



CITY OF TEXARKANA
CITY COUNCIL
AGENDA • FEBRUARY 28, 2022

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD., TEXARKANA, TX 75501

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Betty Williams

Ward 5

Bill Harp

Ward 2

Mary Hart

Ward 4

Christie Page

Ward 6

Jay Davis



Vision

The vision of the City is to be a thriving regional center for education, business, and culture which attracts and serves our residents and visitors.

Mission

The mission of the City is to provide customer-focused public services and regional leadership that serve our residents and visitors while offering a safe, vibrant, and welcoming community.

The City Council reserves the right to convene into closed session on any agenda item or issue if applicable pursuant to authorization by the Texas Open Meetings Act (Title 5, Chapter 551 of the Texas Government Code), and will reconvene into open session before taking any final action, decision, or vote on a matter deliberated.

- I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM**
- II. INVOCATION AND PLEDGE LED BY MAYOR BOB BRUGGEMAN**
- III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST**

Upcoming City Council Meetings:

Monday, March 14, 2022 at 6:00 p.m.

Monday, March 28, 2022 at 6:00 p.m.

Parks & Recreation Events:

March 5 - 6	P2A Baseball Tournament	Spring Lake Park
March 12 - 13	NCS Baseball Tournament	Spring Lake Park

Additional Parks & Recreation information can be found on the city's website at <http://www.ci.texarkana.tx.us> or by contacting staff at (903) 798-3978.

Arbor Day Tree Giveaway

The 8th annual **Arbor Day Tree Giveaway** will be a special drive-thru event again this year. It will be held at Spring Lake Park across from the Rotary Splash Pad on March 5th at 9:00 a.m. while supplies last. Contributing sponsors include Texas A&M Forest Service, Master Gardeners of Bowie and Miller counties, and Partnership for the Pathway.

- IV. SPECIAL RECOGNITION - LES MINOR - TEXARKANA GAZETTE**
- V. OPEN FORUM: COMMENTS FROM THE PUBLIC**

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.
- VI. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**
- VII. ITEMS FOR CONSIDERATION**

Consent Items

1. Consider approval of the minutes of the Regular Meeting of the City Council held on February 14, 2022 at 6:00 PM.
2. Ordinance No. 2022-017 amending the budget to establish the Police Department Youth Outreach Program Fund (Fund 602) and adding revenue and expenditures of FIFTY THOUSAND DOLLARS (\$50,000).

Public Hearing:

Council Vote: February 28, 2022

Action Items

3. Resolution No. 2022-006 amending the Purchasing Policy Manual for the City of Texarkana, Texas.

Public Hearing:

Council Vote: February 28, 2022

VIII. FIRST BRIEFINGS

1. Ordinance No. 2022-019 rezoning a 2.89-acre tract of land (being Tract 32), in the W. H. Ector HRS, A-695, Hoskins & Smelser TR 4, located at 1406 Richmond Road from Single Family-2 to Multiple Family-2. Ricky Falcon, Dreams R Us Properties TASC, owner.

Public Hearing: March 14, 2022

Council Vote: March 14, 2022

2. Ordinance No. 2022-020 approving an amendment to PD-02-13 (GR) for site plan approval on Lots 9, 10, and 11, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block of Brooke Place. Brad Meador with 2B Builders, owner.

Public Hearing: March 14, 2022

Council Vote: March 14, 2022

IX. PUBLIC HEARINGS

1. Resolution No. 2022-013 adopting criteria for use in the decennial redistricting process.

Public Hearing: February 28, 2022
Council Vote: February 28, 2022

2. Resolution No. 2022-012 establishing mandatory guidelines for persons submitting specific redistricting proposals and for requiring written comments.

Public Hearing: February 28, 2022
Council Vote: February 28, 2022

3. Ordinance No. 2022-018 approving the voluntary annexation of an 11.376 acre tract in the J. S. Warsden HRS A-745, J. A. Talbot HRS A-564, and George Brinlee HRS A-18, also known as Deaton Place Subdivision, to the city limits of Texarkana, Bowie County, Texas. Aven Williamson Construction, Inc., owner, Kayla Wood, MTG Engineers & Surveyors, agent.

Public Hearing: February 28, 2022
Council Vote: February 28, 2022

X. CITY MANAGER'S REPORT

XI. ADMINISTRATIVE COMMENTS

1. City Council
2. City Staff

XII. ADJOURNMENT



Jennifer Evans
City Secretary

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

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

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

Pursuant to Section 46.03, Penal Code (places weapons prohibited), subsection (a)(14), a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [listed in Penal Code Section 46.05(a)] in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

This facility is wheelchair accessible and handicap parking is available. If you plan to attend this public meeting and you have a disability that requires special arrangements or accommodations, please call 903-798-3900 or (TTY) 1-800-RELAY TX (1-800-735-2989) at least 48 hours in advance.



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • FEBRUARY 14, 2022

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD., TEXARKANA, TX 75501

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

Member Name	Title	Status	Arrived
McGee	Mayor	Present	
Matlock	Ward 1	Present	
Hart	Ward 2	Present	
Williams	Ward 3	Present	
Page	Ward 4	Present	
Peeples	Ward 5	Present	
Is	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Kristin Peeples, Vashil Fernandez, Karey Parker, Shawn Fitzgerald, Dusty Henslee, Robby Robertson, J.W. Bramlett, and Brandon Uselton.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER MARY HART

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, February 28, 2022 at 6:00 p.m.

Monday, March 14, 2022 at 6:00 p.m.

Monday, March 28, 2022 at 6:00 p.m.

Parks & Recreation Events:

February 24th - 25th 27th Annual ADA Fishing Derby Spring Lake Park

Additional Parks & Recreation information can be found on the city's website at <http://www.ci.texarkana.tx.us> or by contacting staff at (903) 798-3978.

Minutes Acceptance: Minutes of Feb 14, 2022 6:00 PM (Consent Items)

Les Minor, long-time editor of the Texarkana Gazette, is retiring at the end February. He's had a distinguished career with the local newspaper and the city wishes him much success in his future endeavors.

A ribbon cutting was held at the Texarkana Regional Airport, welcoming a new flight carrier, United Airlines, that will provide direct service to Houston. The event was attended by officials from both sides of State Line as well as with excellent support from members of the community. Tyler Brown, Airport Real Estate Manager, said this is truly exciting to see taking place at the airport. There will be one flight a day, leaving at 7:00 a.m. and returning at 7:15 p.m.

United is a world-class major airline carrier and now has joined American Airlines, that currently provides three flights a day out of Texarkana. This is a long-awaited milestone for Texarkana USA and the city anticipates a long-term relationship with United Airlines.

The Annual Black History Parade is scheduled for a 10:00 a.m. start on Saturday, February 26th. The parade will begin at East Broad and Hazel Streets in downtown Texarkana.

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

Per Council rules, comment time is limited to five minutes, or ten minutes if using a translator. Before comments are made, a speaker must complete an information sheet and give to the City Secretary. If your comment pertains to an agenda item with a scheduled public hearing or public comment, the Council requires that you make your comment at that time; you do not need to complete an information sheet.

There were no public comments made at Open Forum.

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments made to any board, commission, or committee.

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:17 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Bill Harp, Ward 5
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on January 10, 2022 at 6:00 PM.
2. Consider approval of the minutes of the Regular Meeting of the City Council held on January 24, 2022 at 6:00 PM.

3. Ordinance No. 2022-011 amending the Building Maintenance Fund (Fund 228) budget for the fiscal year ending September 30, 2022, to add unspent funds of One Hundred Six Thousand One Hundred Eighty-four Dollars (\$106,184) from the preceding fiscal year.

Public Hearing:

Council Vote: February 14, 2022

4. Resolution No. 2022-014 approving the request of the Texarkana Airport Authority to enter into a 40-year ground lease with Flight Solutions, LLC., and authorizing the City Manager to sign and execute any documents necessary for the lease.

Public Hearing:

Council Vote: February 14, 2022

5. Resolution No. 2022-015 authorizing the City Manager to accept an Enterprise Agreement proposal from SHI Government Solutions of Austin, Texas, for Microsoft Licenses for the City of Texarkana, Texas utilizing Texas State DIR pricing with funds budgeted in City Technology Fund (Fund 115).

Public Hearing:

Council Vote: February 14, 2022

6. Resolution No. 2022-016 acknowledging receipt of the Police Department's 2021 Racial Profiling Report as statutorily required.

Public Hearing:

Council Vote: February 14, 2022

Action Items

7. Ordinance No. 2022-003 of public convenience and necessity, approving the assignment and transfer of a public utility franchise to Summit Utilities Arkansas, Inc., assignee of CenterPoint Energy Resources Corp., for the continued provision of and to maintain and operate a natural gas utility business system in the City. [City Charter requires this ordinance to be read at three regular meetings of the City Council.]

Public Hearing: January 24, 2022

Council Vote: February 14, 2022

Jeff Lewis provided a brief update. Thereafter, the City Secretary proceed with a third reading of the agenda caption.

(6:21 p.m.)

RESULT:	THIRD READING - ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jay Davis, Ward 6
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

8. Ordinance No. 2022-004 amending Ordinance No. 2017-083, substituting Summit Utilities Arkansas, Inc., as the natural gas provider and franchise holder for the City, reauthorizing identical residential and commercial rate schedules previously authorized with exceptions, and ordering the rates to be charged by Summit for natural gas and natural gas service to the City's residential and commercial customers.

Public Hearing: January 24, 2022

Council Vote: February 14, 2022

Jeff Lewis provided a brief update. Greg Strickland, of Summit Utilities, also provided information and answered questions for council.

(6:27 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

VII. FIRST BRIEFINGS

1. Resolution No. 2022-006 amending the Purchasing Policy Manual for the City of Texarkana, Texas.

Public Hearing:

Council Vote: February 28, 2022

Kristin Peebles briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 2/28/2022 6:00 PM
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2. Resolution No. 2022-013 adopting criteria for use in the decennial redistricting process.

Public Hearing: February 28, 2022

Council Vote: February 28, 2022

Bob Heath, of Bickerstaff Heath Delgado Acosta LLP, briefed this agenda item from Austin, Texas, via the Zoom video conferencing platform.

RESULT:	MOVED FORWARD	Next: 2/28/2022 6:00 PM
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- Resolution No. 2022-012 establishing mandatory guidelines for persons submitting specific redistricting proposals and for requiring written comments.

Public Hearing: February 28, 2022

Council Vote: February 28, 2022

Bob Heath, of Bickerstaff Heath Delgado Acosta LLP, briefed this agenda item from Austin, Texas, via the Zoom video conferencing platform.

RESULT:	MOVED FORWARD	Next: 2/28/2022 6:00 PM
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VIII. PUBLIC HEARINGS

- Ordinance No. 2022-008 granting a Specific Use Permit to allow the location of a single-wide HUD code manufactured home on Lot 3, Block 17, Grandview Addition, located at 4007 Findley Street. Franklin D. Coleman, owner.

Public Hearing: February 14, 2022

Council Vote: February 14, 2022

There were no public comments made at this hearing.
(7:18 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

- Ordinance No. 2022-009 approving an amendment to PD-20-5(GR) for site plan approval on a 2.206-acre tract of land (being Tract 65A) in the John A. Talbot HRS, A-564, located at 5609 Richmond Rd. Don Robertson, owner.

Public Hearing: February 14, 2022

Council Vote: February 14, 2022

There were no public comments made at this hearing.
(7:19 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jay Davis, Ward 6
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

3. Resolution No. 2022-010 authorizing a written services agreement for provisions of city services to Deaton Place Subdivision in the event the city council adopts an ordinance annexing the tract.

Public Hearing: February 14, 2022

Council Vote: February 14, 2022

There were no public comments made at this hearing.
(7:20 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

IX. ITEMS FOR DISCUSSION - CITY MANAGER'S REPORT

Monthly Sales Tax for January 2022 Texarkana, Texas

Sales tax collections for January totaled \$1,657,004, an increase of \$246,669.48 (17.49%) over the prior year. Fiscal year-to-date collections are \$6,586,025.13, up 14.29% compared to last year, while the twelve-month moving average is 16.90%, higher than this time last year.

Caddo Nation Visit Recap

The recent meeting with Caddo Nation Chairman Bobby Gonzalez and Tribal Preservation Officer Jonathan Rohrer went well. Staff is working on a joint resolution and memorandum of understanding regarding a number of collaborative objectives to be introduced at a future council meeting.

City-Wide Goal Setting Process

With the passage of the city's new mission, vision and values statements, staff has begun the city-wide goal setting process with these statements at the forefront. At this time, 114 goals have been established for all City employees and 43 of those goals have been established by department directors.

Ribbon Cutting & First Flight for United Airlines

The Texarkana Regional Airport held a ribbon cutting for United Airlines on Sunday, February 13th and the first flight to Houston left this morning, February 14th. The city appreciates their investment in the community and looks forward to a long-term partnership with United Airlines.

X. ADMINISTRATIVE COMMENTS

1. City Council

Council had no administrative comments for staff.

2. City Staff

Staff had no administrative comments for council.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:23 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Williams, Page, Harp, Davis
EXCUSED:	Bruggeman

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 2/21/2022 4:40 PM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,
Ordinance No. 2022-017 amending the budget to establish the Police
Subject: Department Youth Outreach Program Fund (Fund 602) and adding revenue and
expenditures of FIFTY THOUSAND DOLLARS (\$50,000).

Briefing: 2/28/2022 **Public Hearing:** **Council Vote:** 2/28/2022

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

City staff recommends establishing the Police Department Youth Outreach Program Fund (Fund 602) to account for donations and expenditures for a youth outreach program where at-risk children can participate in youth enrichment programs. This program will be coordinated by the Texarkana, Texas Police Department.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Funded through donations. No financial impact to the City.

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. 2022-017 ORD Amending Budget for PD Youth Outreach Program Fund (DOC)
- b. 2022-017 Goals & Perspectives (DOCX)

City of Texarkana, Texas

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	
	02/08/2022 4:40 PM			
Finance Department	Kristin Peeples	Finance Review	Completed	02/08/2022
4:40 PM				
Police	Kevin Schutte	Review	Completed	02/08/2022
9:00 PM				
City Manager	David Orr	City Manager Review	Completed	02/09/2022
8:44 AM				
City Council	Vicky Coopwood	Meeting	Pending	02/28/2022
6:00 PM				

Meeting History

ORDINANCE NO. 2022-017

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ESTABLISHING THE POLICE DEPARTMENT YOUTH OUTREACH PROGRAM FUND (FUND 602), AMENDING BUDGETED REVENUE AND EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022, BY ADDING THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City staff recommends establishing the Police Department Youth Outreach Program Fund (Fund 602) to account for donations and expenditures for a youth outreach program coordinated by the Texarkana Texas Police Department; and

WHEREAS, City staff recommends amending the budget estimate of the City's revenues and expenditures for the fiscal year beginning October 1, 2021, and ending September 30, 2022, by adding the amount of Fifty Thousand Dollars (\$50,000) in the Police Department Youth Outreach Program Fund (Fund 602).

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

SECTION 1: The budget estimate of the revenue and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2021, and ending September 30, 2022, be amended to reflect additional revenue and expenditures appropriated of **FIFTY THOUSAND DOLLARS (\$50,000)** added to the Police Department Youth Outreach Program Fund (Fund 602).

SECTION 2: 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 **28th day of February, 2022.**

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: Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 2/11/2022 9:01 AM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,
Subject: Resolution No. 2022-006 amending the Purchasing Policy Manual for the City
of Texarkana, Texas.

Briefing: 2/28/2022 **Public Hearing:** **Council Vote:** 2/28/2022

Item Schedule

Schedule 2: Brief once - vote once (two weeks)**Updates/History of Briefing:**

The Purchasing Policy Manual was last amended on April 19, 2021 to add specific language related to the purchasing process for the Metropolitan Planning Organization. Prior to that, the last major amendment to the policy was in October of 2018.

Executive Summary and Background Information:

The purchasing policy manual outlines the procedures to follow when making purchases on behalf of the City.

Objectives of the Purchasing Policy Manual:

- To conduct all Purchasing in accordance with Texas Local Government Code Chapter 252, State Law, and the City of Texarkana, Texas City Charter.
- To ensure that public funds are safeguarded.
- To ensure that public spending is not used to enrich elected officials or government employees, or to confer favors on favored constituents.
- To keep Emergency Purchases to a minimum.

Outlined in the Purchasing Policy Manual:

- The steps that should be taken for each purchase made on behalf of the City depending on the dollar amount of the purchase and/or the nature of the work to be performed. This includes when competitive bidding is required verses informal quotes.
- Includes a preference for local businesses and the City's support of Small Business Saturday, the Shop TXK Program and partnership with the Northeast Texas Small Business Development Center (SBCD). Staff are strongly encouraged to seek local sources.
- What qualifies as an emergency purchase and the process to follow when an emergency purchase is needed.
- The process that must be followed to ensure that Historically Underutilized Businesses (HUB's) are contacted per the requirements of the Texas Local Government Code.
- Who has purchasing authority and the corresponding dollar amounts allowed under the authority of each position.
- Setting up a new vendor, creating a purchase order, and processing the purchase from start to finish in the accounting system.

City of Texarkana, Texas

- Rules for purchases made with petty cash.
- Rules for credit card purchases, including card holder responsibilities.
- Disposal of surplus property.
- Procurement policy provided by the Texas Department of Transportation (TxDOT) for transportation projects.

Potential Options:

- Approve Purchasing Manual as presented.
- Deny Purchasing Manual as presented.

Fiscal Implications:

A formal purchasing manual helps to ensure compliance with state and local laws and safeguard public funds.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Not Applicable.

Board/Committee Recommendation:

Not Applicable.

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable.

Attachments

- a. 2022-006 RES Amending the Purchasing Policy Manual for the City of Texarkana, Texas (DOC)
- b. 2022-006 EXH 'A' Purchasing Policy Manual Final for Approval 02.28.22 (DOCX)
- c. 2022-006 Goals & Perspectives (DOCX)

Staff Coordination

Finance Department	Kristin Peebles	Department Head Review	Completed
	01/19/2022 3:25 PM		
Public Works Department		Dusty Henslee	Action Completed
	01/19/2022 3:56 PM		
City Manager	David Orr	City Manager Review Completed	01/19/2022
5:09 PM			
City Council	Jennifer Evans	Meeting	Completed
6:00 PM			02/14/2022

Meeting History

02/14/22 City Council MOVED FORWARD Next: 02/28/22

RESOLUTION NO. 2022-006

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TEXARKANA, TEXAS, AMENDING THE CITY'S PURCHASING
POLICY MANUAL; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City of Texarkana, Texas, maintains a purchasing policy manual that outlines the procedures to follow when making purchases on behalf of the City; and

WHEREAS, the policy manual is established to conduct all purchasing in accordance with Texas Local Government Code Chapter 252, State Law, and the City Charter; ensure that public funds are safeguarded; ensure that public spending is not used to enrich elected officials or government employees, or confer favors on favored constituents; and to keep emergency purchases to a minimum.

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

SECTION 1: The City Council of the City of Texarkana, Texas, approves the amended Purchasing Policy Manual (**Exhibit "A"**).

SECTION 2: 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 February, 2022.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas Purchasing Policy Manual



Table of Contents

OBJECTIVES	4
INVITATION FOR BIDS (IFB)	4
SUBSTANTIAL REVISIONS – MATERIALS	4
COMPETITIVE BIDDING – AWARDS	4
PREFERENCE FOR LOCAL BUSINESS – BUY LOCAL	5
REQUEST FOR PROPOSALS (RFP)	7
REQUEST FOR INFORMATION (RFI)	7
REQUEST FOR QUALIFICATIONS (RFQ)	7
PROFESSIONAL SERVICES	7
EMERGENCY PURCHASES	8
EMERGENCY PURCHASES DURING OFFICE HOURS	8
EMERGENCY PURCHASES AFTER OFFICE HOURS	8
SOLE SOURCE PURCHASE	9
COOPERATIVE PURCHASES	9
ANNUAL SUPPLY CONTRACT	9
HISTORICALLY UNDERUTILIZED BUSINESS (HUB'S)	9
DISCLOSURES	10
FORM 1295	12
ENFORCEMENT	12

2022-006 EXH 'A'

NEW VENDOR SET UP	13
PURCHASING AUTHORITY – WHO HAS IT?	13
MONETARY PURCHASING GUIDE	13
PURCHASE ORDER EXEMPTIONS	17
PURCHASE ORDER “NOT TO EXCEED”	17
CHANGE ORDER – GENERAL	17
CHANGE ORDER – CONTRACTS	18
RECEIVING AND INSPECTION	18
INVOICES	19
PAYMENT FOR GOODS AND SERVICES	19
PETTY CASH	19
CREDIT CARD PURCHASES	20
CARD HOLDER RESPONSIBILITIES	20
TAX EXEMPT CERTIFICATE	20
SALVAGE & SURPLUS PROPERTY	21
HANDLING & DISPOSITION OF 3RD PARTY’S PERSONAL PROPERTY	21
DISCIPLINARY ACTIONS	22
PROCUREMENT POLICY FOR TRANSPORTATION PROJECTS	23

Objectives

- To conduct all Purchasing in accordance with Texas Local Government Code Chapter 252, State Law, and the City of Texarkana, Texas City Charter.
- To ensure that public funds are safeguarded.
- To ensure that public spending is not used to enrich elected officials or government employees, or to confer favors on favored constituents.
- To keep Emergency Purchases to a minimum.

Invitation for Bids (IFB)

Informal sealed bids are those that are sent out to solicit bids that will be returned and opened at a specified time and place. They will be posted and advertised. Bids may be received electronically if systems are in place that prevent viewing before the specified bid opening date and time.

Substantial Revisions – Materials

“Bidding presupposes that due advertisement, giving opportunity to bid, and contemplates a bidding on the same undertaking upon each of the same material items covered by the Contract, upon the same thing. It requires that all bidders be placed upon the same plan of equality and that they each bid upon the same terms and conditions involved in all the items and parts of the contract, and the proposal specify as to all bids the same or substantially similar specifications” – Attorney General Opinion MW-296

When a substantial revision is needed, notification will be sent to all known participating vendors and posted to the City’s website.

Competitive Bidding – Awards

The City of Texarkana, Texas shall award contracts based on best interest and in accordance with State Law. Texas Local Government Code, Section 252.043, states, in part:

- *If the competitive sealed bidding requirement applies to the contract for goods or services, the contract must be awarded to the lowest responsible bidder or to the bidder who provides goods and services at the best value for the municipality.*
- *Before awarding a contract under this section, a municipality must indicate in the bid specification and requirements that the contract may be awarded either to the lowest responsible bidder or to the bidder who provides goods or services at the best value for the municipality.*

Preference for Local Business – Buy Local

The City supports small business initiatives throughout the year including Small Business Saturday, the Shop TXK program and partnership with the Northeast Texas Small Business Development Center (SBDC). Keeping purchases local and spending public tax dollars close by helps to stimulate our local economy. **City staff are strongly encouraged to seek local sources for all purchases while considering the best price for public goods and services.**

Bidding Preference

- Tie Bids – Identical bids
 - If two or more bidders submit identical bids; **and**
 - If only one of the bidders is a business resident of Texarkana, Texas, **then**
 - that bidder must be selected.
- Tie Bids – Identical Bids – (2) or more City Residents
 - If two or more bidders submit identical bids; **and**
 - Both bidders are business residents of Texarkana, Texas, **then**
 - Selection must be made by flip of a coin
- Tie Bids – Non-Resident
 - If two or more bidders submit identical bids; **and**
 - Neither bidder is a business resident of Texarkana, Texas, **then**
 - Selection is made by flip of a coin.
- Tie Bids – \$50,000.00 or above
 - If two or more bidders submit identical bids; **and**
 - The contract award amount is \$50,000.00 or above, **then**
 - Selection is made by flip of a coin *in the presence of City Council*

In any of these “tie bids” situations, nothing prohibits the City from rejecting all bids.

Other provisions that allow for the consideration of a bidder’s principal place of business when the City awards a contract:

Local Government Code § 271.905

Sec. 271.905. CONSIDERATION OF LOCATION OF BIDDER'S PRINCIPAL PLACE OF BUSINESS.

(a) In this section, "local government" means a municipality, a county, or another political subdivision authorized under this title to purchase real property or personal property that is not affixed to real property. The term does not include a school district.

(b) In purchasing under this title any real property or personal property that is not affixed to real property, if a local government receives one or more bids from a bidder whose principal place of business is in the local government and whose bid is within three percent of the lowest bid price

received by the local government from a bidder who is not a resident of the local government, the local government may enter into a contract with:

- (1) the lowest bidder; or
 - (2) the bidder whose principal place of business is in the local government if the governing body of the local government determines, in writing, that the local bidder offers the local government the best combination of contract price and additional economic development opportunities for the local government created by the contract award, including the employment of residents of the local government and increased tax revenues to the local government.
- (c) This section does not prohibit a local government from rejecting all bids.

Local Government Code § 271.9051

CONSIDERATION OF LOCATION OF BIDDER'S PRINCIPAL PLACE OF BUSINESS IN CERTAIN MUNICIPALITIES.

- (a) This section applies only to a municipality that is authorized under this title to purchase real property or personal property that is not affixed to real property.
- (b) In purchasing under this title any real property, personal property that is not affixed to real property, or services, if a municipality receives one or more competitive sealed bids from a bidder whose principal place of business is in the municipality and whose bid is within five percent of the lowest bid price received by the municipality from a bidder who is not a resident of the municipality, the municipality may enter into a contract for construction services in an amount of less than \$100,000 or a contract for other purchases in an amount of less than \$500,000 with:
 - (1) the lowest bidder; or
 - (2) the bidder whose principal place of business is in the municipality if the governing body of the municipality determines, in writing, that the local bidder offers the municipality the best combination of contract price and additional economic development opportunities for the municipality created by the contract award, including the employment of residents of the municipality and increased tax revenues to the municipality.
- (c) This section does not prohibit a municipality from rejecting all bids.
- (d) This section does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153.

Request for Proposals (RFP)

Formal solicitation used primarily for specified goods or services for which the requirements are not easily determined and may not result in an exact comparison of offers.

Request for Information (RFI)

Sometimes used as the first step in the RFP process. The solicitation is used to extract information concerning the product or services being sought. This process may or may not solicit pricing. If pricing is considered, it would only be of budgetary interest since a IFB or RFP would follow.

Request for Qualifications (RFQ)

Solicitation made to secure professional services within the scope of practice, as defined by state law. Proposals are evaluated based on the vendor's statement of qualifications. After the highest evaluated proposal is determined, the City will enter price negotiations.

Professional Services

Personal and professional services are exempted from the competitive bidding process and are procured through Request for Qualification documents or Request for Proposal.

Texas Local Government Code Chapter 2254.003 States:

A Government 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 on the basis of demonstrated competence of qualifications to perform the service, and for a fair and reasonable price.

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

Texas Local Government Code § 2254.002 states "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*

Emergency Purchases

Texas statutes generally allow the local government to make emergency purchases without competitive bidding as per Texas Local Government Code § 252.022 "General Exemptions". A political subdivision is generally exempted from competitive bidding if:

- In the case of public calamity, the prompt purchase of items is required to provide for the needs of the public or to preserve the property of the political subdivision.
- The item is necessary to preserve or protect the health or safety of residents of the political subdivisions; or
- The item is made necessary by unforeseen damage to public property.

Emergency Purchases During Office Hours

In the event an emergency is of such a nature that there is no time to prepare a purchase order, be prepared to provide the following information to the Purchasing Administrator by phone or email.

- Responding Vendor Name
- Vendor payment arrangement
- Description of the item or service required. (best of knowledge)
- Estimate of costs

Emergency Purchases After Office Hours

If an emergency arises after normal office hours, the department should take whatever action is necessary to make appropriate repairs and notify the Purchasing Administrator the next business day.

Sole Source Purchase

The legislature also exempted procurement of certain items from sealed bidding in Texas Local Government Code § 252.022(7) that are available from only one source, including:

- (A) *Items that are available from only one source because of patents, copyrights, secret process, or natural monopolies;*
- (B) *Films, manuscripts or books;*
- (C) *Gas, water, and other utility services;*
- (D) *Captive replacement parts or components for equipment;*
- (E) *Books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and*
- (F) *Management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits.*

Written justification for sole source purchases must be provided in advance for review and approval.

Cooperative Purchases

Occurs when two or more governmental entities coordinate some or all purchasing efforts to reduce cost, take advantage of quantity discounts, share specifications, or create a heightened awareness of legal requirements.

- Inter-local agreement purchases
- State contract purchases
- Piggybacking
- Joint purchases

Annual Supply Contract

The City of Texarkana, Texas often purchases certain items throughout the year. To receive discount prices and provide a coordinated and organized purchase of routine and commonly used items, similar items can be combined and bid as an annual supply contract.

Historically Underutilized Business (HUBS)

A municipality, in making an expenditure of more than \$3,000 but less than \$50,000 shall contact at least two (2) disadvantaged businesses on a rotating basis, in accordance with Texas Government Code Chapter 2161, 1 TAC § 111.21, and 34 TAC Part 1, Ch. 20, Subchapter B (relating to the Historically Underutilized Business Program). *If the list fails to identify a disadvantaged business in the county in which the city is situated, the City is exempt from this section.* A listing for Bowie County is located at G:\Swap Folder\Purchasing.

Disclosures

Access to bidder-declared trade secrets or confidential information shall be in accordance with the Texas Government Code Chapter 552, the Public Information Act, and the applicable City Policies.

Texas Local Government Code § 252.049(b) states:

If provided in a request for proposals, proposals shall be opened in a manner that avoids disclosure of the contents to competing offerors and keeps the proposals secret during negotiations. All proposals are open for public inspection after the contract is awarded, but trade secrets and confidential information in the proposals are not open for public inspection.

Texas Local Government Code § 2252.908 states:

Disclosure of Interested Parties

(a) in this section:

- (1) *"Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation.*
- (2) *"Governmental entity" means a municipality, county, public school district, or special-purpose district or authority.*
- (3) *"Interested party" means a person who has a controlling interest in a business entity with whom a governmental entity or state agency contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity.*
- (4) *"State agency" means a board, commission, office, department, or other agency in the executive, judicial, or legislative branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.*

(b) *This section applies only to a contract of a governmental entity or state agency that:*

- (1) *requires an action or vote by the governing body of the entity or agency before the contract may be signed;*
- (2) *has a value of at least \$1 million; or*
- (3) *is for services that would require a person to register as a lobbyist under Chapter 305.*

(c) *Notwithstanding Subsection (b), this section does not apply to:*

- (1) *a sponsored research contract of an institution of higher education;*
- (2) *an interagency contract of a state agency or an institution of higher education;*
- (3) *a contract related to health and human services if:*
 - (A) *the value of the contract cannot be determined at the time the contract is executed; and*
 - (B) *any qualified vendor is eligible for the contract;*
- (4) *a contract with a publicly traded business entity, including a wholly owned subsidiary of the business entity;*
- (5) *a contract with an electric utility, as that term is defined by Section 31.002, Utilities Code; or*

- (6) a contract with a gas utility, as that term is defined by Section 121.001, Utilities Code.
- (d) A governmental entity or state agency may not enter into a contract described by Subsection (b) with a business entity unless the business entity, in accordance with this section and rules adopted under this section, submits a disclosure of interested parties to the governmental entity or state agency at the time the business entity submits the signed contract to the governmental entity or state agency.
- (e) The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission that includes:
- (1) a list of each interested party for the contract of which the contracting business entity is aware; and
 - (2) a written, unsworn declaration subscribed by the authorized Administrator of the contracting business entity as true under penalty of perjury that is in substantially the following form:

"My name is _____, my
date of birth is _____, and my address is
_____, _____, _____,
(Street) (City) (State) (Zip Code)
_____. I declare under penalty of
(Country)
perjury that the foregoing is true and correct.
Executed in _____ County, State of _____, on the _____ day of
_____, _____.
(Month) (Year)

Declarant".

- (f) Not later than the 30th day after the date the governmental entity or state agency receives a disclosure of interested parties required under this section, the governmental entity or state agency shall submit a copy of the disclosure to the Texas Ethics Commission.
- (g) The Texas Ethics Commission shall adopt rules necessary to implement this section, prescribe the disclosure of interested parties form, and post a copy of the form on the commission's Internet website.

Form 1295

The Texas Ethics Commission has generated a Form 1295 which requires the disclosure of each interested party (as defined by the Ethics Commission Rules). The law applies to a contract of a governmental entity that either:

- (1) Requires an action or vote by the governing body of the entity before the contract may be signed (unless delegated – Section 461. TEC Rules)
- (2) Has a value of at least \$1 million.

Enforcement

Texas Local Government Code

Sec. 252.061. INJUNCTION.

If the contract is made without compliance with this chapter, it is void and the performance of the contract, including the payment of any money under the contract, may be enjoined by:

- (1) any property tax paying resident of the municipality; or*
- (2) a person who submitted a bid for a contract for which the competitive sealed bidding requirement applies, regardless of residency, if the contract is for the construction of Public Works.*

Sec. 252.062. CRIMINAL PENALTIES.

(a) A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly makes or authorizes separate, sequential, or component purchases to avoid the competitive bidding requirements of Section [252.021](#). An offense under this subsection is a Class B misdemeanor.

(b) A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates Section [252.021](#), other than by conduct described by Subsection (a). An offense under this subsection is a Class B misdemeanor.

(c) A municipal officer or employee commits an offense if the officer or employee intentionally or knowingly violates this chapter, other than by conduct described by Subsection (a) or (b). An offense under this subsection is a Class C misdemeanor.

Sec. 252.063. REMOVAL; INELIGIBILITY.

(a) The final conviction of a municipal officer or employee for an offense under Section [252.062](#)(a) or (b) results in the immediate removal from office or employment of that person.

(b) For four years after the date of the final conviction, the removed officer or employee is ineligible:

- (1) to be a candidate for or to be appointed or elected to a public office in this state;*

(2) to be employed by the municipality with which the person served when the offense occurred; and

(3) to receive any compensation through a contract with that municipality.

(c) This section does not prohibit the payment of retirement or workers' compensation benefits to the removed officer or employee.

New Vendor Set Up

- Prior to issuance of a purchase order, vendor data must be entered into the financial software and a unique vendor number assigned for all new vendors. A completed New Vendor Packet and W-9 must be furnished to the Purchasing Administrator by the requesting department. Established vendors that wish to change banking information must complete a Request to Change Vendor Banking Information Form with the Finance Department. Finance staff must follow a two-step authentication process with final approval of all banking changes by the Assistant CFO or CFO.

Purchasing Authority – Who has it?

- The City Manager shall sign all contracts.
- The Purchasing Administrator shall have signature authority for all purchase orders from \$0.01 to \$49,999.99.
- The Contracts Administrator shall have signature authority for all purchase orders from \$50,000.00 and above.

Monetary Purchasing Guide

- **\$0.01 - \$2,999.99**
 - Employees should use a department purchasing card or utilize the Purchase Order process.
 - Department Directors have discretion regarding the purchase of goods or services within this range.
 - Competitive quotes are strongly encouraged.
 - Oversight and approval provided by the Department Director.
- **\$3,000 - \$49,999.99 - Quotes**
 - A formal request for purchase through Springbrook is REQUIRED.
A record of request originating in the user department, and an approval of encumbered funds issued by the finance department, must be maintained through the Purchase Order Approval module of Springbrook.
 - Must obtain three written quotes.
 - Quotes must contain Vendor Name, Phone Number & Physical Address.

2022-006 EXH 'A'

- Quotes must be itemized by goods or services with the quantity and price of each clearly stated.
- Effective dates of the quote.
- If unable to obtain three quotes, documentation such as email correspondence noting “Unable to Quote” will need to be provided with the Department’s backup documentation and a Purchasing Exemption Form will need to be completed.
- Unless an exemption is identified or a HUB is unavailable, two (2) of the three (3) written quotes must be formally requested from a vendor on the HUB list furnished by the Texas Comptroller of Public Accounts and located at G:\Swap Folder\Purchasing.
- The City awards on the lowest quote obtained.
- Once a selection is made; the awarded quote shall be sent first to the Purchasing Administrator, along with backup documentation (other quotes obtained) and a Purchasing Exemption Form, if applicable.
- Purchasing Exemption Forms shall be used in each Department’s backup documentation if any of the following apply:
 - Unable to obtain three (3) quotes (along with supporting documentation showing that an attempt was made);
 - co-operative purchasing agreement, established contract, or interlocal agreement;
 - If using a State of Texas Coop Contract; the Coop, Contract Number, and (if applicable) expiration date of Contract will need to be provided in your documentation to the Purchasing Administrator.
 - a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;
 - a procurement necessary to preserve or protect the public health or safety of the municipality's residents;
 - a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
 - advertising, other than legal notices;
 - a procurement for personal, professional, or planning services;
 - a procurement for work that is performed and paid for by the day as the work progresses;
 - a purchase of land or a right-of-way;
 - services performed by blind or severely disabled persons;
 - goods purchased by a municipality for subsequent retail sale by the municipality;
 - electricity;
 - a procurement of items that are available from only one source;

- a purchase of rare books, papers, and other library materials for a public library;
- paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
- a public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
- a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter [212](#);
- personal property sold:
 - at an auction by a state licensed auctioneer;
 - at a going out of business sale held in compliance with Subchapter F, Chapter [17](#), Business & Commerce Code;
 - by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
 - under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter [391](#);
- Once the Purchasing Administrator has approved the Purchase, the requesting department may begin their Purchase Order request through Springbrook.
- After the Department's Director or Designated Person has approved the Purchase Order through Springbrook, it will then flow to the Purchasing Administrator for final approval. A purchase order signed by the Purchasing Administrator gives the requesting department authority to notify the vendor and proceed with the purchase.
- *****If using Buy Board as your Coop Contract, please note there are a few additional steps to complete the buying process.*****
 - 1.) Quote from vendor will need to reflect Buy Board contract and number.
 - 2.) After Purchase Order has been created it will need to be submitted to Buy Board through their email at; info@buyboard.com
 - 3.) Buy Board will send the Purchase Order directly to the Vendor on the City's behalf. *(This is the ONLY way the City will receive the credited discounts on Purchases)*
- **\$50,000.00 & Above – Competitive Bidding**
 - Submit your need and budget to the Contracts Administrator.

- If the permitted budget has received prior approval, an existing City Contract, Coop Contract, etc. may be used if available.
- Development of specifications between Department and Contracts Administrator.
- Specification must be written so that it will not be restrictive to a specific manufacturer or supplier.
- Advertisement for requested Bid for two (2) consecutive weeks prior to Bid closing.
- Post Bid on the City's website for the duration of the Bidding process.
- Receive Bids until a designated future date and time (identified in the specifications).
- Open and review bids for compliance.
- Competitive Bidding process will be awarded on lowest cost for the City and/or highest evaluation on qualifications.
- Bidding Tabulation shall be posted on the City's website and sent out to all participating Vendors and/or Firms.
- Once an award is decided; the awarded Proposal shall be presented before the City Council for final approval.
- Once approval is obtained from the Contracts Administrator and the City Council, the requesting department may begin the Purchase Order request through Springbrook.
- After the Department's Director or Designated Person has approved the Purchase Order through Springbrook, it will then flow to the Contracts Administrator for final approval. A purchase order signed by the Contracts Administrator gives the requesting department authority to notify the vendor and proceed with the purchase.

Exception: Texarkana Metropolitan Planning Organization ("MPO")

The City acts as Fiscal Agent for the MPO pursuant to interlocal agreements. The City's fiscal budget includes estimates of City expenditures relating to anticipated contracts and commitments of the MPO. While the City Council approves the annual budget and any amendments to the budget, the MPO makes contracts in its own name and generally follows and implements the City's purchasing policies. When the MPO Policy Committee approves a specific contract within the fiscal and subject matter limits of the City Council's approved current fiscal year budget, and provided that sufficient funds are available to fund the payment requests, receipt of documentation of the Committee's approval of said contract shall authorize City personnel to prepare and sign documentation consistent with City policy and practices for disbursement of funds, including checks within and up to the contract amount according to the contract terms. (This section is an exception to the general

purchasing policy requiring the pre-approval of the City Council for expenditures equaling or exceeding \$50,000.00.) [Ord. No. 2021-019, eff. 3-22-2021.]

Purchase Order Exemptions

The following expenditures do not require a purchase order to be generated:

- Travel
- Training & Registration
- Payroll Related Liabilities
- Bank Fees and Services.
- Pension Payments
- Reimbursements or Refunds

Purchase Order “Not to Exceed”

If the scope of work cannot be accurately described and quoted prior to beginning services OR a piece of equipment must be dismantled in order to assess repair, only one quote is required; HOWEVER, the requesting department must submit a Purchase Order Approval Request containing a not to exceed clause.

“This purchase order has been issued to (vendor information) to repair (identify equipment using unique characteristics or property using address). Repair costs are not exact but shall not exceed (\$,_____) without obtaining prior authorization from Department Directors and the Finance Department.”

Change Order – General

A Change Order is required when:

- Change in plans or specifications are necessary.
- It is necessary to decrease or increase the quantity of work to be performed.
- It is necessary to decrease or increase the quantity of materials, equipment or supplies to be furnished.
- Change orders that are not associated with a contract and are less than \$50,000 may be approved by the Purchasing Administrator.

Change Order – Contracts

A Change Order to a Contract is required when:

- Change in plans or specifications are necessary after the performance of the Contract has begun.
- It is necessary to decrease or increase the quantity of work to be performed.
- It is necessary to decrease or increase the quantity of materials, equipment or supplies to be furnished.
- Original price may not be increased more than 25%
- Original price may not be decreased more than 25% without written consent from the awarded contractor.

Change Orders in the amount of \$49,999.99 or less must be requested in writing and executed by the following:

- Contractor
- Department Director
- Public Works Director
- Chief Financial Officer
- City Manager

Change Orders in the amount of \$50,000 or more must be pre-approved by City Council prior to authorizing work. Required signatures on written request:

- Contractor
- Department Director
- Public Works Director
- Chief Financial Officer
- City Manager
- Mayor

Executed Change Order requests should be forwarded to the Contracts Administrator within (1) one week of execution.

Receiving and Inspection

- Must be inspected by the requesting department.
 - Verification of correct items and quantities.
 - Check for damaged or defective goods.
 - Must mark all returns on original packing slip.
- Requesting department must electronically receive items in Springbrook.
Returned or delayed items should not be electronically received.

Invoices

- Itemized statement of merchandise or a service provided.
- Must contain Invoice Number, Bill Date & Remittance Address.
- Must be attached to an approved Purchase Order and submitted to the Finance Department no later than 10 business days after the invoice is received.

Payment for Goods and Services

- For compliance with the Government Code and to avoid interest and penalties, all approved invoices must be sent to the Finance Department no later than 10 business days after invoice is received.

Government Code § 2251.021 applies to all state agencies and political subdivisions, including counties and cities. This section requires that entities pay all payments owed not later than thirty (30) days after the goods or services have been received, OR the date that the invoice was received, whichever is later.

Petty Cash

- Assigned to authorized department employees annually.
(Must have an acceptance of petty cash custody form on file in the Finance Department.)
- Must be kept in a locking box in a secured desk, cabinet or safe.
- \$50.00 maximum expenditure for unforeseen or unplanned circumstance. Reimbursement request by voucher.
 - Amount of request
 - Date of purchase
 - Description of purchase
 - GL Account Number
 - Signature of requesting employee
 - Signature of department supervisor
 - Present voucher slip and original sales receipt to petty cash custodian.
- Advance Request
 - Amount of Request
 - Date of expected purchase
 - Description of purchase
 - GL Account Number
 - Signature of requesting employee
 - Signature approval of department supervisor
 - Present approved Cash Advance voucher to petty cash custodian.
 - An original sales receipt must be turned into custodian within 72 hours of advance request.

- All petty cash boxes will be audited on an annual basis.

Due to the unanticipated nature of work conducted in Police CID, Narcotics, SIU & POP TEAM departments, the maximum expenditure stated above does not apply to employees assigned to these units.

Credit Card Purchases

- Assigned to certain approved employees throughout various departments. *(A Cardholder Purchasing Card Agreement must be on file with the Finance Department)*
- May only be used by the authorized user.
- \$2,999.99 maximum use.
 - Contact the Purchasing Administrator for an increased temporary transaction limit. Any increase must be approved by the Purchasing Administrator and the Department Director.
- Original detailed sales receipts required.
- Monthly expense report must be completed by cardholder and signed by his/her supervisor each month. Signed expense report and receipts should be scanned into the Credit Card folder on the swap drive. Original paper documentation should then be forwarded to the Finance Department.

Card Holder Responsibilities

- Use the Purchasing Card for legitimate business purposes only.
- Always maintain the Purchasing Card in a secure location.
- Do not allow other individuals to use Purchasing Card.
- Adhere to the purchase limits and restrictions of the Purchasing Card.
- NEVER split purchases to avoid the \$2,999.99 threshold.
- Obtain a detailed sales receipt for all purchases.
- Coordinate returns and refunds directly with suppliers.
- Immediately notify the Department Director and Purchasing Administrator of a Lost, Stolen or Compromised card.
- Return the Purchasing Card to the Purchasing Administrator upon terminating employment with the City of Texarkana, Texas.

Tax Exempt Certificate

The City of Texarkana Texas is exempt from paying all local sales tax, state sales tax, and federal excise tax. When it is necessary to provide a vendor with a copy of an exemption certificate, contact the Purchasing Administrator.

Salvage & Surplus Property

- The transfer of personal property within city departments is allowed. Please fill out an Asset Transfer Form and return to the Purchasing Administrator.
- The sale of personal property, at Fair Market Value or another agreed amount, to another Government Entity is allowed without sealed bids or an auction. Please fill out a Sales Request Form and turn into the Purchasing Administrator.
- The Purchasing Administrator has the authority to declare personal property obsolete or surplus. Council approval is not required. Assets shall be disposed of through public auction, sealed bids or any other method determined to be in the best interest of the City.
- Disposing departments shall make all necessary arrangements for the disposal of surplus items.

Salvage and Surplus property are identified by the following:

Texas Local Government Code 2175.001

- (3) *"Salvage Property" means personal property that through use, time or accident is so damaged, used or consumed that it has no value for the purpose for which it was originally intended.*
- (4) *"Surplus Property" means personal property that exceed a state agency's needs and is not required for the agency's foreseeable needs. The term includes used or new property that retains some usefulness for the purpose for which it was intended of for another purpose.*

Handling & Disposition of 3rd party's personal property

The precise way a City may handle and dispose of a 3rd party's personal property depends on state law, city charter, and local policies or ordinances. Please submit an itemized list to the Purchasing Administrator for research and compliance regulation.

The following is a partial example of State Law Regulations:

- Contraband that has been forfeited – Texas Code of Criminal Procedure, Chapter 59
- Treatment & Disposition of Impounded Animals – Texas Health and Safety Code, Chapter 821
- Abandoned personal property valued at Over \$100 – Texas Property Code, Chapter 74
- Abandoned personal property valued at less than \$100 – Texas Property Code, Chapter 76
- Abandoned Junk or Motor Vehicles – Texas Transportation Code, Chapter 683.

Disciplinary Actions

Non-Compliance with any part of this Purchasing Policy Manual may result in disciplinary action, up to and including termination. Misuse and/or abuse, including inappropriate or improper purchases, will be dealt with as follows:

1st Violation – Department Director

The Department Director is responsible for determining if the employee should be individually responsible for non-compliant activity, if the individual should retain purchasing privileges, and if any disciplinary action will be taken.

2nd Violation – Purchasing Administrator and Chief Financial Officer

The Purchasing Administrator, with approval from the Chief Financial Officer, will determine if the individual will continue purchasing privileges, and the employee's department Director will determine disciplinary action.

3rd Violation – Chief Financial Officer and City Manager

The Purchasing Administrator will suspend all employee purchasing privileges and will refer the matter to the Chief Financial Officer and the City Manager's office for disciplinary determination up to and including termination of employment of the employee.

Repeated non-compliance of any part of this Purchasing Policy Manual is a direct result of minimum or no purchasing supervision. On the 3rd violation of the same employee, the Purchasing Administrator, Chief Financial Officer and City Manager will decide if Purchasing Privileges will be revoked **for a department or division of a department (as applicable).** This includes signature purchasing authority, department credit cards and payment authorizations. If revoked, these duties will be turned over to the Purchasing Administrator for oversight.

Procurement Policy for Transportation Projects

Approved by the Texas Department of Transportation (TXDOT) on January 14, 2022

1. Procurement Standards.

- a. The City of Texarkana will use its own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.
- b. The City of Texarkana will maintain a contract administration system which ensures that consultants perform in accordance with the terms, conditions, and specifications of its contracts.
- c. The City of Texarkana will maintain a written code of standards of conduct governing the performance of its employees engaged in the award and administration of contracts. No employee, officer or agent of the provider or sub-provider shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:
 - i. The employee, officer or agent,
 - ii. Any member of his immediate family,
 - iii. His or her partner, or
 - iv. An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

The provider's or sub-provider's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from consultants, potential consultants, or parties to sub-agreements. To the extent permitted by State or local law or regulations, such standards of conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the provider's or sub-provider's officers, employees, or agents, or by consultants or its agents. The awarding agency may in regulation provide additional prohibitions relative to real apparent or potential conflicts of interest.

- d. To foster greater economy and efficiency, the City will enter into State and local intergovernmental agreements for procurement of services.
- e. The City of Texarkana will make awards only to responsible consultants possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as consultant integrity, compliance with public policy, record of past performance, and financial and technical resources.
- f. The City of Texarkana will maintain records sufficient to detail the significant history of procurement. These records will include but are not necessarily limited to the

- following: rationale for the method of procurement, selection of contract type, consultant selection or rejection, and the basis for the contract cost.
- g. The City of Texarkana alone will be responsible, in accordance with good administrative practice and sound business judgement, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to source evaluation, protests, disputes, and claims. These standards do not relieve the provider or sub-provider of any contractual responsibilities under its contracts. Federal agencies will not substitute its judgement for that of the provider or sub-provider unless the matter is primarily a Federal concern. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.
 - h. The City of Texarkana will have protest procedures to handle and resolve disputes relating to its procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protester must exhaust all administrative remedies with the provider and sub-provider before pursuing a protest with the State/Federal agency. Reviews of protests by the Federal agency will be limited to:
 - i. Violations of Federal law or regulations and the standards of this section (violations of State or local law will be under the jurisdiction of State or local authorities) and
 - ii. Violations of the provider's or sub-provider's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the provider or sub-provider.

2. Competition.

- a. All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of Sec. 85.36 (as quoted in this section). Some of the situations considered to be restrictive of competition include but are not limited to:
 - i. Placing unreasonable requirements on firms in order for them to qualify to do business,
 - ii. Requiring unnecessary experience and excessive bonding,
 - iii. Noncompetitive pricing practices between firms or between affiliated companies,
 - iv. Noncompetitive awards to consultants that are on retainer contracts,
 - v. Organizational conflicts of interest,
 - vi. Specifying only a brand name product instead of allowing an equal product to be offered and describing the performance of other relevant requirements of the procurement, and,
 - vii. Any arbitrary action in the procurement process.

- b. The City of Texarkana will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts State licensing laws.
- c. Providers will have written selection procedures for procurement transactions. These procedures will ensure that all solicitations:
 - i. Incorporate a clear and accurate description of the technical requirements for the service to be procured. Such description shall not, in competitive procurements, contain features, which unduly restrict competition. The description may include a statement of the qualitative nature of the service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use.
 - ii. Identify all requirements that the offerors must fulfill and all other factors to be used in evaluating proposals.
- d. The City of Texarkana will ensure that all prequalified lists of persons, firms, or products which are used in acquiring services are current and include enough qualified sources to ensure maximum open and free competition. Also, the City precludes potential bidders from qualifying during the solicitation period.

3. Methods of procurement to be followed

- a. Procurement by **competitive proposals**: The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-cost or cost-reimbursement type contract is awarded. If this method is used, the following requirements apply:
 - i. The City issues Notices of Intent/Request for Qualifications (NOI/RFQ) or advertisement.
 - ii. The City receives Letters of Interest/Statements of Qualifications (LOI/SOQ).
 - iii. The City performs screenings/evaluations of LOIs/SOQs and related correspondence.
 - iv. The City issues invitations to providers selected for interviews.
 - v. The City conducts evaluations of interviewed providers.
 - vi. The City notifies highest-ranked provider and requests scope, manhour and cost proposal.
 - vii. The City reviews proposal from highest ranked proposer and negotiates contract.
 - viii. All state and federal required contract clauses must be included in contract.
 - ix. The City and selected provider execute contract.
 - x. The City submits copy of Professional Services Contract to TxDOT.

- xi. The City sends letters/correspondence to provider(s) not selected.
- xii. The City retains documentation indicating a qualifications-based procurement process for retention period stated in the project AFA.
- b. Procurement by **noncompetitive proposals** is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.
 - i. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances applies,
 - A. The item is available only from a single source,
 - B. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation,
 - C. The awarding agency authorizes noncompetitive proposals,
 - D. After solicitations of a number of sources, competition is determined inadequate.
 - ii. Cost analysis, i.e., verifying the proposed cost data, the projection of the data, and the evaluation of the specific elements of costs and profits, is required.
 - iii. The City may be required to submit the proposed procurement to the awarding agency for pre-award review in accordance with paragraph (g) of this section.

4. Contracting with DBE/HUB firms.

- a. The provider and sub-provider will take all necessary affirmative steps to assure that Disadvantaged Business Enterprise/Historically Utilized Business (DBE/HUB) firms, and labor surplus area firms are used when possible.
- b. Affirmative steps shall include:
 - i. Placing qualified DBE/HUBs on solicitation lists,
 - ii. Assuring that DBE/HUBs are solicited whenever they are potential sources,
 - iii. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by DBE/HUBs,
 - iv. Meet DBE/HUB goal,
 - v. Requiring the prime consultant, if subconsultants are to be let, to take the affirmative steps listed in paragraphs (4)(b) (i.) through (v) of this section.

(a) Contract cost.

- 1. The City of Texarkana must perform a cost analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, providers must make independent estimates before receiving

bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of their estimates cost, e.g., under professional, consulting, and architectural engineering service contracts. A cost analysis will be necessary when adequate cost competition is lacking, and for sole source cost, including contract modifications.

2. The City of Texarkana will negotiate profit as a separate element of the cost for each contract in which there is no cost competition and, in all cases, where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the consultant, the consultant's investment, the amount or sub consulting, the quality of its record of past performance, and industry profit rates.
3. Costs based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred, or cost estimates included in negotiated costs are consistent with Federal cost principles (see Sec. 85.22). Providers may reference their own principles that comply with the applicable Federal cost principles.

(b) Awarding agency review.

1. The City of Texarkana must on request make available for awarding agency pre-award review procurement documents, such as requests for proposals or invitations for bids, independent cost estimates, etc. when:
 - i. A provider's or sub-provider's procurement procedures or operation fails to comply with the procurement standards in this section, or
 - ii. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation, or
 - iii. The procurement, which is expected to exceed the simplified acquisition threshold, or
 - iv. A proposed contract modification changes the scope of the contract or increases the contract amount by more than the simplified acquisition threshold.
 - v. A provider or sub-provider may request that its procurement system be reviewed by the awarding agency to determine whether its system meets these standards for its system to be certified. Generally, these reviews shall occur where there is a continuous high-dollar funding, and third-party contracts are awarded on a regular basis.

(c) Contract Provisions.

State/Federal agencies are permitted to require changes, remedies, changed conditions, access and records retention, suspension of work, and other clauses approved by State/

Federal Procurement Policies. A provider's and sub-provider's contracts must contain the following provisions:

1. Administrative, contractual, or legal remedies in instances where consultant violate or breach contract terms and provide for such sanctions and penalties as may be appropriate. (contracts more than the simplified acquisition threshold).
2. Termination for cause and for convenience by the provider and sub-provider including the manner by which it will be affected and the basis for settlement. (All contracts in excess of \$10,000.)
3. Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity", as amended by Executive Order 11375 of October 3, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of \$10,000)
4. Notice of awarding agency requirements and regulations pertaining to reporting.
5. Awarding agency requirements and regulations pertaining to copyrights and rights in data.
6. Access by the provider, the sub-provider, the Federal grantor agency, the Comptroller General of the United States, or any of its duly authorized representatives to any books, documents, papers, and records or the consultants which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
7. Retention of all required recorded for three years after providers or sub-providers make final payments and all other pending matters are closed.
8. Errors and Omissions may arise during the design phase of a project, during construction of a project, or after project completion as a contractor claim. The City will document said error or omission and notify in writing the provider. The consultant will be expected to be available to make requested revisions (at cost to the consultant) to the plans if the error or omissions is identified to be the responsibility of the consultant. If the responsibility is other than the consultant's error or omission, arrangements will be made within the City to handle the design correction with by additional compensation to the consultant or with internal resources.

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: A

Update Date: 2/25/2022 9:56 AM

Briefing Sheet

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2022-019 rezoning a 2.89-acre tract of land (being Tract 32), in the W. H. Ector HRS, A-695, Hoskins & Smelser TR 4, located at 1406 Richmond Road from Single Family-2 to Multiple Family-2. Ricky Falcon, Dreams R Us Properties TASC, owner.

Briefing: 2/28/2022 **Public Hearing:** 3/14/2022 **Council Vote:** 3/14/2022

Item ScheduleSchedule 2: Brief once - vote once (two weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Ricky Falcon, owner to rezone a 2.89-acre tract of land (being Tract 32), in the W. H. Ector HRS, A-695, Hoskins & Smelser TR 4, located at 1406 Richmond Road from Single Family-2 to Multiple Family-2. The property is currently vacant land. The proposed use is an apartment complex.

The Future Land Use Map has designated this property as “Business Education Center”.

The adjacent zoning is Multiple Family-1 to the north and south, General Retail to the west and Commercial to the east. The adjacent land use is apartment complexes to the north and south, retail to the west, and vacant land to the east.

This property has remained vacant undeveloped land for many years. There are apartment complexes to the north and south of this property. Therefore, staff recommends for approval.

The applicant should also be aware that if this zoning change is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

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

Potential Options:

Approve or deny

City of Texarkana, Texas

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

February 7, 2022

Attachments

- a. 2022-019 ORD 1406 Richmond Rd (DOCX)
- b. 2022-019 EXH 'A' (Legal Description) (PDF)
- c. 2022-019 ATTH 01 (Maps) (PDF)
- d. 2022-019 Goals & Perspectives (DOCX)

Staff Coordination

Planning & Zoning Commission	Laura Puckett	Department Head Review	
Completed	02/21/2022 10:13 AM		
Building Code Administration	Mashell Daniel	Reviewer	Completed
	02/24/2022 10:49 AM		
City Manager	David Orr	Reviewer	Completed 02/24/2022
11:40 AM			
City Council	Vicky Coopwood	Meeting	Pending 02/28/2022
6:00 PM			

Meeting History

ORDINANCE NO. 2022-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 2.89-ACRE TRACT OF LAND (BEING TRACT 32), IN THE W. H. ECTOR HRS, A-695, HOSKINS & SMELSER TR 4, LOCATED AT 1406 RICHMOND ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 TO MULTIPLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone a **2.89-acre tract of land (being Tract 32), in the W. H. Ector HRS, A-695, Hoskins & Smelser TR 4, located at 1406 Richmond Road**, in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**; 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 have afforded and held full and fair hearings 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 the application for rezoning from Single Family-2 to Multiple Family-2 on a 2.89-acre tract of land (being Tract 32), in the W. H. Ector HRS, A-695, Hoskins & Smelser TR 4, located at 1406 Richmond Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Multiple Family-2** 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: The Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone a **2.89-acre tract of land (being Tract 32), in the W. H. Ector HRS, A-695, Hoskins & Smelser TR 4, located at 1406 Richmond Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Multiple Family-2**.

SECTION 2: It is further provided that in case a section, clause, sentence or part of this ordinance

shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of March, 2022.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2022-019 EXH "A"

Legal Description

W H ECTOR A-695

HOSKINS & SMELSER TR 4

2015-13578 12/01/15

BLK/TRACT 32

2.89 ACRES

1406 RICHMOND RD, TEXARKANA, TX

All that certain Tract or parcel of land situated in Bowie County, Texas, being a part of the W.H. ECTOR and the HOSKINS AND SMELSER HEADRIGHT SURVEYS, and described by metes and bounds as follows:

BEGINNING at a point, a fence corner on the E.B. line of the W.H. Ector H.R. Survey being 225.34 feet South of the N.W. corner of the W.W. Wooten H.R. Survey, same being an inside corner of the said Ector H.R. Survey;

THENCE South 65 deg. 35 min. West along a fence 380.21 feet to a stake;

THENCE South 69 deg. 0 min. West along a fence 370.89 feet to an old iron pin in the E.B. line of the Richmond Road;

THENCE South 37 deg. 18 min. East along the E.B. line of said Richmond Road 224.34 feet to a stake;

THENCE South 43 deg. 28 min. East along the E.B. line of said Richmond Road 81.34 feet to a stake;

THENCE North 36 deg. 44 min. East along a fence, the N.B. line of Stone's Addition to the City of Texarkana, Bowie County, Texas, 268.13 feet to a stake;

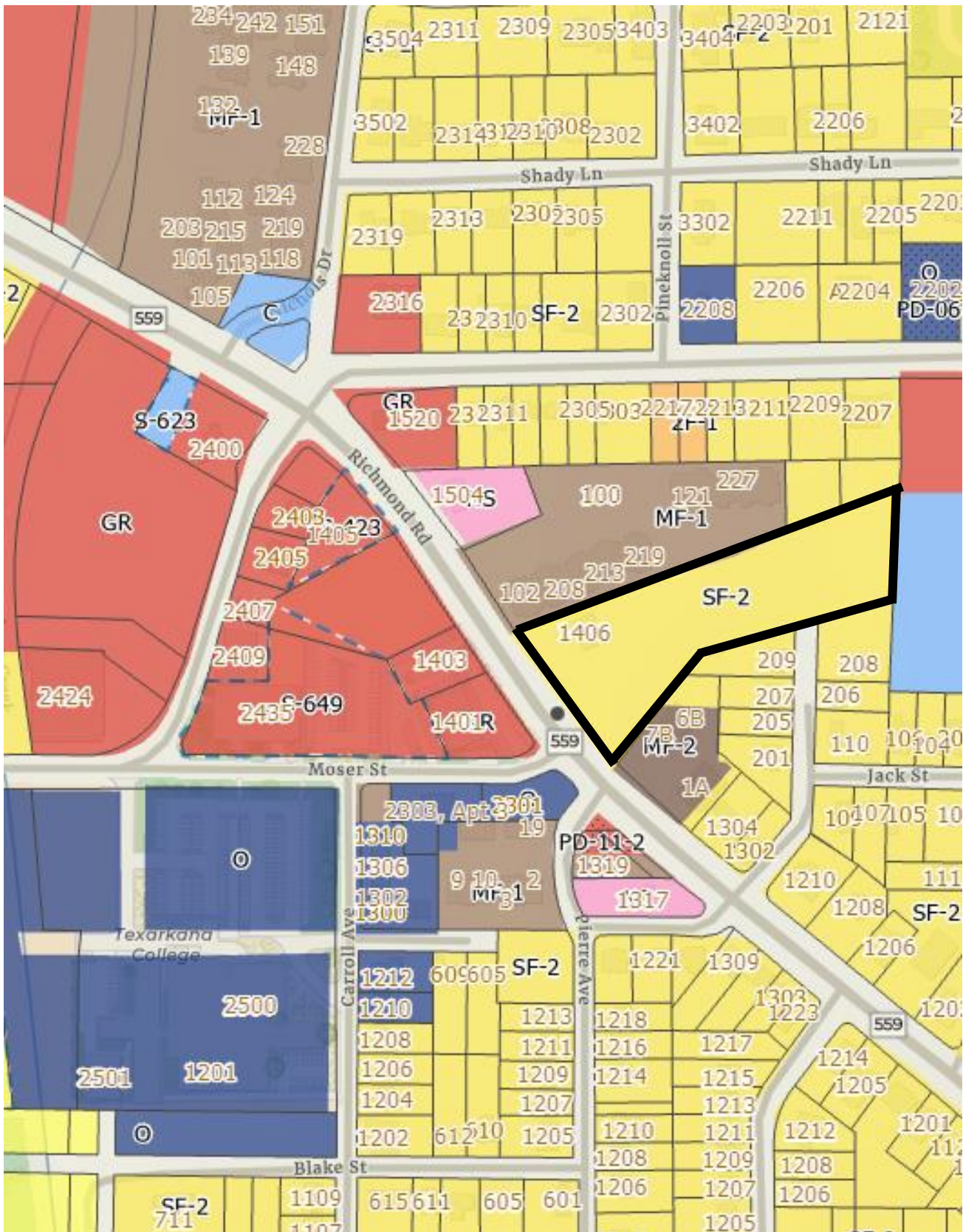
THENCE north 73 deg. 48 min. East along a fence, the N.B. line of said Stone's Addition 353.53 feet to a stake;

THENCE North with the W.B. line of the said W.H. Ector H.R. Survey 214.63 feet to the point of beginning;

CONTAINING 3.03 acres, more or less.

Attachment: 2022-019 EXH 'A' (Legal Description) (3642 : 2022-019 ORD rezoning from SF-2 to MF-2 at 1406 Richmond Rd)

1406 Richmond Road



Attachment: 2022-019 ATTH 01 (Maps) (3642 : 2022-019 ORD rezoning from SF-2 to MF-2 at 1406 Richmond Rd)

1406 Richmond Road



Attachment: 2022-019 ATTH 01 (Maps) (3642 : 2022-019 ORD rezoning from SF-2 to MF-2 at 1406 Richmond Rd)

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: A

Update Date: 2/23/2022 10:25 AM

Briefing Sheet

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2022-020 approving an amendment to PD-02-13 (GR) for site plan approval on Lots 9, 10, and 11, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block of Brooke Place. Brad Meador with 2B Builders, owner.

Briefing: 2/28/2022 **Public Hearing:** 3/14/2022 **Council Vote:** 3/14/2022

Item ScheduleSchedule 2: Brief once - vote once (two weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

This is a request for site plan approval by Brad Meador, 2B Builders, owner, on Lots 9, 10, and 11, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block of Brooke Place, for the purpose of constructing 26 apartment units (Phase 2). This property is currently vacant land.

The adjacent zoning is Planned Development-General Retail to north, east, west, and south. A portion of the development south of this location is Multiple Family-1. The adjacent land use is vacant land to the east, offices to the west and south and apartments to the north.

The site plan consists of the following:

1. Twenty-six (26) two-story, one, two and three-bedroom apartment units.
2. Façade will be hardi board siding, brick, and concrete with rock columns.
3. Access will be from Brooke Place.
4. 2 parking spaces per unit which includes a 1 car garage.
5. Screened dumpster site or individual service trash receptacles.
6. No signs.

Staff recommends for approval of the site plan.

The applicant should also be aware that if this site plan approval item is approved, all other applicable city code/ordinance requirements must be met including but not limited to building codes, setbacks, subdivision, fire, parking, drainage, water and sewer prior to the issuance of building permits.

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

City of Texarkana, Texas

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of site plan.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommend for approval with stipulations.

Advisory Board/Committee Meeting Date and Minutes:

February 7, 2022

Attachments

- a. 2022-020 ORD Amendment to PD02-13(GR) 3400 block Brooke Pl (DOCX)
- b. 2022-020 EXH 'A' (Site Plan)(PDF)
- c. 2022-020 ATTH 01 (Maps) (PDF)
- d. 2022-020 ATTH 02 (Floor plans and Elevation) (PDF)
- e. 2022-020 Goals & Perspectives (DOCX)

Staff Coordination

Planning & Zoning Commission	Laura Puckett	Department Head Review	
Completed	02/21/2022 10:13 AM		
Building Code Administration	Mashell Daniel	Reviewer	Completed
	02/24/2022 10:49 AM		
City Manager	David Orr	Reviewer	Completed 02/24/2022
11:39 AM			
City Council	Vicky Coopwood	Meeting	Pending 02/28/2022
6:00 PM			

Meeting History

ORDINANCE NO. 2022-020

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-02-13(GR) FOR SITE PLAN APPROVAL ON LOTS 9, 10, AND 11, BLOCK 6, RICHMOND DEVELOPMENT FIFTH SUBDIVISION, LOCATED IN THE 3400 BLOCK OF BROOKE PLACE 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 requesting the approval of a **site plan (Exhibit ‘A’)** on **Lots 9, 10, and 11, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block of Brooke Place** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-General Retail [PD-02-13(GR)], and approval of the site plan **(Exhibit ‘A’)** would constitute an amendment to PD-02-13(GR); and

WHEREAS, the proposed use is consistent with the listed uses in the Land Development Code for the zoning classification of Planned Development-General Retail; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings 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 **by a vote of five (5) to zero (0) to recommend approval of the petition for a site plan (Exhibit ‘A’)** to the City Council of the City of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that the approval of the site plan for the above described property 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: The site plan for **(Exhibit ‘A’)** on **Lots 9, 10, and 11, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block of Brooke Place** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-02-13(GR).

SECTION 2: PD-02-13(GR) is hereby amended by approval of the site plan **(Exhibit ‘A’)**,

incorporated herein by reference for all purposes, and includes the following:

1. Twenty-six (26) two-story, one, two and three-bedroom apartment units.
2. Façade will be hardi board siding, brick, and concrete with rock columns.
3. Access will be from Brooke Place.
4. Two (2) parking spaces per unit which includes a one (1) car garage.
5. Screened dumpster site or individual service trash receptacles.
6. No signs.

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

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

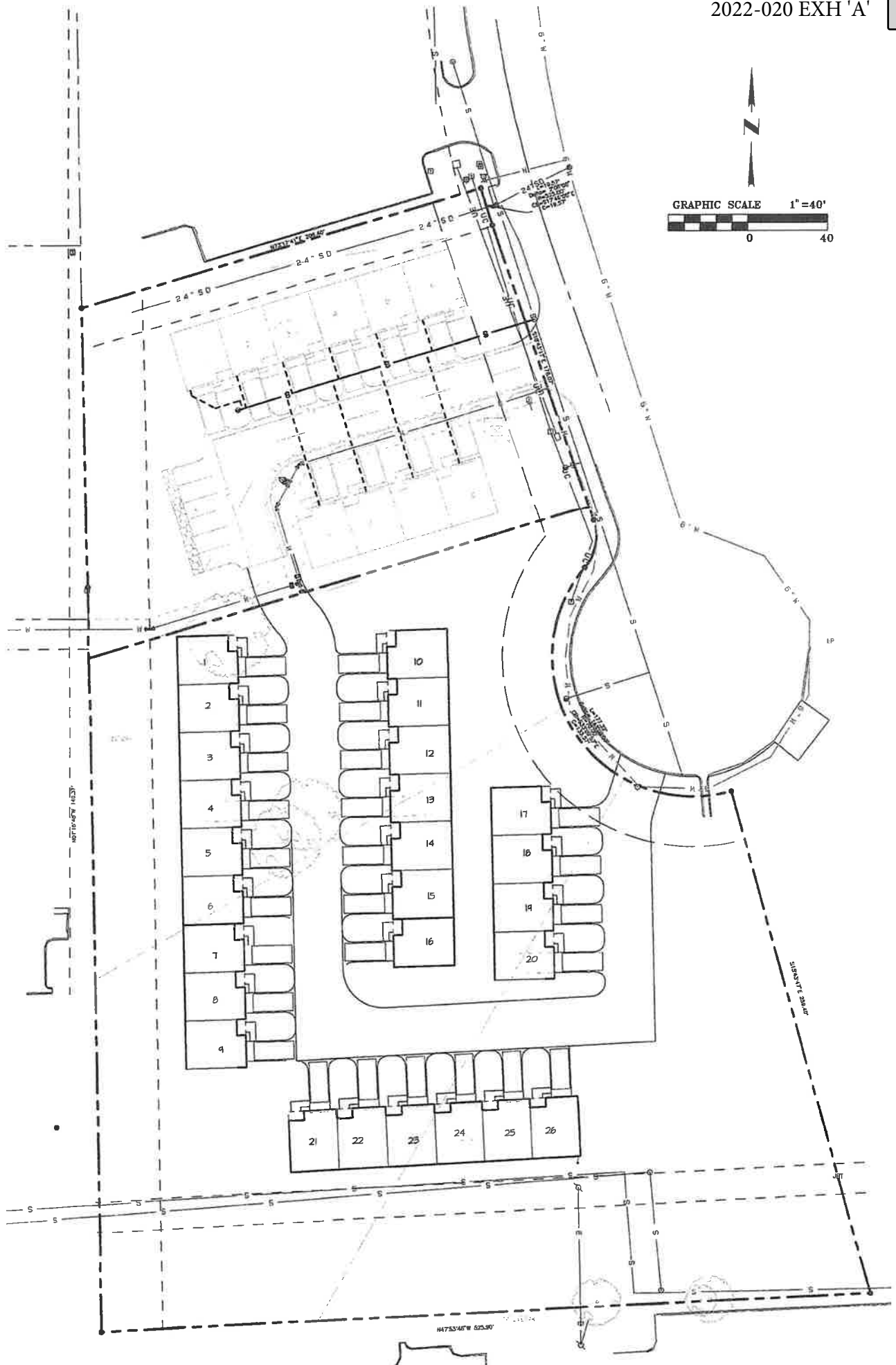
SECTION 5: This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **14th day of March, 2022.**

ATTEST:

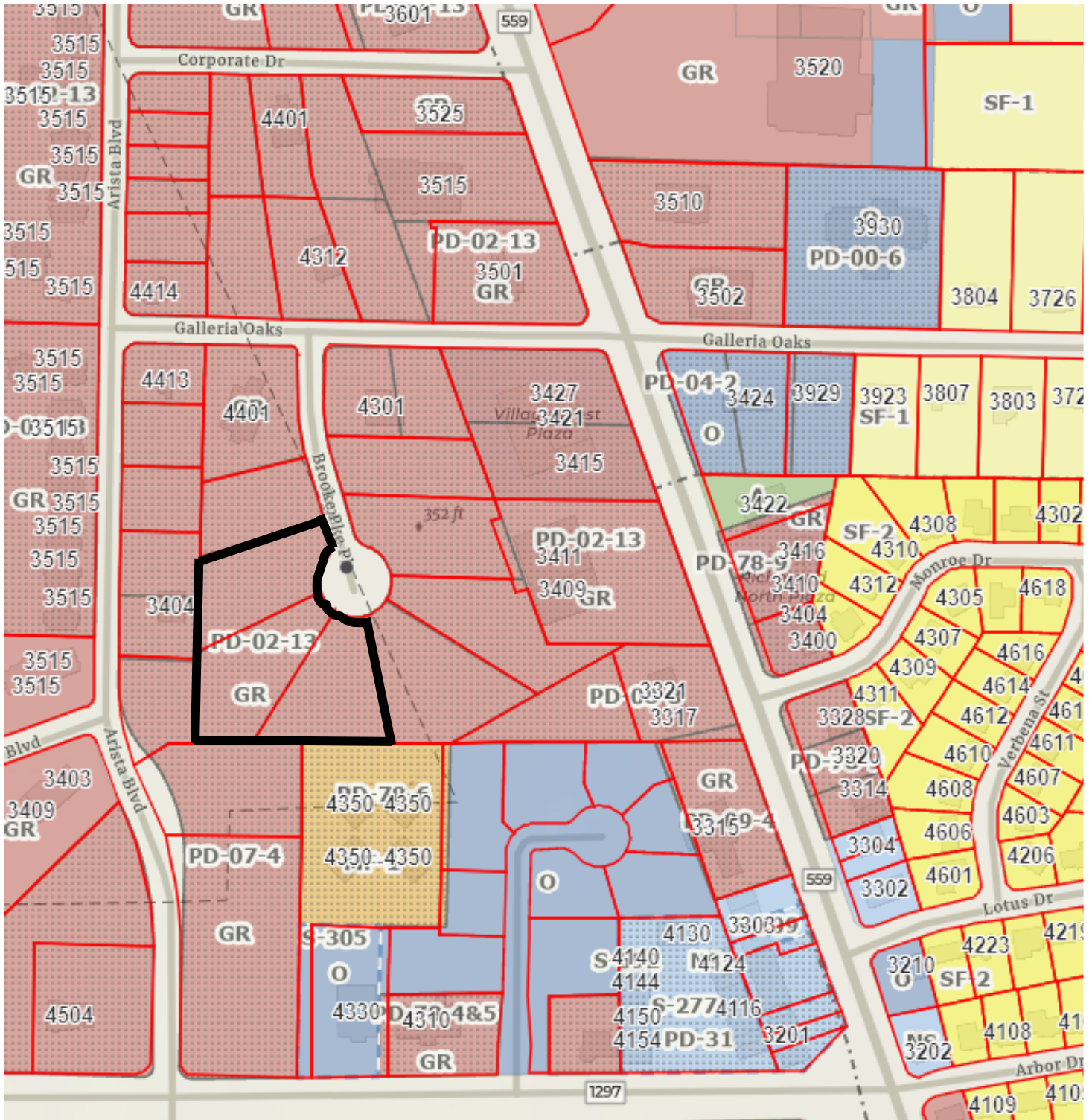
JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



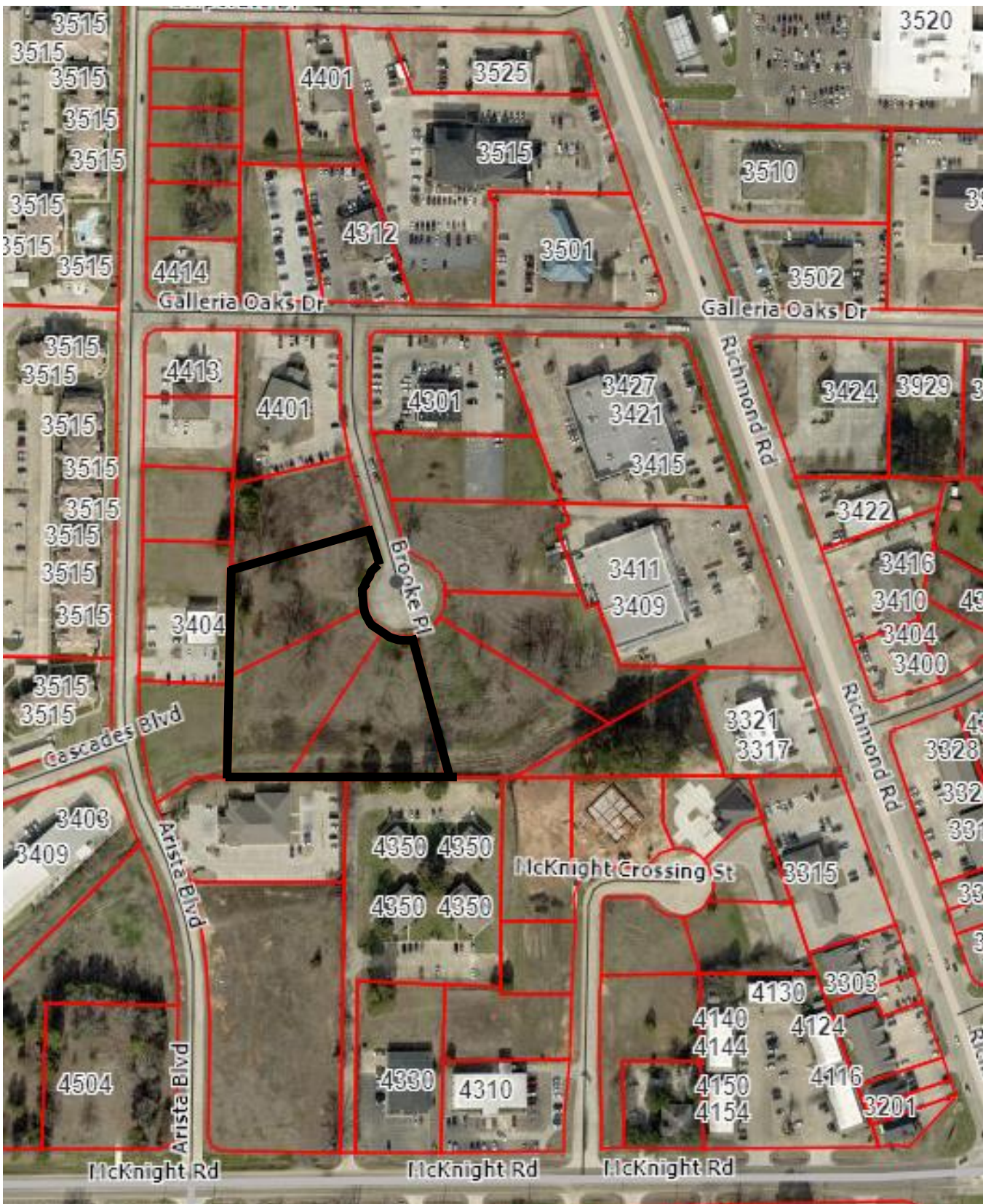
Attachment: 2022-020 EXH 'A' (Site Plan) (3643 : 2022-020 ORD Amendment to PD-02-13 for site plan approval 3400 block Brooke Place)

3400 Block Brooke Place

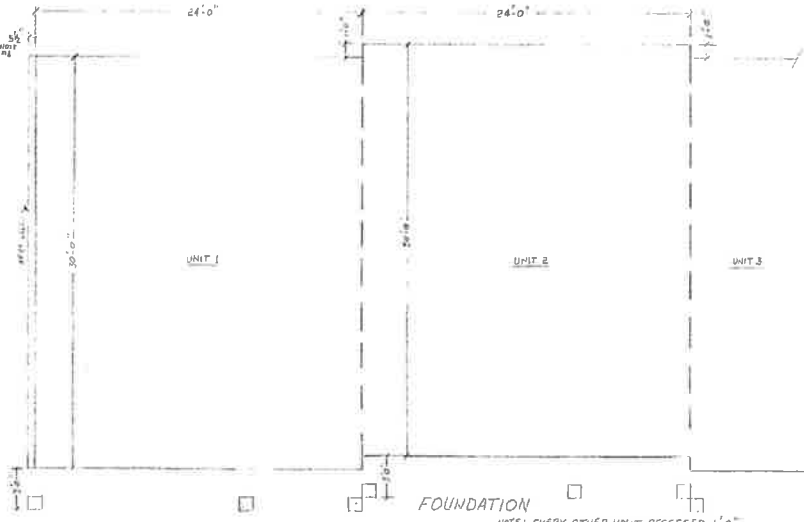
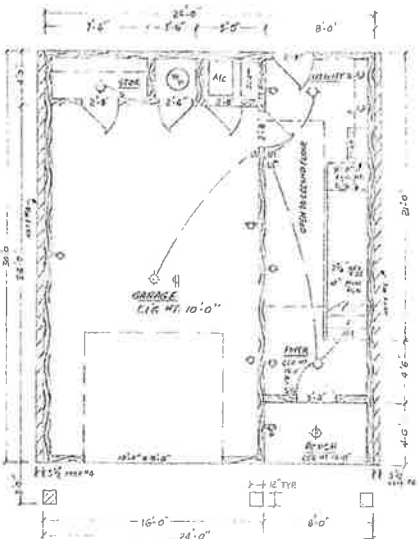
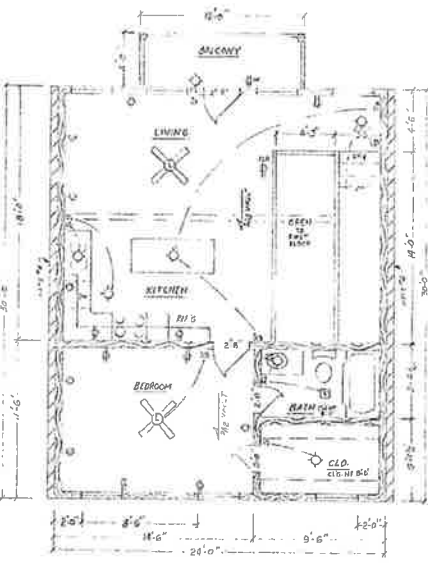
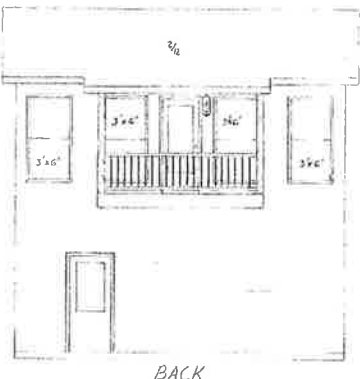
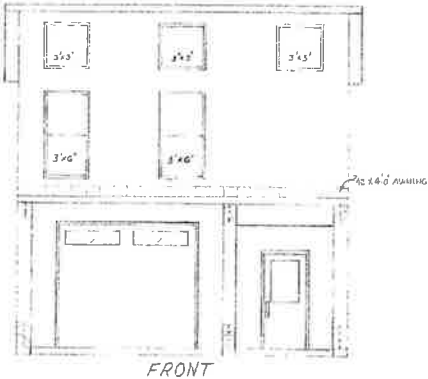


Attachment: 2022-020 ATTH 01 (Maps) (3643 : 2022-020 ORD Amendment to PD-02-13 for site plan approval 3400 block Brooke Place)

Attachment: 2022-020 ATTH 01 (Maps) (3643 : 2022-020 ORD Amendment to PD-02-13 for site plan approval 3400 block Brooke Place)



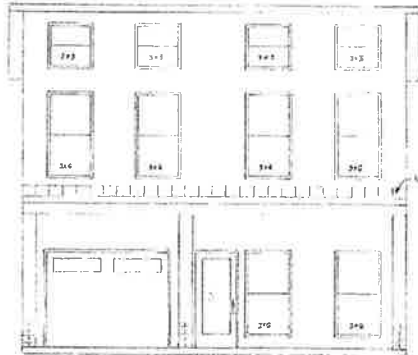
2022-020 ATTH 02



NOTES

- 1. 2 1/2\"/>

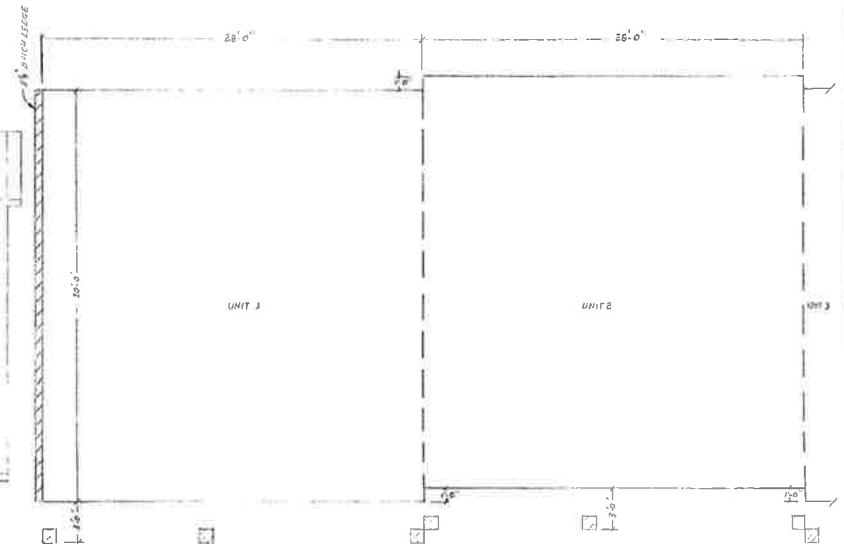
2022-020 ATTH 02)



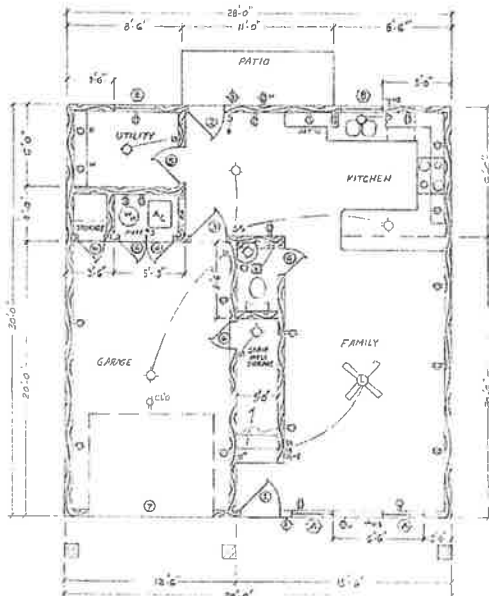
FRONT



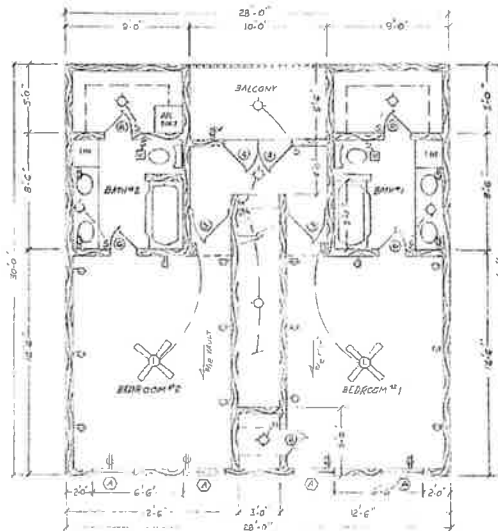
BACK



FOUNDATION
NOTE: EVERY OTHER UNIT RECESSED 1'-0"



1ST FLOOR



2ND FLOOR

DOORS		
KEY	SIZE	DESCRIPTION
1	3'-0" x 6'-0"	ENTRY FRM GLASS
2	2'-0" x 6'-0"	FR GLASS
3	2'-0" x 6'-0"	METAL
4	2'-6" x 6'-0"	FRM GLASS
5	2'-0" x 6'-0"	INTERIOR MELLOW CASE
6	2'-0" x 6'-0"	"
7	9'-0" x 7'-0"	OVERHEAD W/OPENER

WINDOWS		
KEY	SIZE	DESCRIPTION
A	3'-0" x 6'-0"	INSULATED SINGLE HUNG 4/1
B	3'-0" x 3'-0"	"

NOTES	
1	214 KIC S.C. WALLS
2	2 ND FLOOR BACK WALL PLATE HEIGHT
3	8'-6" UNITS 1,3,5,6
4	9'-6" UNITS 2,4,6,7
5	ROOF DITCH 1/2", MAINTAIN COMMON ROOF THROUGHOUT
6	BRICK LEDGE ON END UNITS ONLY
7	PAISE FLOOR 17"
8	WATER HEATER PAN REQUIRED
9	1 ST FLOOR 9'-0" CEILING HEIGHT

SQUARE FOOTAGES	
1 ST FLR AREA	785 SF
2 ND FLR AREA	354 SF
TOTAL	1,139 SF
GARAGE	2,465 SF
STORAGE	88 SF
BALCONY	55 SF

2800000 20 BATH	FLR/ELEVATIONS
2 B BUILDERS	SCALE: 1/4" = 1'-0"
TEKARKANA, USA	DATE: 8-21-2021
	SHEET: 1/1

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

Briefing Sheet

Version: B

Update Date: 2/11/2022 10:30 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2022-013 adopting criteria for use in the decennial redistricting process.

Briefing: 2/28/2022 **Public Hearing:** 2/28/2022 **Council Vote:** 2/28/2022

Item Schedule

Schedule 2: Brief once - vote once (two weeks)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

A review of the 2020 census data reveals that a population imbalance exists requiring redistricting of the City Councilmember wards.

The City Council has certain responsibilities for redistricting City Councilmember wards under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, section 2 of the Voting Rights Act, 52 U.S.C. §10301, and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002. The City Council has certain responsibilities for redistricting City Councilmember wards under Article II, Section 1 of the City Charter.

A review of the 2020 census data reveals that a population imbalance exists requiring redistricting of the City Councilmember wards. It is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence.

The City Council establishing redistricting criteria will serve as a framework to guide the City in the formulation and consideration of districting plans. Established redistricting criteria will provide the City a means by which to evaluate proposed plans and will assist the City in its efforts to comply with all applicable federal and state laws.

The City of Texarkana, Texas, in its adoption of a redistricting plan for City Councilmember wards, will adhere to the following criteria to the greatest extent possible when establishing new boundaries for Councilmember wards.

A. To the extent practicable:

1. Easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single ward, and attempts should be made to avoid splitting neighborhoods.

City of Texarkana, Texas

3. Councilmember wards should be composed of whole voting precincts. Where this is not possible or practicable, wards should be drawn considering county election precincts. Avoid splitting census blocks unless necessary.

4. Although it is recognized that existing wards will have to be altered to reflect new population distribution in the City, any districting plan should be based on existing wards.

5. Wards must be configured so that they are relatively equal in total population according to the 2020 Federal Census. In no event should the total population deviation between the largest and the smallest ward exceed ten percent as compared to the ideal ward size.

6. The wards should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical, dimension.

7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.

8. The plan should be narrowly tailored to avoid racial gerrymandering in violation of *Shaw v. Reno*.

9. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting or otherwise discriminate against protected groups so as to create liability under the Voting Rights Act.

B. The City Council will review all plans considering these criteria and will evaluate how well each plan conforms to the criteria.

C. Any plan submitted to the City Council by a citizen for its consideration should be a complete plan—*i.e.*, it should include all six Councilmember wards and should redistrict the entire City. The City Council may decline to consider any plan that is not a complete plan.

D. All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the City Council, should conform to these criteria.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

City of Texarkana, Texas

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2022-013 RES Decennial Redistrict Plan Criteria (DOCX)
- b. 2022-013 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	David Orr	Department Head Review	Completed
	02/08/2022 8:44 AM		
City Manager	David Orr	City Manager Review Completed	02/08/2022
8:45 AM			
City Council	Jennifer Evans	Meeting	Completed 02/14/2022
6:00 PM			

Meeting History

02/14/22 City Council MOVED FORWARD Next: 02/28/22

RESOLUTION NO. 2022 - 013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADOPTING CRITERIA FOR USE IN THE DECENNIAL REDISTRICTING PROCESS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has certain responsibilities for redistricting City Councilmember wards under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, section 2 of the Voting Rights Act, 52 U.S.C. §10301, and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, the City Council has certain responsibilities for redistricting City Councilmember wards under Article II, Section 1 of the City Charter; and

WHEREAS, a review of the 2020 census data reveals that a population imbalance exists requiring redistricting of City Councilmember wards; and

WHEREAS, it is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence; and

WHEREAS, the City Council establishing redistricting criteria will serve as a framework to guide the City in the formulation and consideration of districting plans; and

WHEREAS, established redistricting criteria will provide the City a means by which to evaluate proposed plans and will assist the City in its efforts to comply with all applicable federal and state laws.

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

SECTION 1: The City of Texarkana, Texas, in its adoption of a redistricting plan for City Councilmember wards, will adhere to the following criteria to the greatest extent possible when establishing new boundaries for Councilmember wards.

A. To the extent practicable:

1. Easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single ward, and attempts should be made to avoid splitting neighborhoods.
3. Councilmember wards should be composed of whole voting precincts. Where this is not possible or practicable, wards should be drawn considering county election precincts. Avoid splitting census blocks unless necessary.

4. Although it is recognized that existing wards will have to be altered to reflect new population distribution in the City, any districting plan should be based on existing wards.
 5. Wards must be configured so that they are relatively equal in total population according to the 2020 Federal Census. In no event should the total population deviation between the largest and the smallest ward exceed ten percent as compared to the ideal ward size.
 6. The wards should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical, dimension.
 7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
 8. The plan should be narrowly tailored to avoid racial gerrymandering in violation of *Shaw v. Reno*.
 9. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting or otherwise discriminate against protected groups so as to create liability under the Voting Rights Act.
- B.** The City Council will review all plans considering these criteria and will evaluate how well each plan conforms to the criteria.
- C.** Any plan submitted to the City Council by a citizen for its consideration should be a complete plan—*i.e.*, it should include all six Councilmember wards and should redistrict the entire City. The City Council may decline to consider any plan that is not a complete plan.
- D.** All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the City Council, should conform to these criteria.

SECTION 2: 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 February, 2022.**

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:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

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: B

Update Date: 2/8/2022 4:47 PM

Briefing Sheet

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2022-012 establishing mandatory guidelines for persons submitting specific redistricting proposals and for requiring written comments.

Briefing: 2/28/2022 **Public Hearing:** 2/28/2022 **Council Vote:** 2/28/2022

Item ScheduleSchedule 2: Brief once - vote once (two weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

The City Council has certain responsibilities for redistricting City Councilmember wards under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, section 2 of the Voting Rights Act, 52 U.S.C. §10301, and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002. Additionally the City Council has certain responsibilities for redistricting City Councilmember wards under Article II, Section 1 of the City Charter.

It is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the Council; and these guidelines relate to persons who have specific redistricting plans they wish the Council to consider. The Council also welcomes any comments relevant to the redistricting process.

The City Council, in order to make sure that any comments regarding the redistricting process and any redistricting plan that might be submitted are of maximum assistance to the Council in its decision-making process, hereby proposes the following guidelines to be followed by each person submitting a comment or a redistricting plan for consideration:

1. Proposed plans must be submitted in writing and be legible. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The Council wants to be sure that all proposals are fully and accurately considered.
2. Any plan must show the total population and voting age population for African-Americans, Hispanics, Asians, and Anglo/Other for each proposed City Councilmember ward based on the 2020 Census Data. If a plan is submitted without a population breakdown, the Council may not have sufficient information to give it full consideration.
3. Plans should redistrict the entire City of Texarkana, Texas. The City Council will be considering the effect of any plan on the entire City. Any plan is subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of federal law, the

City of Texarkana, Texas

Council will be required to consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire City, it may be impossible for the Council to assess its impact on one or more protected minority groups.

4. Plans should conform to the redistricting criteria as established by the City Council in Resolution No. 2022-013, which the Council will be using in drawing the City Councilmember wards.
5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address. The Council may wish to follow up on such comments or obtain additional information about submitted plans.
7. All comments and proposed plans must be submitted to the City Council by the close of the public hearing.

Potential Options:

- Approve
- Deny

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. 2022-012 RES Decennial Redistrict Guidelines Submit Proposals (DOCX)
- b. 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (PDF)
- c. 2022-012 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	David Orr	Department Head Review	Completed
	02/08/2022 8:36 AM		
City Manager	David Orr	City Manager Review Completed	02/08/2022
8:36 AM			
City Council	Jennifer Evans	Meeting	Completed 02/14/2022
6:00 PM			

City of Texarkana, Texas

Meeting History

02/14/22 City Council MOVED FORWARD Next: 02/28/22

RESOLUTION NO. 2022 - 012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ESTABLISHING MANDATORY GUIDELINES FOR PERSONS SUBMITTING SPECIFIC REDISTRICTING PROPOSALS AND FOR REQUIRING WRITTEN COMMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council has certain responsibilities for redistricting City Councilmember wards under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, section 2 of the Voting Rights Act, 52 U.S.C. §10301, and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002; and

WHEREAS, the City Council has certain responsibilities for redistricting City Councilmember wards under Article II, Section 1 of the City Charter; and

WHEREAS, it is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the Council; and

WHEREAS, these guidelines relate to persons who have specific redistricting plans they wish the Council to consider; and

WHEREAS, the Council also welcomes any comments relevant to the redistricting process.

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

SECTION 1: The City Council, in order to make sure that any comments regarding the redistricting process and any redistricting plan that might be submitted are of maximum assistance to the Council in its decision-making process, hereby sets the following guidelines to be followed by each person submitting a comment or a redistricting plan for consideration:

1. Proposed plans must be submitted in writing and be legible. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The Council wants to be sure that all proposals are fully and accurately considered.
2. Any plan must show the total population and voting age population for African-Americans, Hispanics, Asians, and Anglo/Other for each proposed City Councilmember ward based on the 2020 Census Data. If a plan is submitted without a population breakdown, the Council may not have sufficient information to give it full consideration.
3. Plans should redistrict the entire City of Texarkana, Texas. The City Council will be considering the effect of any plan on the entire City. Any plan is subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as

a matter of federal law, the Council will be required to consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire City, it may be impossible for the Council to assess its impact on one or more protected minority groups.

4. Plans should conform to the redistricting criteria as established by the City Council in Resolution No. 2022-013, which the Council will be using in drawing the City Councilmember wards.
5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address. The Council may wish to follow up on such comments or obtain additional information about submitted plans.
7. All comments and proposed plans must be submitted to the City Council by the close of the public hearing.

SECTION 2: 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 February, 2022.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



January 24, 2022

Mayor Bob Bruggeman and City Council Members
City of Texarkana
220 Texas Boulevard
Texarkana, TX 75501

Re: *Initial Assessment considering 2020 Census data*

Dear Mayor Bruggeman and City Council Members:

This is the Initial Assessment letter for the City of Texarkana. Our review of the recently released 2020 Census population and demographic data for the City shows that the City's councilmember districts are sufficiently out of population balance that you should redistrict. We are prepared to meet with the City Council to review the Initial Assessment and to advise the City Council on how to proceed to redistrict the City councilmember districts to bring them into population balance for use in the 2022 election cycle.

This letter presents a brief overview of basic redistricting principles to assist you in preparing for our presentation on the Initial Assessment. We also set out in the attachments (Attachment H) suggested posting language for the meeting at which the Initial Assessment will be presented. Note that this posting language includes agenda items for the adoption of redistricting criteria and guidelines. These are matters that should be addressed early in the redistricting process to enable us to proceed efficiently. We will be working with you to develop the appropriate language for your adoption of redistricting criteria and guidelines.

In redistricting the councilmember districts, the City will need to be aware of the legal standards that apply. We will review these principles in detail with the City Council at the presentation on the Initial Assessment. There are three basic legal principles that govern the redistricting process: (i) the "one person-one vote" (equal population) principle; (ii) the non-discrimination standard of Section 2 of the Voting Rights Act; and (iii) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting. These principles are discussed in detail in the attachments to this letter, which we urge you to read and review carefully.

The process we have outlined for the redistricting process and the policies and procedures that we are recommending the Council adopt will ensure that the City adheres to these important legal principles and that the rights of protected minority voters in the political subdivision are accorded due weight and consideration.

The "One Person – One Vote" Requirement: Why You Should Redistrict

The "one person-one vote" requirement of the United States Constitution requires that members of an elected body be chosen from districts of substantially equal population and applies to city councils. Exact equality of population is not required, but a "total maximum deviation" of no more

than ten percent in total population between the most populated and the least populated city councilmember districts based on the most recent census should be achieved. This maximum deviation of ten percent constitutes a rebuttable presumption of compliance with the one-person, one-vote requirement. If a city's councilmember districts do not fall within the ten percent maximum deviation, the city is at substantial risk of being sued for violation of one person-one vote standards.

The population and demographics of all the current City councilmember districts are presented here and in Attachment A.

The tables in Attachment A show that the total population of the City on April 1, 2020, was 36,166 persons. This represents a decrease in population from 36,411 persons on April 1, 2010, or approximately two-thirds of one percent. The ideal City councilmember district should now contain 6,023 persons (total population / 6 single-member districts).

Council Ward 5 has the largest population (6,994), which is approximately 16.12 percent above the size of the ideal district. Ward 1 has the smallest population (5,460), which is approximately 9.34 percent below the size of the ideal district. The total maximum deviation between the six existing councilmember districts for the City, therefore, is 25.47 percent. This total maximum deviation exceeds the standard of ten percent that generally has been recognized by the courts as the maximum permissible deviation. Accordingly, the City should redistrict to bring its City councilmember districts within the ten percent range permitted by law.

Section 2 of the Voting Rights Act: Avoiding discrimination claims

Section 2 of the federal Voting Rights Act prohibits any voting standard, practice, or procedure – including new redistricting plans – that have the effect of discriminating against a protected minority group. The principles of Section 2's nondiscrimination mandate are discussed in Attachment C.

The data in the Population Tables in Attachment A as well as the data in the maps in Attachment B, which show the geographic distribution of the primary minority groups in the City, will also be important in assessing the potential for Voting Rights Act Section 2 liability. (See Attachment C for a discussion of Section 2.)

Shaw v Reno: Additional equal protection considerations

As noted above, in order to comply with Section 2, the City must consider race when drawing districts. The 1993 Supreme Court case *Shaw v. Reno*, however, limits how and when race can be a factor in the districting decisions. Thus, local governments must walk a legal tightrope, where the competing legal standards must all be met. The *Shaw v. Reno* standard requires that there be a showing that (1) the race-based factors were used in furtherance of a "compelling state interest" and (2) their application be "narrowly tailored," that is, they must be used only to the minimum extent necessary to accomplish the compelling state interest. (*Shaw v. Reno* is discussed in Attachment C.) We will guide the City through proper application of this principle.

Adoption of redistricting criteria and public participation guidelines

At the presentation of the Initial Assessment we will recommend certain “traditional” redistricting criteria that the City may require all redistricting plans to follow. These criteria generally track the legal principles that the courts and the Department of Justice have found to be appropriate elements in sound redistricting plans. We will also recommend certain public participation guidelines that the City may wish to adopt to ensure fair and adequate public participation in the redistricting process, and that any comments or proposed plans submitted by members of the public are written, clear, and complete, and the submitter provides contact information.

Once redistricting guidelines and criteria are adopted and the City Council gives instructions about how it would like plans to be developed considering this Initial Assessment and the applicable legal standards, we can begin to assist the City in the development of plans for consideration.

We hope this Initial Assessment discussion is helpful to you and that it will guide the City Council as it executes the redistricting process. We look forward to meeting with the Council to review this Initial Assessment and to answer any questions you may have concerning any aspect of that process. Please feel free to call me in the interim as we prepare for the presentation and let me know if there is any additional information you may require.

Sincerely,



C. Robert Heath

Encl.

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

ATTACHMENT A
INITIAL ASSESSMENT POPULATION TABLES

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

Texarkana City Council Wards - 2022 Initial Assessment



Demographics Report - Summary 2020 Census Total Population

Plan Last Edited on: 1/21/2022 3:58:07 PM

Ward	Persons	Ideal Size	Deviation	Hispanic % of Total Population	Non-Hispanic White % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	5,460	6,023	-9.34%	11.58%	17.55%	65.02%	0.15%	5.71%
2	5,555	6,023	-7.77%	10.86%	20.74%	63.17%	0.18%	5.04%
3	5,805	6,023	-3.62%	11.39%	45.31%	37.07%	0.65%	5.60%
4	6,261	6,023	3.95%	7.41%	43.11%	41.86%	2.08%	5.54%
5	6,994	6,023	16.12%	5.98%	70.86%	12.77%	5.13%	5.28%
6	6,091	6,023	1.13%	5.20%	72.93%	13.17%	3.10%	5.61%
TOTAL:	36,166			8.56%	46.55%	37.40%	2.03%	5.46%

Ideal Size: 36137 / 6 = 6023

Total Population: 36,166

Overall Deviation: 25.47%

Some percentages may be subject to rounding errors.

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

Texarkana City Council Wards - 2022 Initial Assessment



Demographics Report - Summary 2020 Census Voting Age Population

Plan Last Edited on: 1/21/2022 3:58:07 PM

Ward	Total VAP*		Hispanic % of Total VAP	Non-Hispanic Anglo % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
1	3,784		10.62%	20.51%	63.82%	0.21%	4.84%
2	3,967		9.73%	23.44%	62.79%	0.20%	3.78%
3	4,482		9.30%	49.67%	35.54%	0.74%	4.77%
4	4,713		6.15%	49.08%	38.49%	2.25%	4.03%
5	5,464		5.34%	73.33%	12.21%	4.85%	4.25%
6	4,760		4.83%	75.82%	11.95%	3.19%	4.20%
	27,170		7.42%	51.02%	35.15%	2.11%	4.30%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

Texarkana City Council Wards - 2022 Initial Assessment



Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 1/21/2022 3:58:07 PM

Ward	Persons	Ideal Size	Deviation	Hispanic	Hispanic % of Total Population	ANGLO	Non-Hispanic Anglo % of Total Population	Black	Black % of Total Population	Asian	Asian % of Total Population	AM Indian Native	IND / NAT % TOT Pop.	Haw Pac. Isl.	HAW/ PAC % of Total Pop.	Other	Other % of Total Pop.	Two or More Races	Two or More Races % Tot Pop
1	5,460	6,023	-9.34%	632	11.58%	958	17.55%	3,550	65.02%	8	0.15%	23	0.42%	2	0.04%	36	0.66%	251	4.60%
2	5,555	6,023	-7.77%	603	10.86%	1,152	20.74%	3,509	63.17%	10	0.18%	20	0.36%	5	0.09%	35	0.63%	220	3.96%
3	5,805	6,023	-3.62%	661	11.39%	2,630	45.31%	2,152	37.07%	38	0.65%	26	0.45%	7	0.12%	24	0.41%	268	4.62%
4	6,261	6,023	3.95%	464	7.41%	2,699	43.11%	2,621	41.86%	130	2.08%	24	0.38%	8	0.13%	26	0.42%	289	4.62%
5	6,994	6,023	16.12%	418	5.98%	4,956	70.86%	893	12.77%	359	5.13%	29	0.41%	3	0.04%	21	0.30%	316	4.52%
6	6,091	6,023	1.13%	317	5.20%	4,442	72.93%	802	13.17%	189	3.10%	42	0.69%	0	0.00%	31	0.51%	269	4.42%
TOTAL:	36,166			3,095	8.56%	16,837	46.55%	13,527	37.40%	734	2.03%	164	0.45%	25	0.07%	173	0.48%	1,613	4.46%

Ideal Size: 36137 / 6 = 6023

Total Population: 36,166

Overall Deviation: 25.47%

Some percentages may be subject to rounding errors.

Texarkana City Council Wards - 2022 Initial Assessment **Demographics Report - Detailed 2020 Census Voting Age Population**

Plan Last Edited on: 1/21/2022 3:58:07 PM



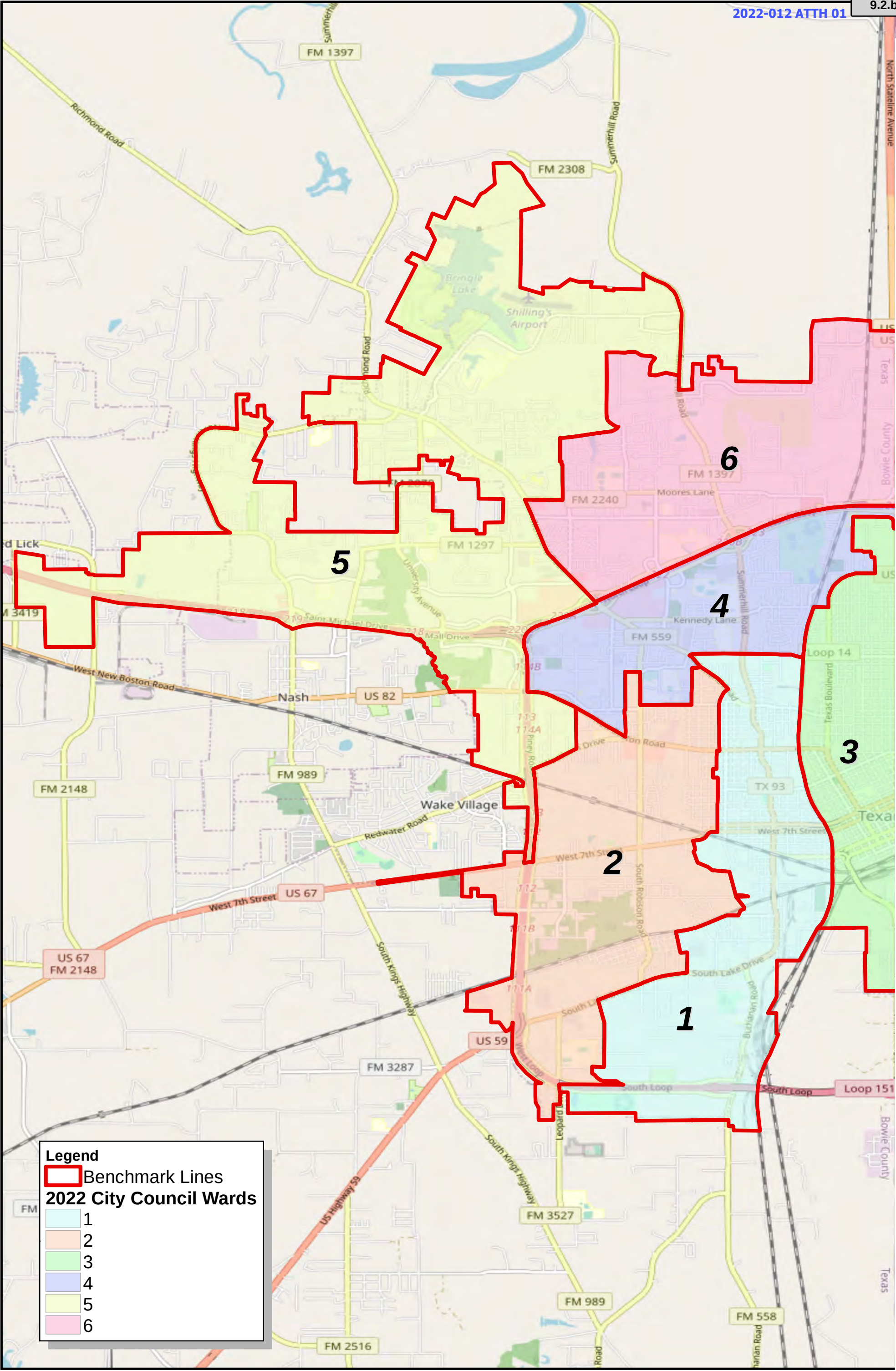
Ward	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	3,784	402	10.62%	776	20.51%	2,415	63.82%	8	0.21%	21	0.55%	2	0.05%	19	0.50%	141	3.73%
2	3,967	386	9.73%	930	23.44%	2,491	62.79%	8	0.20%	18	0.45%	4	0.10%	23	0.58%	105	2.65%
3	4,482	417	9.30%	2,226	49.67%	1,593	35.54%	33	0.74%	23	0.51%	6	0.13%	13	0.29%	172	3.84%
4	4,713	290	6.15%	2,313	49.08%	1,814	38.49%	106	2.25%	20	0.42%	5	0.11%	13	0.28%	152	3.23%
5	5,464	292	5.34%	4,007	73.33%	667	12.21%	265	4.85%	25	0.46%	3	0.05%	14	0.26%	190	3.48%
6	4,760	230	4.83%	3,609	75.82%	569	11.95%	152	3.19%	32	0.67%	0	0.00%	14	0.29%	154	3.24%
TOTALS:	27,170	2,017	7.42%	13,861	51.02%	9,549	35.15%	572	2.11%	139	0.51%	20	0.07%	96	0.35%	914	3.36%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

ATTACHMENT B
MAPS

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))



Legend

Benchmark Lines

2022 City Council Wards

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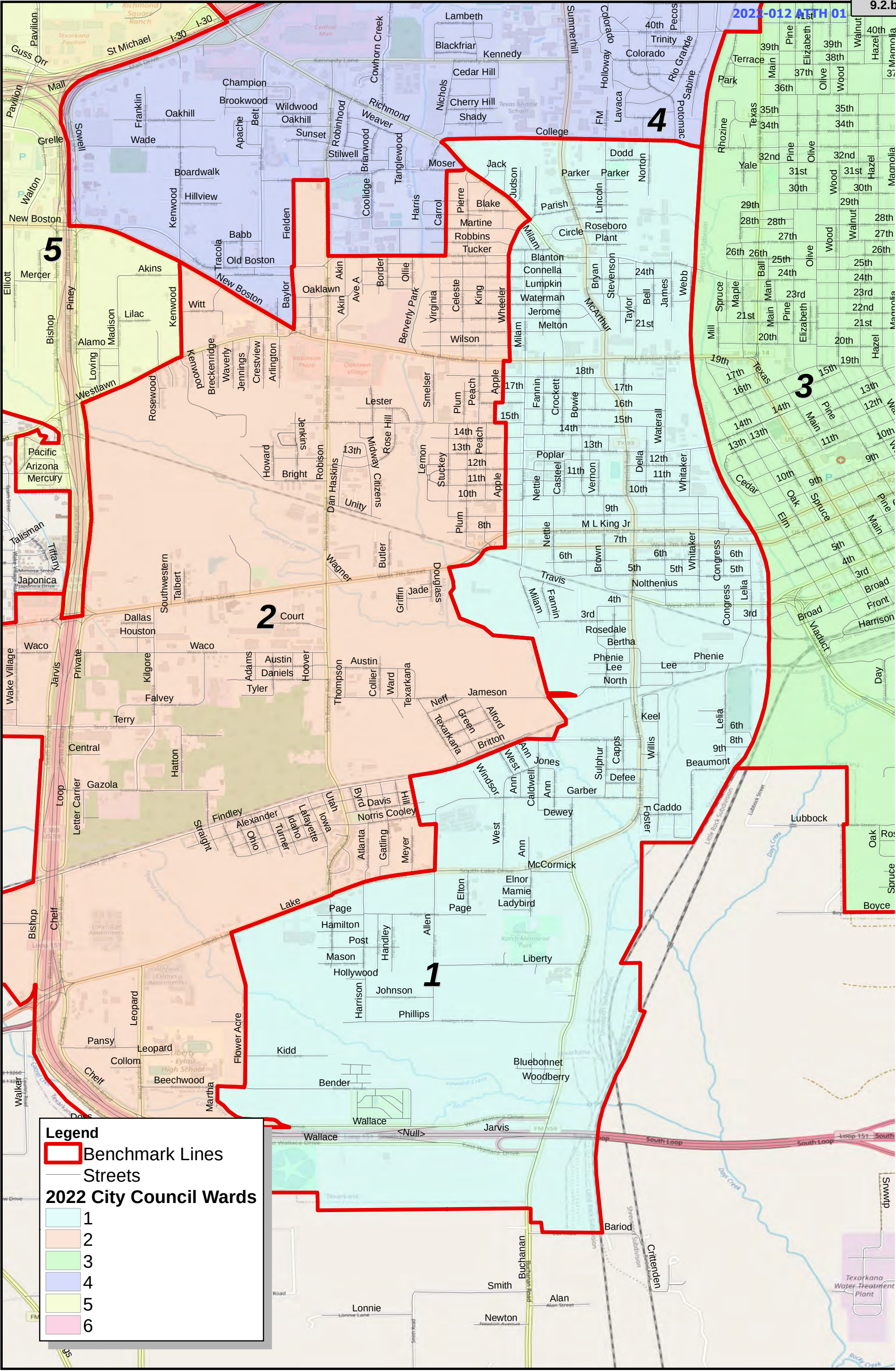
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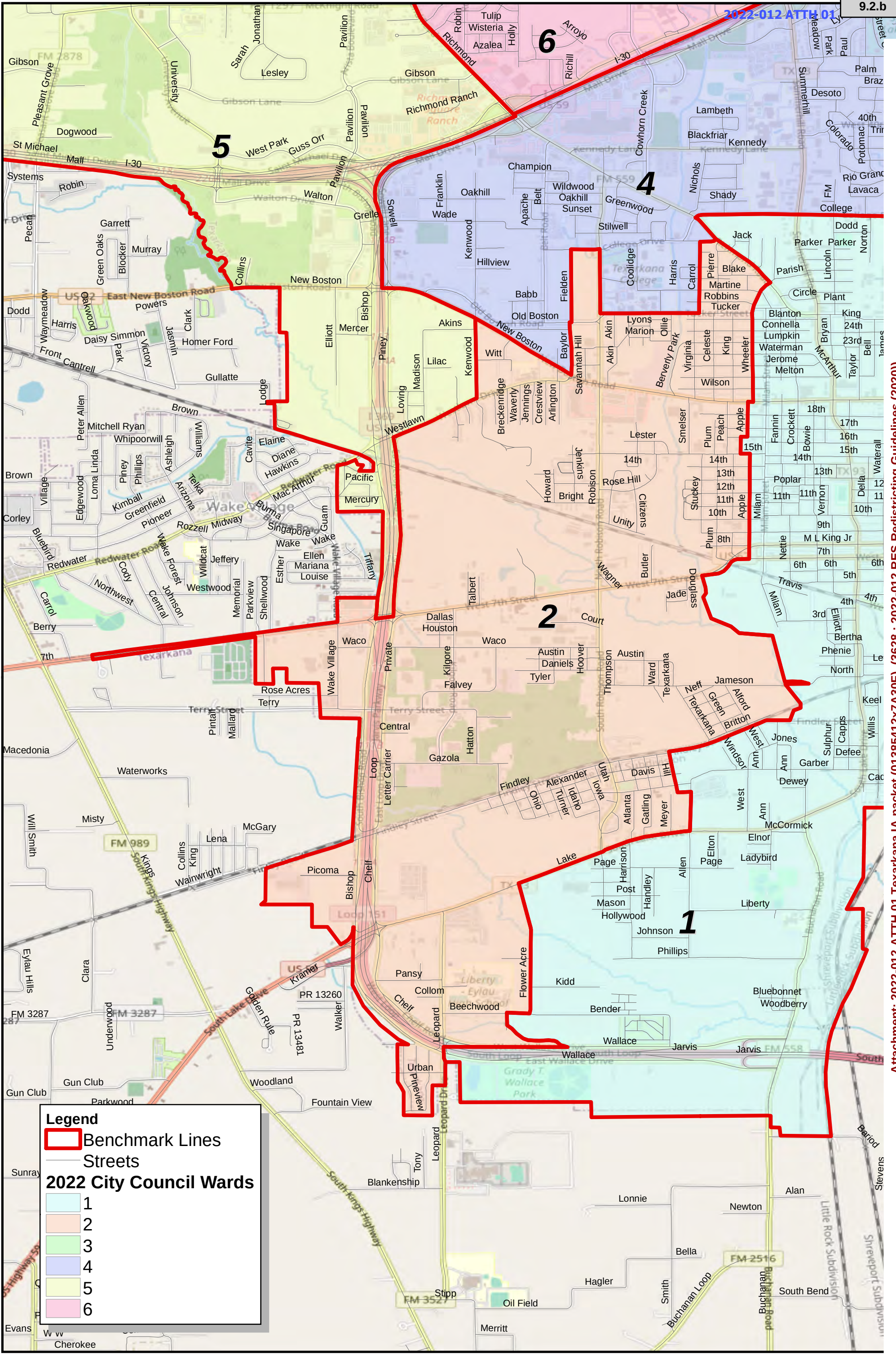
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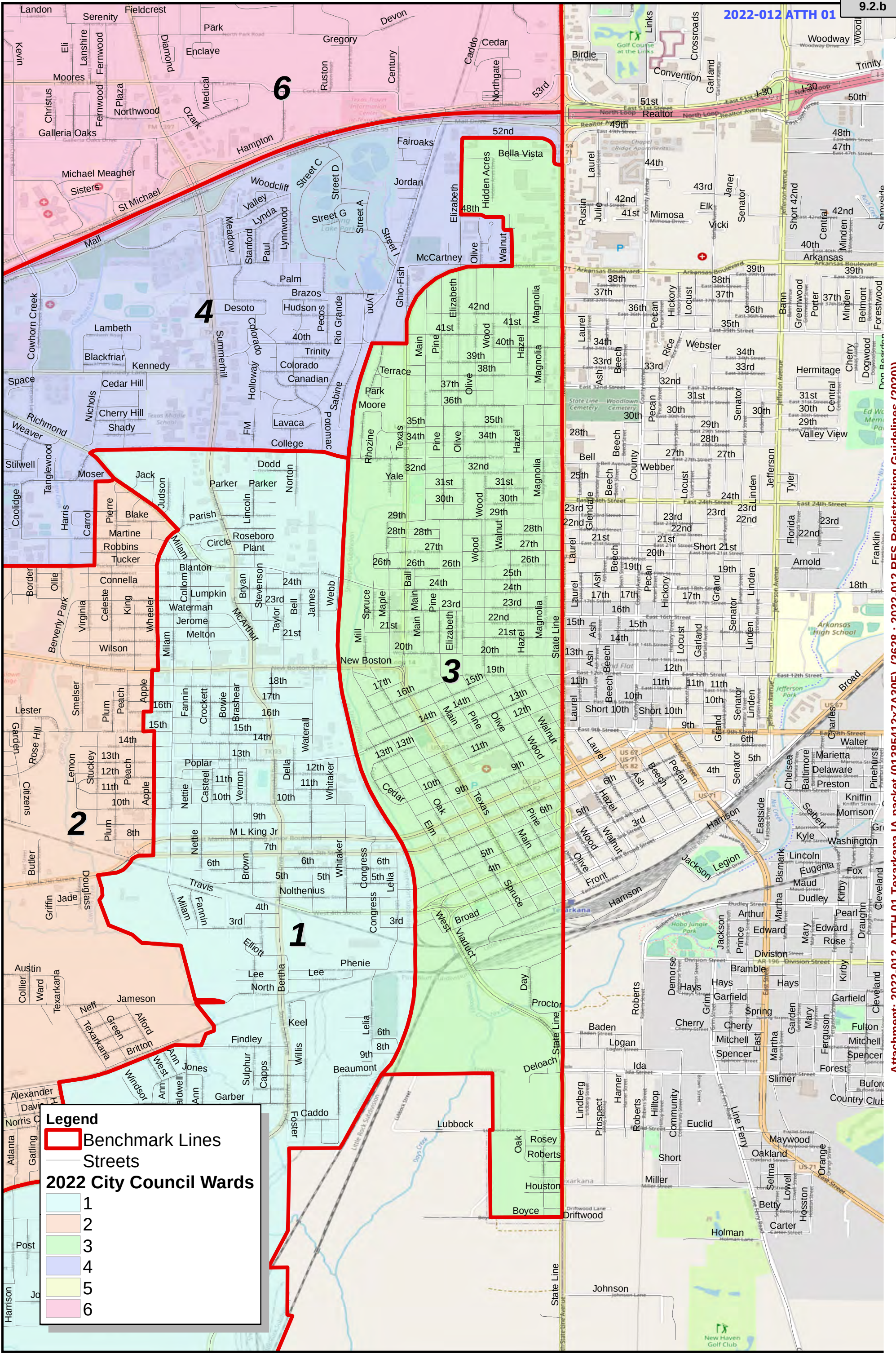
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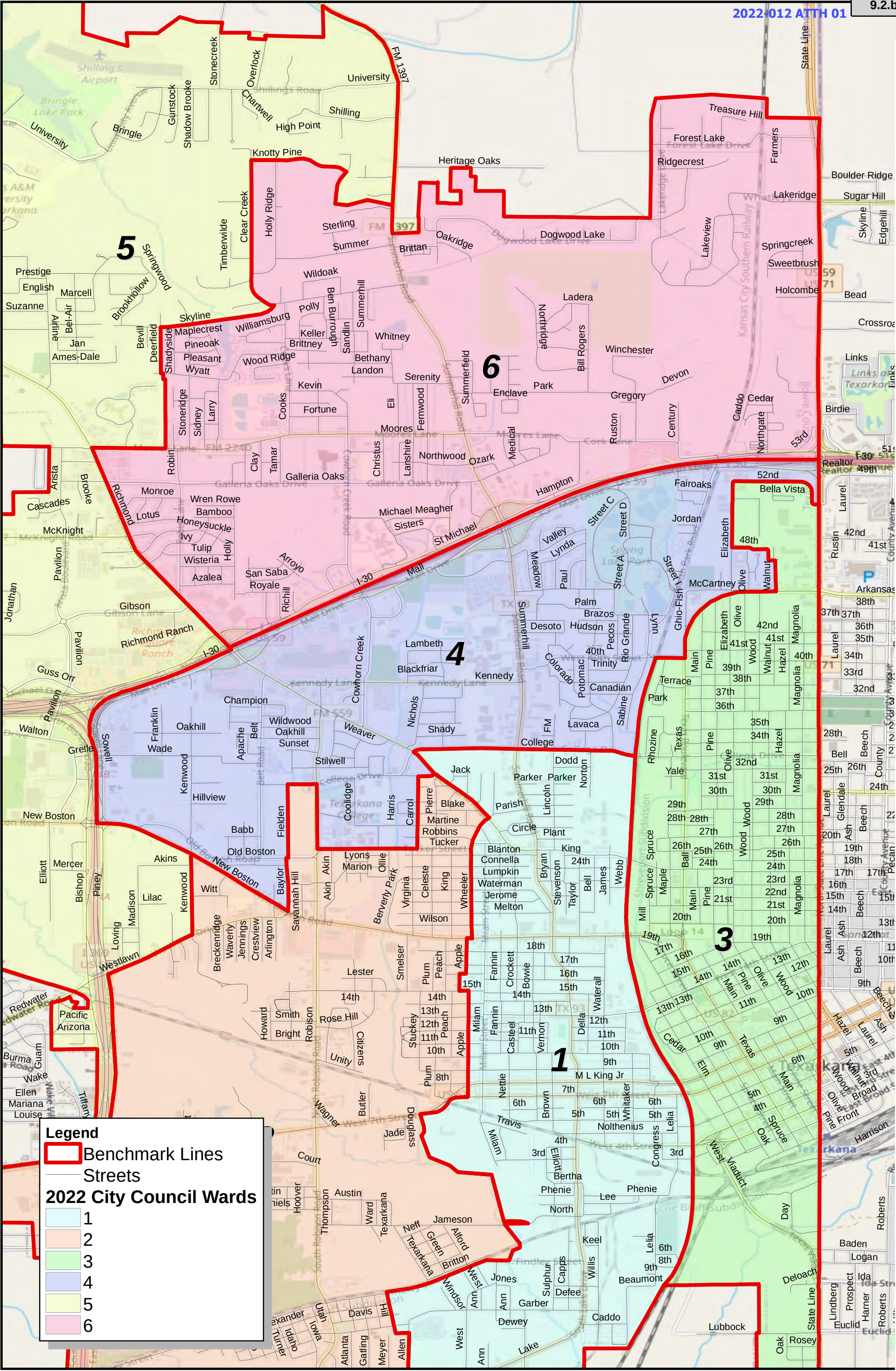
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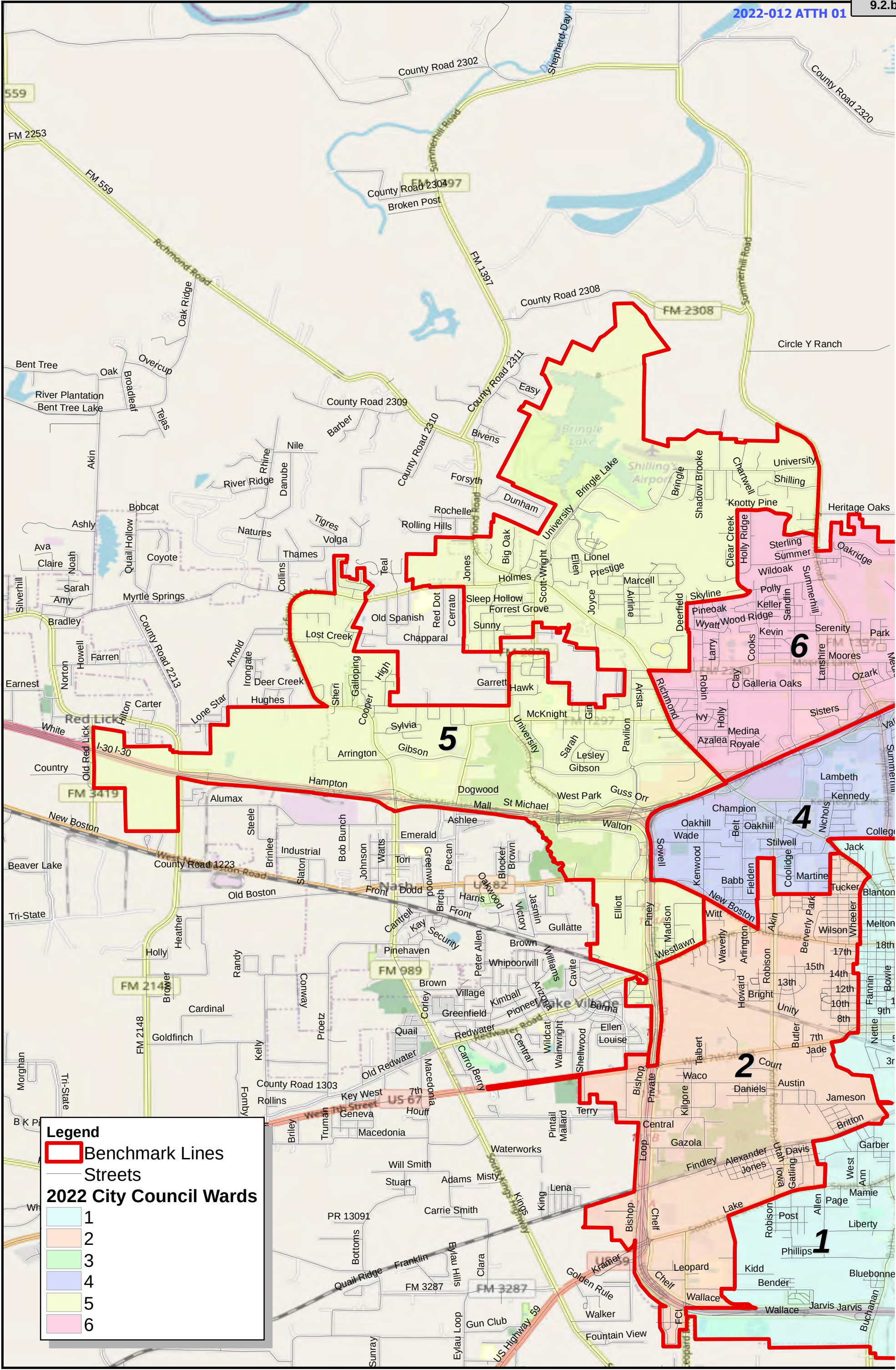




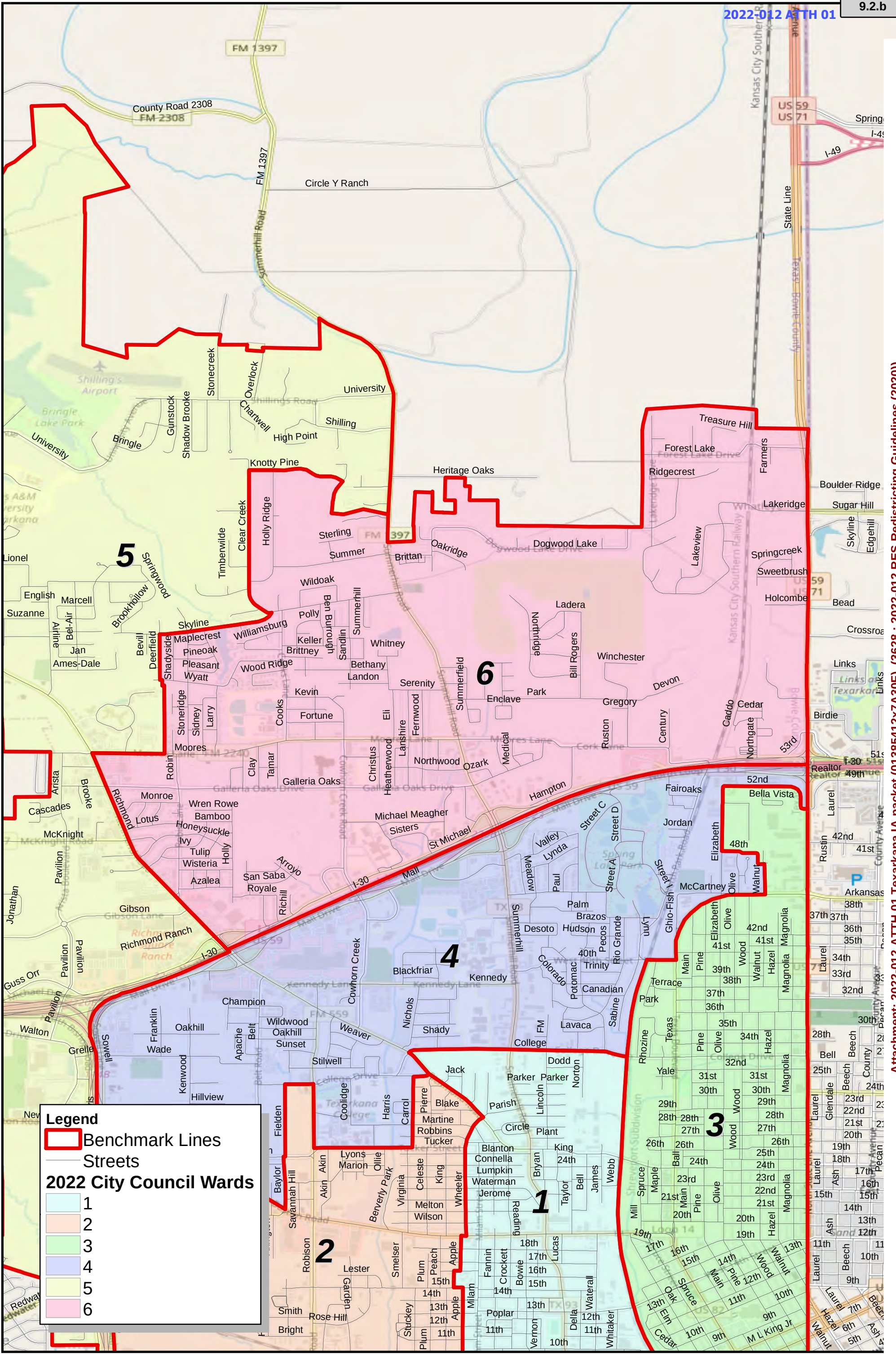




Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

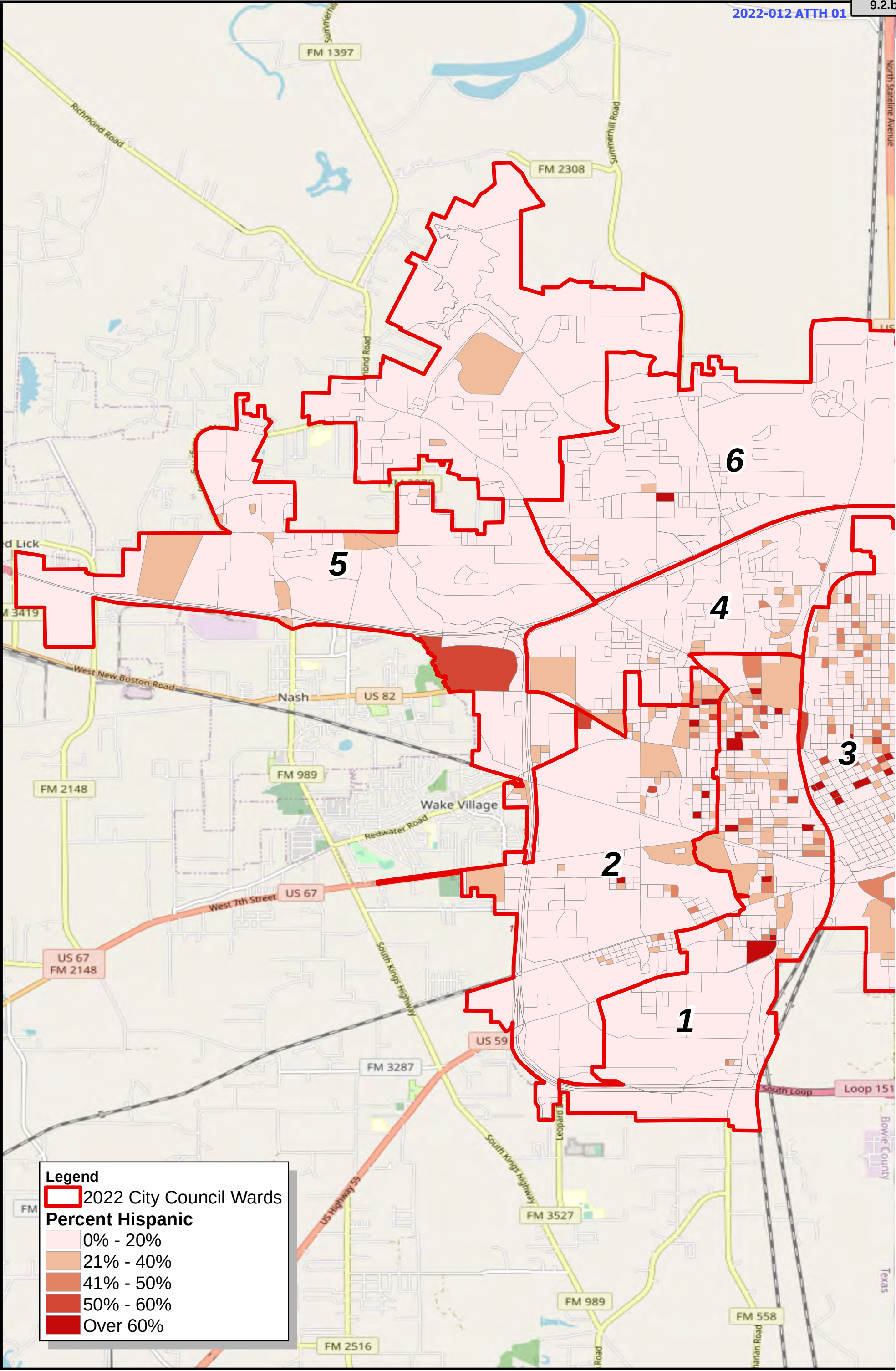


Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

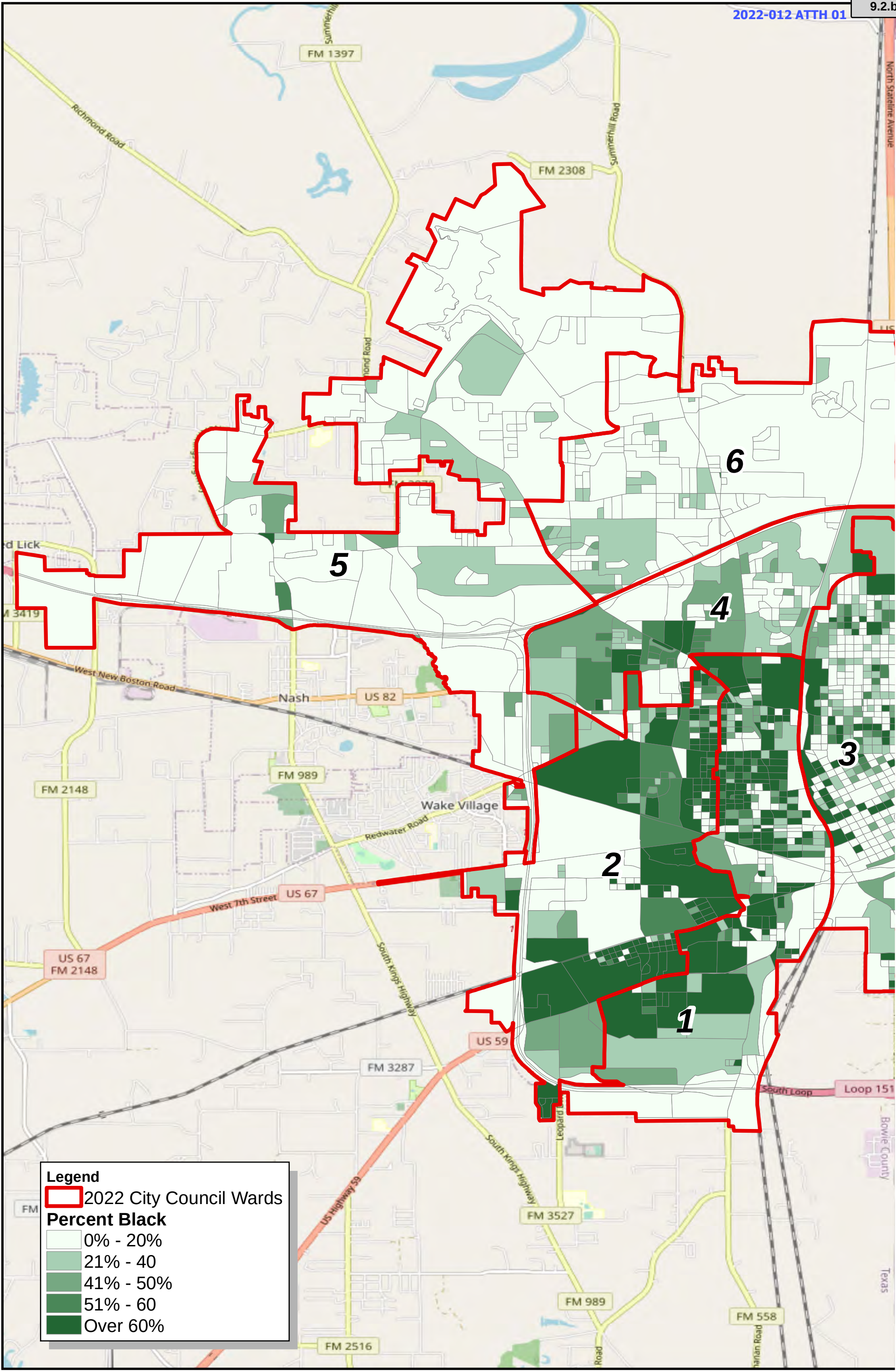


Texarkana City Council Wards 2022 Initial Assessment

Ward 6



Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))



Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

ATTACHMENT C
LEGAL PRINCIPLES

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

LEGAL PRINCIPLES GOVERNING THE REDISTRICTING PROCESS

There are three basic legal principles that govern the redistricting process: (i) the “one person-one vote” (equal population) principle; (ii) the non-discrimination standard of Section 2 of the Voting Rights Act; and (iii) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting. In addition, although it will not apply to the 2021 redistricting, Section 5 of the Voting Rights Act, which applied a “retrogression” standard to minority group populations in specific districts, may be helpful as a tool to analyze potential Section 2 issues regarding a proposed new plan.

The terminology of redistricting is very specialized and includes terms that may not be familiar, so we have included as Attachment D to this Initial Assessment letter a brief glossary of many of the commonly-used redistricting terms.

The “One Person – One Vote” Requirement: Why You Redistrict

The “one person-one vote” requirement of the United States Constitution requires that members of an elected body be drawn from districts of substantially equal population. This requirement applies to the single-member districts of “legislative” bodies such as commissioners courts and other entities with single-member districts such as school boards or city councils.

Exact equality of population is not required for local political subdivisions. However, they should strive to create districts that have a total population deviation of no more than 10 percent between their most populated district and the least populated district. This 10 percent deviation is usually referred to as the “total maximum deviation.” It is measured against the “ideal” or target population for the governmental entity based on the most recent census. The 10 percent standard is a rebuttable presumption of compliance with the one person-one vote requirement.

A governing body is therefore required to determine whether the populations of its single-member districts (including school board trustee districts) are within this 10 percent balance based on 2010 Census population data. If the population deviation among the districts exceeds the permissible 10 percent total maximum deviation, the entity must redistrict, that is, redraw the boundaries of the individual districts so that the total populations of all the new districts are within the permissible 10 percent limit. A hypothetical example of how deviation is calculated is given in Attachment E.

Generally, redistricting will use the Census Bureau’s recently released population data for the 2020 Census in drawing new redistricting plans – the so-called “PL 94-171” data. In any legal challenge to a new plan, it is this data that likely would be applied. Although several types of population data are provided in the PL 94-171 files, redistricting typically is based upon total population.

Official Census data should be used unless the governmental entity can show that better data exists. The court cases that have dealt with the question have made it clear that the showing

required to justify use of data other than Census data is a very high one – impossibly high at a time so close to the release of new Census data. As a practical matter, therefore, we recommend that entities use the 2010 Census data in their redistricting processes. We have based the Initial Assessment on PL 94-171 total population data; the relevant data are summarized in Attachment A.

In the redistricting process, each governmental entity will use a broad spectrum of demographic and administrative information to accomplish the rebalancing of population required by the one person-one vote principle. The charts provided with this report not only show the total population of the entity but also give breakdowns of population by various racial and ethnic categories for the entity as a whole and for each single-member district.

Census geography

These single-member population data are themselves derived from population data based on smaller geographical units. The Census Bureau divides geography into much smaller units called “census blocks.” In urban areas, these correspond roughly to city blocks. In more rural areas, census blocks may be quite large. Census blocks are also aggregated into larger sets called “voting tabulation districts” or “VTDs,” which often correspond to county election precincts.

For reasons concerning reducing the potential for *Shaw v. Reno*-type liability, discussed below, we recommend using VTDs as the redistricting building blocks where and to the extent feasible. In many counties this may not be feasible.

Census racial and ethnic categories

For the 2020 Census, the Census Bureau recognized multiple combinations of racial and ethnic categories and collected and reported data based on all of them. Many of these categories include very few persons, however, and will not therefore have a significant impact on the redistricting process. The charts that accompany this report include only eight racial and ethnic categories that were consolidated from the larger set. The entire population of the entity is represented in these charts. These eight categories are the ones most likely to be important in the redistricting process.

The 2020 Census listed six racial categories. Individuals were able to choose a single race or any combination of races that might apply. Thus, there are potentially many different racial combinations that might occur. Additionally, the Census asks persons to designate whether they are or are not Hispanic. When the Hispanic status response is overlaid on the different possible racial responses, there are twice as many possible different combinations. The Census tabulates each one separately.

If this information is to be usable, it must be combined into a smaller number of categories (of course, having the same overall population total). For purposes of determining the preclearance retrogression benchmark, discussed below, DOJ indicated in a guidance document issued on January 18, 2001 that it would use the following rules for determining

Hispanic and race population numbers from the 2010 Census data, for purposes of performing the retrogression analysis:

- persons who selected “Hispanic” are categorized as Hispanic, no matter what race or races they have designated; all others will be classified as non-Hispanic of one or more races; *e.g.*, Hispanic-White and Hispanic-African-American are both classified as Hispanic;
- persons who did not select “Hispanic” and who designated a single race will be classified as members of that race; *e.g.*, White, African-American, Asian, etc.;
- persons who did not select “Hispanic” and who designated themselves as belonging to a single minority race and as White will be classified as members of the minority race; *e.g.*, Asian+White will be classified as Asian; and
- persons who did not select “Hispanic” and who designated themselves as belonging to more than one minority race will be classified as “other multiple race;” *e.g.*, White+Asian+Hawaiian or African-American+Asian. This category is expected to be small.

By collapsing the multiple racial/ethnic responses in this way it results in a more usable arrangement of eight categories.

We will also consider data called “voting age population” (or “VAP”) data. It is similarly classified in eight racial and ethnic categories. This information is provided for the limited purpose of addressing some of the specific legal inquiries under the Voting Rights Act that are discussed below. Voting age population is the Census Bureau’s count of persons who identified themselves as being eighteen years of age or older at the time the census was taken (*i.e.*, as of April 1, 2020).

In addition to this population and demographic data, the entity will have access to additional information that may bear on the redistricting process, such as facility locations, registered voter information, incumbent residence addresses, etc.

Section 2 of the Voting Rights Act – No Discrimination Against Minority Groups

Section 2 of the Voting Rights Act, 52 U.S.C. §10301, forbids a voting standard, practice, or procedure from having the effect of reducing the opportunity of members of a covered minority to participate in the political process and to elect representatives of their choice. In practical terms, this non-discrimination provision prohibits districting practices that, among other things, result in “packing” minorities into a single district in an effort to limit their voting strength. Similarly, “fracturing” or “cracking” minority populations into small groups in a number of districts, so that their overall voting strength is diminished, can be discrimination under Section 2. There is no magic number that designates the threshold of packing or cracking. Each plan must be judged on a case-by-case basis. Failure to adhere to

such Section 2 standards could invite a challenge in court by a protected minority group or even by the Department of Justice.

In previous redistricting cycles, “preclearance” was required under Section 5 of the Voting Rights Act before a new plan (or any other change of any kind to voting standards, practices or procedures) could be implemented. Section 5 will not apply in the 2021 redistricting cycle, but as we discuss below, the Section 5 “retrogression” standard can be a useful tool to identify potential Section 2 issues with a proposed new plan.

The Supreme Court has defined the minimum requirements for a minority plaintiff to bring a Section 2 lawsuit. There is a three-pronged legal test the minority plaintiff must satisfy – a showing that: (1) the minority group’s voting age population is numerically large enough and geographically compact enough so that a district with a numerical majority of the minority group can be drawn (a “majority minority district”); (2) the minority group is politically cohesive, that is, it usually votes and acts politically in concert on major issues; and (3) there is “polarized voting” such that the Anglo majority usually votes to defeat candidates of the minority group’s preference. *Thornburg v. Gingles*, 478 U.S. 30 (1986). In the federal appellate Fifth Circuit, which includes Texas, the minority population to be considered is *citizen* voting age population. In certain cases, a minority group may assert that Section 2 requires that the governmental body draw a new majority minority district. The governing body must be sensitive to these Section 2 standards as it redistricts.

In considering changes to existing boundaries, a governmental entity must be aware of the location of protected minority populations within its single-member districts for the purpose of ensuring that changes are not made that may be asserted to have resulted in “packing,” or in “fracturing” or “cracking” the minority population for purposes or having effects that are unlawful under Section 2. The thematic maps included in Attachment B depict the locations of Hispanic and African-American population concentrations by census block; they are useful in addressing this issue. Voting age population (VAP) data is useful in measuring potential electoral strength of minority groups in individual districts.

**Shaw v. Reno Standards – Avoid Using Race
as the Predominant Redistricting Factor**

The modern era of redistricting began in the 1960’s when the Supreme Court determined that districting plans were subject to judicial review and that they must conform to one-person, one-vote principles. This was followed in short order by the passage of the Voting Rights Act in 1965, which along with the Fourteenth Amendment, required jurisdictions to ensure that districts were not racially discriminatory. Accordingly, to avoid liability in voting rights suits, governments were highly conscious of race when drawing districts and fashioned districts to reflect racial and ethnic housing patterns.

In 1993, the United States Supreme Court decided *Shaw v. Reno*, a case that contained a district that was so extremely irregular on its face that race was the predominant consideration in its creation to the exclusion of traditional districting principles and without sufficiently

compelling justification. The Court held that the district was a racial gerrymander that violated the Equal Protection Clause of the Fourteenth Amendment.

The *Shaw* opinion subjects governmental bodies undertaking the redistricting process to a delicate balancing act. The governmental body must consider race when drawing districts if it is to comply with the requirements of the Voting Rights Act; however, if race is the predominant consideration in the process, the governmental body may be subject to a racial gerrymandering claim.

Where racial considerations predominate in the redistricting process to the subordination of traditional (non-race-based) factors, the use of race-based factors is subject to the “strict scrutiny” test. To pass this test requires that there be a showing that (1) the race-based factors were used in furtherance of a “compelling state interest” and (2) their application be “narrowly tailored,” that is, they must be used only to the minimum extent necessary to accomplish the compelling state interest. Compliance with the anti-discrimination requirements of section 2 of the Voting Rights Act is a compelling state interest.

The following principles have emerged in the post-*Shaw* environment to guide the redistricting process:

- race may be considered;
- but race may not be the predominant factor in the redistricting process to the subordination of traditional redistricting principles;
- bizarrely-shaped districts are not unconstitutional *per se*, but the bizarre shape may be evidence that race was the predominant consideration in the redistricting process;
- if race is the predominant consideration, the plan may still be constitutional if it is “narrowly tailored” to address compelling governmental interest such as compliance with the Voting Rights Act; and
- if a plan is narrowly tailored, it will use race no more than is necessary to address the compelling governmental interest.

While race will almost always be a consideration, the better course, if possible under the circumstances, is that racial considerations not predominate to the subordination of traditional redistricting criteria, so that the difficult strict scrutiny test is avoided.

Adherence to the *Shaw v. Reno* standards will be an important consideration during the redistricting process. One way to minimize the potential for *Shaw v. Reno* liability is to adopt redistricting criteria that include traditional redistricting principles and that do not elevate race-based factors to predominance.

Section 5 of the Voting Rights Act – Preclearance and Retrogression

Preclearance will not be required

In prior redistricting cycles, Section 5 of the Voting Rights Act, 52 U.S.C. § 10304, required all “covered jurisdictions” identified in the applicable Department of Justice (DOJ) regulations to “preclear” any changes to voting standards, practices, or procedures before they may become legally effective. Texas was a “covered jurisdiction,” so all local governments in the state, as well as the State itself, were required to preclear any voting change, including their redistricting plans. This included changes to any single-member district lines (including school board trustee district lines). Section 5 applied not only to changes in single-member district lines, but also to changes in election precincts and in the location of polling places. For counties, Section 5 applied not only to commissioners’ precincts, but also to JP and constable precincts, even though these latter are not subject to the one person-one vote requirement (since these are not “representative,” *i.e.*, “legislative” officials).

In the 2013 case *Shelby County v. Holder*, 133 S. Ct. 2612 (2013), the U.S. Supreme Court invalidated Section 4 of the Voting Rights Act until Congress corrected some deficiencies. This is the section that, in effect, defines which states and local jurisdictions are subject to Section 5 preclearance requirements. Congress has not made the required corrections, so Section 5 will not apply to any jurisdiction this redistricting cycle. Nonetheless, the legal standard applied to preclearance under Section 5, “retrogression”, can be useful to identify potential Section 2 discrimination issues in a proposed new districting plan.

Retrogression standard

In past redistricting cycles, Section 5 review involved considering whether a proposed new districting plan had a retrogressive effect. The issue is whether the net effect of the proposed new plan would be to reduce minority voters’ ability to elect their preferred candidates when the plan is compared to the prior benchmark plan. In other words, does the new districting plan result in a reduction of the minority group’s ability to elect?

To determine if retrogression exists, it is necessary to compare a proposed plan against a benchmark, typically the *prior* district boundary plan, but considered using the *new* 2020 Census population and demographic data.

Voting age population data (“VAP”) – the Census count of persons eighteen years of age or older at the time the Census was taken (*i.e.*, as of April 1, 2020). It is a measure of the number of people old enough to vote if they are otherwise eligible to do so. Since the retrogression inquiry focuses on whether a minority group’s overall voting strength has been reduced, and VAP is a more direct measure of voting strength than total population, VAP should be considered in the retrogression analysis, not just total population.

In combination with a balanced consideration of the other applicable redistricting criteria, the entity's governing body will need to consider the effects of any changes to the benchmark measures that its proposed plan produces. Because of changes in population and the need to comply with one person-one vote principles, sometimes it may be impossible to avoid drawing a retrogressive plan. But if a proposed new plan is retrogressive, careful consideration should be given before adopting it.

Since retrogression was the test by which redistricting plans were measured under Section 5 of the Act and that section is no longer operative, retrogression is no longer the standard. Nevertheless, a jurisdiction that draws a plan that is retrogressive may increase the chance that it will be sued under Section 2. Thus, it may be beneficial to avoid retrogression where possible even though the plan will not be required to be submitted to the Department of Justice for Section 5 review under that test.

Adoption of Redistricting Criteria

Adoption of appropriate redistricting criteria – and adherence to them during the redistricting process – is potentially critical to the ultimate defensibility of an adopted redistricting plan. Traditional redistricting criteria that the governing body might wish to consider adopting include, for example:

- use of identifiable boundaries;
- using whole voting precincts, where possible and feasible; or, where not feasible, being sure that the plan lends itself to the creation of reasonable and efficient voting precincts;
- maintaining communities of interest (*e.g.*, traditional neighborhoods);
- basing the new plan on existing districts;
- adopting districts of approximately equal population;
- drawing districts that are compact and contiguous;
- keeping existing representatives in their districts; and
- narrow-tailoring to comply with the Voting Rights Act and *Shaw v. Reno*..

There may be other criteria that are appropriate for an individual entity's situation, but all criteria adopted should be carefully considered and then be followed to the greatest degree possible. A copy of a sample criteria adoption resolution is provided as Attachment F. You may wish to include additional criteria; or determine that one or more on that list are not appropriate. We will discuss with you appropriate criteria for your situation.

Requirements for Plans Submitted by the Public

You should also consider imposing the following requirements on any plans proposed by the public for your consideration: (1) any plan submitted for consideration must be a complete plan, that is, it must be a plan that includes configurations for all districts and not just a selected one or several. This is important because, although it may be possible to draw a particular district in a particular way if it is considered only by itself, that configuration may have unacceptable consequences on other districts and make it difficult or impossible for an overall plan to comply with the applicable legal standards; and (2) any plan submitted for consideration must follow the adopted redistricting criteria.

ATTACHMENT D

GLOSSARY

GLOSSARY

Census blocks, census block groups, census VTDs, census tracts – Geographic areas of various sizes recommended by the states and used by the Census Bureau for the collection and presentation of data.

Citizen voting age population (CVAP) – Persons 18 and above who are citizens. This is a better measure of voting strength than VAP; however, the relevant citizenship data will need to be developed.

Compactness – Having the minimum distance between all parts of a constituency.

Contiguity – All parts of a district being connected at some point with the rest of the district.

Cracking – The fragmentation of a minority group among different districts so that it is a majority in none. Also known as “fracturing.”

Fracturing – See “cracking.”

Homogeneous district – A voting district with at least 90 percent population being of one minority group or of Anglo population.

Ideal population – The population that an ideal sized district would have for a given jurisdiction. Numerically, the ideal size is calculated by dividing the total population of the political subdivision by the number of seats in the legislative body.

Majority minority district – Term used by the courts for seats where an ethnic minority constitutes a numerical majority of the population.

One person, one vote – U.S. Constitutional standard articulated by the U.S. Supreme Court requiring that all legislative districts should be approximately equal in size.

Packing – A term used when one particular minority group is consolidated into one or a small number of districts, thus reducing its electoral influence in surrounding districts.

Partisan gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one political party.

PL 94-171 – The Public Law that requires the Census Bureau to release population data for redistricting. The data file, referred to as “PL 94-171”, was supposed to be released by April 1, 2021, although due to technical issues it was not released until August, is reported at the block level, and contains information on:

- Total population
- Voting age population
- By Race
- By Hispanic origin

Racial gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one race.

Retrogression – The Section 5 standard (not applicable in this redistricting cycle) that considered whether a proposed new districting plan made it less likely a protected minority group could elect candidates of the group's choice.

Section 2 of the Voting Rights Act – The part of the federal Voting Rights Act that protects racial and language minorities from discrimination in voting practices by a state or other political subdivision.

Section 5 of the Voting Rights Act – The part of the federal Voting Rights Act that required certain states and localities (called “covered jurisdictions”) to preclear all election law changes with the U.S. Department of Justice (“DOJ”) or the federal district court for the District of Columbia before those laws may take effect. Not applicable this redistricting cycle.

Shaw v. Reno – The first in a line of federal court cases in which the U.S. Supreme Court held that the use of race as a dominant factor in redistricting was subject to a “strict scrutiny” test under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. This case and the line of Supreme Court cases that follows it establishes that race should not be used as a predominant redistricting consideration, but if it is, it must be used only to further a “compelling state interest” recognized by the courts and even then must be used only as minimally necessary to give effect to that compelling state interest (“narrow tailoring”).

Spanish surnamed registered voters (SSRV) – The Texas Secretary of State publishes voter registration numbers that show the percentage of registered voters who have Spanish surnames. It is helpful to measure Hispanic potential voting strength, although it is not exact.

Total population – The total number of persons in a geographic area. Total population is generally the measure used to determine if districts are balanced for one person, one vote purposes.

Voting age population (VAP) – The number of persons aged 18 and above. DOJ requires this to be shown in section 5 submissions. It is used to measure potential voting strength. For example, a district may have 50 percent Hispanic total population but only 45 percent Hispanic voting age population.

Voter tabulation district (VTD) – A voting precinct drawn using census geography. In most instances, especially in urban areas, VTDs and voting precincts will be the same. In rural areas, it is more likely they will not be identical.

ATTACHMENT E
HYPOTHETICAL POPULATION DEVIATION CALCULATION

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

Hypothetical Population Deviation Calculation

Consider a hypothetical political subdivision with four districts and a total population of 40,000. The “ideal district” for this political subdivision would have a population of 10,000 (total population / number of districts). This is the target population for each district. The deviation of each district is measured against this ideal size.

Suppose the latest population data reveals that the largest district, District A, has 11,000 inhabitants. The deviation of District A from the ideal is thus 1000 persons, or 10 percent. Suppose also that the smallest district, District D, has 8000 inhabitants; it is underpopulated by 2000 persons compared to the ideal size. It thus has a deviation of –20 percent compared to the ideal size. The *maximum total deviation* is thus 30 percent. Since this is greater than the 10 percent range typically allowed by the courts for one person-one vote purposes, this hypothetical subdivision must redistrict in order to bring its maximum total deviation to within the legally permissible limits.

The following table illustrates this analysis:

<u>District</u>	<u>Ideal district</u>	<u>District total pop.</u>	<u>Difference</u>	<u>Deviation</u>
A	10,000	11,000	1000	+ 10.0 percent
B	10,000	10,750	750	+ 7.5 percent
C	10,000	10,250	250	+ 2.5 percent
D	10,000	8,000	- 2000	- 20.0 percent
Totals:	40,000	40,000	net= 0	net= 0 percent

Total maximum deviation = difference between most populous and least populous districts = 10 percent + 20 percent = 30 percent.

ATTACHMENT F
ILLUSTRATIVE REDISTRICTING CRITERIA RESOLUTION

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

ILLUSTRATIVE REDISTRICTING CRITERIA RESOLUTION

(Here is an example of what the body of a resolution or ordinance adopting redistricting criteria might contain, but not including the footnotes. They are only included here by way of explanation to you of some of the criteria.)

The City Council will observe the following criteria, to the greatest extent possible, when drawing district boundaries:

1. Easily identifiable geographic boundaries should be followed.
2. Communities of interest should be maintained in a single district, where possible, and attempts should be made to avoid splitting neighborhoods.
3. Districts should be composed of whole voting precincts. Where this is not possible or practicable, districts should be drawn considering county election precincts. Avoid splitting census blocks unless necessary.
4. Although it is recognized that existing districts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing districts.
5. Districts must be configured so that they are relatively equal in total population according to the 2020 federal census. In no event should the total population deviation between the largest and the smallest district exceed ten percent as compared to the ideal district size.
6. Districts should be compact and composed of contiguous territory. Compactness may contain a functional,¹ as well as a geographical, dimension.
7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
8. The plan should be narrowly tailored to avoid racial gerrymandering in violation of *Shaw v. Reno*.

¹ Functional compactness is a sometimes-controversial notion that has appeared in some cases. Basically, the concept is that compactness is not simply a matter of geography but can include considerations such as (1) the availability of transportation and communication, (2) the existence of common social and economic interests, (3) the ability of the districts to relate to each other, and (4) the existence of shared interests. We do not anticipate that we will rely heavily on functional compactness, but there may be instances in which it comes into play. For example, we might be able to draw a very geographically compact district by including land on both sides of a river. If, however, the nearest bridge is several miles away, our geographically compact district may not be functionally compact. Saying that compactness has a functional dimension gives us flexibility to address this type of situation.

9. The plan should not fragment² a geographically compact minority community or pack³ minority voters in the presence of polarized voting so as to create liability under the Voting Rights Act.

The Council will review all plans considering these criteria and will evaluate how well each plan conforms to the criteria.

Any plan submitted by a citizen to the Council for its consideration should be a complete plan — *i.e.*, it should show the full number of districts and should redistrict the entire city. The Council may decline to consider any plan that is not a complete plan.

All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the Council should conform to these criteria.

² Fragmenting or fracturing occurs when a geographically compact area of minority voters is split into two or more districts when, if the area had been put in a single district, minority voters would have had greater voting strength.

³ Packing refers to concentrating excessively large numbers of minority voters in a single district. For example, if a district is drawn to be 90 percent African-American, that group's influence may be limited to that single district when, if it had been split, the group might have had an opportunity to elect candidates of their choice in two districts.

ATTACHMENT G
ILLUSTRATIVE REDISTRICTING GUIDELINES RESOLUTION

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

ILLUSTRATIVE REDISTRICTING GUIDELINES RESOLUTION

(Here is an example of what the body of a resolution or ordinance adopting redistricting guidelines for public participation might contain.)

The following guidelines are to be followed by each person submitting a redistricting plan for consideration or submitting comments:

1. Proposed plans must be submitted in writing and be legible. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The City Council wants to be sure that all proposals are fully and accurately considered.
2. Any plan must show the total population and voting age population for African-Americans, Hispanics, Asians, and Anglo/Other for each proposed district, based on the 2020 Census Data. If a plan is submitted without a population breakdown, the Council may not have sufficient information to give it full consideration.
3. Plans should redistrict the entire entity, so the Council may consider the effect of any plan on the entire city. All plans are subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of federal law, the Council will be required to consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire city, it may be impossible for the Council to assess its impact on one or more protected minority groups.
4. Plans should conform to the criteria the Council will be using in drawing the precincts.
5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address. The Council may wish to follow up on such comments or obtain additional information about submitted plans.
7. All comments and proposed plans must be submitted to the City Council [by the close of / no later than __ days before] the public hearing.

This resolution shall be effective upon passage by the City Council.

ATTACHMENT H
SUGGESTED INITIAL ASSESSMENT AGENDA ITEM LANGUAGE

Attachment: 2022-012 ATTH 01 Texarkana IA packet (01385412x7A30F) (3628 : 2022-012 RES Redistricting Guidelines (2020))

SUGGESTED INITIAL ASSESSMENT AGENDA ITEM LANGUAGE

Here is suggested language for the agenda item for receiving the Initial Assessment and for adopting the two suggested resolutions (criteria, guidelines).

Receive Initial Assessment regarding whether redistricting is required considering the new 2020 census data; and, if so, consider adoption of criteria to apply to development of new districting plans, and guidelines for public participation in the redistricting process.

If your practice is to specifically post executive session items, you may wish to use this language:

Executive Session. The City Council may go into executive session pursuant to Texas Government Code section 551.071 to receive advice from legal counsel regarding the City's redistricting obligations.

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:

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

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: A

Update Date: 2/23/2022 10:27 AM

Briefing Sheet

Lead Department: Building Code Administration **Action Officer:** Mashell Daniel
Ordinance No. 2022-018 approving the voluntary annexation of an 11.376 acre tract in the J. S. Warsden HRS A-745, J. A. Talbot HRS A-564, and George Brinlee HRS A-18, also known as Deaton Place Subdivision, to the city limits of Texarkana, Bowie County, Texas. Aven Williamson Construction, Inc., owner, Kayla Wood, MTG Engineers & Surveyors, agent.

Subject:

Briefing: 2/28/2022 **Public Hearing:** 2/28/2022 **Council Vote:** 2/28/2022

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The City of Texarkana, Texas received a request for the voluntary annexation of Deaton Place, an 11.376 acre tract of land in the J. S. Warsden HRS A-745, George Brinlee HRS A – 18 & J.A. Talbot HRS A-564 located off Gin Road between Richmond Road and Moores Lane. The proposed use for the property is a 37-lot subdivision with single family homes. The proposed zoning is SF-2 and is located in Ward 5.

The City Council has approved a written municipal services agreement for owner-petition voluntary annexation on February 14, 2022 by Resolution No. 2022-010, in which all city services will be provided to this area with no additional costs or changes to the annual budget.

Residents of this area will be entitled to all rights and privileges of all other citizens of the City of Texarkana, Texas and shall also be bound by ordinances, resolutions, and regulations of the City. The property will also be responsible for the taxes levied by the City.

All interested persons have been notified of the public hearing as required by law for this property.

Potential Options:

- Approve
- Not Approve

Fiscal Implications:

None

Staff Recommendation:

City of Texarkana, Texas

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. 2022-018 ORD Annexation Deaton Place v1 (002) (DOCX)
- b. 2022-018 ATTH 01 Annexation Deaton Place MAP (PDF)
- c. 2022-018 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Department Head Review
Completed	02/17/2022 4:21 PM	
City Attorney	Jeffery C. Lewis	Review Completed 02/18/2022
3:24 PM		
City Manager	David Orr	City Manager Review Completed 02/23/2022
5:07 PM		
City Council	Vicky Coopwood	Meeting Pending 02/28/2022
6:00 PM		

Meeting History

ORDINANCE NO. 2022-018

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ANNEXING BY PETITION OF LANDOWNER THE HEREINAFTER DESCRIBED TERRITORY OF AN 11.376-ACRE TRACT IN THE J. S. WARSDEN HRS A-745, J. A. TALBOT HRS A-564, AND GEORGE BRINLEE HRS A-18 (DEATON PLACE SUBDIVISION) TO THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY SO AS TO INCLUDE SAID HEREINAFTER DESCRIBED TERRITORY WITHIN SAID CITY LIMITS; GRANTING TO ALL THE INHABITANTS OF SAID TERRITORY ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS, BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS, AND REGULATIONS OF SAID CITY, AND THE PROPERTY THEREIN BEARING ITS PRO RATA PART OF THE TAXES LEVIED BY THE CITY; INCORPORATING BY REFERENCE THE “MUNICIPAL SERVICES AGREEMENT / OWNER-PETITION VOLUNTARY ANNEXATION” BETWEEN CITY AND LANDOWNER; ASSIGNING SAID TERRITORY TO ITS ADJOINING WARD; SPECIFYING A ZONING DISTRICT CLASSIFICATION; PROVIDING FOR THE FILING OF THIS ORDINANCE WITH COUNTY RECORDS AND UPDATING THE CITY BOUNDARIES MAP; CONTAINING A SEVERABILITY CLAUSE; CONTAINING A SUPERSEDING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the owner of an 11.376-acre tract lying and situated in the J. S. Warsden HRS, Abstract 745, J. A. Talbot HRS, Abstract 564, and the George Brinlee HRS, Abstract 18, referred to as the Deaton Place subdivision, requested that the City of Texarkana, Texas, annex the acreage into the city limits and the tract is within an area previously identified by City staff for inward fill of the city limits or otherwise that inclusion allows for future growth and economic development; and

WHEREAS, amendments to the Texas Local Government Code provide for a process for annexing an area of land upon owner request, requiring a written services agreement between City and landowner prior to initiating annexation proceedings, which has been accomplished through a written “Municipal Services Agreement / Owner-Petition Voluntary Annexation” signed by the landowner on January 31, 2022, approved by the City Council by Resolution No. 2022-010 on February 14, 2022, and signed by the City Manager on February 15, 2022; and

WHEREAS, before instituting an annexation proceeding, notice and publication procedures prescribed by law were duly followed with respect to this Ordinance and the territory proposed for annexation; and

WHEREAS, before instituting an annexation proceeding, the City Council gave all interested persons the right to appear and to be heard, calling and conducting a public hearing as required by law for the territory described in Section 1 of this Ordinance, noticed in accordance with Texas law, during the regular City Council meeting held on February 28, 2022, at City Hall, 220 Texas Boulevard, Texarkana, Texas.

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

SECTION 1: The territory described in this section within Bowie County, Texas, is hereby annexed to the City of Texarkana, Bowie County, Texas, and the boundary limits of the City of Texarkana, Texas, be and the same are hereby extended to include this territory within the city limits of the City of Texarkana, Texas, and the same shall hereafter be included within the territorial limits of the City of Texarkana, Texas:

All that certain lot, tract or parcel of land lying and situated in the J. S. Warsden Headright Survey, Abstract 745, Bowie County, Texas, the J. A. Talbot Headright Survey, Abstract 564, and the George Brinlee Headright Survey, Abstract 18, being all of that certain tract of land described as Tract 1 with 5.934 acres, and Tract 2 with 4.406 acres in the deed from Ranger Development Company to Hillman Edward Deaton, et ux, dated May 13, 1999, recorded in Volume 3059, Page 138 of the Real Property Records, Bowie County, Texas, and part of that certain tract of land described as 55 acres in the deed from Ray Walsh, Executor of the Estate of Melba Sue Walsh to Ray Walsh, Jr., Trustee, dated March 14, 2005, recorded in Volume 4561, Page 134 of the Real Property Records, Bowie County, Texas, and a part of that certain tract of land described as 0.495 acres in the Affidavit of Adverse Possession, dated February 25, 2021, recorded in Document No. 2021-00002613 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod, found for a corner, lying in the West right-of-way line of Gin Road, the Southeast corner of the said 4.406 acre tract;

THENCE South 88 degrees 20 minutes 00 seconds West along the South line of the said 4.406 acre tract at a distance of 10.16 feet, to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner, at the beginning of a circular curve to the right, the Northeast Corner of the said 0.495 acre tract, lying in the South line of the said 4.406 acre tract, and lying in the West right-of-way line of said Gin Road;

THENCE in a Southeasterly direction along the arc of the said circular curve a distance of 30.01 feet, with a delta angle of 0 degrees 43 minutes 32 seconds, a radius of 2370.05 feet, a chord bearing of South 04 degrees 47 minutes 30 seconds East, and a chord distance of 30.01 feet, to 1/2 inch steel rod, capped MTG 101011-00, set for a corner, lying in the East line of the said 0.495 acre tract, and lying in the West right of way line of said Gin Road;

THENCE South 88 degrees 20 minutes 00 seconds West a distance of 1286.02 feet to a 1/2 inch steel rod, capped MTG 101011-00, set for a corner;

THENCE North 04 degrees 21 minutes 50 seconds West at a distance of 30.00 feet passing a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, the Southwest Corner of the said 4.406 acre tract and the Southeast Corner of that certain tract of land described as Tract 1, with 3.081 acres in the deed from Michael W. Kyles, et al to Kenneth W. Wright, et ux, dated August 8, 1995, recorded in Volume 2350, Page 256 of the Real Property Records, Bowie County, Texas, lying in the North line of the said 55 acre tract, continuing along the West line of the said 4.406 acre tract and the East line of the said 3.081 acre tract at a distance of 284.89 feet passing a 1/2 inch steel rod, found for a corner, the Northwest corner of the said 4.406 acre tract, the Northeast corner of the said 3.081 acre tract, the Southeast corner of that certain tract of land described as Tract 2 with 3.919 acres in the deed from Michael W. Kyles, et al to Kenneth W. Wright, et ux, dated August 8, 1995, recorded in Volume 2350, Page 256 of the Real Property Records, Bowie County, Texas, and the Southwest corner of the said 5.934 acre

tract, and continuing along said course, the West line of the said 5.934 acre tract and the East line of the said 3.919 acre tract a distance of 307.52 feet for a total distance of 622.41 feet to a 5/8 inch steel rod, found for a corner, the Northwest corner of the said 5.934 acre tract, the Northeast corner of the said 3.919 acre tract, the Southeast corner of that certain tract of land described as 3.8975 acres in the deed from Leo Rhoden, et ux, to Kenneth W. Wright, et ux, dated August 14, 1987, recorded in Volume 1062, Page 173 of the Real Property Records, Bowie County, Texas, and the Southwest corner of that certain tract of land described as 10.996 acres in the deed from H198, LLC to Prospectus Endeavors 6, LLC, dated January 31, 2018, recorded in Document No. 2018-020002650 of the Real Property Records, Bowie County, Texas, said corner bears North 14 degrees 38 minutes 59 seconds East a distance of 410.05 feet to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, the Northwest corner of the said 10.996 acre tract;

THENCE South 75 degrees 53 minutes 56 seconds East a distance of 524.15 feet along the North line of the said 5.934 acre tract and the South line of the said 10.996 acre tract to a 2 inch steel pipe, found for corner, an outside ell corner in the North line of the said 5.934 acre tract, the Northwest corner of that certain tract of land described as 2.00 acres in the deed from Harold G. Rogers, et ux, to Heather Camille Brassfield, et vir, dated January 27, 2021, recorded in Document No. 2021-00001238, Page 58 of the Real Property Records, Bowie County, Texas;

THENCE South 01 degrees 55 minutes 40 seconds East a distance of 201.54 feet along the North line of the said 5.934 acre tract and the West line of the said 2.00 acre tract to a 2 inch steel pipe, found for a corner, an inside ell corner in the North line of the said 5.934 acre tract and the Southwest corner of the said 2.00 acre tract;

THENCE North 87 degrees 58 minutes 49 seconds East along the North line of the said 5.934 acre tract and the South line of the said 2.00 acre tract a distance of 796.81 feet to a 1 inch steel pipe found for a corner, lying in the West right-of-way line of the said Gin Road, the Northeast corner of the said 5.934 acre tract, and the Southeast corner of the said 2.00 acre tract, said corner bears North 06 degrees 34 minutes 23 seconds West a distance of 74.13 feet to a 1 inch steel pipe, found for a corner, the Northeast corner of the said 2.00 acre tract;

THENCE South 06 degrees 34 minutes 23 seconds East a distance of 253.62 feet along the West line of the said Gin Road, the East line of the said 5.934 acre tract, and the East line of the said 4.406 acre tract to the point of beginning and containing 11.376 acres of land, more or less.

SECTION 2: Pursuant to Texas law and the City Charter, the inhabitants of the territory described in Section 1 of this Ordinance and annexed by this Ordinance shall hereafter be entitled to all the rights and privileges of all other citizens of the City of Texarkana, Texas; they shall be bound by the acts, ordinances, resolutions, and regulations of the City; and the property situated in the territory shall bear its pro rata part of the taxes levied by the City.

SECTION 3: The written “Municipal Services Agreement / Owner-Petition Voluntary Annexation” for the territory described in Section 1 of this Ordinance and annexed by this Ordinance, signed by the landowner on January 31, 2022, approved by the City Council by Resolution No. 2022-010 on February 14, 2022, and signed by the City Manager on February 14, 2022, is incorporated herein by reference for all purposes.

SECTION 4: Pursuant to Article II, Section 1 of the City Charter, the territory described in Section 1 of this Ordinance and annexed by this Ordinance shall hereafter be assigned and become a part of the City Ward [Ward 5] to which the territory adjoins.

SECTION 5: Pursuant to Sections 140-50 and 140-78(a) of the Code of Ordinances of the City of Texarkana, Texas, the zoning district for the territory described in Section 1 of this Ordinance and annexed by this Ordinance shall be classified as “Single-Family Dwelling District-2” or “SF-2”.

SECTION 6: The City Secretary shall file with the County Clerk of Bowie County, Texas, a certified copy of this Ordinance. The City Manager shall cause the map of the boundaries of the City and its extraterritorial jurisdiction to be updated in accordance with Texas law and this ordinance.

SECTION 7: 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 8: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

SECTION 9: This Ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **28th day of February, 2022.**

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:

The property annexed will also be responsible for taxes levied by the City.

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:**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: