Water Shortage

Initiation: The Texarkana Water Utilities will consider that a severe water shortage exists when any three (3) of the following conditions occurs:

- (a) When the level of Wright Patman Reservoir is 220.60 and falling;
- (b) When the treated water supply main from the IP/TWU WTP is out of service due to a break and treated water demand is 0.95 million gallons per day or higher (Atlanta has 950,000 gallons of storage);
- (c) When the high service pumps at the IP/TWU WTP are out of service and treated water demand is 0.95 million gallons per day or higher (Atlanta has 950,000 gallons of storage);
- (d) When only two (2) of the pumps at the raw water pump platform are operational.

Target Goal: When a severe water shortage exists, the Texarkana Water Utilities will request the wholesale customers implement their water management strategies in an attempt to achieve a ninety percent (90%) voluntary reduction in non-essential outdoor water use and a thirty percent (30%) reduction in total water use. The Utility will request the International Paper Mill implement industrial best management practices (BMPs) for the use of water in non-production related activities.

Termination: Stage 3 shall be rescinded either by rising lake levels and reduced water demand or repair of the transmission mains or pumps. Upon termination of Stage 3, Stage 2 becomes operative.

Water Management Strategies: During Stage 3 the Utility will contact its wholesale customers by certified letter and request that the wholesale customers notify their customers of the severe water shortage and implement their drought contingency plans.

The Utility will reserve the right to curtail water deliveries to wholesale water customers by a pro-rata method as provided in Texas Water Code, §11.039. The Utility will notify the Executive Director of TCEQ within five (5) business days of implementing any mandatory provisions of the drought contingency plan. If the restrictions of this stage of the plan cause undue hardship on a customer, that customer may request a variance from the City of Texarkana, Texas City Council. These requests will be considered on a case-by-case basis.

Stage 4 - Emergency Water Shortage

Initiation: The Texarkana Water Utilities will consider that an emergency water shortage exists when the Utility is unable to produce or provide treated water from the IP/TWU WTP due to an unscheduled shutdown of the raw water pump station, raw water transmission main or the IP/TWU WTP.

Target Goal: When an emergency water shortage exists, the Texarkana Water Utilities will request the wholesale customers implement their water management strategies in an attempt to reduce daily water use to .35 million gallons per day (MGD).

Termination: Stage 4 shall be rescinded when the IP/TWU WTP is capable of pumping potable water into the distribution system.

Water Management Strategies: During Stage 4 the Utility will contact its wholesale customers by telephone and request that the wholesale customer notify its customers of the emergency water shortage and implement their drought contingency plans. The Utility will reserve the right to curtail water deliveries to wholesale water customers by a pro-rata method as provided in Texas Water Code, §11.039. The Utility will notify the Executive Director of TCEQ within five (5) business days of implementing any mandatory provisions of the drought contingency plan. If the restrictions of this stage of the plan cause undue hardship on a customer, that customer may request a variance from the City of Texarkana, Texas City Council. These requests will be considered on a case-by-case basis.

PLAN EXECUTION

Public Involvement

The Texarkana Water Utilities will keep its customers, municipal and wholesale, apprised of initiation of the drought contingency plan, and changes in stages, by utilizing local media sources such as the newspaper, television and radio.

Enforcement

The Mayor or his/her designee, is responsible for monitoring weather conditions and water supplies, and determining when to initiate and terminate stages of the drought contingency plan.

The Texarkana, Texas City Council has adopted this plan through Ordinance _____, and made it an official City policy. A copy of the ordinance is attached hereto as Figure 2.

Notification of TCEQ on Mandatory Provisions

The Executive Director at TCEQ shall be notified within five (5) business days in any mandatory provisions of this plan are implemented. The TCEQ Executive Director can be reached at (512) 239-3900.

Variance Procedures

The Mayor or his/her designee may, in writing, grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the customer requesting such variance and if one or more of the following conditions are met:

- (a) Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
- (b) Alternative methods can be implemented which will achieve the same level of reduction in water use.

Customers requesting an exemption from the provisions of this Plan shall file a petition for variance with the Texarkana Water Utilities within five (5) days after the Plan or a particular drought response stage has been invoked. All petitions for variance shall be reviewed by the Mayor or his/her designee, and shall include the following:

- (a) Name and address of the petitioner(s).
- (b) Purpose of water use.
- (c) Specific provision(s) of the Plan from which the petitioner is requesting relief.
- (d) Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
- (e) Description of the relief requested.

- (f) Period of time for which the variance is sought.
- (g) Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
- (h) Other pertinent information.

Variance granted by the Texarkana, Texas City Council shall be subject to the following conditions, unless waived or modified:

- (a) Variances granted shall include a timetable for compliance.
- (b) Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

No Variance shall be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

5-Year Updates

This plan shall be reevaluated and updated every five (5) years based on updated information; especially the latest adopted Northeast Texas Regional Water Planning Group Regional Water Plan. This Plan will be reviewed and updated on or before _____, 2021.

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, Texas

Version: G

Update Date: 2/4/2016 10:44 AM

Briefing Sheet

Lead Department: Economic Development **Action Officer:** Jerry Sparks, Economic Developer
Resolution No. 2016-018 approving the addition to the TIRZ #1 Project List for the funding or partial funding of an extension of Pavilion Parkway in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) and for an addition to the Bringle Lake Trail in an amount not to exceed TWO HUNDRED THIRTEEN THOUSAND DOLLARS (\$213,000).

Subject: Public Hearing: 2/22/2016 **Second Briefing:** March 14, 2016 **Council Vote:** 3/28/2016

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:**

At a meeting of the Board for Tax Increment Reinvestment Zone (TIRZ) #1 held on January 15, 2016, the board considered two requests and voted unanimously to recommend the addition of two projects to the approved Project List for TIRZ #1.

The extension of Pavilion Parkway will provide a connection between Gibson and McKnight and intersect with Arista. This street extension will provide up to 45-50 additional acres for development in the City's northwest commercial section and provide traffic an alternative route to parts of Richmond Road. The street extension will be approximately 2,260 feet long and 37 feet wide. Construction will include sidewalks, signalization, water, sewer, and lighting. Estimates of the value of future development range from \$20,000,000 to \$50,000,000.

The extension of the Bringle Lake Trail will close a "loop" in the trail system. When completed, the trail extension will add approximately 4000 feet of 6.5 feet sidewalk and will give citizens an additional looped trail of approximately seven miles.

Projects included in the TIRZ #1 Project list will be eligible for funding consideration by the Council. A separate action by Council is required to fund projects.

Potential Options:

- Approve both additions to the Project List
- Decline to approve either project or approve one project.

Fiscal Implications:

This resolution has no direct funding implication. Authorization of funding approved TIRZ projects requires a separate action by the Council.

Extension of Pavilion Parkway will be in an amount not to exceed \$2,500,000 from future revenue of the TIRZ#1 fund if approved for funding by council

City of Texarkana, Texas

Extension of the Bringle Lake Trail will be in an amount not to exceed \$213,000 from future revenue of the TIRZ #1 fund if approved for funding by Council

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

Tax Increment Reinvestment Zone #1 board

Board/Committee Recommendation:

Approved January 15, 2016

Advisory Board/Committee Meeting Date and Minutes:

Attachments

- a. 2016-018 RES Addition to TIRZ #1 Project List (DOC)
- b. 2016-018 ATTH 01 TIRZ Agenda 15 Jan 16(PDF)
- c. 2016-018 ATT 2 Pvl Pkwy Extension (PDF)
- d. 2016-018 ATT 3 University Trail request SidewalkFromTAMUTtoRichmond2 (3) (PDF)
- e. 2016-018 Goals & Perspectives (DOCX)
- f. 2016-018 RES for additions to TIRZ#1 Project List signed (PDF)

Staff Coordination

Economic Development	Jerry Sparks	Department Head Review
Completed	01/28/2016 10:14 AM	
Planning and Community Development	David Orr	Review Completed
01/28/2016 11:02 AM		
Finance Department	Charlie Bassett	Finance Review Completed 01/28/2016
2:31 PM		
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review Completed	01/28/2016 4:08 PM	
Public Information Officer	Lisa Thompson	PIO Review Completed
02/03/2016 9:50 AM		
City Manager	John Whitson	City Manager Review Completed 02/03/2016
10:59 AM		
City Council	Jennifer Evans	Meeting Completed 02/08/2016
6:00 PM		

Meeting History

02/08/16 City Council MOVED FORWARD Next: 02/22/16

RESOLUTION NO. 2016 – 018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE ADDITION TO THE TIRZ # 1 PROJECT LIST FOR AN EXTENSION OF PAVILION PARKWAY IN AN AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) AND FOR AN ADDITION TO THE BRINGLE LAKE TRAIL IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTEEN THOUSAND DOLLARS (\$213,000); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council established Tax Reinvestment Zone #1, as authorized under the Texas Tax Code Chapter 311 in 2009;

WHEREAS, the TIRZ # 1 Board has considered, approved, and now recommends adding to the TIRZ # 1 Project List an extension of Pavilion Parkway of approximately two thousand two hundred sixty feet (2,260) feet at a width of thirty-seven (37) feet in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) which will provide 45 to 50 additional acres for development; and

WHEREAS, the TIRZ #1 Board has considered, approved, and now recommends adding to the TIRZ #1 Project List an extension of the Bringle Lake Trail of a six and one half foot wide sidewalk with a length of approximately four thousand (4000) feet in an amount not to exceed TWO HUNDRED THIRTEEN THOUSAND DOLLARS (\$213,000); and

WHEREAS, the City council believes this to be in the best interest of the citizens of the community, is in keeping with the objectives of the Tax Increment Reinvestment Zone #1 which will provide economic benefit to the City and County.

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

SECTION 1: That the City Council of the City of Texarkana, Texas approves the addition of an extension of Pavilion Parkway in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) to the Project List for Tax Increment Reinvestment Zone #1.

SECTION 2: That the City Council of the City of Texarkana, Texas approves the addition of an extension of the Bringle Lake Trail in an amount not to exceed TWO HUNDRED THIRTEEN THOUSAND DOLLARS (\$213,000) to the Project List for Tax Increment Reinvestment Zone #1.

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 **28th day of March, 2016.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2016-018 RES Addition to TIRZ #1 Project List [Revision 7] (1436 : 2016-018 RES approving additions to TIRZ #1 Project List)



7.5.c



Attachment: 2016-018 ATT 2 Pvl Pkwy Extension [Revision 1] (1436 : 2016-018 RES approving additions to TIRZ #1 Project List)



40 STA ROW Prep @ \$1000/
STA = \$40,000
+/- 4,000 L.F. 6.5' Wide Sidewalk
@ \$50/SY = \$145,000
15% Contingency = \$28,000
TOTAL: \$213,000

6.5' Conc.
Sidewalk

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:

RESOLUTION NO. 2016 – 018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE ADDITION TO THE TIRZ # 1 PROJECT LIST FOR AN EXTENSION OF PAVILION PARKWAY IN AN AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) AND FOR AN ADDITION TO THE BRINGLE LAKE TRAIL IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THIRTEEN THOUSAND DOLLARS (\$213,000); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council established Tax Reinvestment Zone #1, as authorized under the Texas Tax Code Chapter 311 in 2009;

WHEREAS, the TIRZ # 1 Board has considered, approved, and now recommends adding to the TIRZ # 1 Project List an extension of Pavilion Parkway of approximately two thousand two hundred sixty feet (2,260) feet at a width of thirty-seven (37) feet in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) which will provide 45 to 50 additional acres for development; and

WHEREAS, the TIRZ #1 Board has considered, approved, and now recommends adding to the TIRZ #1 Project List an extension of the Bringle Lake Trail of a six and one half foot wide sidewalk with a length of approximately four thousand (4000) feet in an amount not to exceed TWO HUNDRED THIRTEEN THOUSAND DOLLARS (\$213,000); and

WHEREAS, the City council believes this to be in the best interest of the citizens of the community, is in keeping with the objectives of the Tax Increment Reinvestment Zone #1 which will provide economic benefit to the City and County.

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

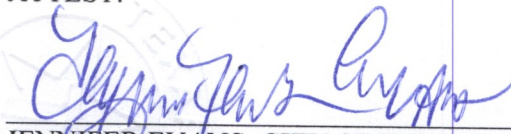
SECTION 1: That the City Council of the City of Texarkana, Texas approves the addition of an extension of Pavilion Parkway in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) to the Project List for Tax Increment Reinvestment Zone #1.

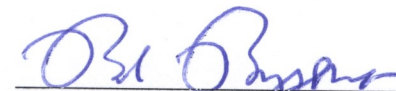
SECTION 2: That the City Council of the City of Texarkana, Texas approves the addition of an extension of the Bringle Lake Trail in an amount not to exceed TWO HUNDRED THIRTEEN THOUSAND DOLLARS (\$213,000) to the Project List for Tax Increment Reinvestment Zone #1.

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 22nd day of February, 2016.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:27pm

Attachment: 2016-018 RES for additions to TIRZ#1 Project List signed (1436 : 2016-018 RES approving additions to TIRZ #1 Project List)

City of Texarkana, Texas

Version: C

Update Date: 2/2/2016 12:42 PM

Briefing Sheet

Lead Department: Economic Development **Action Officer:** Jerry Sparks, Economic Developer
Resolution No. 2016-019 authorizing the City Manager to enter into a contract or contracts with one or more parties for the funding of street construction and improvements for an extension of Pavilion Parkway from Gibson Lane to McKnight Road; approving the reimbursement of the approved construction costs using funds generated from future development revenue from the Tax Increment Reinvestment Zone #1 Fund in an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000).

Subject: MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000).

Briefing: 2/22/2016 **Public Hearing:** 2/22/2016 **Second Briefing:** March 14, 2016 **Council Vote:** 3/28/2016

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Walton Heights LLC has expressed a willingness to construct an extension of Pavilion Parkway from Gibson Lane north to McKnight Road with repayment from a reimbursement agreement from funds generated in the TIRZ #1.

Potential Options:

- Approve authorization for City Manager to enter into a reimbursement agreement
- Decline to approve authorization to enter into a reimbursement agreement

Fiscal Implications:

An amount not to exceed \$2,500,000 from future revenue of TIRZ #1

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

Internal staff review committee

Board/Committee Recommendation:

The internal staff review committee considered the request and recommends approval.

Advisory Board/Committee Meeting Date and Minutes:

January 27, 2016

City of Texarkana, Texas

Attachments

- a. 2016-019 RES Authorizing reimbursement agreement (DOCX)
- b. 2016-019 ATTH 01 Pvl Pkwy Extension (PDF)
- c. 2016-019 ATTH 02 Pavillion Parkway Location Map (PDF)
- d. 2016-019 ATTH 03 Pavil Pkwy estimates (PDF)
- e. 2016-019 Goals & Perspectives (DOCX)
- f. 2016-019 RES authorizing CM to enter into TIRZ reimbursement agreement signed (PDF)

Staff Coordination

Economic Development	Jerry Sparks	Department Head Review	
Completed	01/28/2016 10:19 AM		
Planning and Community Development	David Orr	Review	Completed
01/28/2016 11:11 AM			
Finance Department	Charlie Bassett	Finance Review	Completed
2:50 PM			01/28/2016
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review	01/28/2016 4:09 PM		
Completed			
Public Information Officer	Lisa Thompson	PIO Review	Completed
02/03/2016 9:51 AM			
City Manager	John Whitson	City Manager Review	Completed
11:02 AM			02/03/2016
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			02/08/2016

Meeting History

02/08/16 City Council MOVED FORWARD Next: 02/22/16

RESOLUTION NO. 2016 -019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT OR CONTRACTS WITH ONE OR MORE PARTIES FOR THE FUNDING OF STREET CONSTRUCTION AND IMPROVEMENTS FOR AN EXTENSION OF PAVILION PARKWAY FROM GIBSON LANE TO MCKNIGHT ROAD; APPROVING THE REIMBURSEMENT OF THE APPROVED CONSTRUCTION COSTS USING FUNDS GENERATED FROM FUTURE DEVELOPMENT REVENUE FROM THE TAX INCREMENT REINVESTMENT ZONE #1 FUND IN AN AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council established Tax Reinvestment Zone #1, as authorized under the Texas Tax Code Chapter 311 in 2009; and

WHEREAS, the Public Infrastructure Project list for Tax Increment Reinvestment Zone #1 includes an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) for the extension of Pavilion Parkway from Gibson Lane to McKnight Road; and

WHEREAS, the TIRZ Board has recommended this proposed street extension project; and

WHEREAS, the City Council recognizes the need for funding for this proposed street extension project through reimbursement of approved construction costs using funds generated from future development revenue dedicated to the TIRZ #1 fund; and

WHEREAS, the City Council believes this to be in the best interest of the citizens and the safety of the 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 a contract with Walton Heights LLC, Gibson Park Development LLC, Gibson Heights LLC, or other parties in a grand total amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) for funding street construction and improvements to Pavilion Parkway from Gibson Lane to McKnight Road.

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 **28th** day of **March, 2016**.

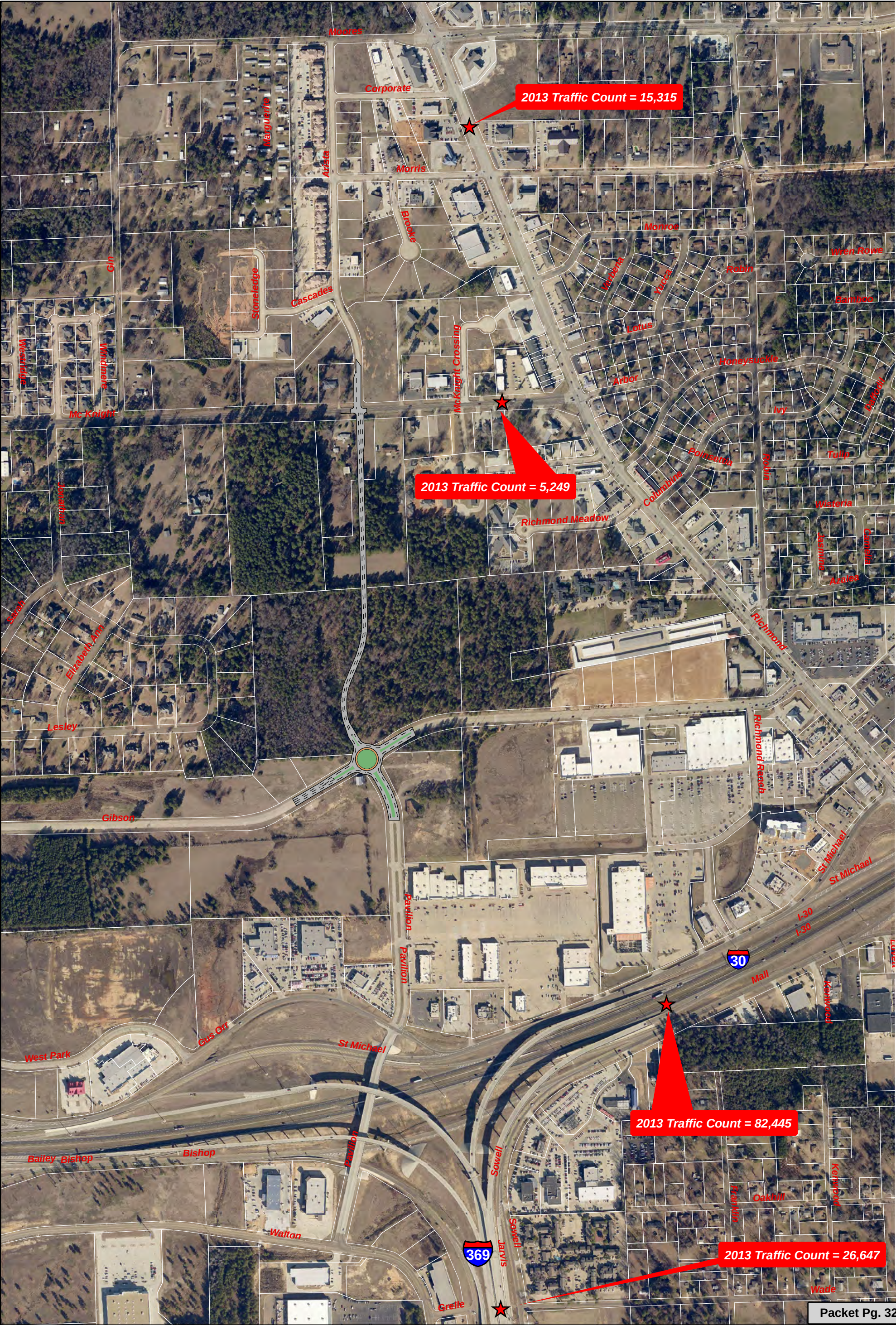
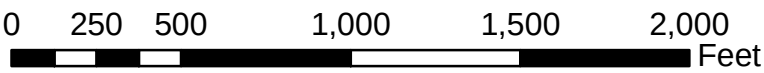
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



PAVILLION PARKWAY LOCATION MAP



Attachment: 2016-019 ATTH 02 Pavillion Parkway Location Map [Revision 1] (1437 : 2016-019 RES authorizing City Manager to enter into reimbursement agreement)



40 STA ROW Prep @ \$1000/
STA = \$40,000
+/- 4,000 L.F. 6.5' Wide Sidewalk
@ \$50/SY = \$145,000
15% Contingency = \$28,000
TOTAL: \$213,000

6.5' Conc.
Sidewalk

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:

RESOLUTION NO. 2016 -019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT OR CONTRACTS WITH ONE OR MORE PARTIES FOR THE FUNDING OF STREET CONSTRUCTION AND IMPROVEMENTS FOR AN EXTENSION OF PAVILION PARKWAY FROM GIBSON LANE TO MCKNIGHT ROAD; APPROVING THE REIMBURSEMENT OF THE APPROVED CONSTRUCTION COSTS USING FUNDS GENERATED FROM FUTURE DEVELOPMENT REVENUE FROM THE TAX INCREMENT REINVESTMENT ZONE #1 FUND IN AN AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council established Tax Reinvestment Zone #1, as authorized under the Texas Tax Code Chapter 311 in 2009; and

WHEREAS, the Public Infrastructure Project list for Tax Increment Reinvestment Zone #1 includes an amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) for the extension of Pavilion Parkway from Gibson Lane to McKnight Road; and

WHEREAS, the TIRZ Board has recommended this proposed street extension project; and

WHEREAS, the City Council recognizes the need for funding for this proposed street extension project through reimbursement of approved construction costs using funds generated from future development revenue dedicated to the TIRZ #1 fund; and

WHEREAS, the City Council believes this to be in the best interest of the citizens and the safety of the community.

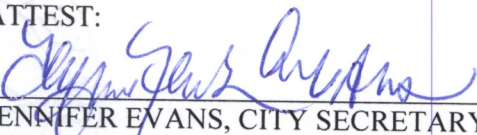
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:

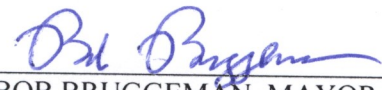
SECTION 1: That the City Manager be and is hereby authorized to enter into a contract with Walton Heights LLC, Gibson Park Development, LLC, Gibson Heights, LLC or other parties in a grand total amount not to exceed TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000) for funding street construction and improvements to Pavilion Parkway from Gibson Lane to McKnight Road.

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 **22nd** day of February, 2016.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:29 p.m.

City of Texarkana, Texas

Version: A

Update Date: 2/3/2016 10:57 AM

Briefing Sheet

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>David Orr, Planning & Community Development</u>
Subject:	<u>Resolution No. 2016-011 authorizing support for Texas Department of Housing and Community Affairs (TDHCA) housing tax credit development application for Heritage Pines.</u>		
Briefing:	<u>2/22/2016</u>	Public Hearing:	<u>2/8/2016</u>
		Second Briefing:	<u>February 22, 2016</u>
		Council Vote:	<u>3/14/2016</u>

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City of Texarkana, Texas, has received requests for resolutions of support for the Texas Department of Housing and Community Affairs (TDHCA) 2016 Competitive 9% Housing Tax Credits Competition. The proposed developments include:

Heritage Pines located at 4001 New Boston Road application #16214
 Park Ridge Senior Apartments located at 1521 Moores Lane application # 16269
 Pine Street Senior Apartments located at 1601 Pine Street application # 16257
 Gateway Junction located at 4824 McKnight Road application # 16181.

UPDATE 1/22/16: One application, Heritage Pines has requested to proceed with Council action. The remaining applications have been withdrawn.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

The proposed Housing Tax Credit Applications are not located within the City's designated revitalization areas, CDBG Consolidated Action Plan Target Areas or the Rosehill Community Revitalization Plan. Furthermore, several of the properties will need to request re zoning for the proposed multi-family use and the process as not been initiated at this time. As a result, staff recommends issuing a resolution of no objection for these applications.

City of Texarkana, Texas

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2016-011 RES Tax Credit App Resolution of Support for Heritage Pines (DOCX)
- b. 2016-011 RES Tax Credit App Resolution of No Objection for Heritage Pines (DOCX)
- c. 2016-011 ATTH 01 Presentation for Heritage Pines Senior's project - Texarkana (PDF)
- d. 2016-011 ATTH 02 Exhibit A site boundaries (PDF)
- e. 2016-011 ATTH 03 RE_ Heritage Pines (PDF)
- f. Goals & Perspectives (DOCX)
- g. 2016-011 ATTH 04 Support from Chamber of Commerce (PDF)
- h. 2016-011 ATTH 05 Heritage Pines site plan with pictures (PDF)
- i. 2016-011 RES Authorizing support for TDHCA Housing Tax Credit Development Applications Heritage Pines signed (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	01/20/2016 4:16 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	01/21/2016 8:38 AM
Public Information Officer	Lisa Thompson	PIO Review Completed
	01/21/2016 8:41 AM	
City Manager	John Whitson	City Manager Review Completed 01/21/2016
8:55 AM		
City Council	Jennifer Evans	Meeting Completed 01/25/2016
6:00 PM		

Meeting History

01/25/16	City Council	MOVED FORWARD	Next: 02/08/16
02/08/16	City Council	MOVED FORWARD	Next: 02/22/16

RESOLUTION NO. 2016- 011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, SUPPORTS THE SUBMISSION OF AN APPLICATION TO THE 2016 COMPETITIVE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY NDG TEXARKANA HOUSING PARTNERS, LTD., FOR THE PROJECT KNOWN AS “HERITAGE PINES” LOCATED AT 4001 NEW BOSTON ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, NDG Texarkana Housing Partners, Ltd. has proposed a development for affordable senior rental housing at 4001 New Boston Road named Heritage Pines in the City of Texarkana, Texas; and

WHEREAS, NDG Texarkana Housing Partners, Ltd. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2016 Competitive 9% Housing Tax Credits for Heritage Pines;

IT IS HEREBY:

RESOLVED, that the City of Texarkana, Texas, acting through its governing body, hereby confirms that it supports the proposed Heritage Pines located at 4001 New Boston Road application #16214; and that this formal action has been taken to put on record the opinion expressed by the City of Texarkana, Texas on **this _____ day of February, 2016**. This support does not relinquish any procedures or rights the City might have in the rezoning process for the Heritage Pines property, nor does it alleviate any requirement of NDG Texarkana Housing Partners, LTD to submit and follow all applicable applications, procedures and policies with the City and the Planning and Zoning Commission, and

FURTHER RESOLVED that for and on behalf of the Governing Body, Bob Bruggeman, Mayor is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

FURTHER RESOLVED 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 ____day of ___, 2016.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

RESOLUTION NO. 2016-011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CONFIRMING NO OBJECTION OF THE SUBMISSION OF AN APPLICATION TO THE 2016 COMPETITIVE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY NDG TEXARKANA HOUSING PARTNERS, LTD., FOR THE PROJECT KNOWN AS “HERITAGE PINES” LOCATED AT 4001 NEW BOSTON ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, NDG Texarkana Housing Partners, Ltd. has proposed a development for affordable senior rental housing at 4001 New Boston Road named Heritage Pines in the City of Texarkana, Texas; and

WHEREAS, NDG Texarkana Housing Partners, Ltd. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2016 Competitive 9% Housing Tax Credits for Heritage Pines,

IT IS HEREBY:

RESOLVED, that the City of Texarkana, Texas, acting through its governing body, hereby confirms that it has no objection to the proposed Heritage Pines located at 4001 New Boston Road application #16214; and that this formal action has been taken to put on record the opinion expressed by the City of Texarkana, Texas on **this _____ day of February, 2016**. This action does not relinquish any procedures or rights the City might have in the rezoning process for the Heritage Pines property, nor does it alleviate any requirement of NDG Texarkana Housing Partners, LTD to submit and follow all applicable applications, procedures and policies with the City and the Planning and Zoning Commission, and

FURTHER RESOLVED that for and on behalf of the Governing Body, Bob Bruggeman, Mayor, is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

FURTHER RESOLVED 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 ____ day of ___, 2016**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



NuRock Companies

Develop, Build and Manage
Market Rate and Affordable Apartments
National Company
Over 8,000 units in portfolio

HERITAGE PINES

- Proposed 92 unit apartments
- Senior Independent living
- Residents 55 years of age and older only
 - No children in schools
 - Quieter neighbors
- Independent living
 - No medical services
 - No regular meal service
- Rent varies depending on resident's income

Similar Property Heritage Park Vista

140 units – mixed income
Seniors Only

8729 Ray White Blvd.
Fort Worth

Heritage Park Vista Fort Worth, TX

8.2.c



Attachment: 2016-011 ATTH 01 Presentation for Heritage Pines Senior's project -

Heritage Park Vista

8.2.c



Attachment: 2016-011 ATTH 01 Presentation for Heritage Pines Senior's project -

Heritage Park Vista

8.2.c



Attachment: 2016-011 ATTH 01 Presentation for Heritage Pines Senior's project -

Amenities

- A technology room with high speed internet access,
- Billiards parlor and game room,
- Beauty/barber shop,
- Well-equipped fitness center,
- Arts and crafts,
- Planned events and outings,
- Swimming pool,
- Meeting/conference hall,
- Fully-equipped kitchen for resident enjoyment,
- Grand ballroom for entertaining, and
- Free coffee bar.

Resident profile (Oct., 2015)

- Census Tract Median Income - \$65,114
- Age
 - Average – 70.4
 - Youngest – 55
 - Oldest – 91 ! (Independent Living and there are 2 residents over 90)
- Income
 - Average - \$20,489
 - Lowest - \$8,376
 - Highest - \$51,617

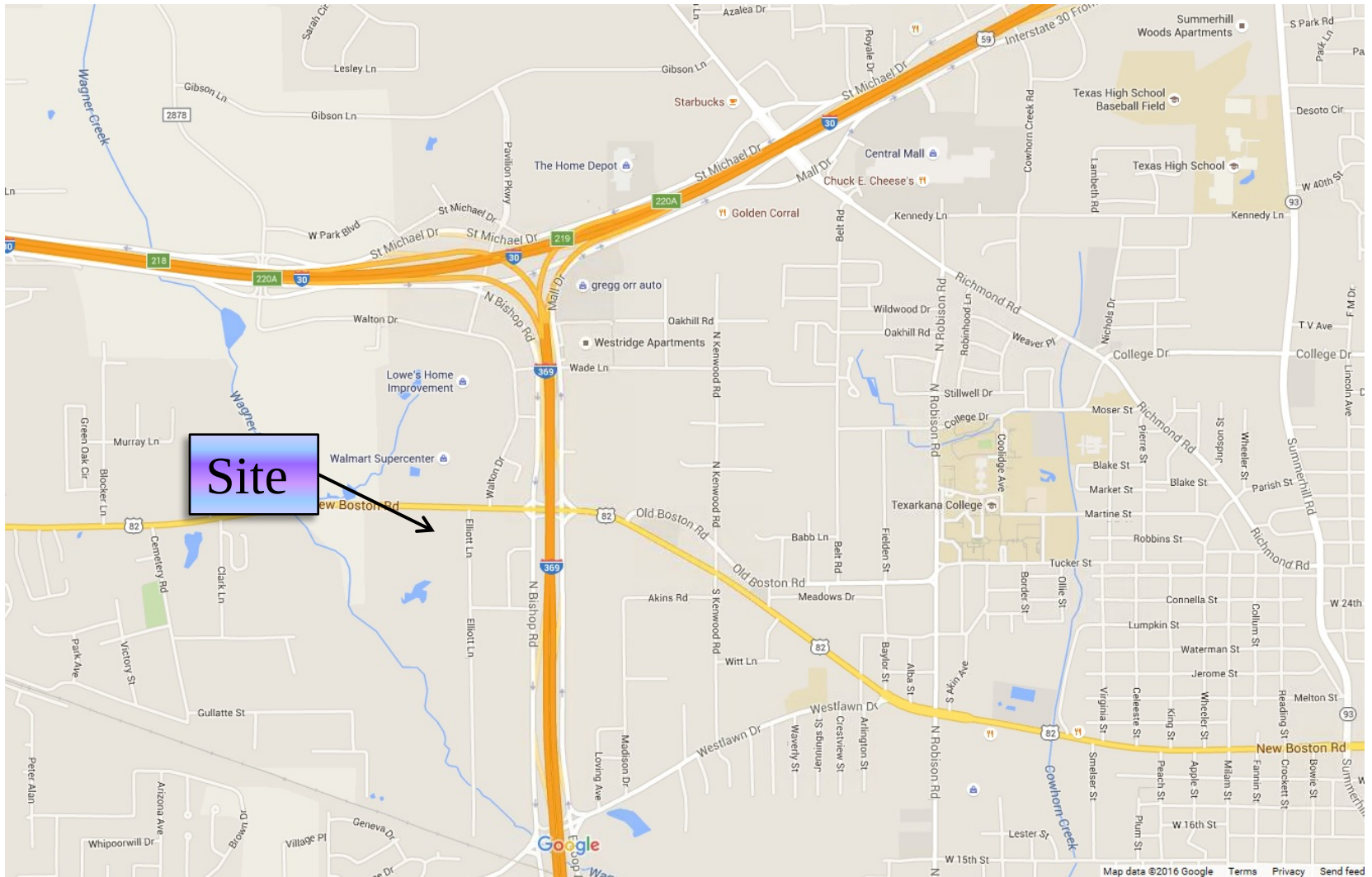
Heritage Pines Texarkana

- 92 units
 - 46 one bedroom, one bath
 - 46 two bedroom, two bath
- Fenced & gated
- Clubhouse with similar amenities
- On site management/maintenance
- Age specific activities

Why at this Location

- Close to shopping, bank, pharmacy, etc.
- Close to buses
- Safe neighborhood
- MOST IMPORTANT FACTOR –
CLOSE TO CHILDREN/GRANDCHILDREN
- Majority of time move in decision is made by resident and family

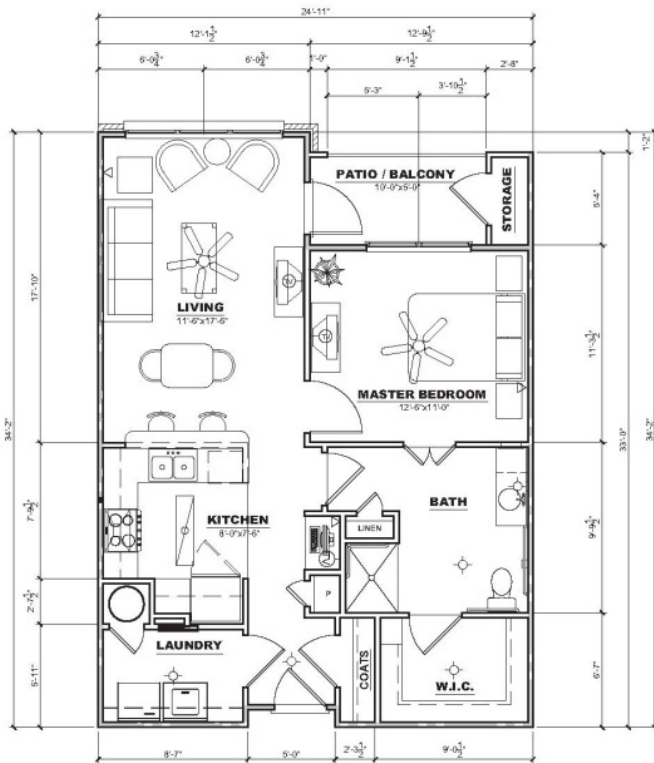
Location



Aerial of Site

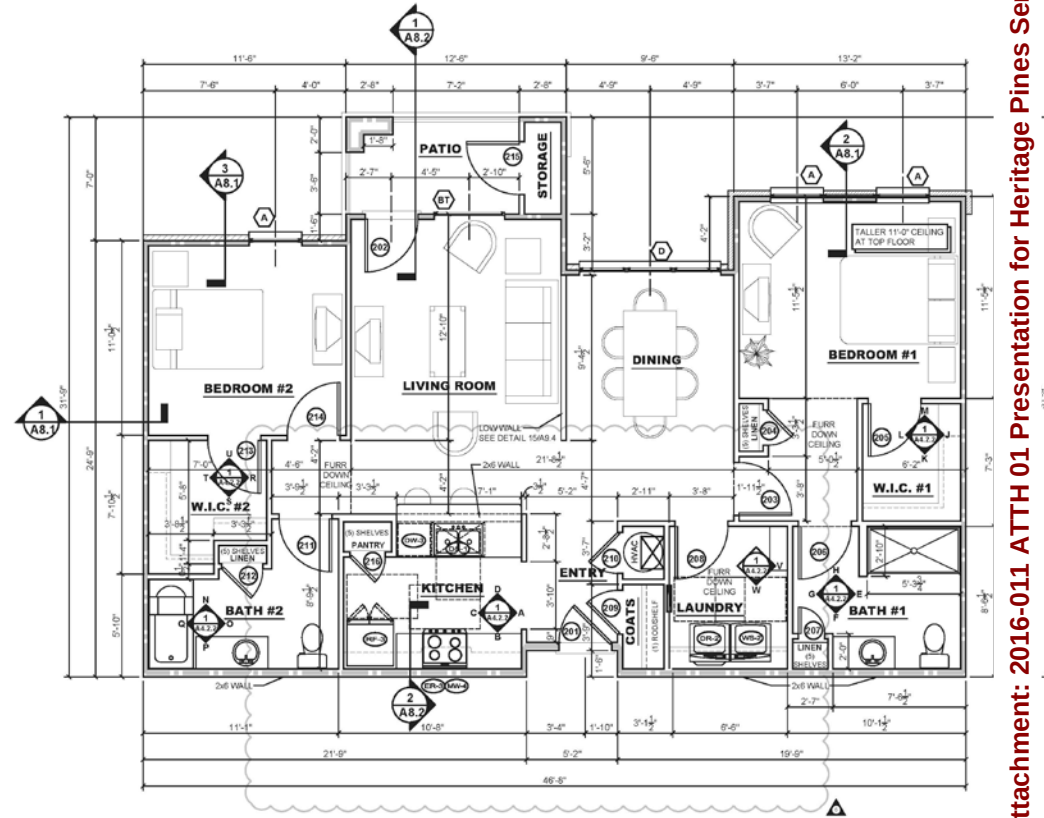


Floor Plans



ONE BEDROOM UNIT

SCALE = 1/8"=1'-0"



**TWO BEDROOM UNIT
FIRST FLOOR PLAN**

1/4"=1'-0"

Rents and Income Limits

# Units	Rents		Income	Max Annual Income (2016)	
	1 BR	2 BR		1 person	2 persons
63	\$486	\$576	< 60% AMI	\$22,020	\$25,200
19	\$387	\$458	< 50% AMI	\$18,350	\$21,000
10	\$191	\$222	< 30% AMI	\$11,010	\$12,600

Median Household Income in Texarkana \$50,000

Residents pay utilities – electric, water, CATV, internet, others

Compare to SSI

Type	SSI Income*	1 person	2 persons
Retired Worker	\$15,977.28	< 50% AMI	< 50% AMI
Spouse of Retired Worker	\$8,103.48	< 30% AMI	<30% AMI

* Avg. SSI Income February, 2015
from Social Security Administration

Resident Screening

- Income/Age
- Credit Check – have to be able to pay the rent
- Landlord background – good resident?
- Criminal Background
- Capable of Independent Living?
 - History
 - Doctor's letter if question

GUESTS AND OTHER RULES

- Every resident 55 or older – Guests allowed
 - If over one week preapproval required and stay monitored
 - If policy abused – warned then evicted (Yes - we rarely evict 80 year olds but try to get family to deal with it first)
 - No regular babysitting – allowed occasionally for family members
 - Other rules – Code of Conduct

Length of NuRock's Involvement

- Deed Restriction for 30 years
 - Stays seniors only
 - Retain affordable component
- NuRock's business plan is to build management portfolio so has only sold 2 properties in last 12 years.

HOUSING TAX CREDITS

- Federal Income Tax Credits
- Issued by Texas Dept of Housing and Community Affairs
- Competitive – for 2016
 - \$60,000,000 available
 - Requests for over \$200,000,000
- 10 years of credits

HOUSING TAX CREDITS

- CREDITS SOLD TO INVESTORS
 - PUBLICLY TRADED COMPANIES
 - INVEST EXPECTING TO MAKE MONEY FOR 10 YEARS AND USE CREDIT TO REDUCE INCOME TAX
- EQUITY USED AS SOURCE
 - LESS DEBT
 - CAN CHARGE LOWER RENTS FOR SOME UNITS

HOUSING TAX CREDITS

- REQUIREMENTS TO OBTAIN CREDITS
 - IF IN SENIOR'S SET ASIDE MUST ONLY LEASE TO SENIORS (55 OR OVER – EVERY RESIDENT)
 - PROMISED FEATURES AND AMENITIES MUST BE PROVIDED
 - ENERGY EFFICIENT UNITS
 - SERVICES LIKE HEALTH CLUB, PROGRAMS
 - VERIFIED BY BIANNUAL INSPECTIONS

Veteran's Preference

- Will agree to set aside 5% of the units for veterans and wounded warriors if over 55.



We need City Council Support



NuRock Companies

4925 Greenville Ave, Suite 1305

Dallas, Texas 75206

(972) 573-3400

www.nurock.com

EXHIBIT "A"

Legal
Description



From: [Dan Allgeier](#)
To: [Tex-Orr, David](#)
Cc: [TEX-Ryan, Daphnea](#)
Subject: RE: Heritage Pines
Date: Tuesday, January 26, 2016 1:57:40 PM
Attachments: [Exhibit A site boundaries.pdf](#)

Thanks for your comments yesterday. To clarify, we would have access from New Boston. The attached map more clearly shows the site boundaries. Frankly we would probably have this as our only public access as then traffic would go by our clubhouse and through gates there so we can monitor traffic in and out. We would probably have an access on Elliot for emergency and perhaps trash trucks with a "Knox lock" on that gate.

We would submit our zoning change request in February. We don't have to have final approval until July so would have plenty of time to work through the system.

I will tweak my presentation for the next meeting with a better site plan.

Dan Allgeier

From: Tex-Orr, David [mailto:david.orr@txkusa.org]
Sent: Friday, January 22, 2016 1:05 PM
To: Dan Allgeier
Cc: TEX-Ryan, Daphnea
Subject: RE: Heritage Pines

Dan,

Yes, you will need to ask for an expedited vote after the February 8th Public Hearing. Typically, the Council will close the public hearing and vote the same night pending no major public opposition to the project.

Thanks,

David

David W. Orr
 Director of Planning & Community Development

City of Texarkana, Texas
 Office: (903) 798-3902
 Cell: (903) 278-7735
 Fax: (903) 798-3913
 Email: david.orr@txkusa.org

Email communications through this office may be subject to Texas Public Records laws and may be shared with others.

From: Dan Allgeier [<mailto:dallgeier@nurock.com>]
Sent: Friday, January 22, 2016 12:57 PM
To: TEX-Ryan, Daphnea
Cc: Tex-Orr, David
Subject: RE: Heritage Pines

I was looking at the Agenda for the council meeting on Monday and see that if approved the Resolution of support will not be approved until March 14th. To qualify for points all resolutions are due with the applications which are due on March 1. That would apply to the 2X resolution as well. Is there any way to speed this process?

Dan Allgeier

From: TEX-Ryan, Daphnea [<mailto:dryan@txkusa.org>]
Sent: Tuesday, January 19, 2016 3:23 PM
To: Dan Allgeier
Cc: Tex-Orr, David
Subject: Re: Heritage Pines

Thank you

Sent from my Verizon Wireless 4G LTE DROID

Dan Allgeier <dallgeier@nurock.com> wrote:

Here is our presentation in power point and pdf formats.

Dan Allgeier

-----Original Message-----

From: TEX-Ryan, Daphnea [<mailto:dryan@txkusa.org>]
 Sent: Tuesday, January 19, 2016 9:16 AM
 To: Dan Allgeier
 Cc: Tex-Orr, David
 Subject: RE: Heritage Pines

Let me check on that deadline. If the City Secretary requires the packets be in our electronic system today, does the packet you brought to our meeting include everything you would want to send for this Council packet?

Thank you

Daphnea Ryan
 Planner II
 Planning and Community Development
 P.O. Box 1967
 220 Texas Blvd., 4th Floor
 Texarkana, Texas 75504
 903-798-3934 (Office)
 903-748-5031 (Cell)
 903-798-3913
dryan@txkusa.org

Email communications through this office may be subject to Texas Public Records laws and may be shared with others.

-----Original Message-----

From: Dan Allgeier [<mailto:dallgeier@nurock.com>]

Sent: Tuesday, January 19, 2016 9:05 AM

To: TEX-Ryan, Daphnea <dryan@txkusa.org>

Cc: Tex-Orr, David <david.orr@txkusa.org>

Subject: Re: Heritage Pines

Tomorrow ok? I'm out of town today.

Sent from my iPhone

Dan Allgeier

> On Jan 19, 2016, at 8:58 AM, TEX-Ryan, Daphnea <dryan@txkusa.org> wrote:

>

> Good Morning,

>

> We request an electronic packet of information on your project. This packet will be the information submitted to City Council. If you can email that today, it would be greatly appreciated.

>

> Thank you,

>

> Daphnea Ryan

> Planner II

> Planning and Community Development

> P.O. Box 1967

> 220 Texas Blvd., 4th Floor

> Texarkana, Texas 75504

> 903-798-3934 (Office)

> 903-748-5031 (Cell)

> 903-798-3913

> dryan@txkusa.org

>

> Email communications through this office may be subject to Texas Public Records laws and may be shared with others.

>

> -----Original Message-----

> From: Dan Allgeier [<mailto:dallgeier@nurock.com>]

> Sent: Monday, January 18, 2016 7:50 AM

> To: Tex-Orr, David <david.orr@txkusa.org>

> Cc: TEX-Hallford, Adra <adra.hallford@txkusa.org>; Len Vilicic <lvilicic@nurock.com>; TEX-Ryan, Daphnea <dryan@txkusa.org>

> Subject: RE: Heritage Pines

>

> The preapplication list for 2016 housing tax credits was published Friday and we definitely wish to proceed with this application. We are competing with 3 preapps in Nash only. I doubt Nash will want 3 new properties. The Housing Authority's application is pretty far down the list. Unfortunately it is very difficult under the current scoring criteria to get an allocation of tax credits for an urban rehab. I would be happy to meet with the housing authority to discuss how we can get this changed. TDHCA is working on the 2017 rules now and it's time to talk to them. A lot of HA's are working on changes including Fort Worth, El Paso and others. These applications are in completely different set-asides of funds and do not compete. I'll see you the 25th.

>

> Here is the link to the list if you want to see - <http://www.tdhca.state.tx.us/multifamily/housing-tax-credits->

[9pct/docs/16-HTC-9-PreApp.pdf](#)

>
>
> Dan Allgeier
>
>
> -----Original Message-----
> From: Tex-Orr, David [<mailto:david.orr@txkusa.org>]
> Sent: Thursday, January 14, 2016 2:47 PM
> To: Dan Allgeier
> Cc: TEX-Hallford, Adra; Len Vilicic; TEX-Ryan, Daphnea
> Subject: RE: Heritage Pines
>
> Dan,
>
> It is best to bring both a hard copy for the minutes and an electronic copy for the public to see.
>
> David W. Orr
> Director of Planning & Community Development
>
> City of Texarkana, Texas
> Office: (903) 798-3902
> Cell: (903) 278-7735
> Fax: (903) 798-3913
> Email: david.orr@txkusa.org
>
> Email communications through this office may be subject to Texas Public Records laws and may be shared with others.
>
>
> -----Original Message-----
> From: Dan Allgeier [<mailto:dallgeier@nurock.com>]
> Sent: Thursday, January 14, 2016 8:24 AM
> To: Tex-Orr, David
> Cc: TEX-Hallford, Adra; Len Vilicic; TEX-Ryan, Daphnea
> Subject: Re: Heritage Pines
>
> Presentation - if I do a paper presentation does it get shown on a screen so the public can see? If so that's my preference as the info can go in the minutes.
>
> Sent from my iPhone
> Dan Allgeier
>
> On Jan 13, 2016, at 5:58 PM, Tex-Orr, David <david.orr@txkusa.org<<mailto:david.orr@txkusa.org>>> wrote:
>
> Dan,
>
> It was nice to meet you today. Yes, that's correct except that it will be during a regular Council meeting not a work session.
>
> Thanks,
>
> David
>
> David W. Orr
> Director of Planning & Community Development
>

> City of Texarkana, Texas
 > Office: (903) 798-3902
 > Cell: (903) 278-7735
 > Fax: (903) 798-3913
 > Email: david.orr@txkusa.org<david.orr@txkusa.org%20>

>
 > Email communications through this office may be subject to Texas Public Records laws and may be shared with others.

>
 > From: Dan Allgeier [<mailto:dallgeier@nurock.com>]
 > Sent: Wednesday, January 13, 2016 4:54 PM
 > To: Tex-Orr, David; TEX-Hallford, Adra
 > Cc: Len Vilicic
 > Subject: Heritage Pines

>
 > Thank you for your time today. To confirm we will be able to present our request for support of our project at a work session with the council meeting on Monday, January 25 at 6 pm at the City Hall. I can do a brief power point or bring a hand out whichever is the easiest. I'll keep the presentation to 5 minutes or less.

>
 > Dan Allgeier
 > Senior Vice President
 > NuRock Companies
 > 4925 Greenville Avenue
 > Suite 1305
 > Dallas, Texas 75206
 > (972) 573-3400 ext 1
 > Fax (678) 218-1496
 > Cell (214) 277-4839
 >

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:



February 5, 2016

Texas Department of Housing and Community Affairs
Marni Holloway
221 East 11th Street
Austin, Texas 78701

Re: Letter of Support
Heritage Pines, Texarkana, TX
TDHCA # 16214

Dear Ms. Holloway:

We understand that NDG Texarkana Housing Partners, Ltd is planning to build new senior rental housing at the SWC of New Boston Road and Elliot Land in Texarkana. These affordable apartments would be a valuable asset to the community. We support this project.

Our organization has served this area for 109 years and believes that this project—and its participants—reflect the appropriate growth model for the proposed development. As a not-for-profit business organization, we are pleased to provide any additional information as needed to move this project forward.

Texarkana USA Chamber Of Commerce is a tax-exempt organization that has as a primary purpose recruiting, welcoming, uniting, and promoting business. We look forward to working with NDG Texarkana Housing Partners, Ltd and the residents of the Heritage Pines in the future.

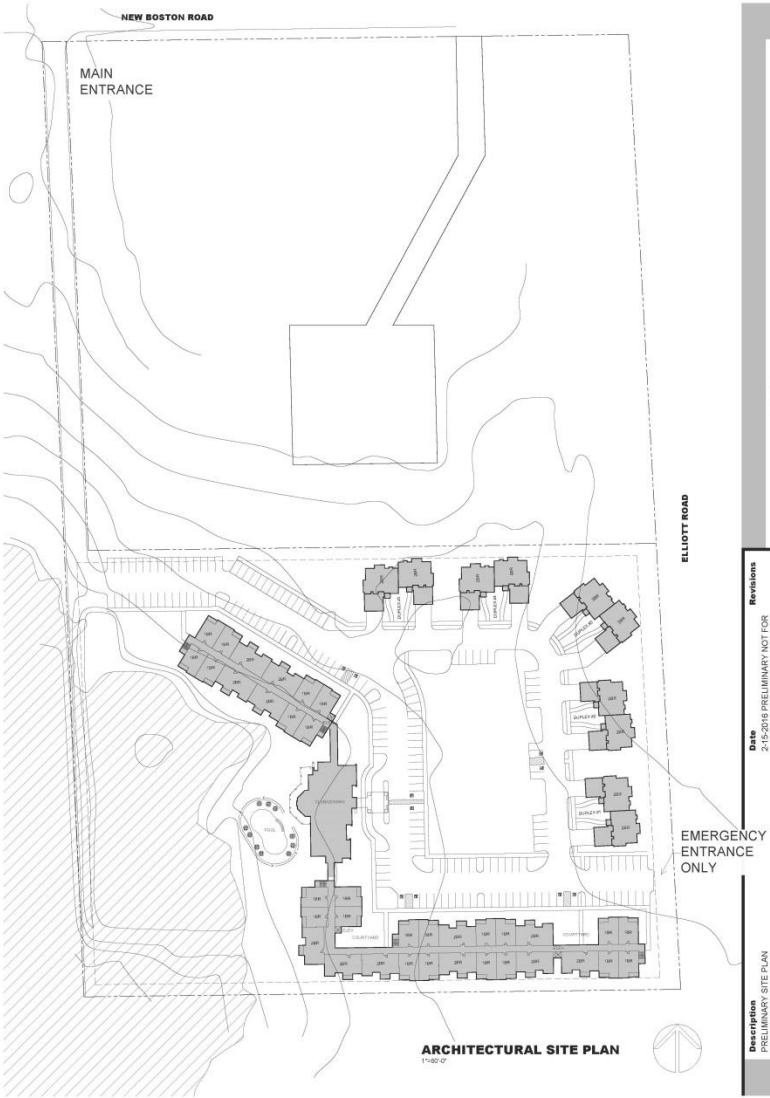
Sincerely,

A handwritten signature in black ink, appearing to read "W. Allen", written over a horizontal line.

Warren L. Allen
President & CEO



UNIT TABULATION	
ONE BEDROOM UNITS	72
TWO BEDROOM UNITS	36
TOTAL APARTMENT UNITS	108
TWO BEDROOM DUPLEX	10
TOTAL UNITS	118
NO ACCESSIBLE UNITS % OF TOTAL UNITS	
HEARING/SIGHT IMPAIRED % OF TOTAL UNITS	
ALL UNITS WILL COMPLY WITH FAIR HOUSING	
PARKING SPACES REQUIRED	1071
PARKING SPACES PROVIDED	1072
DUPLEX UNITS HAVE 2 CAR GARAGE	
PARKING BASED ON 1 SPACE PER BEDROOM PLUS 1 FOR EVERY 4 UNITS	



HERITAGE PINES
NEW BOSTON ROAD
TEXARKANA, TX

Metzger Architecture

PO BOX 270177 FLOWER MOUND, TX 75027 (817) 897-4002

Date:
2-15-2018 PRELIMINARY NOT FOR
REGULATORY APPROVAL
PERMITTING OR CONSTRUCTION

Revisions:

Description:
PRELIMINARY SITE PLAN

A0

RESOLUTION NO. 2016- 011

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, SUPPORTS THE SUBMISSION OF AN APPLICATION TO THE 2016 COMPETITIVE HOUSING TAX CREDIT (HTC) PROGRAM THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS (TDHCA) BY NDG TEXARKANA HOUSING PARTNERS, LTD., FOR THE PROJECT KNOWN AS "HERITAGE PINES" LOCATED AT 4001 NEW BOSTON ROAD; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, NDG Texarkana Housing Partners, Ltd. has proposed a development for affordable senior rental housing at 4001 New Boston Road named Heritage Pines in the City of Texarkana, Texas; and

WHEREAS, NDG Texarkana Housing Partners, Ltd. has advised that it intends to submit an application to the Texas Department of Housing and Community Affairs for 2016 Competitive 9% Housing Tax Credits for Heritage Pines;

IT IS HEREBY:

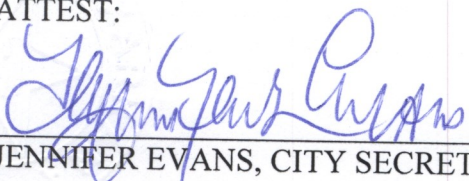
RESOLVED, that the City of Texarkana, Texas, acting through its governing body, hereby confirms that it supports the proposed Heritage Pines located at 4001 New Boston Road application #16214; and that this formal action has been taken to put on record the opinion expressed by the City of Texarkana, Texas on this 22nd day of February, 2016. This support does not relinquish any procedures or rights the City might have in the rezoning process for the Heritage Pines property, nor does it alleviate any requirement of NDG Texarkana Housing Partners, LTD to submit and follow all applicable applications, procedures and policies with the City and the Planning and Zoning Commission, and

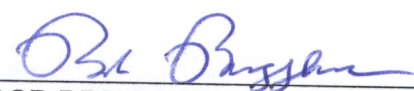
FURTHER RESOLVED that for and on behalf of the Governing Body, Bob Bruggeman, Mayor is hereby authorized, empowered, and directed to certify this resolution to the Texas Department of Housing and Community Affairs.

FURTHER RESOLVED 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 22nd day of February, 2016.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

6:33 p.m.

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 1/19/2016 8:10 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2016-005 establishing and adopting a policy related to citizen submitted petitions.
Briefing: 3/14/2016 **Public Hearing:** 2/8/2016 **Second Briefing:** February 22, 2016 **Council Vote:** 3/14/2016

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City of Texarkana, Texas has no existing city policies, ordinances, or Texas Municipal code sections directing specific City Council action related to citizen submitted petitions. Therefore, staff has drafted a formal process for citizen submitted petitions and outlines the procedures and guidelines in the attached Exhibit "A" – Citizen Petition Policy.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2016-005 RES Citizen Petition Policy (DOC)
- b. 2016-005 EXH 'A' Citizen Petition Policy (DOCX)

City of Texarkana, Texas

c. 2016-005 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed
	01/19/2016 8:10 AM		
Assistant City Manager		Shirley Jaster	Assistant City Manager
Review	Completed	01/21/2016 8:39 AM	
Public Information Officer		Lisa Thompson	PIO Review
	01/21/2016 8:42 AM		Completed
City Manager	John Whitson	City Manager Review	Completed
8:44 AM			01/21/2016
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			01/25/2016

Meeting History

01/25/16	City Council	MOVED FORWARD	Next: 02/08/16
02/08/16	City Council	MOVED FORWARD	Next: 02/22/16

RESOLUTION NO. 2016-005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADOPTING A POLICY RELATED TO CITIZEN SUBMITTED PETITIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, there are no existing city policies or ordinances nor Texas Municipal Code sections directing any specific City Council action related to the disposition of citizen submitted petitions which detail interests and concerns related to public business conducted by the City Council; and

WHEREAS, the City Council recognizes that citizen submitted petitions play a role in the communication process between residents and elected officials; and

WHEREAS, citizen submitted petitions also provide input into the City Council's decision making process; and

WHEREAS, the City Council is committed to citizen engagement and wishes to establish a formal process for residents to submit petitions to the City Council; and

WHEREAS, the procedures and guidelines for the submission and recognition of citizen submitted petitions are outlined in the Citizen Petition Policy as shown in the attached **Exhibit "A"**.

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

SECTION 1: That the City Council accepts and adopts the attached Citizen Petition Policy (**Exhibit "A"**) as written.

SECTION 2: That all citizen submitted petitions are required to meet the standards and guidelines as set forth by the City Council and established in the Citizen Petition Policy in order for the petition to be presented to the City Council.

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 **14th** day of **March, 2016**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2016-005 RES Citizen Petition Policy (1423 : 2016-005 RES Citizen Petition Policy)



CITIZEN PETITION POLICY

Prior to January 2016, the City of Texarkana, Texas, (the "City") had no formal process for residents to submit petitions to the City Council. Recognizing that petitions play a role in the communication between residents and elected officials, the City Council adopted a Citizen Petition Policy which establishes procedures for the submission and recognition of public petitions.

For the purposes of this policy, a petition is a formal written request made to the City Council of the City of Texarkana, Texas. All petitions that meet the standards set out in the Citizen Petition Policy will be presented to the City Council and listed as a communication item on an upcoming City Council agenda. Petitions containing original signatures should be sent to the attention of the City Secretary by mail or delivered in person to Texarkana, Texas City Hall.

A petition is considered a public document at the City and the information contained in it will be subject to Texas Government Code Chapter 552 - "Public Information Act". The petition must include a disclosure statement on each page of the petition so that those who sign the document agree to and are aware of, its open records availability.

For further information pertaining to the "Public Information Act", please visit the website of the Office of the Attorney General at this address: www.oag.state.tx.us.

Policy Statement

The City is committed to citizen engagement and supports petitions as one tool for citizens to have input into the City Council's decision making process. A petition can be most effective when the information contained in it is accurate, verifiable, and when the petition is recognized and accepted by the elected officials.

Purpose of Policy

This policy outlines the City's procedure for receipt and recognition of public or citizen submitted petitions. This policy applies to all citizen submitted petitions delivered to the City Secretary with the exception of those governed by another Act under state and/or federal law(s).

Petition Requirements

- The petition must be addressed to the City Council of the City of Texarkana, Texas, and request a particular action within the authority of the City Council.
- Petitions must be legible, typewritten or printed in ink (no pencil).

EXHIBIT "A"

- The text of the petition must be listed at the top of each page for multiple-page petitions. Pages should be numbered and total number of pages indicated.
- The petition must be appropriate and respectful in tone, and must not contain any improper or offensive language or information.
- Each petitioner must **print and sign** his or her own name. A paper petition must contain original signatures only, written directly on the petition.
- Each petitioner must provide his or her full home address.
- For petitions submitted electronically, petitioners must provide name, address and a valid e-mail address.
- The petition must clearly disclose on each page that it will be considered a public document at the City and that information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

Submission of Petitions

- Completed petitions containing original signatures should be sent to the attention of the City Secretary by mail, email, or delivered in person to Texarkana, Texas City Hall, 220 Texas Blvd, Texarkana, Texas 75501.
- Electronic petitions may be submitted to the attention of the City Secretary at j.evans@txkusa.org.
- All petitions that meet the above standards will be presented to the City Council at the earliest upcoming regular City Council meeting or at an upcoming regular City Council meeting, at the discretion of the City Manager, at which the subject of the petition is to be discussed.
- The City Council has the discretion to accept the petition and the City Council’s consideration and decision is final.

Review of Petitions

The City Secretary will evaluate all petitions to ensure that the requirements of the policy are met. Petitions deemed to be in non-compliance will not be formally presented to or accepted by the City Council.

Retention and Disclosure

All petitions submitted to the City will be retained in the City Secretary’s office and kept in accordance with the retention schedule outlined by the Texas State Library Archives Commission. Petitions meeting the requirements of this policy and therefore presented to and received by the City Council will be available for public viewing upon request.

SAMPLE Petition Template

To: The City Council of the City of Texarkana, Texas
 220 Texas Boulevard
 Texarkana, Texas 75501

Whereas: (brief description of issue/problem/ grievance in question)

I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:

Number of pages: _____

Printed Name	Home Address	Signature	E-mail Address (Required for electronic submission of petition)

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

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: