



**CITY OF TEXARKANA**  
**CITY COUNCIL**  
**MINUTES • MARCH 14, 2016**

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

**220 TEXAS BLVD.**  
**TEXARKANA, TX 75501**

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

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

Staff Present: City Manager John Whitson, Jennifer Evans, Dan Shiner, Michael Henry, Charlie Bassett, Shirley Jaster, Jennifer Strayhorn, Sherry Jackson Hawkins, Jeff Estes, Kyle Dooley, Lisa Thompson, Vicky Coopwood, Robby Robertson, J.D. Phillips, Eric Schlotter, Rea Donna Jones, and David Orr.

Legal Counsel: Jeff Lewis

**II. INVOCATION BY MAYOR BOB BRUGGEMAN AND PLEDGE OF ALLEGIANCE**

After the invocation, the pledge was led by Boy Scout Troop 13.

**III. MAYOR'S OPENING REMARKS**

**Upcoming City Council Meetings:**

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

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

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

Monday, May 9, 2016 at 6:00 p.m.

The annual Farmers Market Vendor Meeting & Seed Swap will be held on Wednesday, March 16th from 4:00 p.m. - 6:00 p.m. at City Hall, in the Council Chambers on the second floor.

The 2nd Annual Arbor Day will be held Saturday, March 19th - members of the Texas A&M Forest Service, Keep Texarkana Beautiful and City Staff will be on hand to give away 1,500 trees at Spring Lake Park across from the Rotary Splash Pad from 9:00 a.m. - 12:00 p.m.

**Parks & Recreation Events:**

|                                           |                               |                    |
|-------------------------------------------|-------------------------------|--------------------|
| March 17 <sup>th</sup> - 20 <sup>th</sup> | Huggins Baseball Tournament   | Spring Lake Park   |
| March 21 <sup>st</sup>                    | Spring Softball League Begins | Karrh Park         |
| March 26 <sup>th</sup> - 27 <sup>th</sup> | Spring Softball Tournament    | Karrh/Wallace Park |

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

Mayor Bruggeman announced that the Salvation Army has been serving the Texarkana community for 120 years and celebrated this event on Friday, March 11th. Mayor Bruggeman invited staff, parents, and students from the Salvation Army to join him while he read the joint city proclamation. Lt. Bernadette thanked the city and everyone who has given support to the organization over the years.

Mayor Bruggeman recognized and welcomed a student from Texas High Mr. Littman's government class.

***Presentations***

Public Safety Communications Tower Update - by Police Department

The Public Safety Communications Tower update was given by Michael Henry.

Comprehensive Annual Financial Report - by Holliday, Lemons, & Cox, P.C.  
Report Link: <http://www.ci.texarkana.tx.us/DocumentCenter/View/3527>

The Comprehensive Annual Financial Report was presented by Faith Phillips.

***Appointments to Boards & Commissions***

Motion to make appointments to various Boards and Commissions.

Council Member Davis recommended appointing Jay Davis to the Planning and Zoning Commission. (\*Note: Council Member Davis and Appointee Jay Davis have no familial relationship)

Council Member Veal-Gooch recommended appointing Trey Connolly to the Historic Landmark Preservation Committee.  
(6:37 p.m.)

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

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

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



There were no public comments made at Open Forum.

## **V. ITEMS FOR CONSIDERATION**

### ***Consent Items***

(6:39 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on February 22, 2016 at 6:00 PM.
2. Resolution No. 2016-005 establishing and adopting a policy related to citizen submitted petitions.

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

3. Resolution No. 2016-024 acknowledging receipt of the 2015 Police Department Racial Profiling Report.

Public Hearing:  
Second Briefing:  
Council Vote: March 14, 2016

### ***Closed Session***

The City Council convened in closed session pursuant to section 551.071, Texas Government Code, for a private consultation with the City Attorney to seek advice regarding the breach of contract, unjust enrichment, and malfeasance assertions/settlement offer by Claire Jaynes / Forest Point Apartment Homes [*cf.* proposed Resolution 2015-140].

### ***Reconvened into Open Session***

*Action Items*

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

Public Hearing: January 11, 2016

Second Briefing: January 25, 2016

Council Vote: March 14, 2016

Jeff Lewis made a few comments. Council Member Paddock and Council Member Veal-Gooch each made additional comments before the vote.

(7:54 p.m.)

|                  |                                                    |
|------------------|----------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED AS AMENDED [UNANIMOUS]</b>              |
| <b>MOVER:</b>    | Christy P. Paddock, Ward 5                         |
| <b>SECONDER:</b> | Josh Davis, Ward 6                                 |
| <b>AYES:</b>     | Matlock, Ray, Veal-Gooch, Matthews, Paddock, Davis |
| <b>EXCUSED:</b>  | Bruggeman                                          |

5. Resolution No. 2016-028 authorizing the City Manager to enter into a contract for the New Boston Road Water Treatment Plant Switchgear Replacement in an amount not to exceed THREE HUNDRED FIVE THOUSAND SIX HUNDRED THIRTY-NINE DOLLARS (\$305,639).

Public Hearing:

Second Briefing:

Council Vote: March 14, 2016

J.D Phillips briefed this item.

(7:57 p.m.)

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

**VI. FIRST BRIEFINGS**

1. Resolution No. 2016-025 authorizing the City Manager to enter into an incentive agreement with Harte-Hanks, Inc. funded by the City of Texarkana's Economic Development Fund in an amount not to exceed TWO HUNDRED THOUSAND DOLLARS (\$200,000).

Public Hearing: March 28, 2016  
Second Briefing: April 11, 2016  
Council Vote: April 25, 2016

David Orr briefed this item.

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/28/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

2. Resolution No. 2016-026 authorizing the City Manager to execute a gateway monument agreement with the Texas Department of Transportation regarding the City of Texarkana's construction and maintenance of a gateway monument along Interstate 30 right-of-way.

Public Hearing: March 28, 2016  
Second Briefing: April 11, 2016  
Council Vote: April 25, 2016

Kyle Dooley briefed this item.

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/28/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

3. Resolution No. 2016-027 authorizing the City Manager to enter into a contract for the repainting and repairs of the Pleasant Grove Elevated Storage Tank in an amount not to exceed TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED DOLLARS (\$204,700).

Public Hearing: March 28, 2016  
Second Briefing: April 11, 2016  
Council Vote: April 25, 2016

J.D. Phillips briefed this item.

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/28/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

## VII. PUBLIC HEARINGS

1. Motion to move Ordinance No. 2016-020 up for council vote.  
(8:10 p.m.)

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

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

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

There were no public comments made at this hearing.  
(8:11 p.m.)

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

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

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

Verizon Wireless Representative Hart Mason spoke at this public hearing. Charles Puratt spoke in opposition to this proposed ordinance. Dwight Brown expressed concern of road damage on Franklin Street during the proposed construction project of this cellular telecommunications tower.

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/28/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

4. Motion to move Resolution No. 2016-022 up for council vote.

(8:33 p.m.)

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

5. Resolution No. 2016-022 authorizing the City Manager to enter into a memorandum of agreement for the Heritage Gateway Public Artwork Project.

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

David Orr referenced a change to the Memorandum of Understanding regarding Main Street Texarkana. City Manager Whitson made a few comments. There were no public comments made at this hearing.  
(8:33 p.m.)

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

#### **VIII. SECOND BRIEFING WITH UPDATES - NONE.**

#### **IX. SECOND BRIEFING WITHOUT UPDATES**

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

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

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/28/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

#### **X. ITEMS FOR DISCUSSION**

##### **Staff Updates**

City Manager Whitson informed council that the Sulphur River Basin Authority (SRBA) board accepted the city's request to be on the March 15, 2016 SRBA agenda. City Manager Whitson, on

behalf of the council, will make a request for a joint meeting of the council and SRBA board to discuss their studies and efforts in the basin.

## XI. ADMINISTRATIVE COMMENTS

### 1. Council Members

Council Member Paddock said she has received several complaints from citizens trying to enter traffic from Galleria Oaks onto Richmond Road especially during high traffic times. City Manager Whitson said that the city does not plan to place a traffic signal device at that intersection because it would cause other traffic management issues. When traffic lights are placed to close together, it causes traffic to back up into other intersections. He asked and suggested that citizens plan a route that would access existing signal devices when they choose to enter onto Richmond Road.

Council Member Davis said a question that he receives from Ward 6 residents is why more strategic planning was not incorporated in the 2009 bond process for Galleria Oaks to help alleviate heavy traffic issues in that area. City Manager Whitson responded that he was not employed with the city at that time and Kyle Dooley said he was not part of that planning process. Mayor Bruggeman said, at that time, Moores Lane was a two-lane road and there was not a left turn lane. Galleria Oaks was built, in hopes, to help alleviate some of that traffic.

Council Member Veal-Gooch asked if College Drive, from Moore Drive to Potomac Avenue, is still closed due to repairs. Kyle Dooley said that backfill was done today and staff hoped to apply hot mix on the road tomorrow. That portion of the street is projected to be open Wednesday or Thursday of this week.

### 2. City Staff

Staff had no comments.

## XII. ADJOURNMENT

A motion was made to adjourn the meeting.  
(8:40 p.m.)

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



Jennifer Evans  
City Secretary



Bob Bruggeman  
Mayor

## Briefing Sheet

Version:  
Update Date: 3/4/2016 2:53 PM

**Lead Department:** Police

**Action Officer:** Jennifer Evans, City Secretary

**Subject:** Public Safety Communications Tower Update - by Police Department

---

### Updates/History of Briefing:

(Insert Date Here):

(Insert Text Here) or Select, Delete this and all text with parentheses and say "NOT APPLICABLE"

### Executive Summary and Background Information:

### Potential Options:

- List or "None"
- 

---

### Fiscal Implications:

(Insert Text Here)

### Staff Recommendation:

(Insert Text Here)

### Advisory Board/Committee Review:

(Advisory Board/Committee Name OR say "NONE")

### Board/Committee Recommendation:

(Insert Date Here):

(Insert Text Here or say "NOT APPLICABLE")

### Advisory Board/Committee Meeting Date and Minutes:

(Insert Minutes Here) or Select, Delete this and all text in this area and say "NOT APPLICABLE"

### Attachments

- a. Public Safety Communications Tower Update 031416 (PDF)



Motorola Solutions, Inc.  
1507 LBJ Freeway, Suite 700  
Farmers Branch, TX 75234

February 24, 2016

Captain Michael Henry, Texarkana Police Department  
City of Texarkana Texas  
220 Texas Blvd.  
Texarkana, TX 75501

RE: Tower Remediation Project

Dear Captain Henry,

Motorola Solutions, Inc. ("Motorola") has spent extensive time and effort in analysis of the New Boston Road Tower to ensure the structural analysis and integrity of this tower. It was, as you are aware, in need of remediation to bring the structure up to the current standards required to use as a structure for the antennas required for the P25 Radio Project.

The scope of work is as follows:

*Develop & provide Engineering documentation required to propose all services & material for repairs*

*Provide new revised/updated Tower Engineering Load Study Documents (based on the repairs made)*

*Engineering Drawings*

*Order & provide all steel for custom steel fabrication required for supports & bracing as indicated from the engineering studies*

*Provide all Civil upgrades and requirements for the Guy Anchors as required*

*Receive & transport all materials to Texarkana's New Boston Rd. Tower site*

*Provide and upgrade R56 Grounding to meet Motorola Specifications*

*Provide any permitting that may be needed as required*

*Final Inspections & Cleanup*

To this concern, Motorola has provided the City of Texarkana with the structural analysis details and **a price quote of \$129,100.00** to remediate the tower to provide a structure that is sound and allows the project to move forward.

Upon receipt of a purchase order from the City, Motorola will begin the process of making the changes to the tower and will provide a new time line for the balance of the project. Payment terms will be Net 30 days from completion of the remediation of the tower.

Motorola would be pleased to answer any questions Texarkana Texas may have regarding this project

Sincerely,





Motorola Solutions, Inc.  
1507 LBJ Freeway, Suite 700  
Farmers Branch, TX 75234

MOTOROLA SOLUTIONS, INC.

Becky Smartt  
Sr. Account Manager  
(972) 977-8022



1507 LBJ Freeway  
Suite 700  
Farmers Branch, TX 75234



2000 E. Lamar Blvd.  
Arlington, TX 76006  
Suite 550  
(O) 817.446.1700  
(F) 817.460.0677  
Texas Firm # 13992

Tuesday, November 24, 2015

## RIGOROUS STRUCTURAL ANALYSIS

|                             |                                        |                                                                          |
|-----------------------------|----------------------------------------|--------------------------------------------------------------------------|
| <b>CARRIER DESIGNATION:</b> | Carrier:                               | City of Texarkana                                                        |
|                             | Site Name:                             | New Boston                                                               |
| <b>ANALYSIS CRITERIA:</b>   | County:                                | Bowie                                                                    |
|                             | State:                                 | TX                                                                       |
|                             | TIA Code:                              | TIA-222-G                                                                |
|                             | Building Code:                         | 2009 IBC                                                                 |
|                             | Basic Wind no ice (3 Second Gust/mph): | 90                                                                       |
|                             | Operational Wind (mph):                | 60                                                                       |
|                             | Wind with ice (mph):                   | 30                                                                       |
|                             | Ice Thickness:                         | 1" (.95" ice was used on model due to tower not converging using 1" ice) |
|                             | Exposure Category:                     | C                                                                        |
|                             | Topographic Category:                  | 1                                                                        |
|                             | Tower Class:                           | II                                                                       |
| <b>SITE DATA:</b>           | Address:                               | New Boston Rd.                                                           |
|                             | Coordinates:                           | 33 26 15.21, -94 4 34.34.08                                              |
|                             | Tower Height/Type:                     | 400' Guyed                                                               |

The Celeris Group is pleased to submit this Structural Analysis Report to determine the structural integrity of the tower referenced in this analysis. This analysis was completed to determine the structural stability of the tower with all existing and proposed loadings which are detailed in this report.

| ANALYSIS RESULTS:                                | %     | Result | Comments |
|--------------------------------------------------|-------|--------|----------|
| Tower Stress Level with Proposed Equipment:      | 199.6 | Fail   | N/A      |
| Connection Stress Level with Proposed Equipment: | 118.6 | Fail   | N/A      |
| Base Foundation Ratio with Proposed Equipment:   | 118.1 | Fail   | N/A      |
| Anchor Foundation Ratio with Proposed Equipment: | 56.51 | Pass   | N/A      |

We at The Celeris Group, Inc. appreciate the opportunity to provide you with this structural analysis. If you have any questions or need further assistance, please do not hesitate to give us a call.

Analysis Prepared by: Mark Stapleton

Analysis Reviewed By: Zhenjing Guo, P.E.  
Texas Firm # 13992

TCGI Project: 15-8158  
Rev: 0  
Date: 11/24/2015



## Briefing Sheet

**Lead Department:** Finance Department      **Action Officer:** Jennifer Evans, City Secretary  
Comprehensive Annual Financial Report - by Holliday, Lemons, & Cox, P.C.  
**Subject:** Report Link: <http://www.ci.texarkana.tx.us/DocumentCenter/View/3527>

### Updates/History of Briefing:

(Insert Date Here):

(Insert Text Here) or Select, Delete this and all text with parentheses and say "NOT APPLICABLE"

### Executive Summary and Background Information:

### Potential Options:

- List or "None"
- 

### Fiscal Implications:

(Insert Text Here)

### Staff Recommendation:

(Insert Text Here)

### Advisory Board/Committee Review:

(Advisory Board/Committee Name OR say "NONE")

### Board/Committee Recommendation:

(Insert Date Here):

(Insert Text Here or say "NOT APPLICABLE")

### Advisory Board/Committee Meeting Date and Minutes:

(Insert Minutes Here) or Select, Delete this and all text in this area and say "NOT APPLICABLE"

### Attachments

- a. CAFR FYE September 30, 2015 presentation (PDF)





# Comprehensive Annual Financial Report

For the Fiscal Year Ended  
September 30, 2015

HOLLIDAY, LEMONS, & COX, P. C.  
Certified Public Accountants





## Objectives of the Audit

- To provide opinion on whether financial statements are fairly stated, in all material respects
- Reporting on compliance with certain laws & regulations (GAS)
- Expressing an opinion on compliance in all material respects with OMB Circular A-133 (single audit)
- Issuing report on internal controls over financial reporting and compliance requirements (no opinion)



CITY OF  
**TEXARKANA**  
TEXAS

## Financial Audit Results

- Unmodified (clean) audit opinions (pages 3-7)
  - Governmental activities
  - Business-type activities
  - Major funds - General, Debt Service
  - Aggregate discretely presented component unit (Health Center) and remaining fund information
- Opinions indicate that financial statements are fairly presented in all material respects



CITY OF  
**TEXARKANA**  
TEXAS

## Financial Highlights

- Assets and deferred outflows of resources exceed liabilities by \$163 million (net position)
  - Unrestricted net position of \$4.7 million
- Net position:
  - Increased by \$2.6 million for governmental activities
  - Increased by \$1 million for business-type activities
  - Decreased by \$14.2 million for prior period adjustment for pensions
  - Total net decrease \$10.6 million
- City's governmental funds reported combined ending fund balances of \$17.4 million





CITY OF  
**TEXARKANA**  
TEXAS

## PRIOR PERIOD ADJUSTMENT

- **Prior Method** — pension liability resulted from the City paying less than the Annual Required Contribution as actuarially determined
- **New Method (GASB Statement No. 68 and 71)** - net pension liability results from the present value of projected benefit payments to be provided to current and inactive employees for past service, less the amount of plan assets.

|                       | <b>2014 - under</b> | <b>2015</b>       |                   |  |
|-----------------------|---------------------|-------------------|-------------------|--|
|                       | <b>prior method</b> | <b>new method</b> | <b>Increase</b>   |  |
| TMRS (includes TWU)   | \$ 1,981,740        | 14,466,280        | 12,484,540        |  |
| Fire Pension          | -                   | 4,283,180         | 4,283,180         |  |
| Net pension liability | <u>\$ 1,981,740</u> | <u>18,749,460</u> | <u>16,767,720</u> |  |

# Statement of Net Position (pages 26-27)

## September 30, 2015

|                                | <i><b>Governmental<br/>Activities</b></i> | <i><b>Business-Type<br/>Activities</b></i> | <i><b>Total</b></i> |
|--------------------------------|-------------------------------------------|--------------------------------------------|---------------------|
| Current and other assets       | \$ 37,786,875                             | 19,366,103                                 | 57,152,978          |
| Capital assets                 | 128,374,304                               | 67,186,669                                 | 195,560,973         |
| Total assets                   | 166,161,179                               | 86,552,772                                 | 252,713,951         |
| Deferred outflows of resources | 4,280,765                                 | 720,318                                    | 5,001,083           |
| Long-term liabilities          | 70,657,677                                | 13,221,008                                 | 83,878,685          |
| Other liabilities              | 4,533,015                                 | 5,400,082                                  | 9,933,097           |
| Total liabilities              | 75,190,692                                | 18,621,090                                 | 93,811,782          |
| Deferred inflows of resources  | 887,740                                   | 500,025                                    | 1,387,765           |
| Invested in capital assets     | 85,106,547                                | 58,283,054                                 | 143,389,601         |
| Restricted                     | 4,277,958                                 | 10,183,541                                 | 14,461,499          |
| Unrestricted                   | 4,979,007                                 | (314,620)                                  | 4,664,387           |
| Total net position             | \$ 94,363,512                             | 68,151,975                                 | 162,515,487         |

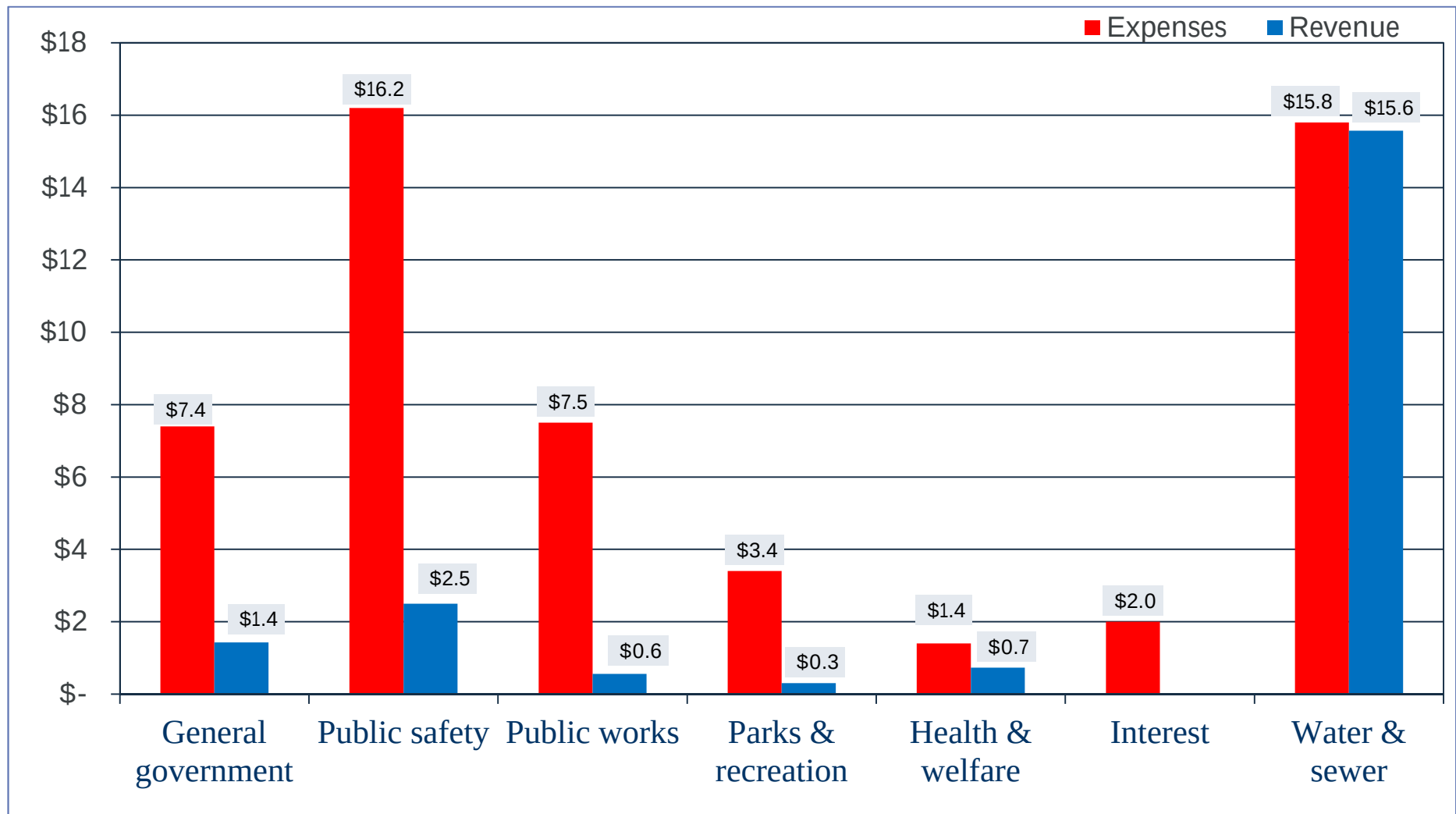
# Statement of Activities (pages 28-29)

## September 30, 2015

|                                         | <i><b>Governmental<br/>Activities</b></i> | <i><b>Business-Type<br/>Activities</b></i> | <i><b>Total</b></i> |
|-----------------------------------------|-------------------------------------------|--------------------------------------------|---------------------|
| Revenues:                               |                                           |                                            |                     |
| Program revenues                        | \$ 5,540,523                              | 15,567,241                                 | 21,107,764          |
| General revenues                        | 35,090,365                                | 1,201,796                                  | 36,292,161          |
| Total revenues                          | 40,630,888                                | 16,769,037                                 | 57,399,925          |
| Expenses                                | (38,043,029)                              | (15,736,026)                               | (53,779,055)        |
| Change in net position before transfers | 2,587,859                                 | 1,033,011                                  | 3,620,870           |
| Transfers                               | 18,900                                    | (18,900)                                   |                     |
| Change in net position                  | 2,606,759                                 | 1,014,111                                  | 3,620,870           |
| Net position, beginning as restated     | 91,756,753                                | 67,137,864                                 | 158,894,617         |
| Net position, ending                    | \$ 94,363,512                             | 68,151,975                                 | 162,515,487         |

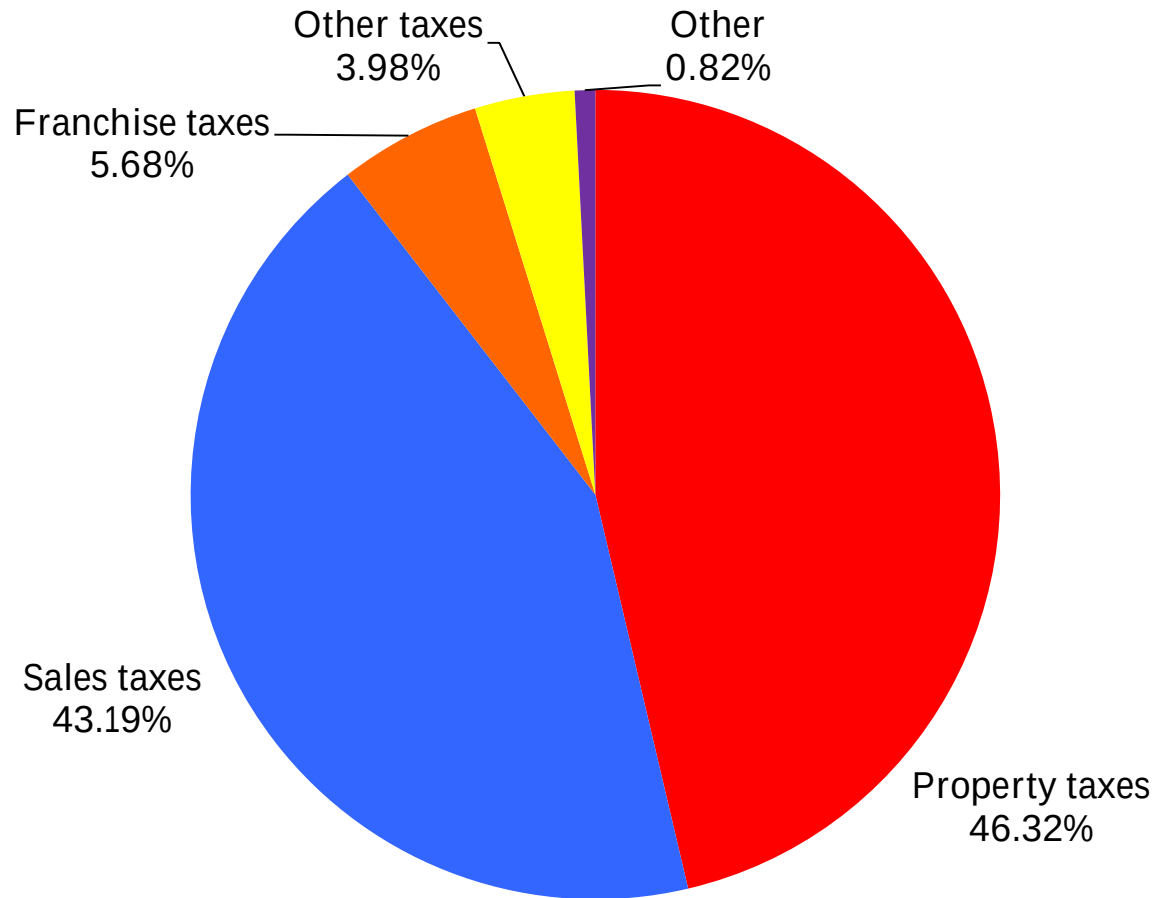
# Statement of Activities (page 28-29)

## For the Year Ended September 30, 2015



# Statement of Activities (page 28-29)

## General Revenues



# Balance Sheet (page 31)

## Governmental Funds

### September 30, 2015

|                                                       | <i><u>General</u></i> | <i><u>Debt<br/>Service</u></i> | <i><u>Other<br/>Governmental<br/>Funds</u></i> | <i><u>Total<br/>Governmental<br/>Funds</u></i> |
|-------------------------------------------------------|-----------------------|--------------------------------|------------------------------------------------|------------------------------------------------|
| Assets                                                | \$ 14,145,085         | 36,555                         | 8,541,105                                      | 22,722,745                                     |
| Liabilities                                           | 2,141,631             | 210,523                        | 1,557,260                                      | 3,909,414                                      |
| Deferred inflows                                      | 460,780               | -                              | 952,850                                        | 1,413,630                                      |
| Fund balance                                          | 11,542,674            | (173,968)                      | 6,030,995                                      | 17,399,701                                     |
| Total liabilities, deferred inflows<br>& fund balance | \$ 14,145,085         | 36,555                         | 8,541,105                                      | 22,722,745                                     |

Statement of Revenues, Expenditures and Changes in  
Fund Balances (page 33)  
Governmental Funds  
For the Year Ended September 30, 2015

|                                | <i><u>General</u></i> | <i><u>Debt<br/>Service</u></i> | <i><u>Other<br/>Governmental<br/>Funds</u></i> | <i><u>Total<br/>Governmental<br/>Funds</u></i> |
|--------------------------------|-----------------------|--------------------------------|------------------------------------------------|------------------------------------------------|
| Revenues                       | \$ 31,606,600         | 4,757,021                      | 2,870,323                                      | 39,233,944                                     |
| Expenditures                   | (29,278,022)          | (5,530,593)                    | (5,500,890)                                    | (40,309,505)                                   |
| Other financing sources (uses) | <u>(1,037,329)</u>    | <u>746,258</u>                 | <u>(718,901)</u>                               | <u>(1,009,972)</u>                             |
| Net change in fund balances    | <u>\$ 1,291,249</u>   | <u>(27,314)</u>                | <u>(3,349,468)</u>                             | <u>(2,085,533)</u>                             |



CITY OF  
**TEXARKANA**  
TEXAS

## Number of Days of Expenditures in General Fund-Fund Balance

City has 131 days of expenditures in unassigned fund balance in the General fund – consistent with 115 days in 2014.

- Amount indicates healthy fund balance
- Provides ability to avoid short-term debt market for unexpected expenditures



# Statement of Net Position (pages 36-37)

## Proprietary Funds – TWU Texas Funds

### September 30, 2015

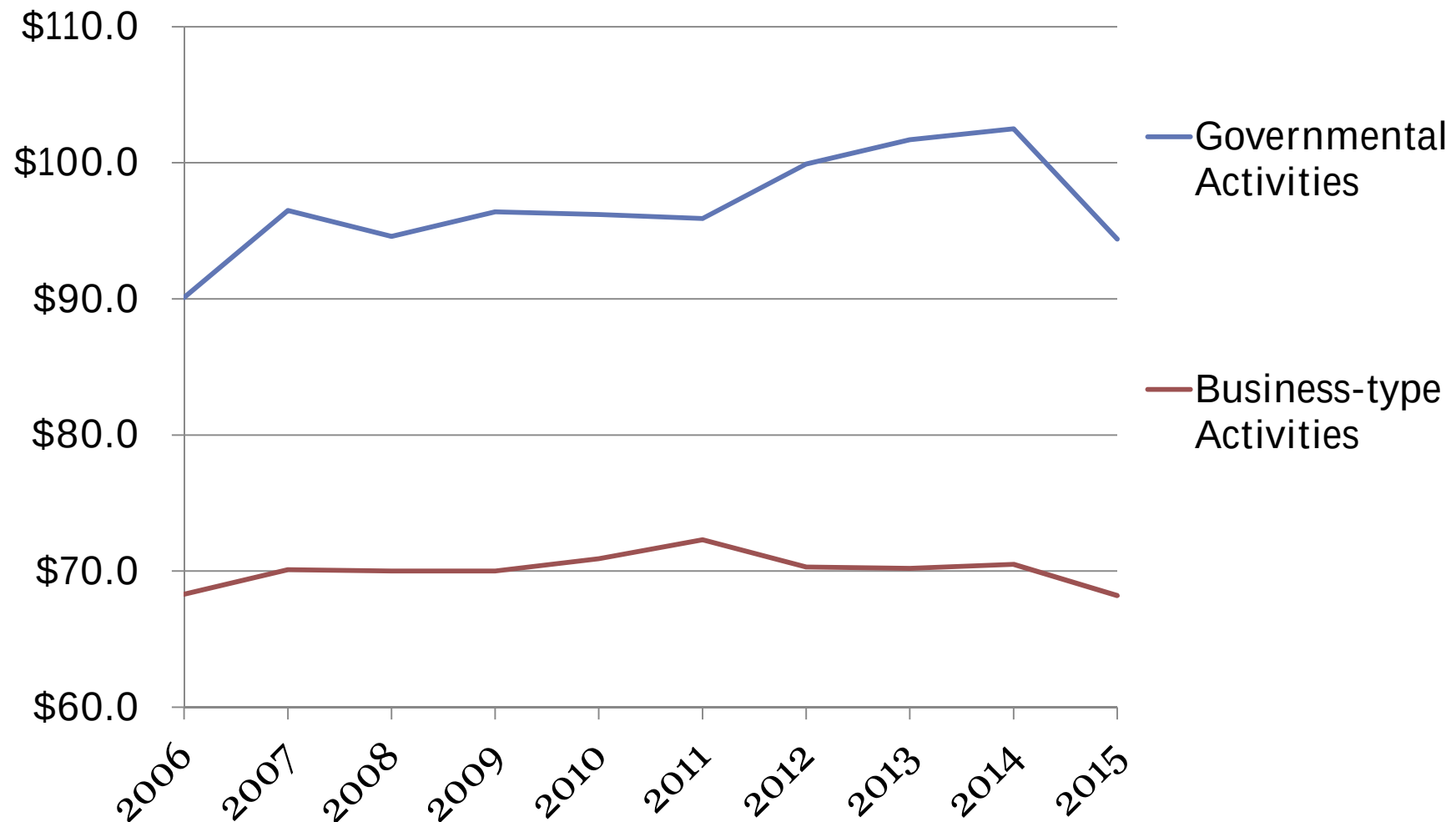
|                                |                      |
|--------------------------------|----------------------|
| Current assets                 | \$ 6,283,999         |
| Restricted assets              | 11,536,534           |
| Other noncurrent assets        | 1,389,698            |
| Capital assets                 | <u>67,186,669</u>    |
| Total assets                   | <u>86,396,900</u>    |
| Deferred outflows of resources | <u>720,318</u>       |
| Current liabilities            | 2,615,353            |
| Noncurrent liabilities         | <u>16,255,202</u>    |
| Total liabilities              | <u>18,870,555</u>    |
| Deferred inflows of resources  | <u>500,025</u>       |
| Net position:                  |                      |
| Invested in capital assets     | 58,283,054           |
| Restricted                     | 10,183,541           |
| Unrestricted                   | <u>(719,957)</u>     |
| Total net position             | <u>\$ 67,746,638</u> |

Statement of Revenues, Expenses & Changes in  
 Net Position (pages 38-39)  
 Proprietary Funds – TWU Texas Funds  
 For the year ended September 30, 2015

|                                  |                     |
|----------------------------------|---------------------|
| Operating revenues               | \$ 16,589,258       |
| Operating expenses               | <u>(15,439,976)</u> |
| Operating income (loss)          | 1,149,282           |
| Nonoperating revenues (expenses) | (340,029)           |
| Capital contributions            | 118,869             |
| Transfers out                    | <u>(18,900)</u>     |
| Change in net position           | <u>\$ 909,222</u>   |

# Statistical Information – Net Position

## Last 10 years (pages 178-179)



## Single Audit Section (pages 227-253)

### Schedule of Expenditures of Federal Awards

———— The City expended approximately \$2.1 million in federal awards.

———— HLC performed program audits on major programs

- Texarkana Downtown TE Enhancement
- Federal Transit Capital and Operating Assistance Formula Grant (MPO)
- Women, Infants & Children (WIC)

## Single Audit Section (pages 227-253)

- **Reports on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with Government Auditing Standards**
  - Ø Reference 2015-001 (significant deficiency)
  - Ø Reference 2015-002 (significant deficiency)
  - Ø Reference 2015-003 (significant deficiency)
- **Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by OMB Circular A-133**
  - Ø Qualified opinion
  - Ø Reference 2015-004 (noncompliance & significant deficiency)
  - Ø Reference 2015-005 (noncompliance)

- Thank you to the City of Texarkana, Texas Finance Department for assistance, especially CFO Charlie Bassett.
- Thank you to City Manager, Mayor and City Council for maintaining the high standards of professionalism in management of the City



# CITY OF TEXARKANA

## CITY COUNCIL

MINUTES • FEBRUARY 22, 2016

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.  
TEXARKANA, TX 75501

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

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

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

Legal Counsel: Jeff Lewis

### II. INVOCATION AND PLEDGE BY COUNCIL MEMBER JEAN MATLOCK

### III. MAYOR'S OPENING REMARKS

#### Upcoming City Council Meetings:

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

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

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

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

#### U. S. Army Corps of Engineers Public Meeting

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

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

Minutes Acceptance: Minutes of Feb 22, 2016 6:00 PM (Consent Items)

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

### **Parks & Recreation Events:**

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

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

### ***Appointments to Boards & Commissions***

There were no appointments made by council.

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

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

There were no public comments made at Open Forum.

#### **V. ITEMS FOR CONSIDERATION**

### ***Consent Items***

(6:08 p.m.)

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

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

### ***Closed Session***

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



*Action Items*

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

Public Hearing: January 11, 2016

Second Briefing: January 25, 2016

Council Vote: March 14, 2016

(6:10 p.m.)

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

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

Public Hearing: January 25, 2016

Second Briefing: February 8, 2016

Council Vote: February 22, 2016

(6:12 p.m.)

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

**VI. FIRST BRIEFINGS**

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

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

Kyle Dooley briefed this item.

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/14/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

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

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

David Orr briefed this item.

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/14/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

3. Resolution No. 2016-022 authorizing the City Manager to enter into a memorandum of agreement for the Heritage Gateway Public Artwork Project.

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

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

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/14/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

## VII. PUBLIC HEARINGS

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

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

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

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

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

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

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

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

There were no comments made at this public hearing.

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/14/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

4. Motion to move Resolution No. 2016-018 up for council vote.

(6:27 p.m.)

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

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

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

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

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

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

(6:29 p.m.)

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

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

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

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

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

## VIII. SECOND BRIEFING WITH UPDATES

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

(6:33 p.m.)

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

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

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

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

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

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

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

## IX. SECOND BRIEFING WITHOUT UPDATES

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

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

|                |                      |                                |
|----------------|----------------------|--------------------------------|
| <b>RESULT:</b> | <b>MOVED FORWARD</b> | <b>Next: 3/14/2016 6:00 PM</b> |
|----------------|----------------------|--------------------------------|

## X. ITEMS FOR DISCUSSION

### Staff Updates

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

## XI. ADMINISTRATIVE COMMENTS

1. City Council

Council had no comments for staff.

2. City Staff

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

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

**XII. ADJOURNMENT**

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

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



Jennifer Evans  
City Secretary



Bob Bruggeman  
Mayor

## City of Texarkana, Texas

## Briefing Sheet

Version:

Update Date: 1/19/2016 8:10 AM

**Lead Department:** City Manager **Action Officer:** Jennifer Evans, City Secretary  
**Subject:** Resolution No. 2016-005 establishing and adopting a policy related to citizen submitted petitions.  
**Briefing:** 3/14/2016 **Public Hearing:** 2/8/2016 **Second Briefing:** February 22, 2016 **Council Vote:** 3/14/2016

## Item Schedule

## Updates/History of Briefing:

NOT APPLICABLE

## Executive Summary and Background Information:

The City of Texarkana, Texas has no existing city policies, ordinances, or Texas Municipal code sections directing specific City Council action related to citizen submitted petitions. Therefore, staff has drafted a formal process for citizen submitted petitions and outlines the procedures and guidelines in the attached Exhibit "A" – Citizen Petition Policy.

## Potential Options:

- None
- 

## Fiscal Implications:

None

## Staff Recommendation:

Staff recommends approval

## Advisory Board/Committee Review:

NONE

## Board/Committee Recommendation:

NOT APPLICABLE

## Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

## Attachments

- 2016-005 RES Citizen Petition Policy (DOC)
- 2016-005 EXH 'A' Citizen Petition Policy (DOCX)



## City of Texarkana, Texas

- c. 2016-005 Goals & Perspectives (DOCX)
- d. 2016-005 RES Citizen Petition Policy signed (PDF)

### Staff Coordination

|                            |                    |                        |                        |
|----------------------------|--------------------|------------------------|------------------------|
| City Manager               | John Whitson       | Department Head Review | Completed              |
|                            | 01/19/2016 8:10 AM |                        |                        |
| Assistant City Manager     |                    | Shirley Jaster         | Assistant City Manager |
| Review                     | Completed          | 01/21/2016 8:39 AM     |                        |
| Public Information Officer |                    | Lisa Thompson          | PIO Review             |
|                            | 01/21/2016 8:42 AM |                        | Completed              |
| City Manager               | John Whitson       | City Manager Review    | Completed              |
| 8:44 AM                    |                    |                        | 01/21/2016             |
| City Council               | Jennifer Evans     | Meeting                | Completed              |
| 6:00 PM                    |                    |                        | 01/25/2016             |

### Meeting History

|          |              |               |                |
|----------|--------------|---------------|----------------|
| 01/25/16 | City Council | MOVED FORWARD | Next: 02/08/16 |
| 02/08/16 | City Council | MOVED FORWARD | Next: 02/22/16 |
| 02/22/16 | City Council | MOVED FORWARD | Next: 03/14/16 |

## RESOLUTION NO. 2016-005

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADOPTING A POLICY RELATED TO CITIZEN SUBMITTED PETITIONS; AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, there are no existing city policies or ordinances nor Texas Municipal Code sections directing any specific City Council action related to the disposition of citizen submitted petitions which detail interests and concerns related to public business conducted by the City Council; and

**WHEREAS**, the City Council recognizes that citizen submitted petitions play a role in the communication process between residents and elected officials; and

**WHEREAS**, citizen submitted petitions also provide input into the City Council's decision making process; and

**WHEREAS**, the City Council is committed to citizen engagement and wishes to establish a formal process for residents to submit petitions to the City Council; and

**WHEREAS**, the procedures and guidelines for the submission and recognition of citizen submitted petitions are outlined in the Citizen Petition Policy as shown in the attached **Exhibit "A"**.

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

**SECTION 1:** That the City Council accepts and adopts the attached Citizen Petition Policy (**Exhibit "A"**) as written.

**SECTION 2:** That all citizen submitted petitions are required to meet the standards and guidelines as set forth by the City Council and established in the Citizen Petition Policy in order for the petition to be presented to the City Council.

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

**PASSED AND APPROVED** in Regular Council Session on this the **14<sup>th</sup>** day of **March, 2016**.

ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR

Attachment: 2016-005 RES Citizen Petition Policy (1423 : 2016-005 RES Citizen Petition Policy)



## CITIZEN PETITION POLICY

Prior to January 2016, the City of Texarkana, Texas, (the "City") had no formal process for residents to submit petitions to the City Council. Recognizing that petitions play a role in the communication between residents and elected officials, the City Council adopted a Citizen Petition Policy which establishes procedures for the submission and recognition of public petitions.

For the purposes of this policy, a petition is a formal written request made to the City Council of the City of Texarkana, Texas. All petitions that meet the standards set out in the Citizen Petition Policy will be presented to the City Council and listed as a communication item on an upcoming City Council agenda. Petitions containing original signatures should be sent to the attention of the City Secretary by mail or delivered in person to Texarkana, Texas City Hall.

A petition is considered a public document at the City and the information contained in it will be subject to Texas Government Code Chapter 552 - "Public Information Act". The petition must include a disclosure statement on each page of the petition so that those who sign the document agree to and are aware of, its open records availability.

For further information pertaining to the "Public Information Act", please visit the website of the Office of the Attorney General at this address: [www.oag.state.tx.us](http://www.oag.state.tx.us).

### Policy Statement

The City is committed to citizen engagement and supports petitions as one tool for citizens to have input into the City Council's decision making process. A petition can be most effective when the information contained in it is accurate, verifiable, and when the petition is recognized and accepted by the elected officials.

### Purpose of Policy

This policy outlines the City's procedure for receipt and recognition of public or citizen submitted petitions. This policy applies to all citizen submitted petitions delivered to the City Secretary with the exception of those governed by another Act under state and/or federal law(s).

### Petition Requirements

- The petition must be addressed to the City Council of the City of Texarkana, Texas, and request a particular action within the authority of the City Council.
- Petitions must be legible, typewritten or printed in ink (no pencil).

## EXHIBIT "A"

- The text of the petition must be listed at the top of each page for multiple-page petitions. Pages should be numbered and total number of pages indicated.
- The petition must be appropriate and respectful in tone, and must not contain any improper or offensive language or information.
- Each petitioner must **print and sign** his or her own name. A paper petition must contain original signatures only, written directly on the petition.
- Each petitioner must provide his or her full home address.
- For petitions submitted electronically, petitioners must provide name, address and a valid e-mail address.
- The petition must clearly disclose on each page that it will be considered a public document at the City and that information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

**Submission of Petitions**

- Completed petitions containing original signatures should be sent to the attention of the City Secretary by mail, email, or delivered in person to Texarkana, Texas City Hall, 220 Texas Blvd, Texarkana, Texas 75501.
- Electronic petitions may be submitted to the attention of the City Secretary at j.evans@txkusa.org.
- All petitions that meet the above standards will be presented to the City Council at the earliest upcoming regular City Council meeting or at an upcoming regular City Council meeting, at the discretion of the City Manager, at which the subject of the petition is to be discussed.
- The City Council has the discretion to accept the petition and the City Council’s consideration and decision is final.

**Review of Petitions**

The City Secretary will evaluate all petitions to ensure that the requirements of the policy are met. Petitions deemed to be in non-compliance will not be formally presented to or accepted by the City Council.

**Retention and Disclosure**

All petitions submitted to the City will be retained in the City Secretary’s office and kept in accordance with the retention schedule outlined by the Texas State Library Archives Commission. Petitions meeting the requirements of this policy and therefore presented to and received by the City Council will be available for public viewing upon request.

**SAMPLE Petition Template**

**To:** The City Council of the City of Texarkana, Texas  
 220 Texas Boulevard  
 Texarkana, Texas 75501

**Whereas:** (brief description of issue/problem/ grievance in question)

**I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:**

**Number of pages:** \_\_\_\_\_

| Printed Name | Home Address | Signature | E-mail Address<br>(Required for electronic submission of petition) |
|--------------|--------------|-----------|--------------------------------------------------------------------|
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – “Public Information Act”.

## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

| Perspectives         | Goals                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serve the Community  | <input type="checkbox"/> Promote an Environmentally Sensitive & Livable Community<br><input type="checkbox"/> Provide a Safe Community<br><input checked="" type="checkbox"/> Deliver Quality Services<br><input type="checkbox"/> Foster a Healthy Community                                                                                                                                                      |
| Run the Operations   | <input type="checkbox"/> Enhance Community Preparedness & Responsiveness<br><input type="checkbox"/> Maximize Partnership Opportunities<br><input type="checkbox"/> Provide Courteous & Responsive Customer Service<br><input type="checkbox"/> Model a Positive City Image<br><input type="checkbox"/> Deliver Efficient Services<br><input checked="" type="checkbox"/> Cultivate Community Involvement & Access |
| Manage the Resources | <input type="checkbox"/> Maintain Fiscal Strength<br><input type="checkbox"/> Maximize Utilization & Resources<br><input type="checkbox"/> Invest in Infrastructure & Transportation                                                                                                                                                                                                                               |
| Develop Personnel    | <input type="checkbox"/> Develop a Skilled & Diverse Workforce<br><input type="checkbox"/> 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:

|                                                                 |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Newspaper Notice (Required by Statute) | <input type="checkbox"/> Public Hearing (Required by Statute) |
| <input type="checkbox"/> Public Forum/Input Session             | <input type="checkbox"/> Press Release                        |
| <input type="checkbox"/> E-News Distribution                    | <input type="checkbox"/> Website Notice                       |
| <input type="checkbox"/> Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/> Special Mailing                      |
| <input type="checkbox"/> Flyers Posted                          | <input type="checkbox"/> Banners Posted                       |
| <input type="checkbox"/> Survey                                 | <input type="checkbox"/> Automated Phone Call                 |
| <input checked="" type="checkbox"/> None Required               | <input type="checkbox"/>                                      |

Other:



# RESOLUTION NO. 2016-005

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADOPTING A POLICY RELATED TO CITIZEN SUBMITTED PETITIONS; AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, there are no existing city policies or ordinances nor Texas Municipal Code sections directing any specific City Council action related to the disposition of citizen submitted petitions which detail interests and concerns related to public business conducted by the City Council; and

**WHEREAS**, the City Council recognizes that citizen submitted petitions play a role in the communication process between residents and elected officials; and

**WHEREAS**, citizen submitted petitions also provide input into the City Council's decision making process; and

**WHEREAS**, the City Council is committed to citizen engagement and wishes to establish a formal process for residents to submit petitions to the City Council; and

**WHEREAS**, the procedures and guidelines for the submission and recognition of citizen submitted petitions are outlined in the Citizen Petition Policy as shown in the attached **Exhibit "A"**.

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

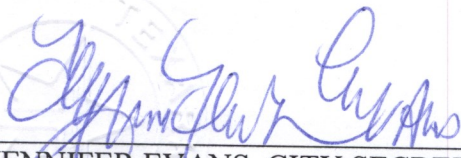
**SECTION 1:** That the City Council accepts and adopts the attached Citizen Petition Policy (**Exhibit "A"**) as written.

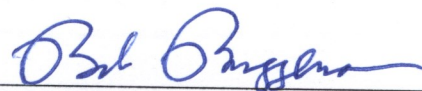
**SECTION 2:** That all citizen submitted petitions are required to meet the standards and guidelines as set forth by the City Council and established in the Citizen Petition Policy in order for the petition to be presented to the City Council.

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

**PASSED AND APPROVED** in Regular Council Session on this the 14<sup>th</sup> day of March, 2016.

ATTEST:

  
JENNIFER EVANS, CITY SECRETARY

  
BOB BRUGGEMAN, MAYOR

6:39 p.m.

Attachment: 2016-005 RES Citizen Petition Policy signed (1423 : 2016-005 RES Citizen Petition Policy)





## CITIZEN PETITION POLICY

Prior to January 2016, the City of Texarkana, Texas, (the "City") had no formal process for residents to submit petitions to the City Council. Recognizing that petitions play a role in the communication between residents and elected officials, the City Council adopted a Citizen Petition Policy which establishes procedures for the submission and recognition of public petitions.

For the purposes of this policy, a petition is a formal written request made to the City Council of the City of Texarkana, Texas. All petitions that meet the standards set out in the Citizen Petition Policy will be presented to the City Council and listed as a communication item on an upcoming City Council agenda. Petitions containing original signatures should be sent to the attention of the City Secretary by mail or delivered in person to Texarkana, Texas City Hall.

A petition is considered a public document at the City and the information contained in it will be subject to Texas Government Code Chapter 552 - "Public Information Act". The petition must include a disclosure statement on each page of the petition so that those who sign the document agree to and are aware of, its open records availability.

For further information pertaining to the "Public Information Act", please visit the website of the Office of the Attorney General at this address: [www.oag.state.tx.us](http://www.oag.state.tx.us).

### Policy Statement

The City is committed to citizen engagement and supports petitions as one tool for citizens to have input into the City Council's decision making process. A petition can be most effective when the information contained in it is accurate, verifiable, and when the petition is recognized and accepted by the elected officials.

### Purpose of Policy

This policy outlines the City's procedure for receipt and recognition of public or citizen submitted petitions. This policy applies to all citizen submitted petitions delivered to the City Secretary with the exception of those governed by another Act under state and/or federal law(s).

### Petition Requirements

- The petition must be addressed to the City Council of the City of Texarkana, Texas, and request a particular action within the authority of the City Council.
- Petitions must be legible, typewritten or printed in ink (no pencil).



## EXHIBIT "A"

- The text of the petition must be listed at the top of each page for multiple-page petitions. Pages should be numbered and total number of pages indicated.
- The petition must be appropriate and respectful in tone, and must not contain any improper or offensive language or information.
- Each petitioner must **print and sign** his or her own name. A paper petition must contain original signatures only, written directly on the petition.
- Each petitioner must provide his or her full home address.
- For petitions submitted electronically, petitioners must provide name, address and a valid e-mail address.
- The petition must clearly disclose on each page that it will be considered a public document at the City and that information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".

**Submission of Petitions**

- Completed petitions containing original signatures should be sent to the attention of the City Secretary by mail, email, or delivered in person to Texarkana, Texas City Hall, 220 Texas Blvd, Texarkana, Texas 75501.
- Electronic petitions may be submitted to the attention of the City Secretary at [j.evans@txkusa.org](mailto:j.evans@txkusa.org).
- All petitions that meet the above standards will be presented to the City Council at the earliest upcoming regular City Council meeting or at an upcoming regular City Council meeting, at the discretion of the City Manager, at which the subject of the petition is to be discussed.
- The City Council has the discretion to accept the petition and the City Council's consideration and decision is final.

**Review of Petitions**

The City Secretary will evaluate all petitions to ensure that the requirements of the policy are met. Petitions deemed to be in non-compliance will not be formally presented to or accepted by the City Council.

**Retention and Disclosure**

All petitions submitted to the City will be retained in the City Secretary's office and kept in accordance with the retention schedule outlined by the Texas State Library Archives Commission. Petitions meeting the requirements of this policy and therefore presented to and received by the City Council will be available for public viewing upon request.

**SAMPLE Petition Template**

**To:** The City Council of the City of Texarkana, Texas  
 220 Texas Boulevard  
 Texarkana, Texas 75501

**Whereas:** (brief description of issue/problem/ grievance in question)

**I/We, the undersigned, petition the City Council of the City of Texarkana, Texas, as follows:**

**Number of pages:** \_\_\_\_\_

| Printed Name | Home Address | Signature | E-mail Address<br>(Required for electronic submission of petition) |
|--------------|--------------|-----------|--------------------------------------------------------------------|
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |
|              |              |           |                                                                    |

By signing this petition, I hereby acknowledge that this petition will become a public document at the City of Texarkana, Texas, and that all information contained in it will be subject to Texas Government Code Chapter 552 – "Public Information Act".



## City of Texarkana, Texas

Version: A

Update Date: 2/23/2016 3:42 PM

**Briefing Sheet**

**Lead Department:** Police **Action Officer:** Kevin Schutte,  
Resolution No. 2016-024 acknowledging receipt of the 2015 Police Department  
**Subject:** Racial Profiling Report.

**Briefing:** 3/14/2016 **Public Hearing:** **Second Briefing:** **Council Vote:** 3/14/2016

**Item Schedule**Schedule 3: No briefing required (one week)**Updates/History of Briefing:**

NOT APPLICABLE

**Executive Summary and Background Information:**

The Texas Code of Criminal Procedure (Article 2.133 and 2.134 requires the annual collection of racial profiling data for individuals stopped for traffic violations by law enforcement personnel throughout the state. Further, each agency is responsible for compiling and analyzing the data through a report that is subsequently transmitted to the Texas Commission on Law Enforcement. As an additional statutory requirement the final racial profiling report is to be submitted to the governing body of the municipality upon completion. The racial profiling report is hereby presented to the council with this resolution acknowledging receipt of the report.

**Potential Options:**

- None
- 

**Fiscal Implications:**

None

**Staff Recommendation:**

Staff recommends acknowledgement of receipt of the Police Department Racial Profiling Report

**Advisory Board/Committee Review:**

None

**Board/Committee Recommendation:**

Not Applicable

**Advisory Board/Committee Meeting Date and Minutes:**

Not Applicable

## City of Texarkana, Texas

### Attachments

- a. 2016-024 Goals & Perspectives (DOCX)
- b. 2016-024 RES 2015 Racial Profiling Report (DOC)
- c. Full Final Racial Profiling Report Texarkana PD 2015 (PDF)
- d. 2016-024 RES Acknowledging receipt of the Racial Profiling Report signed (PDF)

### Staff Coordination

|                            |                    |                        |                        |
|----------------------------|--------------------|------------------------|------------------------|
| Police                     | Dan Shiner         | Department Head Review | Completed              |
|                            | 02/23/2016 9:35 AM |                        |                        |
| Assistant City Manager     |                    | Shirley Jaster         | Assistant City Manager |
| Review                     | Completed          | 02/23/2016 3:03 PM     |                        |
| Public Information Officer |                    | Lisa Thompson          | PIO Review             |
|                            | 02/23/2016 3:15 PM |                        | Completed              |
| City Manager               | John Whitson       | City Manager Review    | Completed              |
| 9:43 PM                    |                    |                        | 03/06/2016             |
| City Council               | Jennifer Evans     | Meeting                | Completed              |
| 6:00 PM                    |                    |                        | 03/14/2016             |

### Meeting History

## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

| Perspectives         | Goals                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serve the Community  | <input type="checkbox"/> Promote an Environmentally Sensitive & Livable Community<br><input type="checkbox"/> Provide a Safe Community<br><input checked="" type="checkbox"/> Deliver Quality Services<br><input type="checkbox"/> Foster a Healthy Community                                                                                                                                                      |
| Run the Operations   | <input type="checkbox"/> Enhance Community Preparedness & Responsiveness<br><input type="checkbox"/> Maximize Partnership Opportunities<br><input type="checkbox"/> Provide Courteous & Responsive Customer Service<br><input checked="" type="checkbox"/> Model a Positive City Image<br><input type="checkbox"/> Deliver Efficient Services<br><input type="checkbox"/> Cultivate Community Involvement & Access |
| Manage the Resources | <input type="checkbox"/> Maintain Fiscal Strength<br><input type="checkbox"/> Maximize Utilization & Resources<br><input type="checkbox"/> Invest in Infrastructure & Transportation                                                                                                                                                                                                                               |
| Develop Personnel    | <input type="checkbox"/> Develop a Skilled & Diverse Workforce<br><input type="checkbox"/> 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:

|                                                                 |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Newspaper Notice (Required by Statute) | <input type="checkbox"/> Public Hearing (Required by Statute) |
| <input type="checkbox"/> Public Forum/Input Session             | <input type="checkbox"/> Press Release                        |
| <input type="checkbox"/> E-News Distribution                    | <input type="checkbox"/> Website Notice                       |
| <input type="checkbox"/> Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/> Special Mailing                      |
| <input type="checkbox"/> Flyers Posted                          | <input type="checkbox"/> Banners Posted                       |
| <input type="checkbox"/> Survey                                 | <input type="checkbox"/> Automated Phone Call                 |
| <input checked="" type="checkbox"/> None Required               | <input type="checkbox"/>                                      |

Other:

**RESOLUTION NO. 2016 – 024****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEXARKANA, TEXAS, ACKNOWLEDGING RECEIPT OF THE  
2015 POLICE DEPARTMENT RACIAL PROFILING REPORT;  
AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Texas requires the Police Department to collect certain statistical data on drivers stopped for traffic violations in the city limits of Texarkana, Texas, through statute found in the Texas Code of Criminal Procedure; and

**WHEREAS**, the State of Texas requires the collected data to be analyzed and compiled into a report, locally titled as the Texarkana, Texas Police Department Racial Profiling Report, to be submitted annually to the Texas Commission on Law Enforcement; and

**WHEREAS**, the State of Texas requires the final racial profiling report to be submitted to the local governing body in March each year.

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

**SECTION 1:** That the City Council of the City of Texarkana, Texas, acknowledges receipt of the Police Department Racial Profiling Report.

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

**PASSED AND APPROVED** in Regular Council Session on this the **14<sup>th</sup> day of March, 2016.**

ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR



# TEXARKANA, TEXAS POLICE DEPARTMENT

2015

## RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.  
Chad R. Trulson, Ph.D.

**PDI** Professional  
Development  
Institute  
University of North Texas

## Executive Summary

Article 2.132 (7) of the Texas Code of Criminal Procedure requires the annual reporting to the local governing body of data collected on the race or ethnicity of individuals stopped and issued citations or arrested for traffic violations and whether or not those individuals were searched. The Texarkana, Texas Police Department requested this analysis and review to assist the City Council in reviewing the data.

The analysis of material and data from the Texarkana, Texas Police Department revealed the following:

- **A COMPREHENSIVE REVIEW OF THE TEXARKANA, TEXAS POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.**
- **A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.**
- **A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.**
- **ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.**
- **THE ANALYSIS OF STATISTICAL INFORMATION FROM TEXARKANA, TEXAS POLICE DEPARTMENT REVEALS THAT THERE ARE NO METHODOLOGICALLY CONCLUSIVE INDICATIONS OF SYSTEMIC RACIAL PROFILING BY THE DEPARTMENT.**
- **THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE PROHIBITION OF RACIAL PROFILING.**
- **THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**



## Introduction

This report details an analysis of the Texarkana, Texas Police Department's policies, training, and statistical information on racial profiling for the year 2015. This report has been prepared to specifically comply with Article 2.132 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of racial profiling data. Specifically, the analysis will address Articles 2.131 – 2.135 of the CCP and make a determination of the level of compliance with those articles by the Texarkana, Texas Police Department in 2015. The full copies of the applicable laws and regulations pertaining to this report are contained in Appendix A.

This report is divided into six analytical sections: Texarkana Police Department's policy on racial profiling; Texarkana Police Department's training and education on racial profiling; Texarkana Police Department's complaint process and public education on racial profiling; analysis of statistical data on racial profiling; analysis of Texarkana Police Department's compliance with applicable laws on racial profiling; and a final section which includes completed data and information reporting forms required to be sent to TCOLE beginning in 2011.

For the purposes of this report and analysis, the following definition of racial profiling is used: racial profiling means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity (Texas CCP Article 3.05).

## Texarkana, Texas Police Department Policy on Racial Profiling

A review of Texarkana, Texas Police Department's "Biased Based Policing and Racial Profiling Policy" contained in Directive 2.01.1 (see Appendix B) revealed that the department has adopted policies in compliance with Article 2.132 of the Texas CCP. There are seven specific requirements mandated by Article 2.132 that a law enforcement agency must address. All seven are clearly covered in the Texarkana, Texas Police Department racial profiling policy. Texarkana, Texas Police Department policies provide clear direction that any form of racial profiling is prohibited and that officers found engaging in inappropriate profiling may be disciplined up to and including termination. The policies also provide a very clear statement of the agency's philosophy regarding equal treatment of all persons regardless of race, ethnicity, or national origin. Appendix C lists the applicable statute and corresponding Texarkana, Texas Police Department regulation.

***A COMPREHENSIVE REVIEW OF TEXARKANA, TEXAS POLICE DEPARTMENT'S RACIAL PROFILING POLICY SHOWS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH ARTICLE 2.132 OF THE TEXAS CODE OF CRIMINAL PROCEDURE.***

## Texarkana, Texas Police Department Training and Education on Racial Profiling

Texas Occupation Code § 1701.253 and § 1701.402 require that curriculum be established and training certificates issued on racial profiling for all Texas peace officers. Information provided by Texarkana, Texas Police Department reveals that racial profiling training and certification is

current for all officers in 2015. Racial profiling training is specifically covered in Texarkana, Texas' Biased Based Policing and Racial Profiling Policy Section 4 (B). In addition, all personnel are trained on the department's racial profiling policy on an annual basis.

***A REVIEW OF THE INFORMATION PRESENTED AND SUPPORTING DOCUMENTATION REVEALS THAT THE TEXARKANA, TEXAS POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH TEXAS LAW ON TRAINING AND EDUCATION REGARDING RACIAL PROFILING.***

## **Texarkana, Texas Police Department Complaint Process and Public Education on Racial Profiling**

Article 2.132 §(b)3-4 of the Texas Code of Criminal Procedure requires that law enforcement agencies implement a complaint process on racial profiling and that the agency provide public education on the complaint process. Texarkana, Texas Police Department's Biased Based Policing and Racial Profiling Policy Section 4 (A) covers this requirement. Information regarding how a citizen may file a complaint is available to the public at a variety of locations. In addition, the department has an online citizen complaint process as well.

***A REVIEW OF THE DOCUMENTATION PRODUCED BY THE DEPARTMENT REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE RACIAL PROFILING COMPLAINT PROCESS AND PUBLIC EDUCATION ABOUT THE COMPLAINT PROCESS.***

## **Texarkana, Texas Police Department Statistical Data on Racial Profiling**

Article 2.132(b) 6 requires that law enforcement agencies collect statistical information on traffic citations and detentions with specific information on the race of the person cited. In addition, information concerning searches of persons and whether or not the search was based on consent is also to be collected. Texarkana, Texas Police Department submitted statistical information on all stops in 2015 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information on searches. It should be noted that the Texarkana, Texas Police Department collects more information than required by Texas law. Information is collected on all stops, not just stops resulting in a citation.

***ANALYSIS OF THE DATA REVEALS THAT THE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW ON THE COLLECTION OF RACIAL PROFILING DATA.***

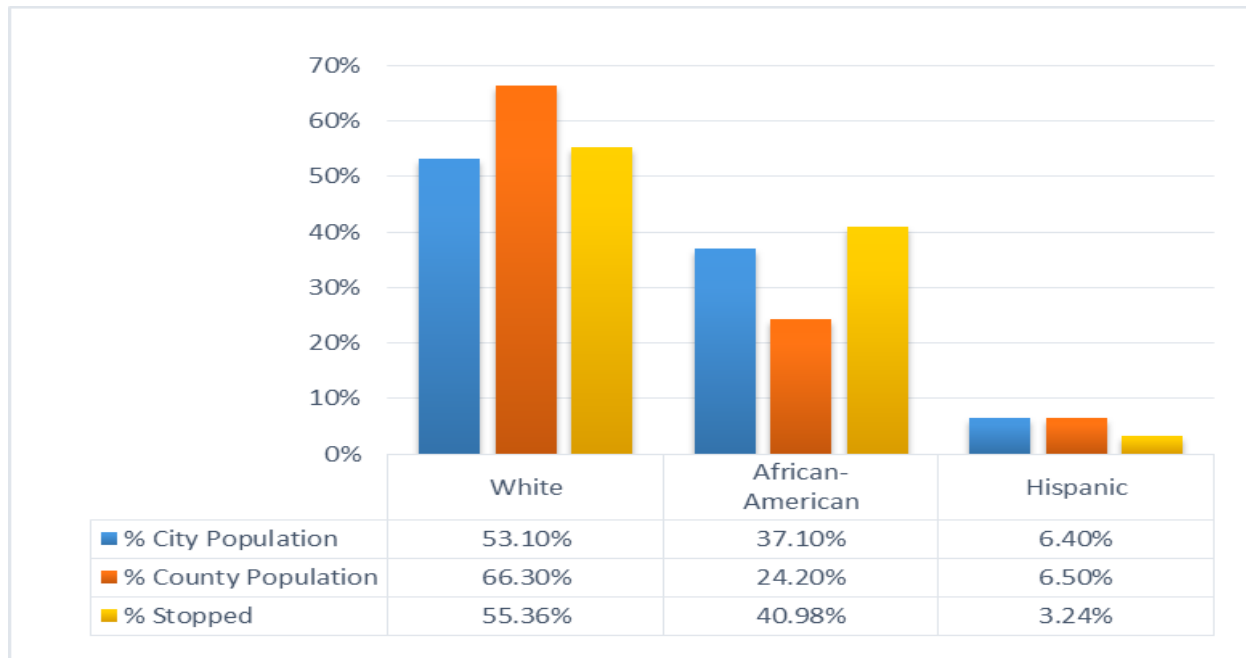
## **Analysis of the Data**

The first chart depicts the percentages of people stopped by race including Whites, African-Americans, and Hispanics.<sup>1</sup> White drivers constituted 55.36 percent of all drivers stopped, whereas Whites constituted 53.10 percent of the city population and 66.30 percent of the county population.<sup>2</sup> The chart shows that White drivers are stopped at a rate that is slightly higher than the percentage of Whites in the city population and lower than the percentage of Whites in the

<sup>1</sup> Due to a small number of cases, information contained in the first chart excludes information pertaining to 58 stops of citizens of Asian descent and 9 stops of citizens of Native American/Middle Eastern descent.

<sup>2</sup> City and County population figures are derived from the 2010 Census of the U.S. Census Bureau.

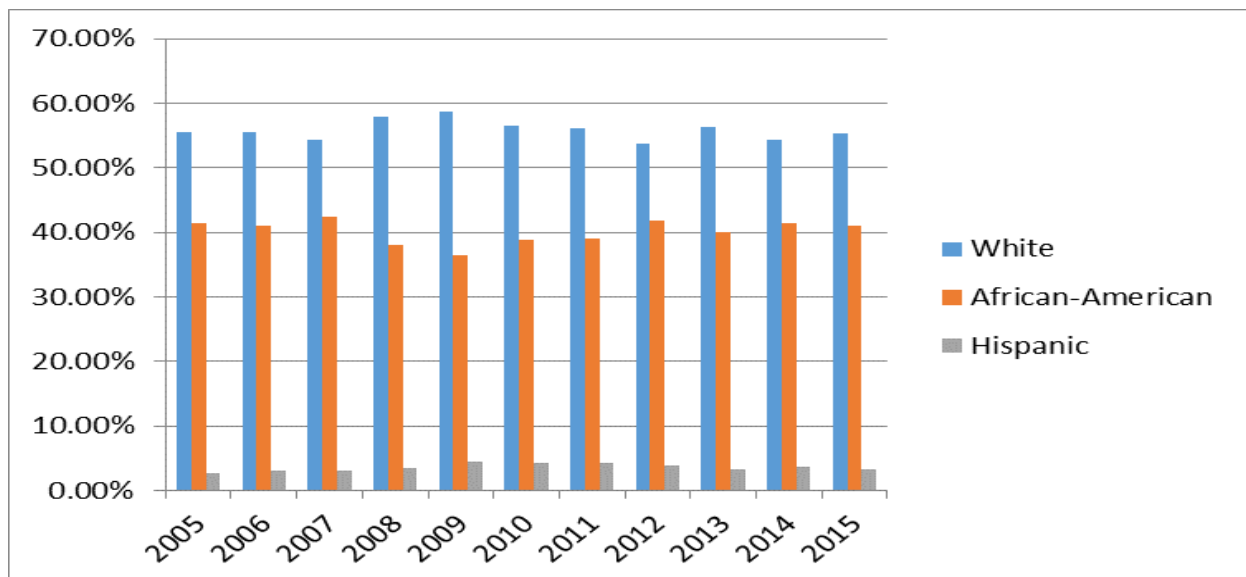
county population. *African-American drivers* constituted 40.98 percent of all drivers stopped, whereas African-Americans constituted 37.10 percent of the city population and 24.20 percent of the county population. African-American drivers were stopped at a rate that is slightly higher than the percentage of African-Americans found in the city population and higher than the percentage of African-Americans in the county population. *Hispanic drivers* constituted 3.24 percent of all drivers stopped, whereas Hispanics constituted 6.40 percent of the city population and 6.50 percent of the county population. Hispanics are stopped at rates slightly lower than the percentage of Hispanics found in the city and county population.



As illustrated in the table and chart below, the percentage of African-American drivers stopped decreased slightly overall from 2005-2015. In 2005, African-American drivers constituted 41.40 percent of all stops while in 2015 the percentage was 40.98 percent. In addition, the table and chart also show the percentage of Hispanic and White drivers stopped from 2005-2015. In an overall view, the table and chart below show relatively small variations from 2005-2015 across racial categories in terms of drivers stopped.

| Year | African-American | Hispanic | White  |
|------|------------------|----------|--------|
| 2005 | 41.40%           | 2.70%    | 55.50% |
| 2006 | 41.00%           | 3.10%    | 55.60% |
| 2007 | 42.34%           | 3.12%    | 54.23% |
| 2008 | 38.10%           | 3.51%    | 57.97% |
| 2009 | 36.38%           | 4.40%    | 58.63% |
| 2010 | 38.83%           | 4.21%    | 56.48% |
| 2011 | 39.02%           | 4.20%    | 56.15% |
| 2012 | 41.88%           | 3.88%    | 53.69% |
| 2013 | 40.06%           | 3.32%    | 56.22% |
| 2014 | 41.37%           | 3.70%    | 54.29% |
| 2015 | 40.98%           | 3.24%    | 55.36% |

As the first chart shows, easy determinations regarding whether or not Texarkana, Texas police officers have “racially profiled” a given motorist are impossible given the nature of the data that has been collected and presented for this report. The law dictates that police agencies compile aggregate-level data regarding the *rates* at which agencies *collectively* stop motorists in terms of their race/ethnicity. These aggregated data are to be subsequently analyzed in order to determine whether or not *individual* officers are “racially profiling” motorists.



This methodological error, commonly referred to as the "ecological fallacy," defines the dangers involved in making assertions about individual officer decisions based on the examination of aggregate incident level data. In short, one cannot "prove" that an *individual* officer has “racially

profiled” any *individual* motorist based on the rate at which a department stops any given *group* of motorists.

Additional interpretation problems remain in regards to the specific measurement of “racial profiling” as defined by Texas state code. For example, officers are currently forced to make subjective determinations regarding an individual's race based on his or her personal observations because the Texas Department of Public Safety does not provide an objectively-based determination of an individual's race/ethnicity on the Texas driver's license. The absence of any verifiable race/ethnicity data on the driver's license is especially troubling given the racial diversity within the city of Texarkana, Texas. The validity of any racial/ethnic disparities discovered in the aggregate level data becomes threatened in direct proportion to the number of subjective “guesses” officers are forced to make when trying to determine an individual's racial/ethnic background.

In addition, the data collected for the current report does not allow for an analysis that separates (or disaggregates) the discretionary decisions of officers to stop a motorist from those that are largely non-discretionary. For example, non-discretionary stops of motorists based on the discovery of outstanding warrants should not be analyzed in terms of whether or not “profiling” has occurred simply because the officer who has stopped a motorist as a result of the discovery of an outstanding warrant does not *independently* make the decision to stop, but rather, is required to stop that individual regardless of any determination of race. An officer cannot be determined to be “racially profiling” when organizational rules and state codes compel them to stop regardless of an individual's race/ethnicity. Straightforward aggregate comparisons of stop rates ignore these realities, and fail to distinguish between discretionary and non-discretionary law enforcement actions. In the future, this validity issue could be lessened by the collection of data indicating the initial reason for the traffic stop, whether it be an observed traffic violation, other criminal activity, the existence of an outstanding warrant, or some other reason.

Finally, there has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. As the current analysis shows in regards to the use of city and county population base-rates, the outcome of analyses designed to determine whether or not disparities exist is obviously dependent on which base-rate is used. In addition, population growth of the city of Texarkana, Texas has exacerbated problems associated with determining appropriate base-rates because measures derived exclusively from the U.S. Census or its estimates (e.g., American Community Survey estimates) can become quickly outdated. Although this report used the most recent 2010 Census figures, these population figures will too become quickly outdated. Related, the determination of valid stop base-rates becomes multiplied if analyses fail to distinguish between residents and non-residents who are stopped, because the existence of significant proportions of non-resident stops will lead to invalid conclusions if racial/ethnic comparisons are made exclusively to resident population figures.

In short, the methodological problems outlined above point to the limited utility of using aggregate level comparisons of the rates at which different racial/ethnic groups are cited in order to determine whether or not racial profiling exists within a given jurisdiction.

The next analysis assesses the number of searches, consent searches, and arrests which occurred subsequent to the 15,821 traffic stops in 2015. Searches subsequent to traffic stops by the

Texarkana, Texas Police Department are rare. In 2015, less than 2 percent (180/15,821) of all drivers who were stopped were searched. Out of 15,821 traffic stops, only 180 drivers were searched. Of the 180 drivers who were searched, 65 were White, 107 were African-American, and 8 were Hispanic. It is clear that the vast majority of the total number of drivers stopped (including White, African-American, and Hispanic groups) were not searched.

It should be noted that aggregate level comparisons regarding the rates at which drivers are searched by police are subject to some of the same methodological issues as those outlined above regarding analyses of aggregate level stop rates. Of particular concern is the absence of any analyses that separates discretionary searches from non-discretionary searches. For example, the number of searches described in the previous paragraph includes not only consent searches, but also searches based upon probable cause and searches incident to arrest. Searches based upon probable cause and searches incident to arrest are non-discretionary in that the officer is compelled by law or departmental guidelines to conduct the search irrespective of the race of the stopped driver. Thus, these actions should not be included in analyses designed to examine whether or not racial profiling has occurred. The data is presented here because the Texas racial profiling law requires the collection and presentation of such data.

| Action          | White | African-American | Hispanic | Asian | Other | Total  |
|-----------------|-------|------------------|----------|-------|-------|--------|
| Stops           | 8,758 | 6,483            | 513      | 58    | 9     | 15,821 |
| Searched        | 65    | 107              | 8        | 0     | 0     | 180    |
| Consent         | 38    | 66               | 4        | 0     | 0     | 108    |
| Custody Arrests | 213   | 225              | 14       | 0     | 0     | 452    |

The table above not only reports the summaries for the total number of persons stopped and searched subsequent to being stopped by the Texarkana, Texas Police Department in 2015, it also shows the number of stopped individuals who granted consent to search and those stopped drivers who were arrested during the traffic stop. Similar to the conclusion drawn regarding searches subsequent to traffic stops, consent searches subsequent to traffic stops by the Texarkana, Texas Police Department are rare as well. Less than 1 percent of the total stops resulted in a consensual search (108/15,821).

So too, only 2.86 percent of drivers stopped were subject to an arrest. Of the 452 drivers arrested, 213 were White, 225 were African-American, and 14 were Hispanic. As stated previously regarding non-discretionary searches, when an officer is compelled by law or departmental guidelines to conduct an arrest, as is the case with outstanding arrest warrants, the actions of the officer should not be included in analyses designed to examine whether or not racial profiling has occurred. The data is presented here because the Texas racial profiling law requires the collection and presentation of such data.

## **Analysis of Racial Profiling Compliance by Texarkana, Texas Police Department**

The foregoing analysis shows that the Texarkana, Texas Police Department is fully in compliance with all relevant Texas laws concerning racial profiling, including the existence of a formal policy prohibiting racial profiling by its officers, officer training and educational programs, a formalized complaint process, and the collection of data in compliance with the law. Finally, internal records indicate that the department received no complaints related to racial profiling in 2015.

In addition to providing summary reports and analysis of the data collected by the Texarkana, Texas Police Department in 2015, this report also included an extensive presentation of some of the limitations involved in the level of data collection currently required by law and the methodological problems associated with analyzing such data for the Texarkana, Texas Police Department as well as police agencies across Texas. The Texarkana, Texas Police Department should continue its educational and training efforts within the department on racial profiling. In addition, the department should conduct periodic evaluations to assess patterns of officer decision-making. The final section of this report includes newly required TCOLE reporting information by Texas law enforcement organizations.

# Texarkana Police Department TCOLE Reporting Forms





**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

Department Name  
Agency Number  
Chief Administrator Name  
Reporting Name  
Contact Number  
E-mail Address

Texarkana TX Police Department  
037207  
Chief Daniel Shiner  
Jana Morgan  
(903) 798-3116  
janam@txkusa.org

**Certification to Report 2.132 (Tier 1) – Partial Exemption**

**Policy Requirements (2.132(b) CCP):**

**Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:**

- (1) clearly define acts constituting racial profiling;
- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
- (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
- (4) provide public education relating to the agency's complaint process;
- (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
- (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
  - (A) the race or ethnicity of the individual detained;
  - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
  - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
- (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
  - (A) the Commission on Law Enforcement Officer Standards and Education; and
  - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

These policies are in effect

  
 Chief Administrator
 
  
 Date



**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

**Video and Audio Equipment Exemption**

**Partial Exemption Claimed by (2.135(a) CCP):**



all cars regularly used for motor vehicle stops are equipped with video camera and transmitter-activated equipment and each motor stop is recorded and the recording of the stop is retained for at least 90 days after the stop.

**OR**



In accordance with 2.135(a)(2) the agency has requested and not received funds to install the recording equipment

I claim this exemption

  
Chief Administrator

Date



## PARTIAL EXEMPTION RACIAL PROFILING REPORTING (TIER 1)

INSTRUCTIONS: Please fill out all boxes. If zero, use 0.

1. Total on lines 4, 11, 14, and 17 must be equal
2. Total on line 20 must equal line 15

AGENCY NAME:

Number of motor vehicle stops (mark only 1 category per vehicle stop):

1. 15,369 Citation only
2. 0 Arrest only
3. 452 Both

4. 15,821 (Total of 1-3)

Race or Ethnicity (mark only 1 category per vehicle stop):

5. 6483 African
6. 58 Asian
7. 8758 Caucasian
8. 513 Hispanic
9. 4 Middle Eastern
10. 5 Native American

11. 15,821 (Total of 5-10, must be the same as #4)

Race or Ethnicity known prior to stop?

12. 265 Yes
13. 15,556 No

14. 15,821 (Total of 12-13, must be the same as #4 and #11)

Search conducted?

15. 180 Yes
16. 15,641 No

17. 15,821 (Total of 15-16, must be the same as #4, #11, and #14 above)

Was search consented?

18. 108 Yes
19. 72 No

20. 180 (Total, must equal #15)



**Partial Exemption Racial Profiling Reporting  
(Tier 1)**

**Option to submit required data by utilizing agency report**

**You must submit your report in PDF format**

**Electronic Submission of data required by 2.132(b)(6) CCP**

(6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:

- (A) the race or ethnicity of the individual detained;
- (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
- (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and

This report meets the above  
requirements

  
Chief Administrator                      Date                      2/4/16

***Send entire documents electronically to this website***

---

**www.tcleose.state.tx.us**

# Appendix A

## Racial Profiling Statutes and Laws

### **Art. 3.05. RACIAL PROFILING.**

In this code, "racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 2, eff. Sept. 1, 2001.

### **Art. 2.131. RACIAL PROFILING PROHIBITED.**

A peace officer may not engage in racial profiling.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

### **Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.**

(a) In this article:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.

(b) Each law enforcement agency in this state shall adopt a detailed written policy on racial profiling. The policy must:

(1) clearly define acts constituting racial profiling;

- (2) strictly prohibit peace officers employed by the agency from engaging in racial profiling;
  - (3) implement a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
  - (4) provide public education relating to the agency's complaint process;
  - (5) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article;
  - (6) require collection of information relating to motor vehicle stops in which a citation is issued and to arrests made as a result of those stops, including information relating to:
    - (A) the race or ethnicity of the individual detained;
    - (B) whether a search was conducted and, if so, whether the individual detained consented to the search; and
    - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual; and
  - (7) require the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
    - (A) the Commission on Law Enforcement Officer Standards and Education; and
    - (B) the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.
- (c) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.
- (d) On adoption of a policy under Subsection (b), a law enforcement agency shall examine the feasibility of installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle regularly used to make motor vehicle stops and transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops. If a law enforcement agency installs video or audio equipment as provided by this

subsection, the policy adopted by the agency under Subsection (b) must include standards for reviewing video and audio documentation.

(e) A report required under Subsection (b)(7) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the collection of information as required by a policy under Subsection (b)(6).

(f) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b)(7), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 25, eff. September 1, 2009.

#### **Art. 2.133. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.**

(a) In this article, "race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including:

(1) a physical description of any person operating the motor vehicle who is detained as a result of the stop, including:

(A) the person's gender; and

(B) the person's race or ethnicity, as stated by the person or, if the person does not state the person's race or ethnicity, as determined by the officer to the best of the officer's ability;

(2) the initial reason for the stop;

- (3) whether the officer conducted a search as a result of the stop and, if so, whether the person detained consented to the search;
- (4) whether any contraband or other evidence was discovered in the course of the search and a description of the contraband or evidence;
- (5) the reason for the search, including whether:
  - (A) any contraband or other evidence was in plain view;
  - (B) any probable cause or reasonable suspicion existed to perform the search; or
  - (C) the search was performed as a result of the towing of the motor vehicle or the arrest of any person in the motor vehicle;
- (6) whether the officer made an arrest as a result of the stop or the search, including a statement of whether the arrest was based on a violation of the Penal Code, a violation of a traffic law or ordinance, or an outstanding warrant and a statement of the offense charged;
- (7) the street address or approximate location of the stop; and
- (8) whether the officer issued a written warning or a citation as a result of the stop.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 26, eff. September 1, 2009.

#### **Art. 2.134. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED.**

(a) In this article:

- (1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).
- (2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).

(b) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article 2.133. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the Commission on Law Enforcement Officer Standards and Education



and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Article 2.133 to:

- (A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of persons who are recognized as racial or ethnic minorities and persons who are not recognized as racial or ethnic minorities; and
- (B) examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of the affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction; and

(2) information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article 2.133(b)(1).

(e) The Commission on Law Enforcement Officer Standards and Education, in accordance with Section 1701.162, Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The data collected as a result of the reporting requirements of this article shall not constitute prima facie evidence of racial profiling.

(g) On a finding by the Commission on Law Enforcement Officer Standards and Education that the chief administrator of a law enforcement agency intentionally failed to submit a report required under Subsection (b), the commission shall begin disciplinary procedures against the chief administrator.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. [1172](#), Sec. 27, eff. September 1, 2009.

**Art. 2.135. PARTIAL EXEMPTION FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT.**

(a) A peace officer is exempt from the reporting requirement under Article 2.133 and the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if:

(1) during the calendar year preceding the date that a report under Article 2.134 is required to be submitted:

(A) each law enforcement motor vehicle regularly used by an officer employed by the agency to make motor vehicle stops is equipped with video camera and transmitter-activated equipment and each law enforcement motorcycle regularly used to make motor vehicle stops is equipped with transmitter-activated equipment; and

(B) each motor vehicle stop made by an officer employed by the agency that is capable of being recorded by video and audio or audio equipment, as appropriate, is recorded by using the equipment; or

(2) the governing body of the county or municipality served by the law enforcement agency, in conjunction with the law enforcement agency, certifies to the Department of Public Safety, not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subsection (a)(1)(A) and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

(b) Except as otherwise provided by this subsection, a law enforcement agency that is exempt from the requirements under Article 2.134 shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop. If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This article does not affect the collection or reporting requirements under Article 2.132.

(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

Amended by: Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 28, eff. September 1, 2009.

#### **Art. 2.136. LIABILITY.**

A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Article 2.133 or under a policy adopted under Article 2.132.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

#### **Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT.**

(a) The Department of Public Safety shall adopt rules for providing funds or video and audio equipment to law enforcement agencies for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), including specifying criteria to prioritize funding or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

- (1) law enforcement agencies that employ peace officers whose primary duty is traffic enforcement;
- (2) smaller jurisdictions; and
- (3) municipal and county law enforcement agencies.

(b) The Department of Public Safety shall collaborate with an institution of higher education to identify law enforcement agencies that need funds or video and audio equipment for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A). The collaboration may include the use of a survey to assist in developing criteria to prioritize funding or equipment provided to law enforcement agencies.

(c) To receive funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency needs funds or video and audio equipment for that purpose.

(d) On receipt of funds or video and audio equipment from the state for the purpose of installing video and audio equipment as described by Article 2.135(a)(1)(A), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the Department of Public Safety that the law enforcement agency has installed video and audio equipment as described by Article 2.135(a)(1)(A) and is using the equipment as required by Article 2.135(a)(1).

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

#### **Art. 2.138. RULES.**

The Department of Public Safety may adopt rules to implement Articles 2.131-2.137.

Added by Acts 2001, 77th Leg., ch. 947, Sec. 1, eff. Sept. 1, 2001.

#### **Art. 2.1385. CIVIL PENALTY.**

(a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Article 2.134, the agency is liable to the state for a civil penalty in the amount of \$1,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Article 2.134 shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2009, 81st Leg., R.S., Ch. 1172, Sec. 29, eff. September 1, 2009.

# **Appendix B**

## **Texarkana, Texas Police Department Biased Based Policing and Racial Profiling Policy**

TEXARKANA, TEXAS POLICE DEPARTMENT  
GENERAL ORDERS MANUAL

|                                                                                |                                                                                                      |                                                  |                                   |
|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------|
| <i>Effective Date</i><br><b>February 1, 2008</b>                               |                                                                                                      | <i>Amended Date</i><br><b>November 1, 2015</b>   | <i>Directive</i><br><b>2.01.1</b> |
| <i>Subject</i><br><b>Biased Based Policing and Racial Profiling</b>            |                                                                                                      |                                                  |                                   |
| <i>Reference</i><br><b>Code of Criminal Procedure 2.131 – 2.135</b>            |                                                                                                      |                                                  |                                   |
| <i>Distribution</i><br><b>All Personnel<br/>City Manager<br/>City Attorney</b> | <i>TPCA Best Practices Recognition Program Reference</i><br><br><b>2.01.1 Biased Based Profiling</b> | <i>Review Date</i><br><br><b>January 1, 2017</b> | <i>Pages</i><br><br><b>6</b>      |

**This Operations Directive is for internal use only and does not enhance an officer's civil or criminal liability in any way. It should not be construed as a creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this Operations Directive, if proven, may only form the basis for a complaint by this Department, and only in a non-judicial administrative setting.**

## **SECTION 1 PURPOSE**

The purpose of this policy is to reaffirm the Department's commitment to unbiased policing in all of its encounters between officers and any person; to reinforce procedures that serve to ensure public confidence and mutual trust through the provision of services in a fair and equitable fashion; and to protect our officers from unwarranted accusations of misconduct when they act within the dictate of departmental policy and the law.

## **SECTION 2 POLICY**

- A. It is the policy of the Department to protect the constitutional rights of all persons. Allegations of racial profiling or discriminatory practices, real or perceived, are detrimental to the relationship between police and the communities they protect and serve because they strike at the basic foundation of public trust. This trust is essential to effective community-based policing. Racial profiling is considered misuse of valuable police resources; such improper methods violate the civil rights of members of the public and may lead to increased exposure to liability for the officer and the department. This Department does not endorse, train, teach, support, or condone any type of bias, stereotyping, or racial profiling by its officers. While recognizing that most officers perform their duties in a professional, ethical, and impartial manner, this Department is committed to identifying and eliminating any instances of racial profiling.
- B. It is the policy of the Department to:
  1. Provide all people within this community fair and impartial police services consistent with constitutional and statutory mandates;
  2. Assure the highest standard of integrity and ethics among all our members;
  3. Respect the diversity and the lawful cultural practices of all people;
  4. Take positive steps to identify, prevent, and eliminate any instances of racial profiling by our members; and
  5. Continue our commitment to community based policing and problem solving, including vigorous, lawful and nondiscriminatory traffic enforcement that promotes public safety and strengthens public trust, confidence, and awareness.

TEXARKANA, TEXAS POLICE DEPARTMENT  
GENERAL ORDERS MANUAL

|                                   |                                                                     |
|-----------------------------------|---------------------------------------------------------------------|
| <i>Directive</i><br><b>2.01.1</b> | <i>Subject</i><br><b>Biased Based Policing and Racial Profiling</b> |
|-----------------------------------|---------------------------------------------------------------------|

- C. It is the policy of the Department to police in a proactive manner and to aggressively investigate suspected violations of law. Officers shall actively enforce local, state and federal laws in a responsible and professional manner without regard to an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group. Officers are strictly prohibited from engaging in racial profiling as defined in this policy. This policy shall be applicable to all persons, whether drivers, passengers, or pedestrians.
- D. Officers shall conduct themselves in a dignified and respectful manner at all times when dealing with the public. The Department will honor the right of all persons to be treated equally and to be free from unreasonable searches and seizures.

### SECTION 3 DEFINITIONS

**Racial Profiling** is defined as a law enforcement-initiated action based on an individual's race, gender, age, ethnicity, ethnic background, sexual orientation, religion, economic status, cultural group, national origin or any other identifiable group rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.

Examples of racial profiling include, but are not limited to, the following:

- a. Citing a driver because of the cited driver's race, ethnicity, or national origin, or
- b. Detaining the driver of a vehicle based on the determination that a person of that race, ethnicity, or national origin is unlikely to own or possess that specific make or model of vehicle.
- c. Detaining an individual based upon the determination that a person of that race, ethnicity, or national origin does not belong in a specific part of town or a specific place.

**Gender Profiling** is defined as a law enforcement-initiated action based on an individual's gender rather than on the individual's behavior or involvement in criminal activity.

**Race or Ethnicity** is defined as a particular descent, including Caucasian, African, Hispanic, Asian, or Native American.

**Pedestrian Stop** is defined as an interaction between a peace officer and an individual traveling on foot who is being detained for the purpose of a criminal investigation in which the individual is not under arrest.

**Traffic Stop** is defined as a vehicle stop where a peace officer stops a motor vehicle for an alleged violation of law or ordinance regulating traffic.

**Probable Cause** is defined as more than bare suspicion; it exists when the facts and circumstances within the officer's knowledge and of which they have reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution to believe that an offense has been or is being committed.

**Reasonable Suspicion** is defined as specific, articulable facts leading a reasonable police officer to believe a crime might be occurring. Reasonable suspicion is less than probable cause, but more than a mere hunch. Reasonable grounds for suspicion depend on the circumstances in each case. There must be an objective basis for that suspicion based on facts, information, and/or intelligence.

TEXARKANA, TEXAS POLICE DEPARTMENT  
GENERAL ORDERS MANUAL

|                                   |                                                                     |
|-----------------------------------|---------------------------------------------------------------------|
| <i>Directive</i><br><b>2.01.1</b> | <i>Subject</i><br><b>Biased Based Policing and Racial Profiling</b> |
|-----------------------------------|---------------------------------------------------------------------|

**Search** is an examination or exploration of an individual's house, premises, vehicle or person to discover stolen property, contraband or other items that may be evidence of a crime.

**Search incident to arrest** is a full search of an arrested person and of the vicinity around him or her. The search is conducted for officer safety and to prevent the destruction of evidence.

**Consent search** is a search permitted by a person with apparent authority to allow the search. To be valid, consent must be voluntary and intelligent, based on a totality of circumstances. Voluntary means that the consent was not forced or coerced. Intelligent means the person giving consent must know what he or she is doing.

**Frisk** is defined as a limited search or patting down of a suspect's outer clothing for the purpose of officer safety. A frisk must be based on reasonable suspicion that the suspect is armed with a deadly weapon, and that if he is not searched and disarmed, harm will come to the officer or another person. A limited search or frisk of an automobile after a valid stop is permissible if the officer has reasonable suspicion the suspect is dangerous and might gain immediate control of a weapon. The search is limited to the areas in which a weapon may be placed or hidden.

**Inventory** is an administrative process by which items of property in an impounded vehicle are listed and secured. An inventory is not a search and should not be used as a substitute for a search. The specific objectives of an inventory are to protect the property of the defendant, to protect the police against any claim of lost property, and to protect police personnel and others from any dangerous instruments.

## SECTION 4 PROCEDURES

### A. COMPLAINTS

1. Any person may file a complaint with the Department if they believe they have been stopped or searched on the basis of their race, ethnicity, national origin, or gender. No person shall be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.
2. A complaint from a citizen regarding racial profiling may be made to any Department supervisor or, if available, to the Office of Professional Responsibility. All complaints received shall be forwarded in writing through the chain of command to the Office of the Chief of Police.
3. In addition to the written complaint, the supervisor receiving the complaint shall obtain the video recording from the officer's vehicle and cause a copy to be made onto a recordable CD or DVD disc. The supervisor shall label the video disc, indicating the unit number and date and time the disc was made. The copy of the video recording will be forwarded through the chain of command to the Office of the Chief of Police. A copy of video of all incidents in which racial or gender profiling is alleged shall be retained with the investigative file. A copy of the video shall be supplied to the officer within five days of the date of the complaint. The Office of Professional Responsibility shall supply the video to the officer prior to taking any statements from the officer.
4. The Department shall provide education to the public concerning the complaint process. Written information regarding how a citizen may file a complaint or issue a commendation for an officer shall be made available to the public at a variety of locations, including public meetings, Central Records and Communications, City Hall, and the Police Department's office at the Bi-State Justice Building. This information shall also be available on the Department's Internet site.



**TEXARKANA, TEXAS POLICE DEPARTMENT  
GENERAL ORDERS MANUAL**

|                                   |                                                                     |
|-----------------------------------|---------------------------------------------------------------------|
| <b>Directive</b><br><b>2.01.1</b> | <b>Subject</b><br><b>Biased Based Policing and Racial Profiling</b> |
|-----------------------------------|---------------------------------------------------------------------|

**B. RACIAL PROFILING TRAINING**

1. Officers are responsible to adhere to all Texas Commission on Law Enforcement (TCOLE) training and the Law Enforcement Management Institute of Texas (LEMIT) requirements as mandated by law.
2. All officers shall complete a TCOLE training and education program on racial profiling not later than the second anniversary of the date the officer is licensed under Chapter 1701 of the Texas Occupations Code, or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier. At the discretion of the Chief of Police, additional diversity and sensitivity training may be required for officers with sustained racial profiling or other discrimination complaints filed against them.
3. The Chief of Police, as part of the initial training and continued education for such appointment, will be required to attend the LEMIT program on racial profiling.
4. Supervisors shall conduct periodic roll call training regarding racial profiling issues, including implementation and enforcement of this policy.

**C. INTERNAL MONITORING**

1. Random Reviews:

As mandated in Directive 7.36.1 Digital Mobile Video/Audio Recording Equipment, Field Supervisors shall conduct reviews of the video files recorded by officers under their supervision to:

- a. Assess performance and safety practices;
- b. Ensure compliance with departmental policy;
- c. Ensure proper use of DMVR equipment; and,
- d. Identify appropriate training video.

Supervisors shall conduct a review of video files randomly each month, ensuring that each officer is reviewed at least twice during each month. Supervisors will review one traffic stop and one other video of their choosing of each officer. As part of the review, supervisors will document the number of videos created by each officer. Each shift commander shall be responsible for ensuring the video reviews are conducted and documented. A report containing the dates each officer was reviewed and the supervisor that conducted each review shall be prepared and submitted to the Operations Division Secretary, who shall maintain a log of the reviews. Supervisors will have the random review done by the 15th of the following month.

2. Reviews shall occur whenever:
  - a. An officer is involved in a pursuit;
  - b. An officer is involved in a use of force recorded by the system;
  - c. A complaint is lodged against an officer; or

TEXARKANA, TEXAS POLICE DEPARTMENT  
GENERAL ORDERS MANUAL

|                                   |                                                                     |
|-----------------------------------|---------------------------------------------------------------------|
| <b>Directive</b><br><b>2.01.1</b> | <b>Subject</b><br><b>Biased Based Policing and Racial Profiling</b> |
|-----------------------------------|---------------------------------------------------------------------|

- d. A supervisor articulates a reason to suspect an officer is involved in activity contrary to the mandates of the General Orders.

- 3. Video events which may be evidentiary in nature should be reviewed and properly documented.

**D. CORRECTIVE ACTION**

- 1. Failure to report any observed or known violations of this policy by any Department employee shall result in corrective action being taken against the employee.
- 2. Officers found in violation of this policy or who have a sustained racial profiling complaint shall be subject to corrective action which may include: diversity, sensitivity, or other appropriate training, informal counseling, formal counselling, written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police.

**E. MANDATED DIGITAL MOBILE VIDEO RECORDER OPERATION**

Unless the delivery of emergency police services would be prevented, an officer's personal safety would be jeopardized, or police strategy is being discussed, officers will ensure the operation of the digital mobile video recorder is conducted in accordance with directive 7.36.1.

**F. CITATION DATA COLLECTION AND REPORTING**

- 1. Each officer shall be required to collect information relating to traffic stops that result in a written warning, citation or custody arrest. The written warning and citation will document the necessary information as describe in Section F (2) below by using the proper notations found on the citation. In the case of a custody arrest, it shall be necessary to complete a Data Collection Form to record the information required by the racial profiling statute. In the event that a citation is issued to an individual that is ultimately arrested, the citation will record the necessary data and eliminate the need to complete a Data Collection Form.
- 2. The officer will document the following on the citation, written warning or Data Collection Form:
  - a. The violator's race or ethnicity.
  - b. Whether a search was conducted.
  - c. Whether the search was consensual.
  - d. Whether the race or ethnicity of driver known prior to stop.
  - e. Reason for arrest, if any, resulting from the stop.
- 3. Any paper citation issued will be forwarded to the Operations Division Secretary for review prior to sending to the court. Administration for E-Citations will be the responsibility of the Traffic Section Supervisor with assistance from the Operations Secretary.
- 4. By March of each year, the Department shall submit a written report to the City Council that includes the information gathered from the traffic stops in the preceding calendar year. The report will include: (1) A breakdown of traffic stops by race and ethnicity, (2) The number of traffic stops that resulted in a search and the basis for the searches, (3) The number of searches that resulted in contraband

TEXARKANA, TEXAS POLICE DEPARTMENT  
GENERAL ORDERS MANUAL

|                                   |                                                                     |
|-----------------------------------|---------------------------------------------------------------------|
| <i>Directive</i><br><b>2.01.1</b> | <i>Subject</i><br><b>Biased Based Policing and Racial Profiling</b> |
|-----------------------------------|---------------------------------------------------------------------|

being discovered and, if so, the type of contraband; and (4) The number of traffic stops that resulted in custodial arrests.

5. The Crime Analyst shall be responsible for providing a report to the Chief of Police that contains this information.

G. RESPONSIBILITY

1. All members of the Department shall know and comply with all aspects of this directive.
2. All Division Commanders and supervisory personnel are responsible for ensuring compliance with the provisions and intent of this directive.

# Appendix C

## Racial Profiling Laws and Corresponding Department Policies

| <b>Texas CCP Article</b> | <b>TEXARKANA, TEXAS POLICE<br/>DEPARTMENT Racial Profiling Policy</b> |
|--------------------------|-----------------------------------------------------------------------|
| 2.132(b)1                | Section 3                                                             |
| 2.132(b)2                | Section 2 (C)                                                         |
| 2.132(b)3                | Section 4 (A)                                                         |
| 2.132(b)4                | Section 4 (A) (4)                                                     |
| 2.132(b)5                | Section 4 (D)                                                         |
| 2.132(b)6                | Section 4 (F)                                                         |
| 2.132(b)7                | Section 4 (F) (4)                                                     |

**RESOLUTION NO. 2016 – 024**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
TEXARKANA, TEXAS, ACKNOWLEDGING RECEIPT OF THE  
2015 POLICE DEPARTMENT RACIAL PROFILING REPORT;  
AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the State of Texas requires the Police Department to collect certain statistical data on drivers stopped for traffic violations in the city limits of Texarkana, Texas, through statute found in the Texas Code of Criminal Procedure; and

**WHEREAS**, the State of Texas requires the collected data to be analyzed and compiled into a report, locally titled as the Texarkana, Texas Police Department Racial Profiling Report, to be submitted annually to the Texas Commission on Law Enforcement; and

**WHEREAS**, the State of Texas requires the final racial profiling report to be submitted to the local governing body in March each year.

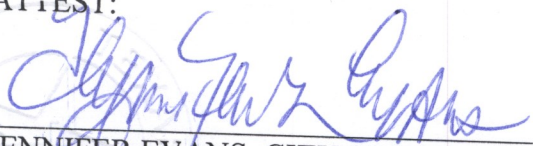
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
TEXARKANA, TEXAS:**

**SECTION 1:** That the City Council of the City of Texarkana, Texas, acknowledges receipt of the Police Department Racial Profiling Report.

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

**PASSED AND APPROVED** in Regular Council Session on this the **14<sup>th</sup>** day of **March, 2016**.

ATTEST:

  
JENNIFER EVANS, CITY SECRETARY

  
BOB BRUGGEMAN, MAYOR

6:39 p.m.

Attachment: 2016-024 RES Acknowledging receipt of the Racial Profiling Report signed (1442 : 2016-024 RES acknowledging receipt of the 2015 Police

## City of Texarkana, Texas

Version: K

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

## Briefing Sheet

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

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

## Item Schedule

## Updates/History of Briefing:

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

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

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

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

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

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

## City of Texarkana, Texas

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

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

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

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

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

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

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

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

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

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



## City of Texarkana, Texas

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

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

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

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

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

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

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



## City of Texarkana, Texas

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

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

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

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

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

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

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

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

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

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

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

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

## City of Texarkana, Texas

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

## City of Texarkana, Texas

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

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

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

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

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

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

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

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

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

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

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

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

## City of Texarkana, Texas

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

### Executive Summary and Background Information:

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

#### Report:

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

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

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

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

As to the claim that usage exceeds the HUD guidelines the city was unable to find a source where HUD has published a guideline for apartment dwellers water usage. Several on-line sites do provide information related to water usage related to certain activities common to households. Using these on-line applications the staff was able to project that a typical daily water usage of an apartment

## City of Texarkana, Texas

(mostly domestic water uses and no outdoor water usage) might be about 265 gallons. The monthly average therefore would be 7,950 gallons. For 104 apartments then maybe the Forest Point complex might use 790,833 gallons monthly or 9.5 million gallons annually (FP use in 2010 was 9.6 million, 2011 was 9.0 million, 2014 was 8.4 million, 2012 was 7.5 million, 2013 was 5.6 million, and so far in 2015 is 6.6 million).

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

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

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

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

The city code does not state that the customer has any right to short-pay any utility billing, even in protest or while contesting any part of or all of the bill. The code is also silent concerning any method for contesting any part or all of a monthly utility bill. The code provides for the customer to request a reread of a water meter and can request that the meter be tested (customer pays for the test if the test shows the meter is accurately reading water usage). The Texarkana City Code concerning this matter is consistent with other city codes both in Texas and nationally.

### Potential Options:

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

## City of Texarkana, Texas

### Fiscal Implications:

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

### Staff Recommendation:

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

### Advisory Board/Committee Review:

NONE

### Board/Committee Recommendation:

NOT APPLICABLE

### Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

### Attachments

- a. 2015-140 RES Directing Settlement of Utility Billing Dispute (DOC)
- b. 2015-140 ATTH 01 Presentation of Utility Billing at Forest Point Apartments (PDF)
- c. 2015-140 ATTH 02 Account Payment and Collection Record (PDF)
- d. 2015-140 ATTH 03 Forest Point Management Response to Staff Presentation (PDF)
- e. 2015-140 ATTH 04 Forest Point Apartment Complex Utility Billing Review 2nd Briefing 20160125 (PDF)
- f. 2015-140 ATTH 05 Note to Dr Matthews and Mayor Bruggeman 20160126 (PDF)
- g. 2015-140 Goals & Perspectives (DOCX)
- h. 2015-140 RES Directing Settlement of Utility Billing Dispute signed (PDF)

### Staff Coordination

|                    |                    |                        |           |            |
|--------------------|--------------------|------------------------|-----------|------------|
| City Manager       | John Whitson       | Department Head Review | Completed |            |
|                    | 12/06/2015 6:45 PM |                        |           |            |
| Finance Department | Charlie Bassett    | Review                 | Completed | 12/07/2015 |
| 8:30 AM            |                    |                        |           |            |
| City Attorney      | Jeffery C. Lewis   | Review                 | Completed | 12/07/2015 |
| 2:13 PM            |                    |                        |           |            |
| Water Utilities    | JD Phillips        | Review                 | Completed | 12/07/2015 |
| 2:47 PM            |                    |                        |           |            |
| Water Utilities    | Jim Cornelius      | Review                 | Completed | 12/07/2015 |
| 3:31 PM            |                    |                        |           |            |

### City of Texarkana, Texas

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

---

#### Meeting History

|          |              |                  |                |
|----------|--------------|------------------|----------------|
| 12/14/15 | City Council | MOVED FORWARD    | Next: 01/11/16 |
| 01/11/16 | City Council | MOVED FORWARD    | Next: 01/25/16 |
| 01/25/16 | City Council | MOVED FORWARD    | Next: 02/08/16 |
| 02/08/16 | City Council | POSTPONED (VOTE) | Next: 02/22/16 |
| 02/22/16 | City Council | POSTPONED (VOTE) | Next: 03/14/16 |

**RESOLUTION NO. 2015-140**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR

# Forest Point Apartment Complex Utility Billing Dispute

Texarkana City Council Meeting  
December 14, 2015

# Customer is contesting water meter readings

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

# Typical Municipal Water System



- Most steps shown here are cost generators of the system

# Typical Municipal Water System



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



# Typical Municipal Water System



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

# Water Meter



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



# Water Meter



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

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

# TRU/FLO COMPOUND METER

5.4.b

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



# TRU/FLO COMPOUND METER

5.4.b

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



# City Code in Summary

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

# City Code

5.4.b

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

# City Code

5.4.b

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

# City Code

5.4.b

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

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



# City Code

5.4.b

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

# City Code

5.4.b

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

# City Code

5.4.b

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

# City Code

5.4.b

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

# The customer states that they have been overcharged by TWU

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

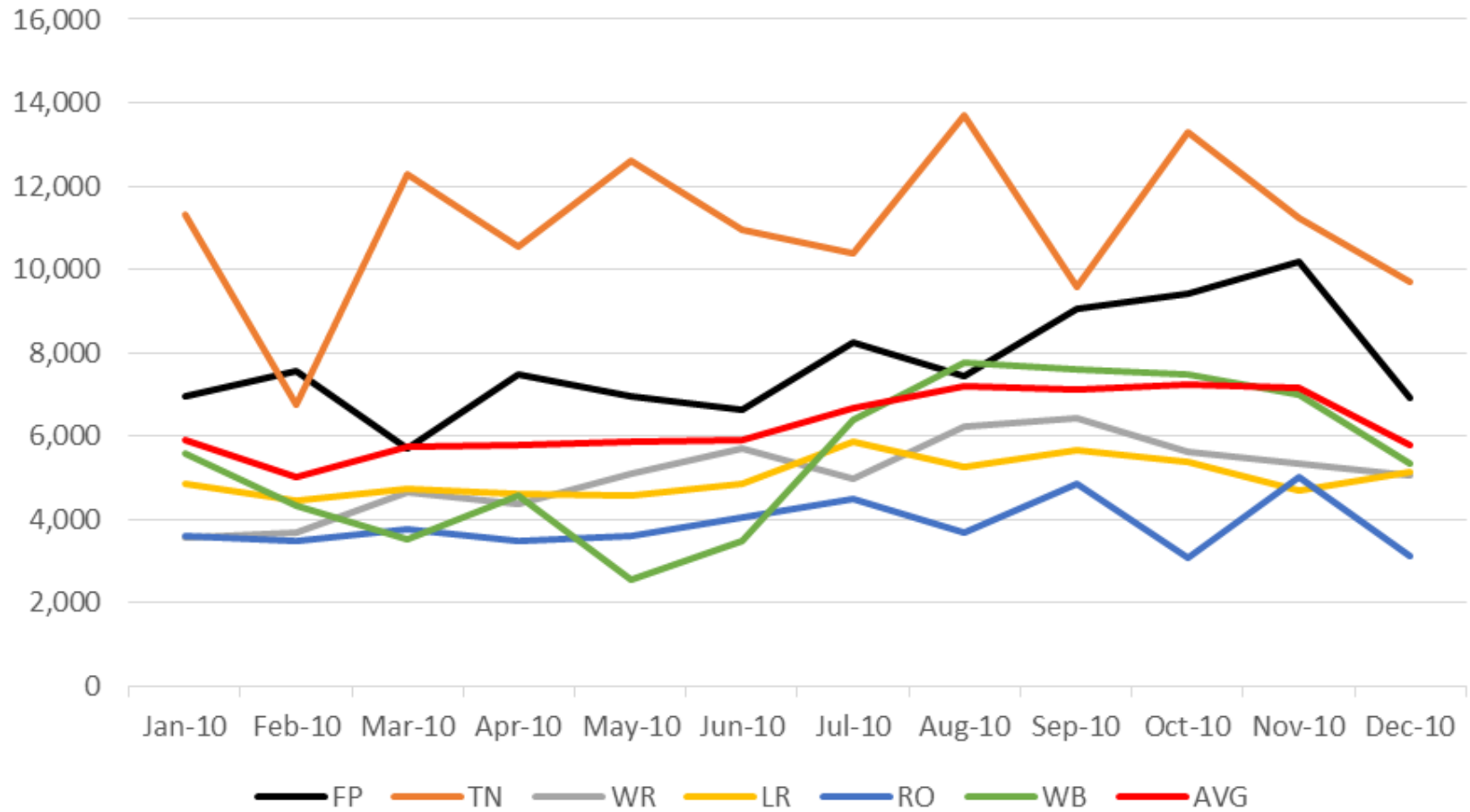
# The customer states that they have been overcharged by TWU

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

# Usage Compared to Other Complexes

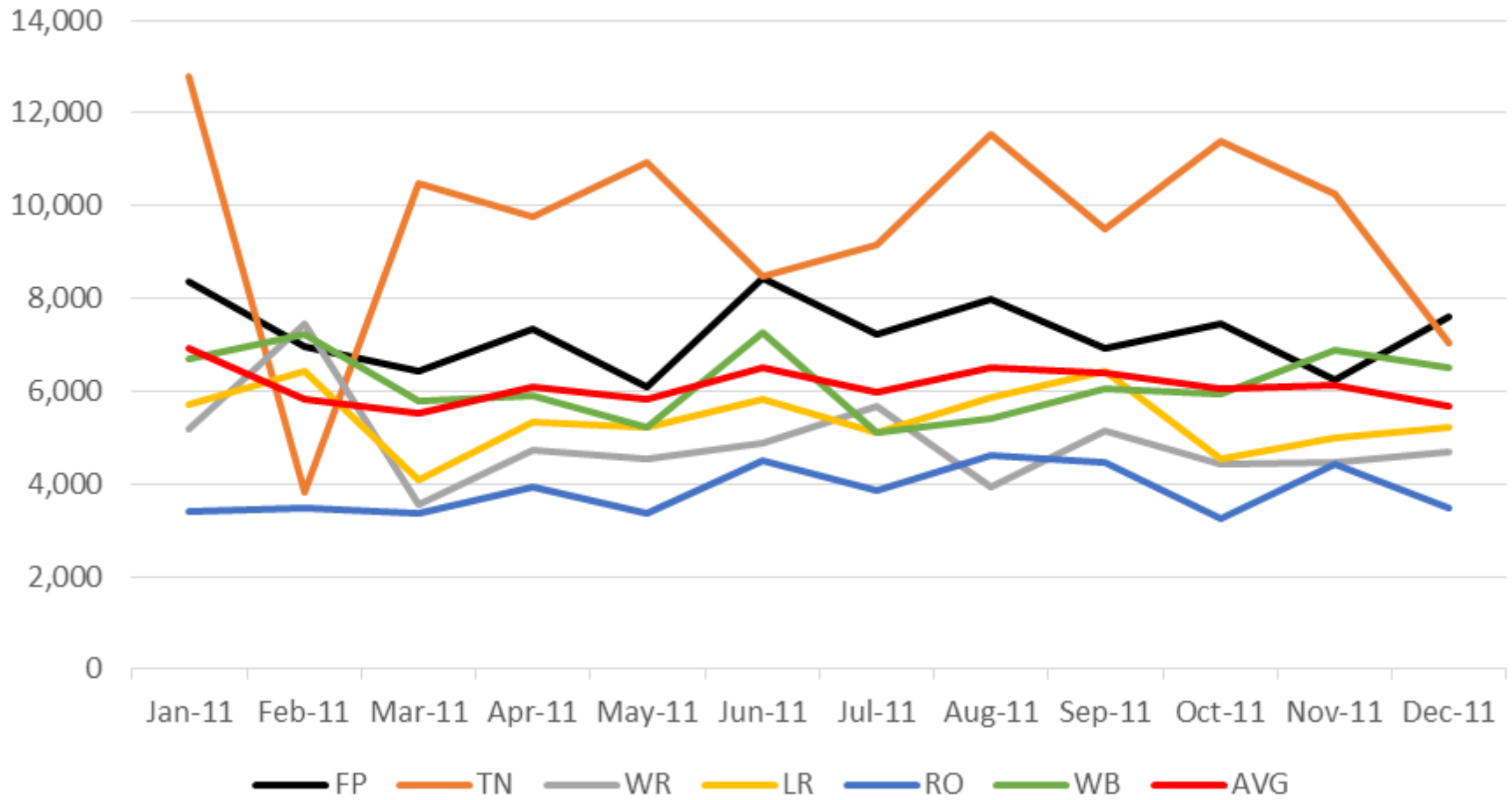
| Complex             | Units      | Pool       | Year Built  |
|---------------------|------------|------------|-------------|
| Woodbridge          | 89         | Yes        | 1977        |
| Westridge           | 96         | Yes        | 1984        |
| Town North          | 100        | No     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

## Unit Averages 2010

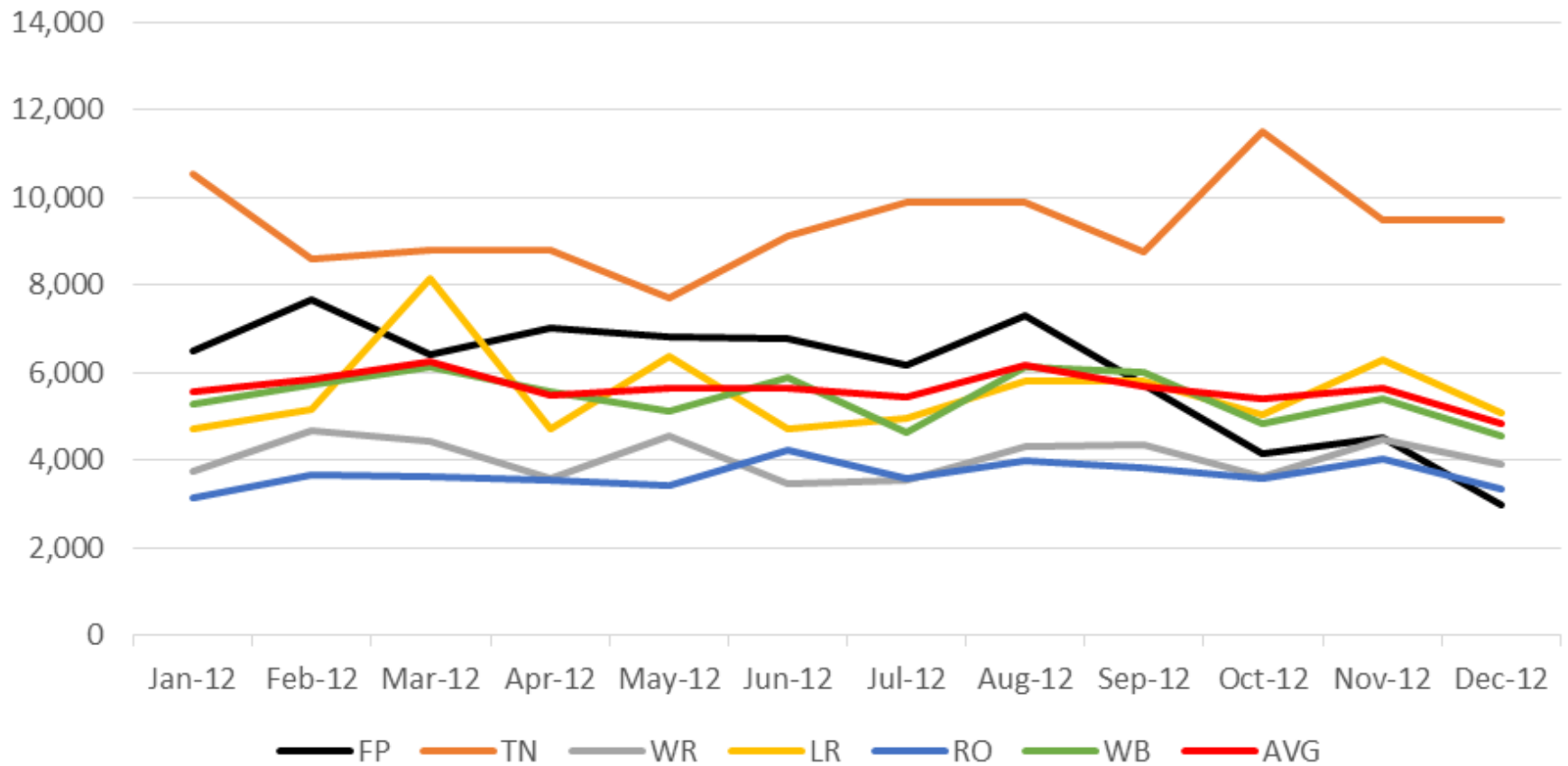




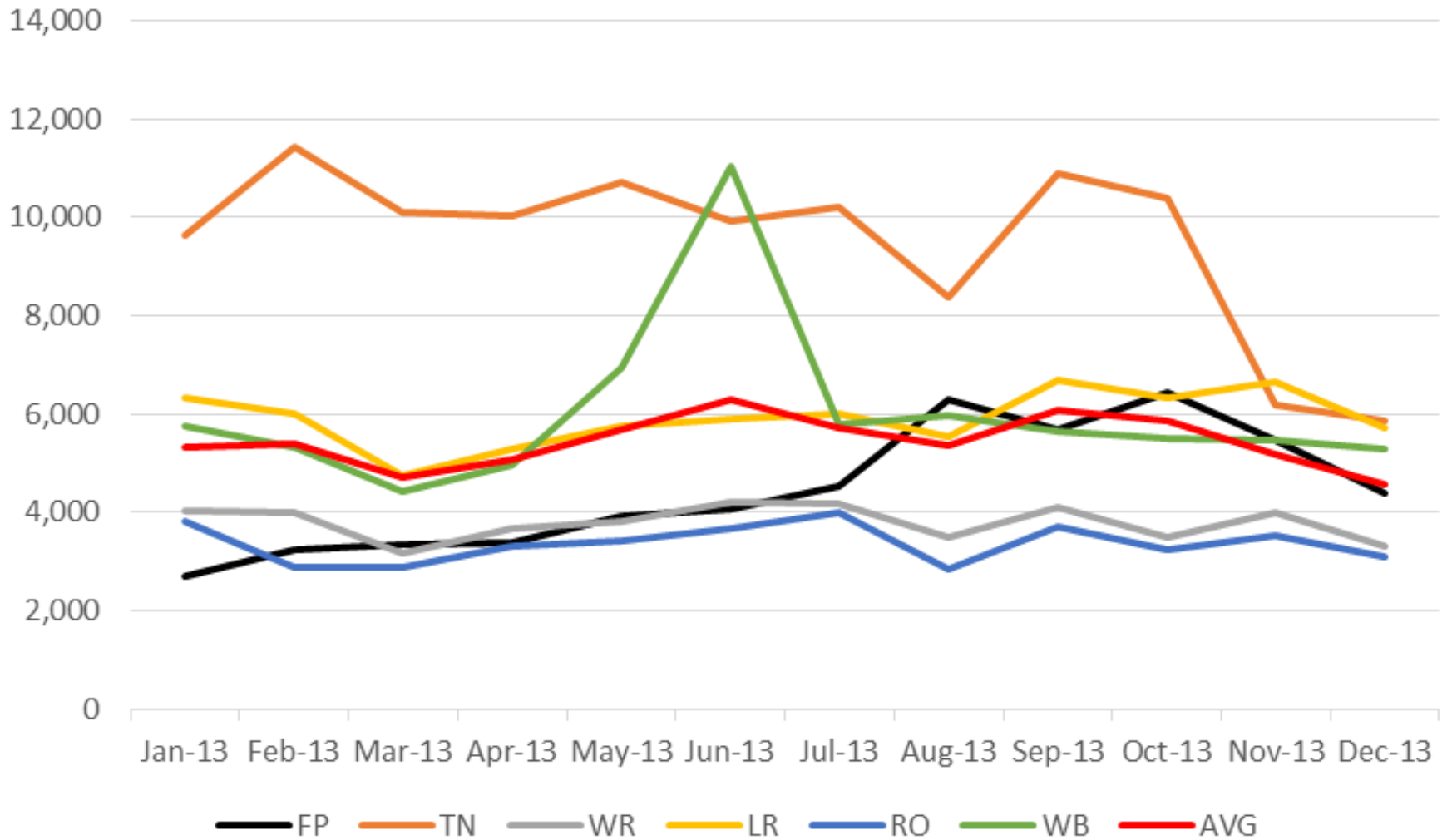
## Unit Averages 2011



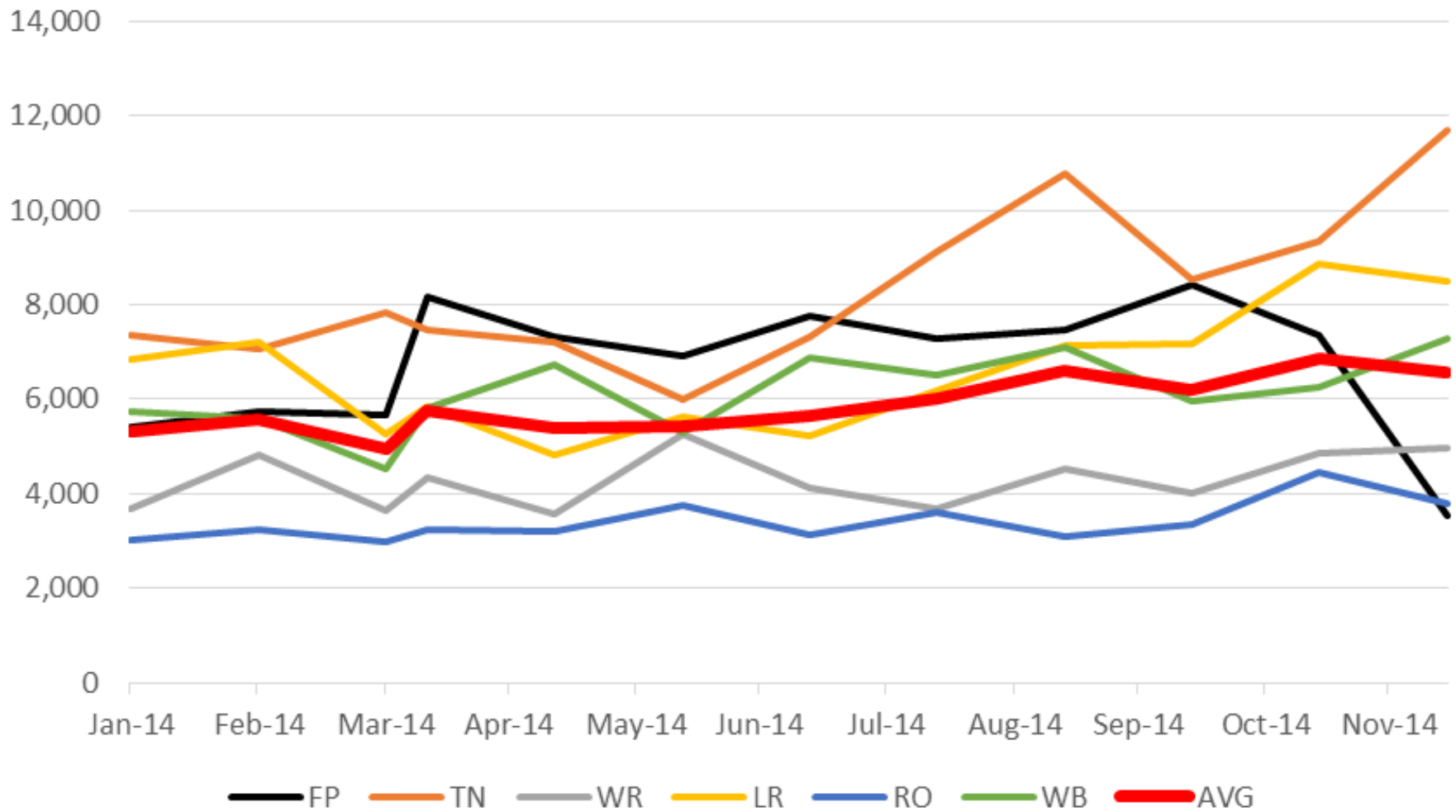
## Unit Averages 2012



## Unit Averages 2013

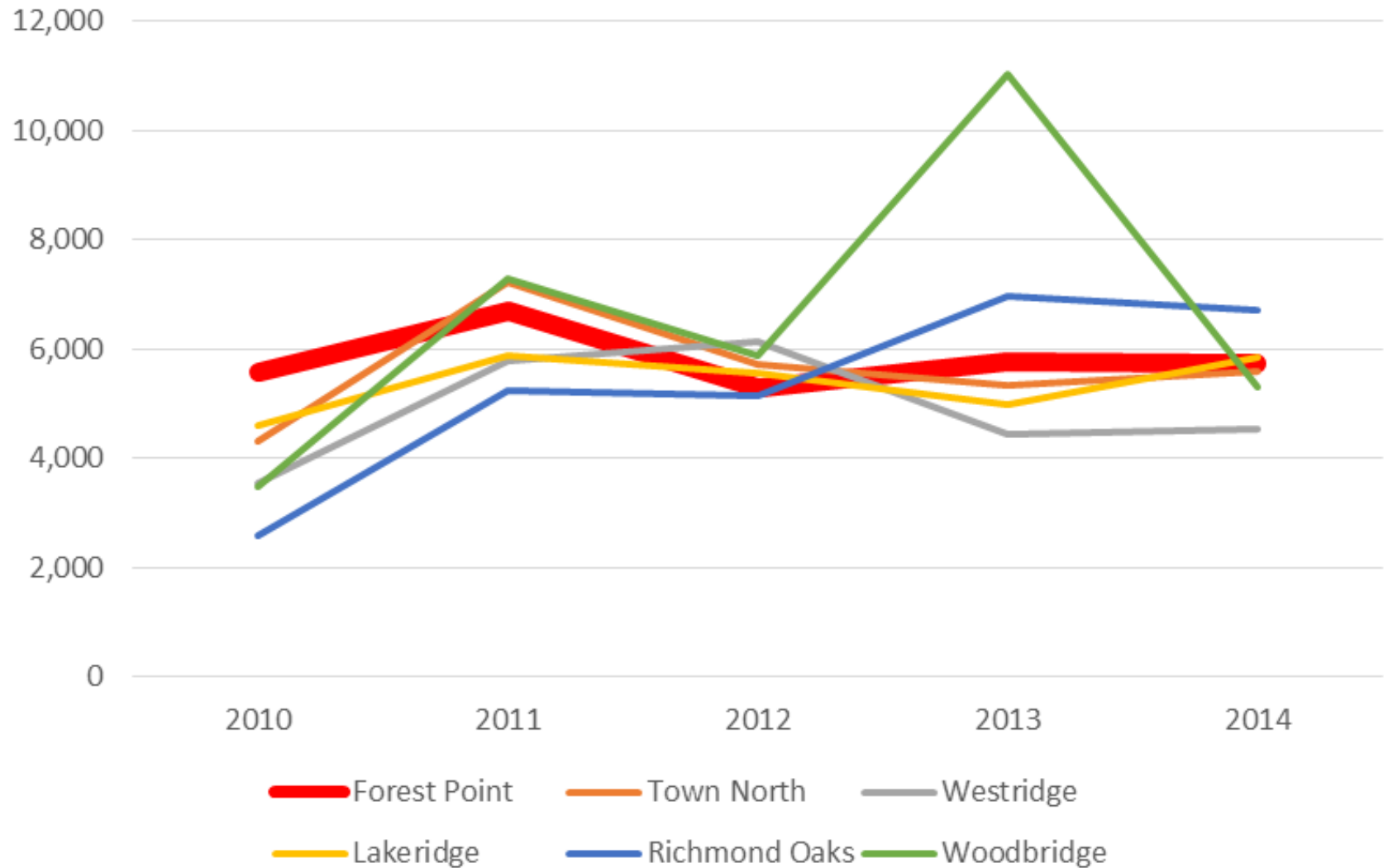


## Unit Averages 2014

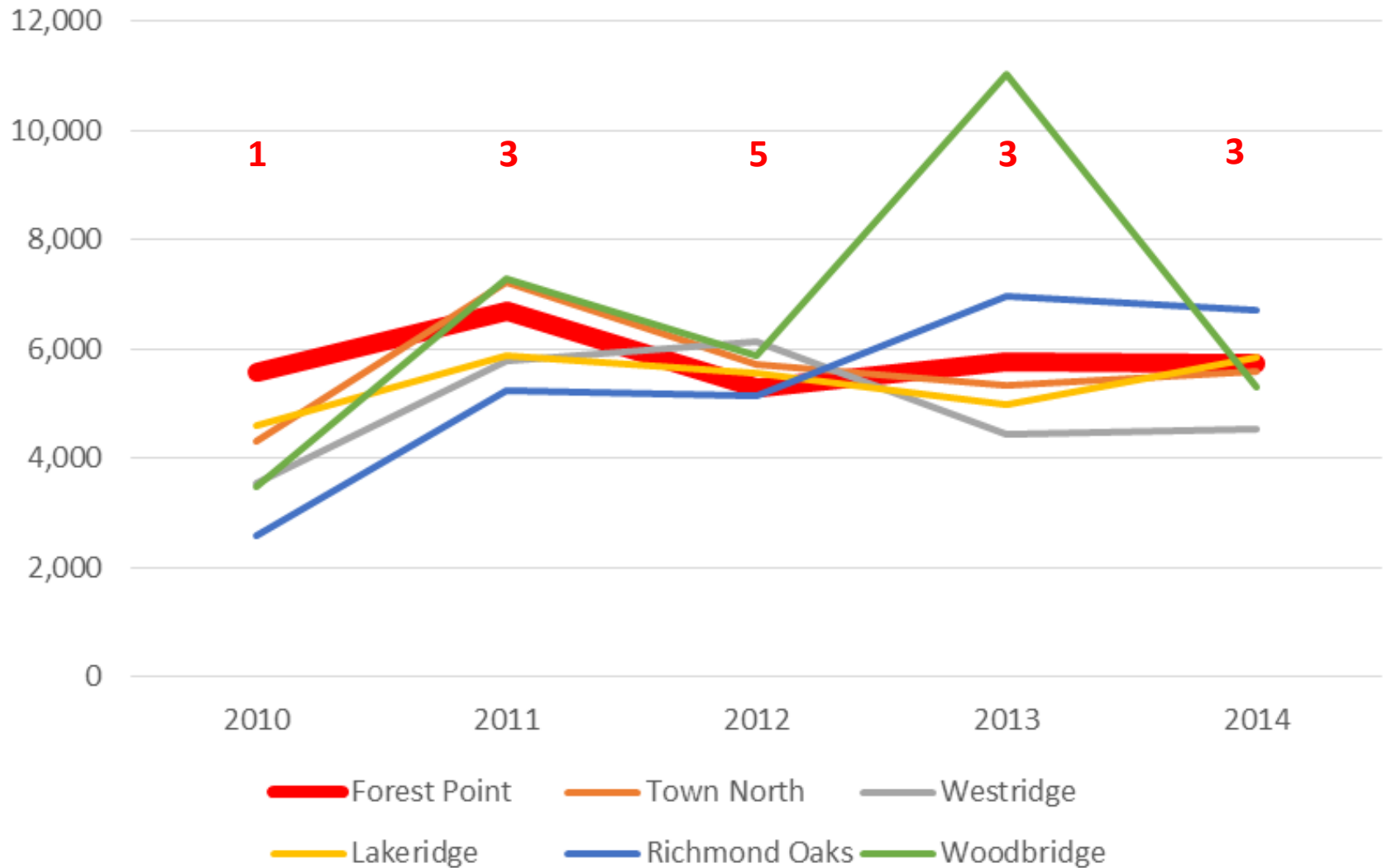


Attachment: 2015-140 ATTH 01 Presentation of Utility Billing at Forest Point Apartments

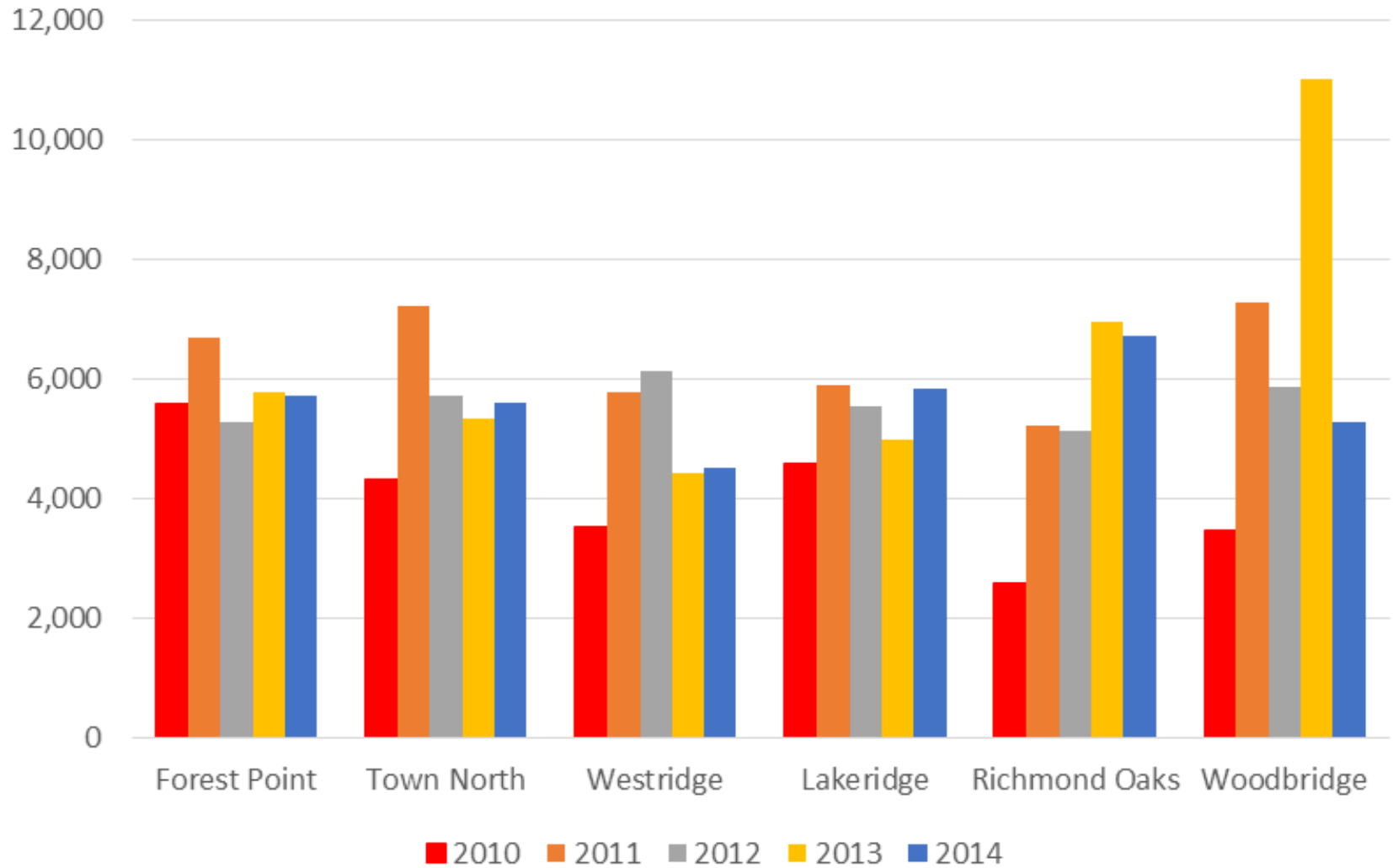
## Monthly Average Per Unit by Complex



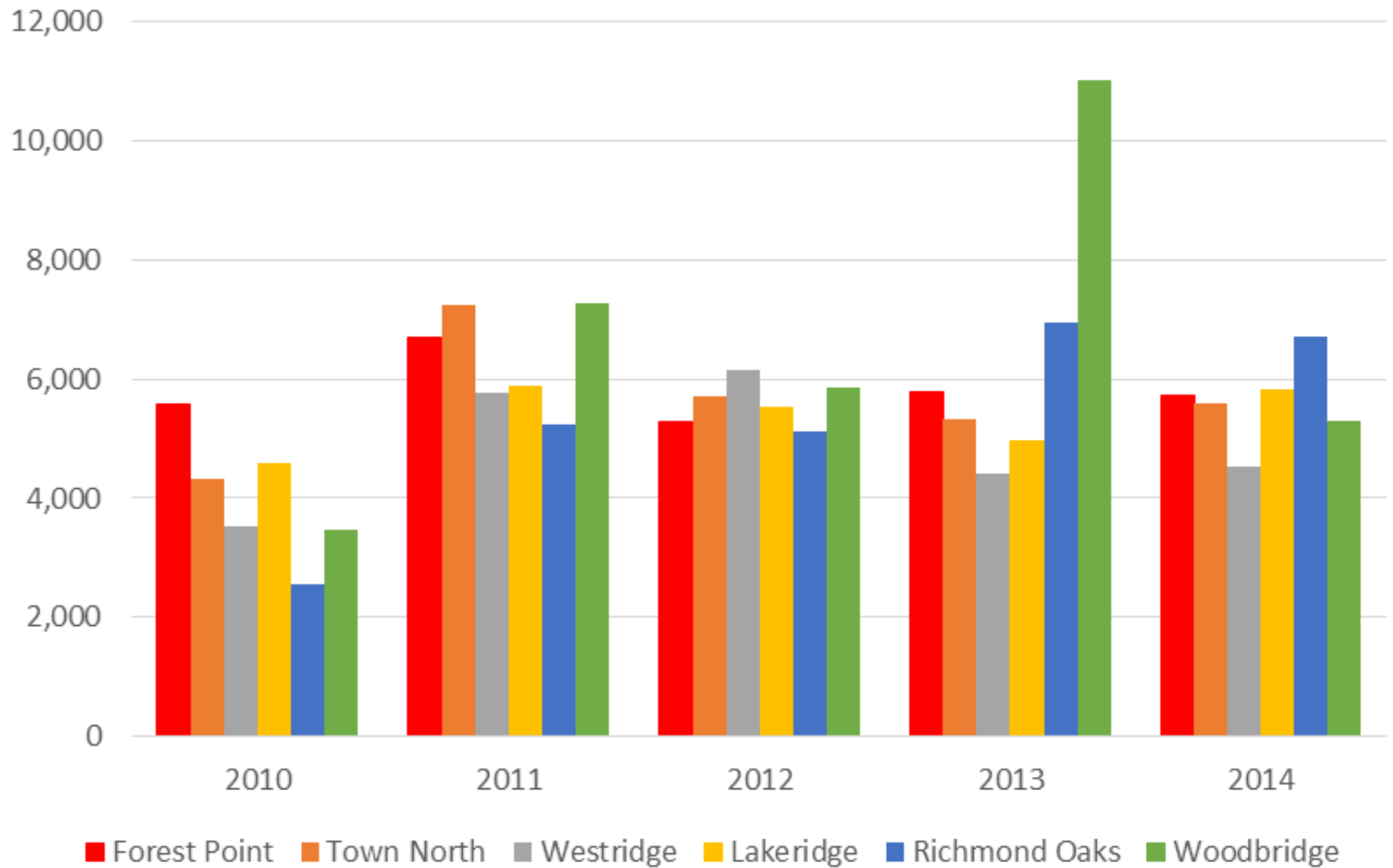
## Monthly Average Per Unit by Complex



## Monthly Average Per Unit by Complex

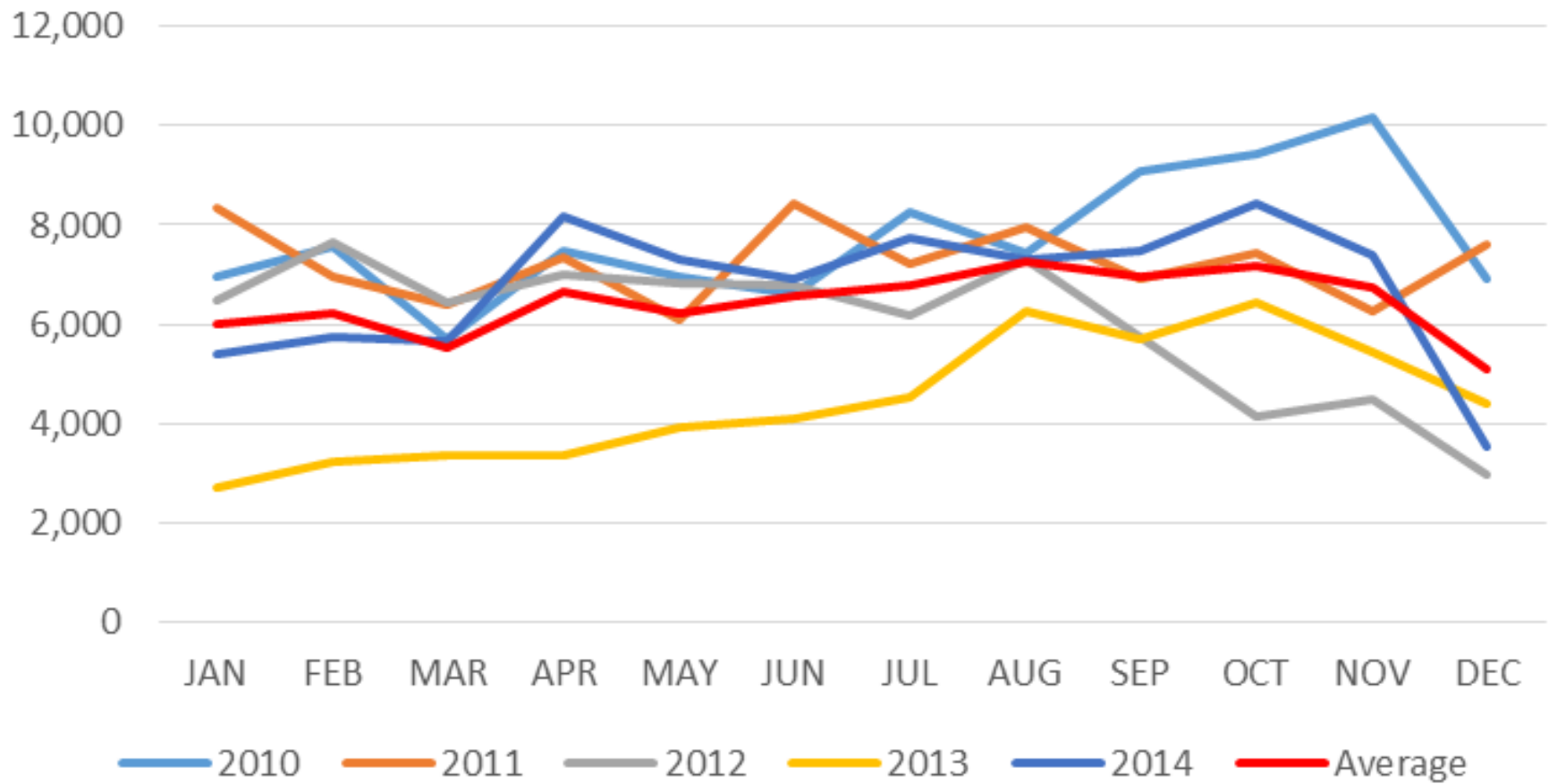


## Monthly Average Per Unit by Complex

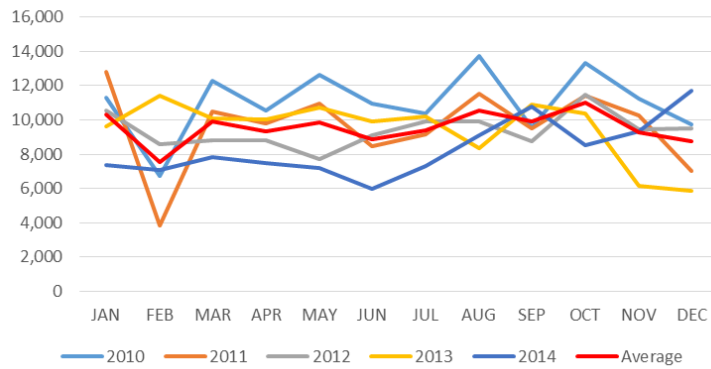




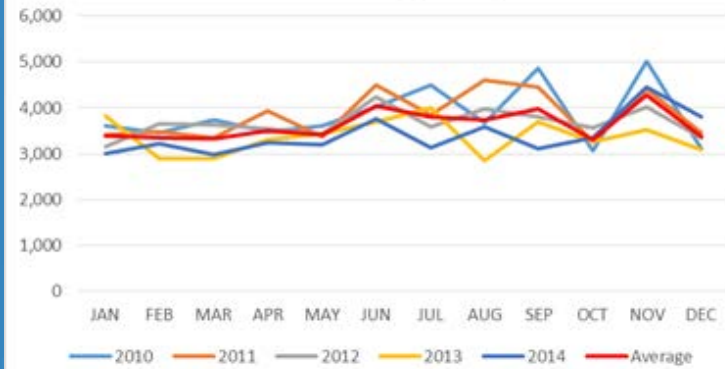
## Forest Point Monthly Average Per Unit



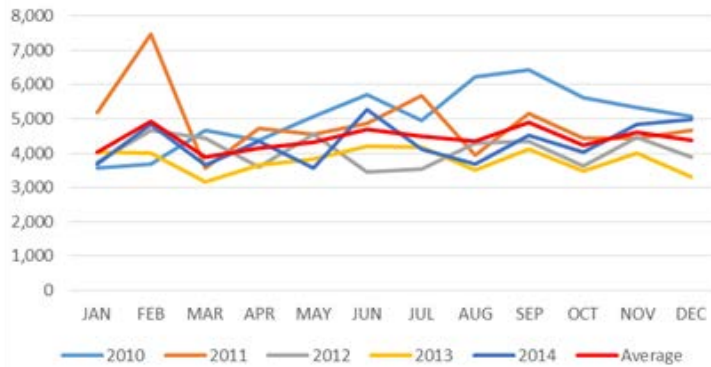
Town North Monthly Average Per Unit



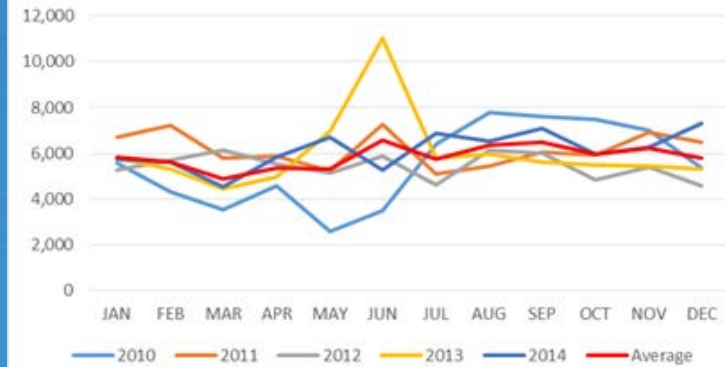
Richmond Oaks Monthly Average Per Unit



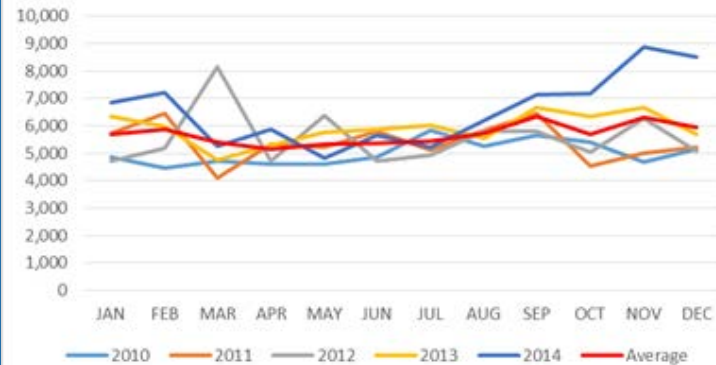
Westridge Monthly Average Per Unit



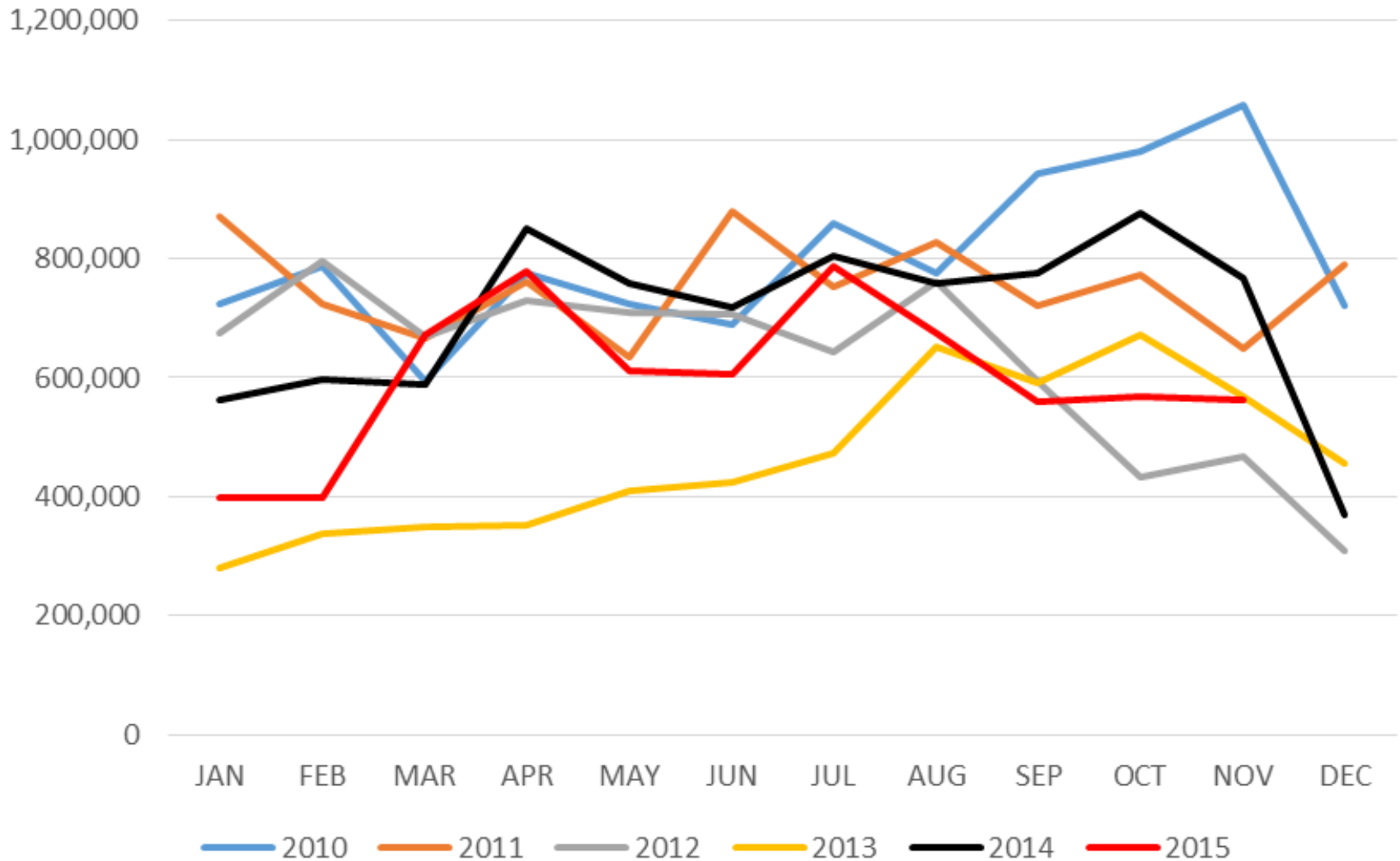
Woodbridge Monthly Average Per Unit



Lakeridge Monthly Average Per Unit



## Forest Point Gallons By Month + 2015 to date



# Comparison to Other Complexes

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

# The customer states that they have been overcharged by TWU

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

# Metered Water Exceeds HUD Guidelines

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

# Metered Water Exceeds HUD Guidelines

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

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

# Metered Water Exceeds HUD Guidelines

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

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



# HUD Utilities Guidebook for Public Housing Authorities

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

# Metered Water Exceeds HUD Guidelines

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

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

# Monthly Average Gallons/Unit by Complex

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

# Monthly Average Gallons/Unit by Complex

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

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

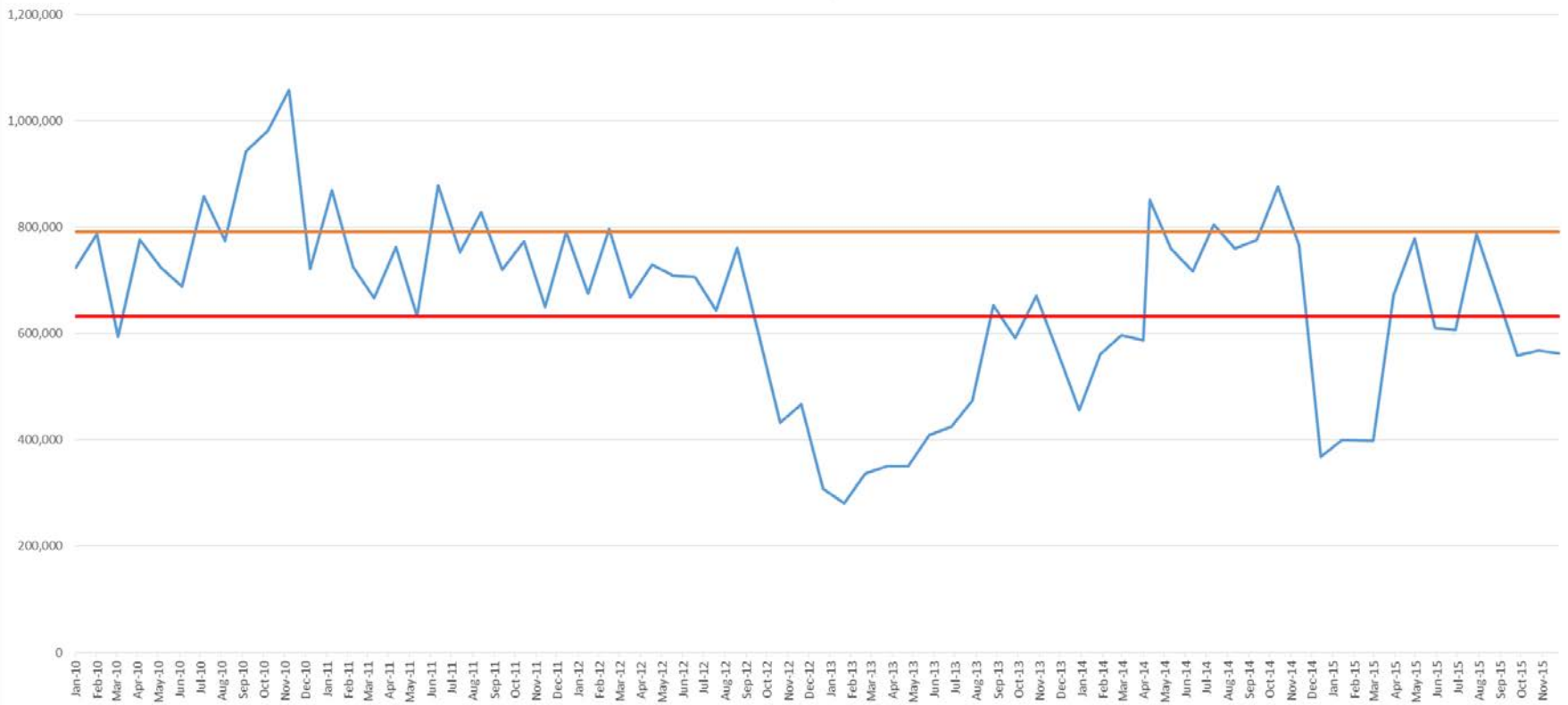
# Monthly Average Gallons/Unit by Complex

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

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

# Monthly Water Usage vs 250 and 200 Gallon Averages

Forest Point Monthly Gallons



# Forest Point Total Gallons by Month

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

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

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

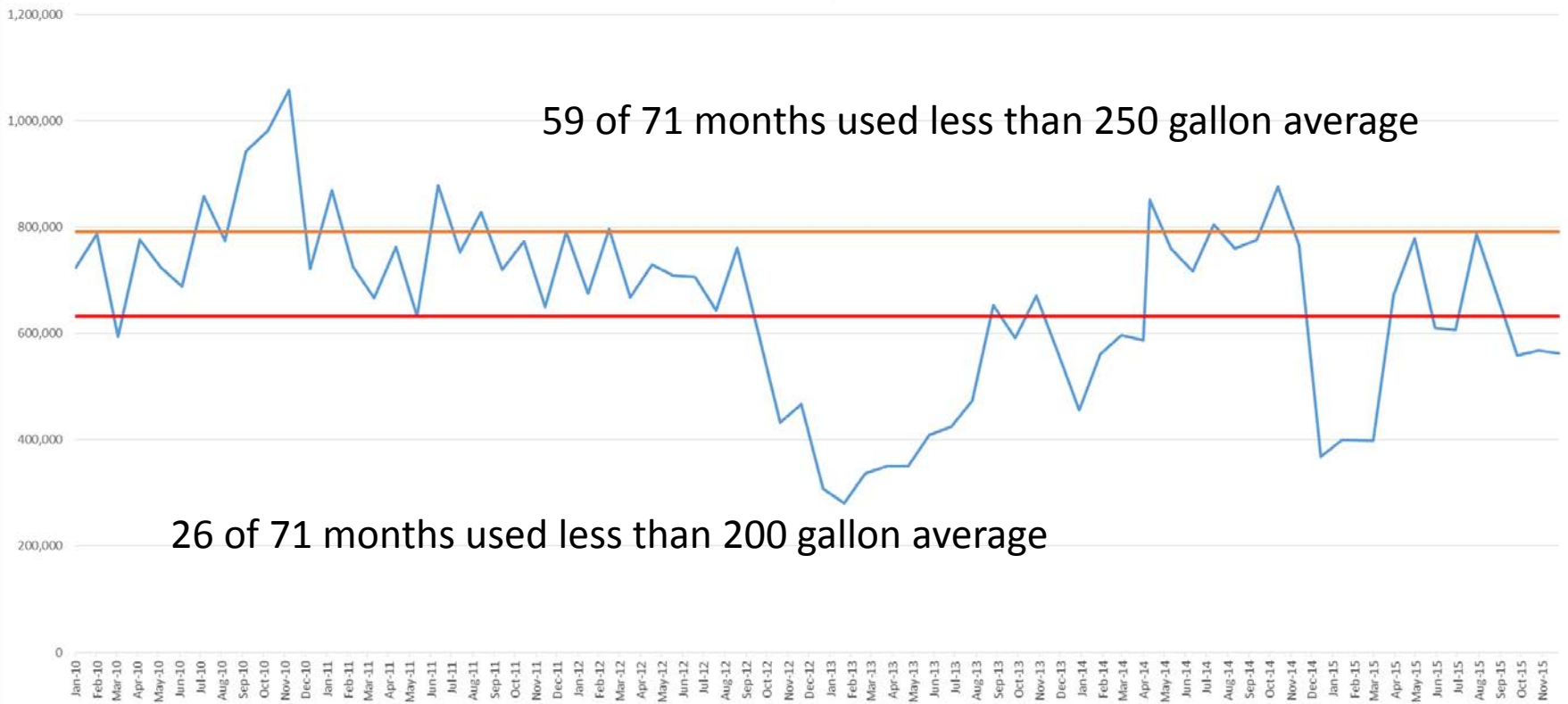


# Months used less than 632,667 gallons (200/unit/day)

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

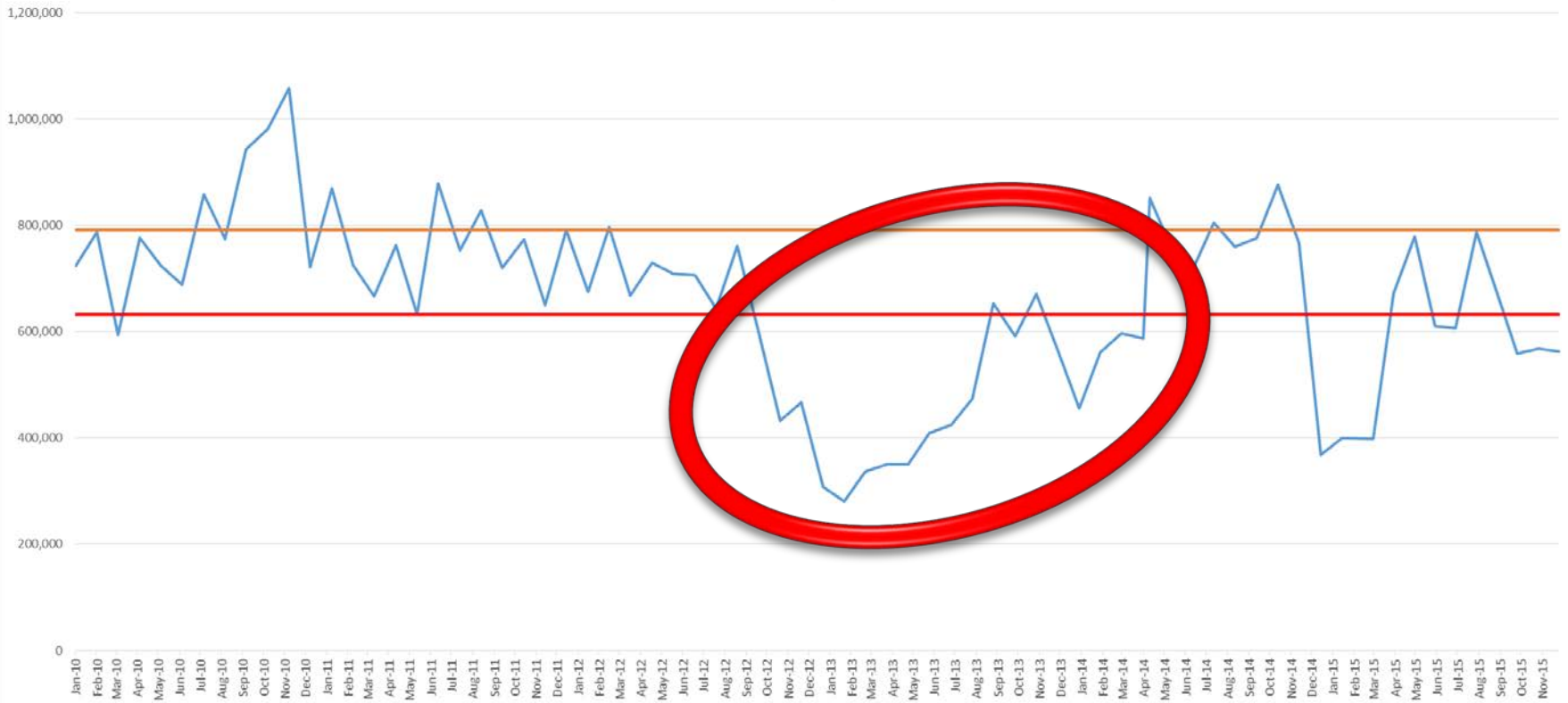
# Monthly Water Usage vs 250 and 200 Gallon Averages

Forest Point Monthly Gallons



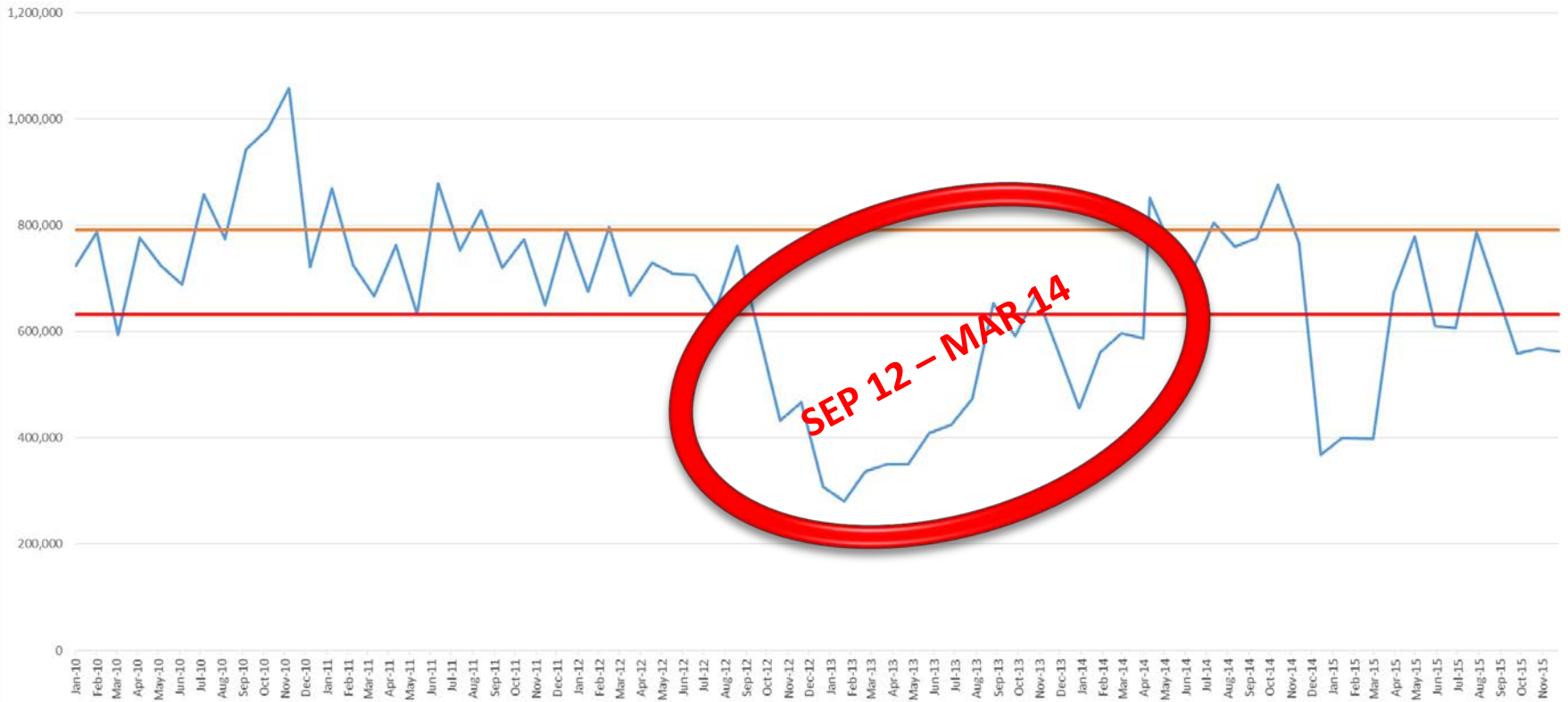
# Lower Usage Reviewed

Forest Point Monthly Gallons



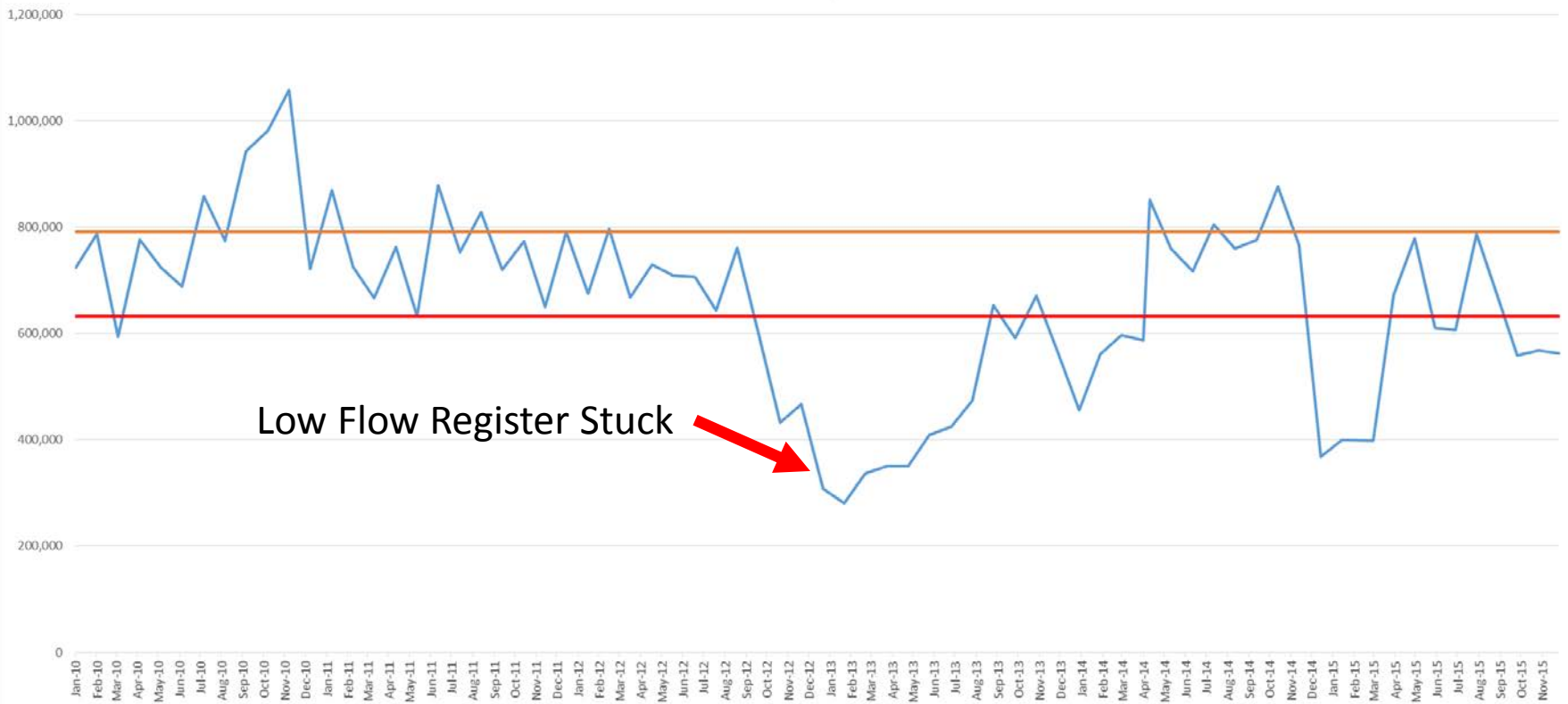
# Lower Usage Reviewed

Forest Point Monthly Gallons



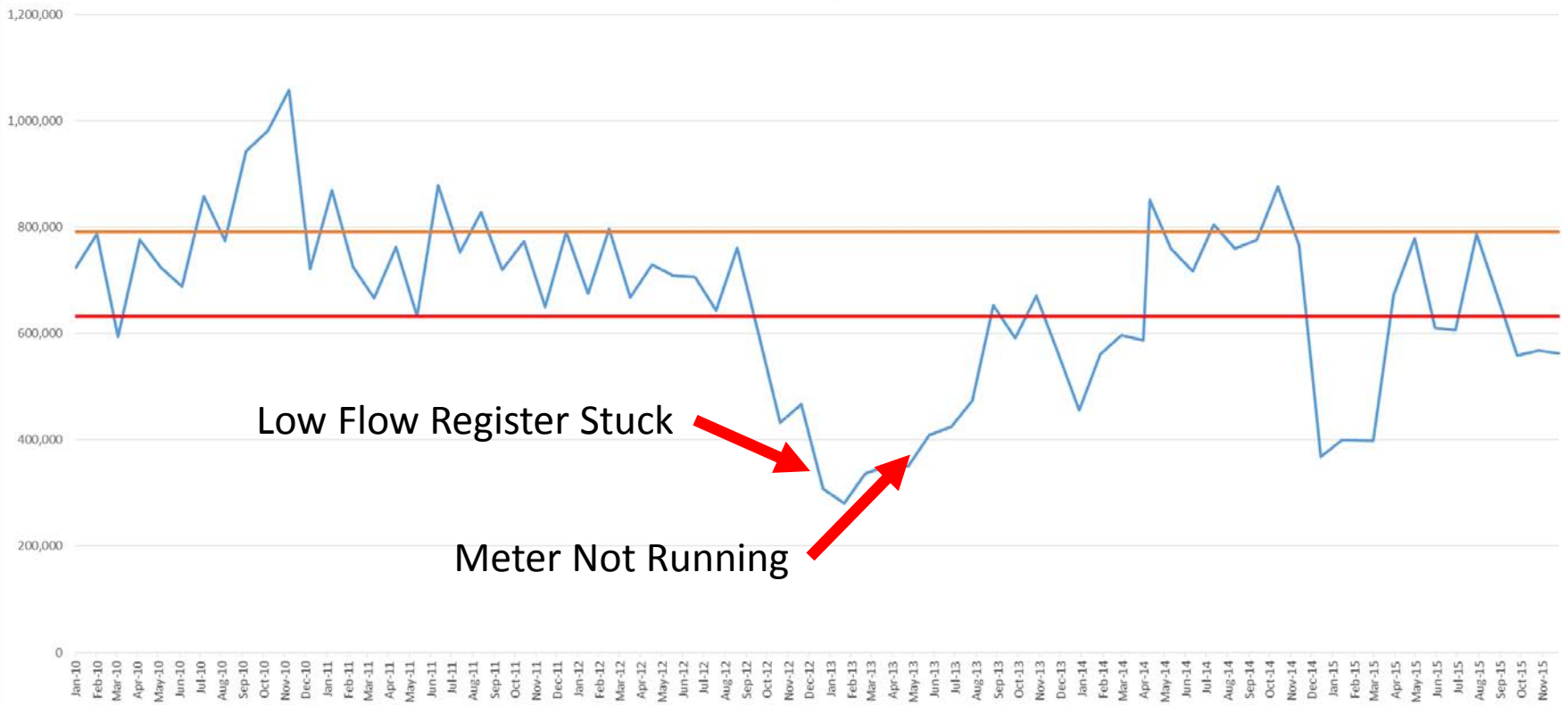
# Meter Malfunctions Noted

Forest Point Monthly Gallons



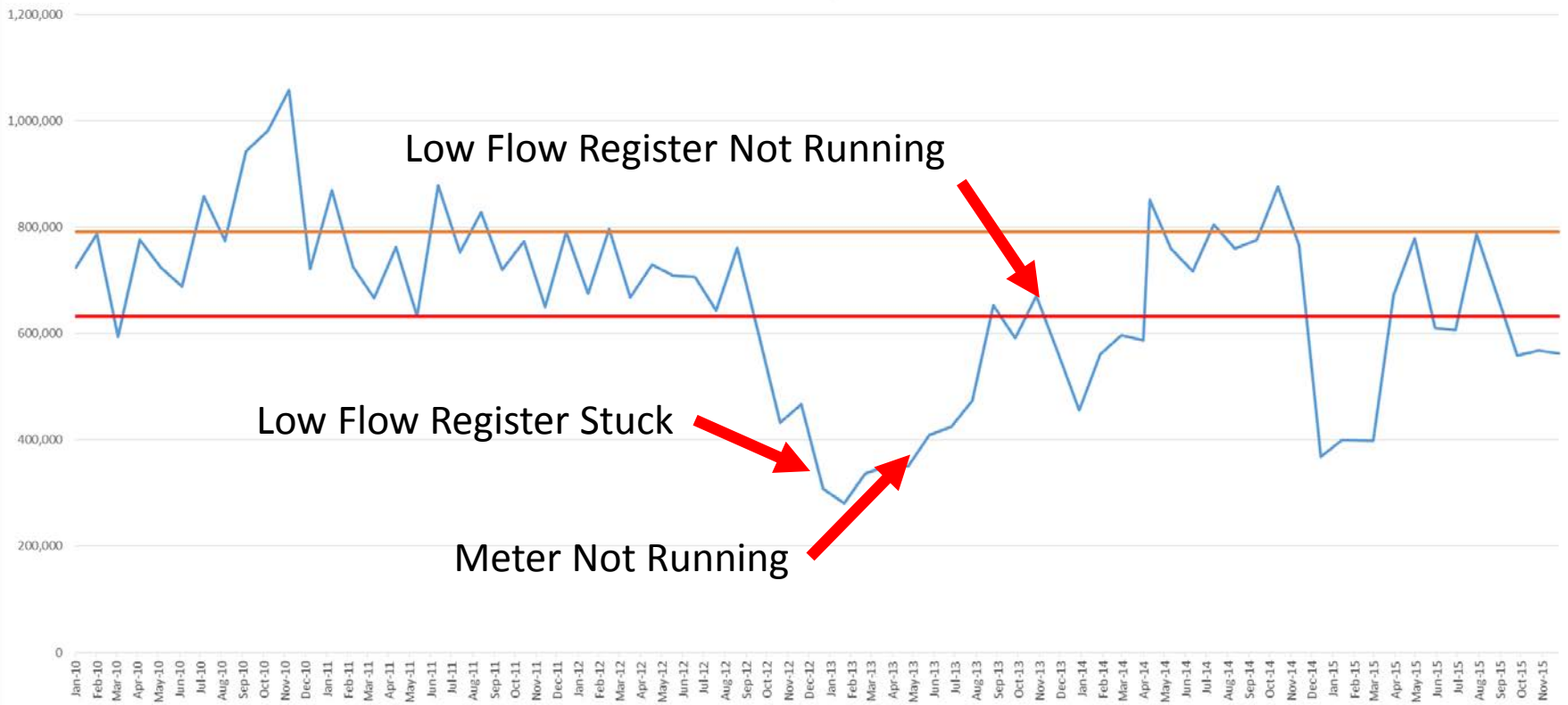
# Meter Malfunctions Noted

Forest Point Monthly Gallons



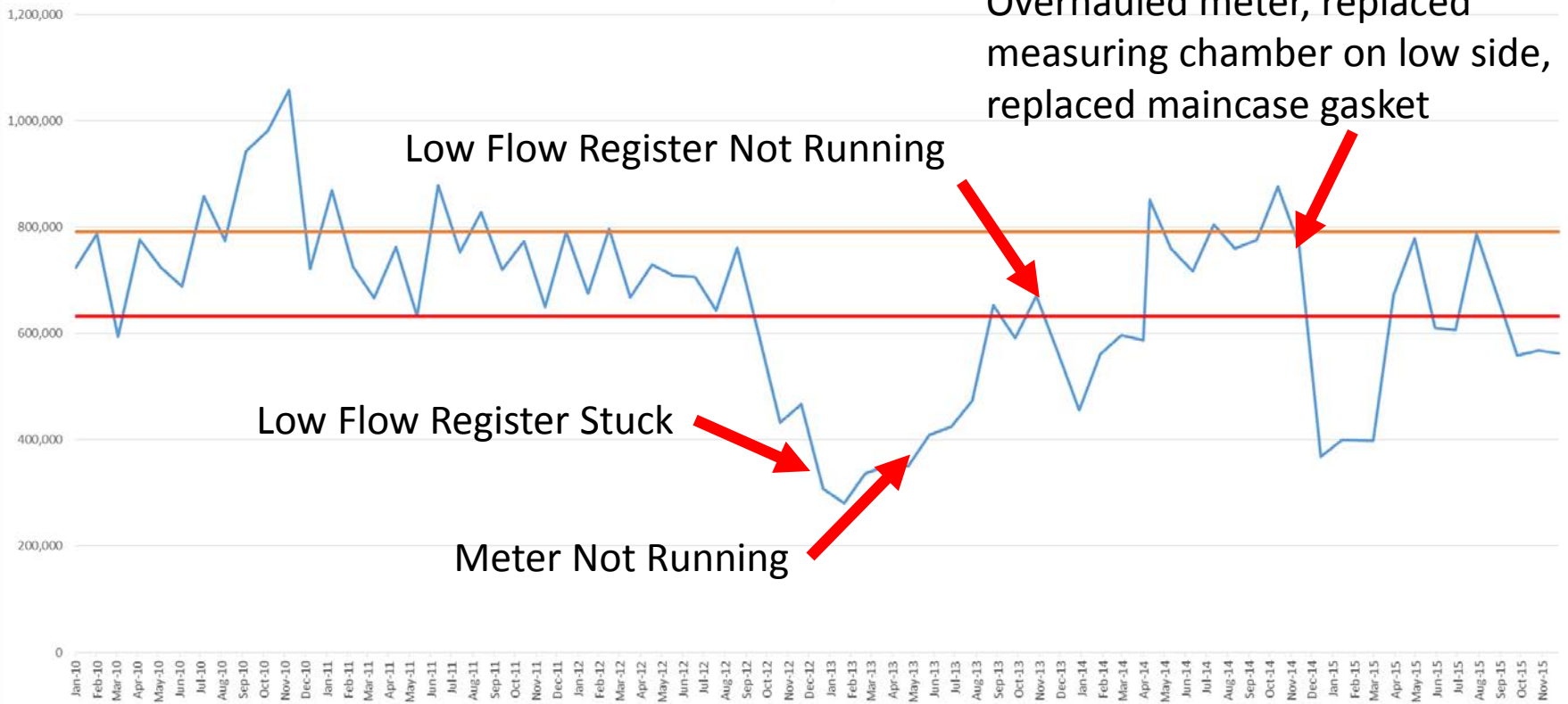
# Meter Malfunctions Noted

Forest Point Monthly Gallons



# Meter Overhauled

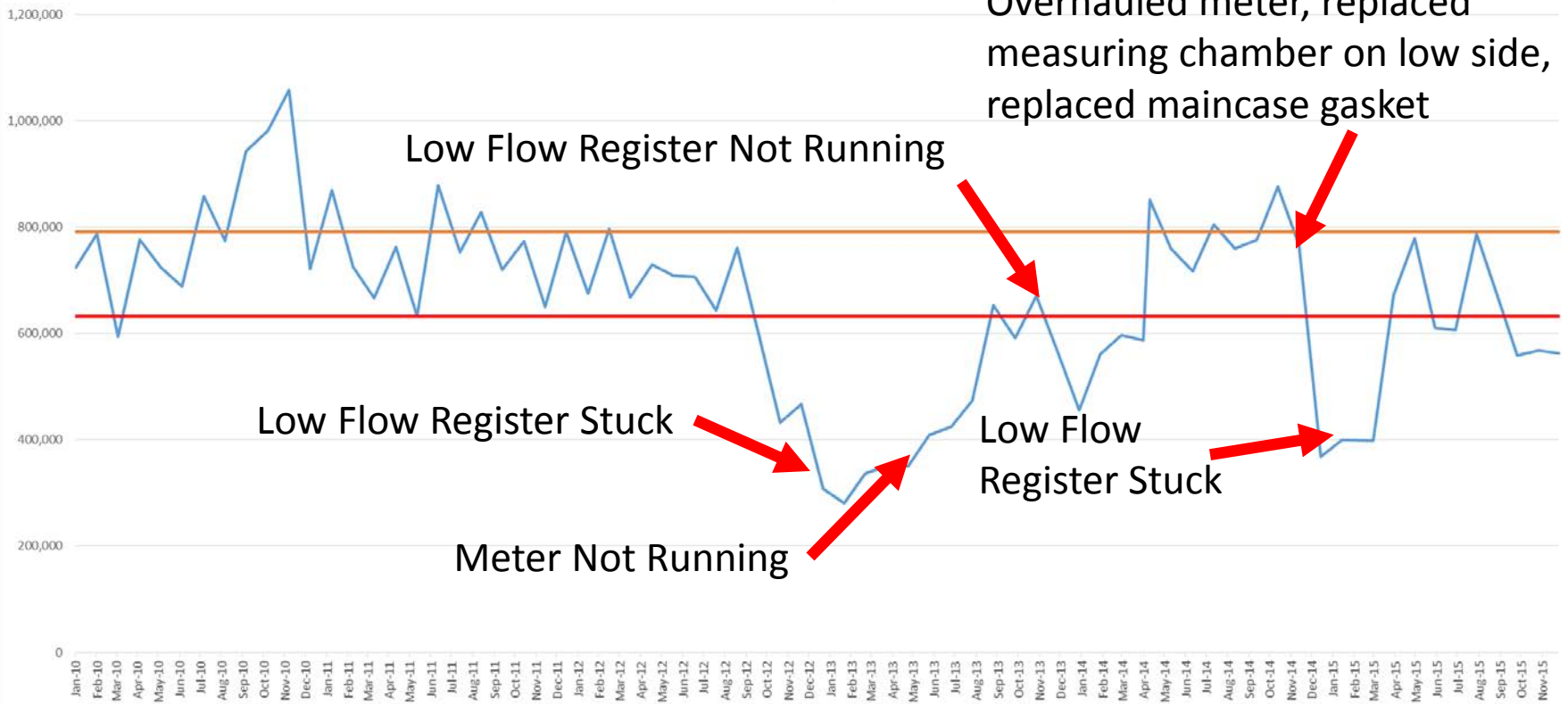
Forest Point Monthly Gallons





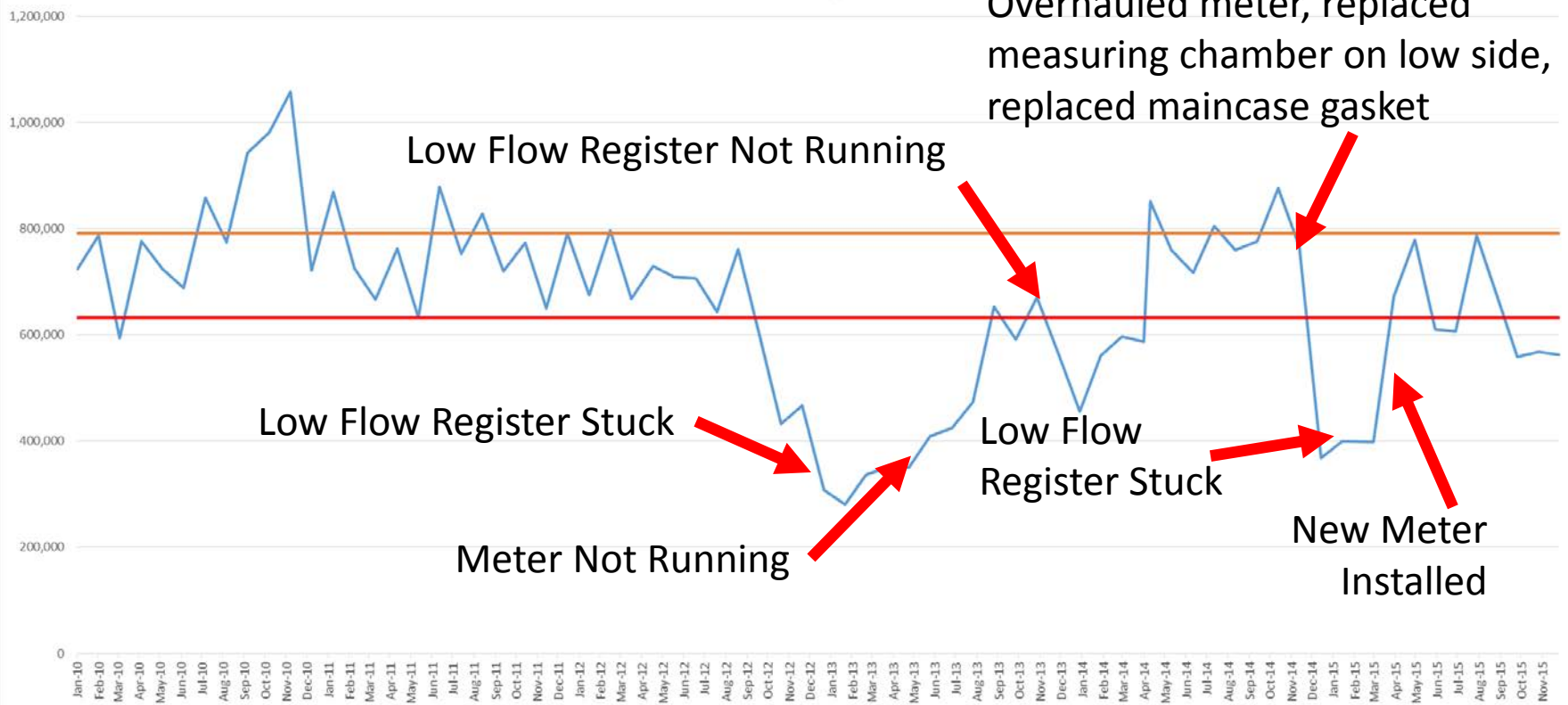
# Meter Malfunction Noted

Forest Point Monthly Gallons



# Meter Replaced

Forest Point Monthly Gallons



# Meter Replaced 20 FEB 15

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

# Average Consumption After Installation of New Meter

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

# Apply the 204 Gallons per Unit per Day Average

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

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

# Adjust for Full Occupancy

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

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

# Total Gallons Metered

## JAN 10 – FEB 15

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

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

# What about non-domestic water use?

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



# Pool Evaporation

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

# Findings

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

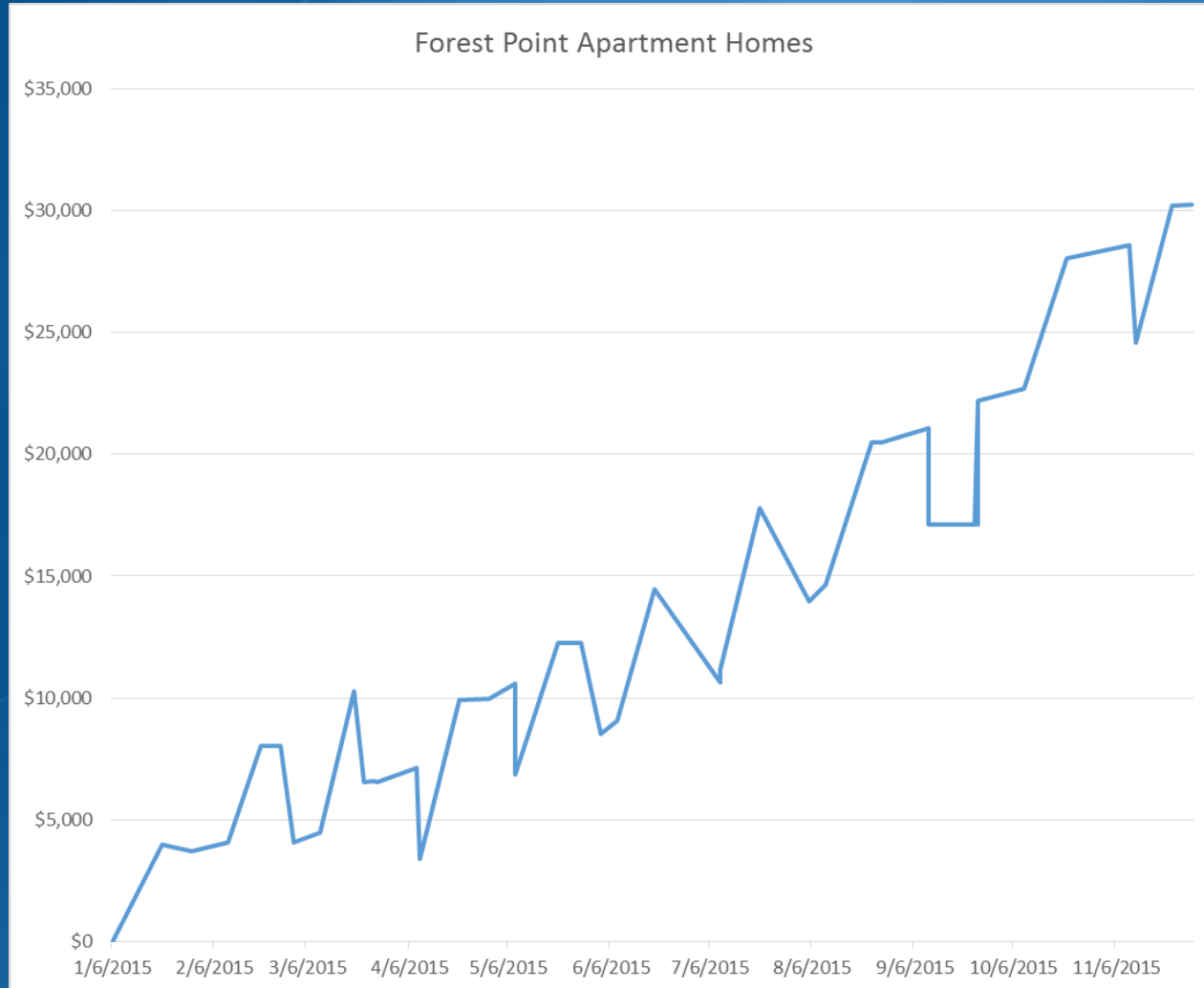
# Findings (con't)

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

# Findings (con't)

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

# Forest Point Account Balance



# Recommendation

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

# Recommendation Con't

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

# Recommendation Con't

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



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

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

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

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

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

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

# Response to Resolution No. 2015-140



# Resolution

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





# TWU's Tru-Flow slide

## TRU/FLO COMPOUND METER

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



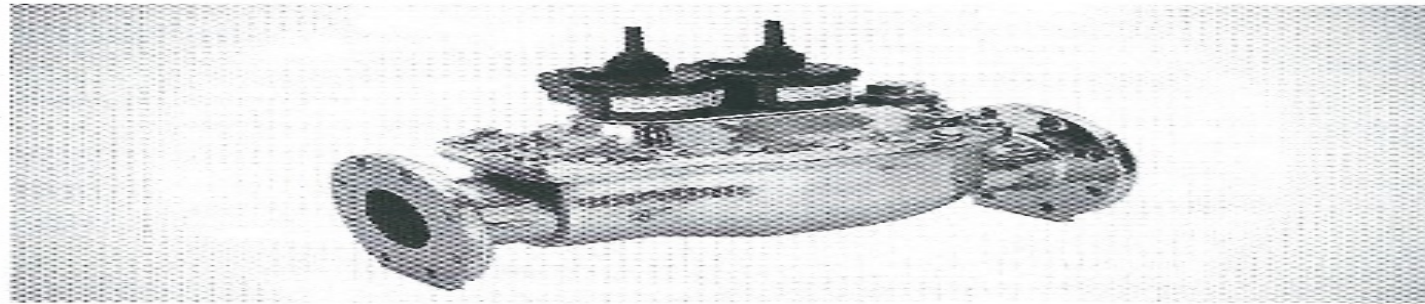
# Water Meter Specs from Manufacturer's Website



Home (/) | Water Meters (/Water-Meters/) |  
Commercial/Industrial (/Water-Meters/Commercial-Industrial/)

## TRU/FLO® COMPOUND METER

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



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

### Key Features

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



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







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



# TWU Slide

## Usage Compared to Other Complexes

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

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

1-6-15

Hey Honey,

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

Pa



Bill

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

Hi Bill,

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

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

Thank you,

Claire



# HUD Guidelines Presentation by TWU

## The customer states that they have been overcharged by TWU

5.4.d

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

## Metered Water Exceeds HUD Guidelines

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



# HUD Guidelines Presentation by TWU (Part 2)

5.4.d

## HUD Utilities Guidebook for Public Housing Authorities

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

## Metered Water Exceeds HUD Guidelines

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

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

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



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

## HUD Allowances for Water

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

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

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

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

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

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

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

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

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

Thank you,

Claire Jaynes

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

5.4.d

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

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





5:20 PM  
05/27/15  
Accrual Basis

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

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

5.4.d

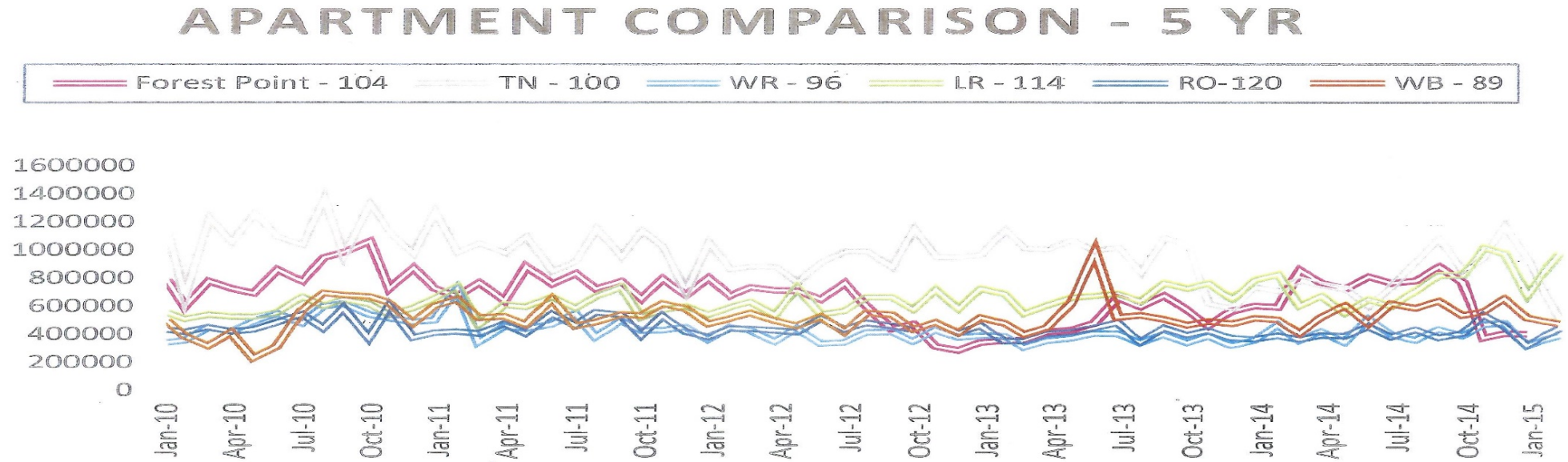
Attachment: 2015-140 ATTH 03 Forest Point Management Response to Staff Presentation

# Presented to TWU on 3/10/2015

## Market Survey Water

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

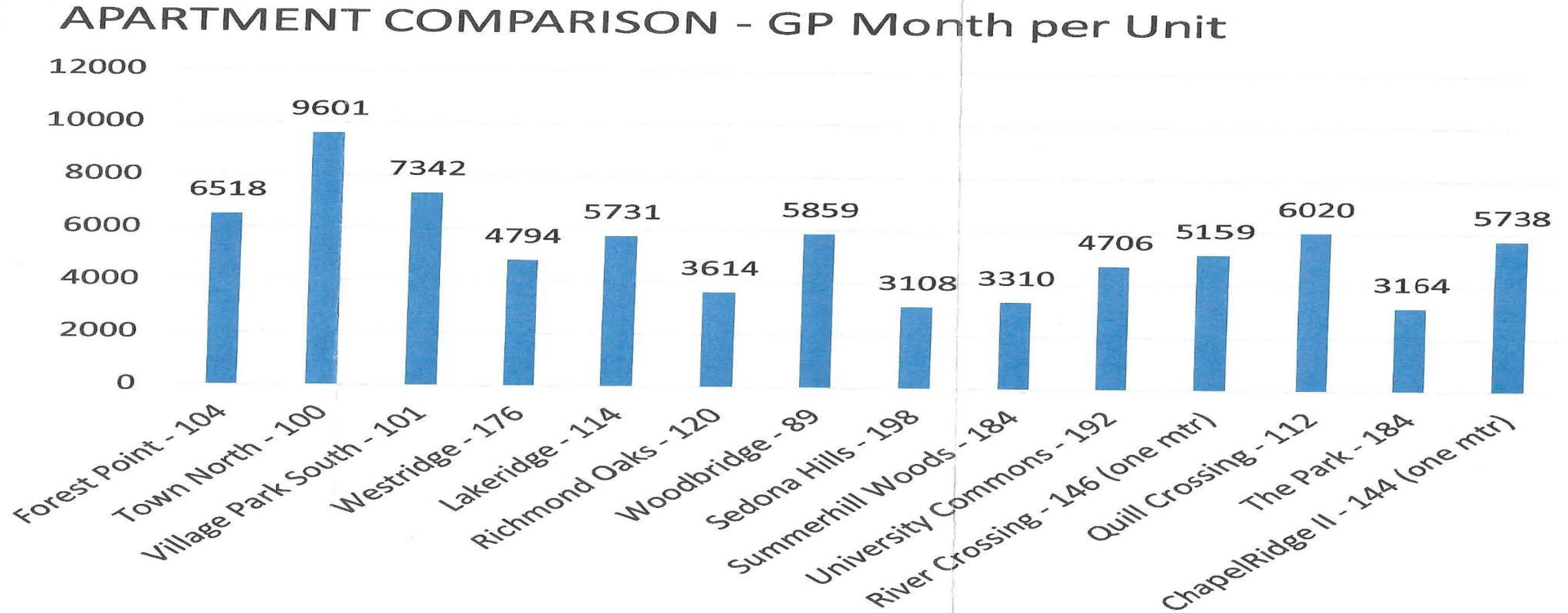
Presented by TWU at meeting of 3/10/15



*higher  
lower  
are assisted  
living fac*



# 5-Year Comparison Provided by TWU



# Timeline

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

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

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

T

T  
S  
W

### **Chronological History**

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

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

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

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

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

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

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

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

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



## Chronological History

### Page two

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

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

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

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

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

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

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

## Chronological History

Page 3

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

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

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

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

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

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



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

Sincerely,  
Tommy L. Jones

2/19/09

Electronic  
meter  
Reader

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

3/3/09

Follow up call

low duty register  
moving all time  
will email meter reading  
to me tomorrow 3/4  
Spoke w Bill King

10th of month

## Record of meeting / conversation

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

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

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

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

*Ronald Jay*  
Ronald Jay



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

## Forest Point Apartment Homes - Part 1

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

8 attachments

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

Dear Mr. Whitson,

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for your consideration,

Claire Jaynes  
Forest Point Apartment Homes

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

August 24, 2015

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

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

September 2015

Received two bills with two different totals



# Texarkana Water Utilities

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

(903) 798-3800 Phone

(903) 791-0724 Fax

5.4.d

## TEXAS

Customer Name:  
FOREST POINT APT HOMES

Service Address:  
2605 KENNEDY LN

Account #:  
03918120-05

Bill Date:  
09/25/15

Type:  
TX APARTMENTS >=8

# Of Units:  
104

Customer #:  
00059817

Due Date:  
10/09/15

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

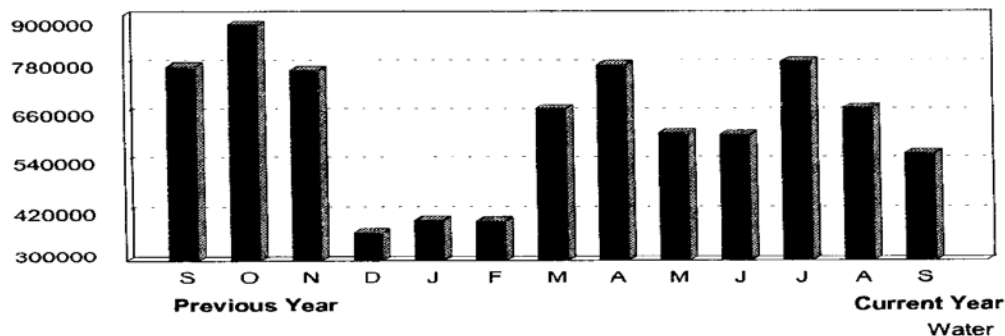
## CURRENT METER INFORMATION

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

558900  
V# 14302 \$4,000.00

actual 400,800

## USAGE BY BILL DATE



## NEW CHARGES

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

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

TOTAL NEW CHARGES

5,055.86

Packet Pg. 202

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





# Texarkana Water Utilities

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

(903) 798-3800 Phone

(903) 791-0724 Fax

5.4.d

## TEXAS

Customer Name:  
FOREST POINT APT HOMES

Service Address:  
2605 KENNEDY LN

Account #:  
03918120-05

Bill Date:  
09/25/15

Type:  
TX APARTMENTS >=8

# Of Units:  
104

Customer #:  
00059817

Due Date:  
10/09/15

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

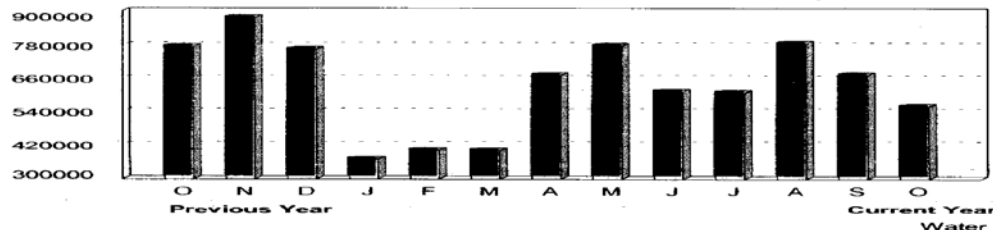
## CURRENT METER INFORMATION

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

*nothing paid*

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

## USAGE BY BILL DATE



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

## NEW CHARGES

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

**TOTAL NEW CHARGES** 5,055.86

## Texarkana Water Utilities

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

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

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

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

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

## ACCOUNT INFORMATION

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

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

Account Balance: 22,690.38

Amount Enclosed:

01 03918120 05 000224

Packet Pg. 203





[HOME](#)   [RESIDENT LOGIN](#)   [MANAGER LOGIN](#)   [CONTACT](#)

[People](#)   [Billing Services](#)   [Technology](#)   [Software](#)   [System Design](#)   [Maintenance](#)

Technology

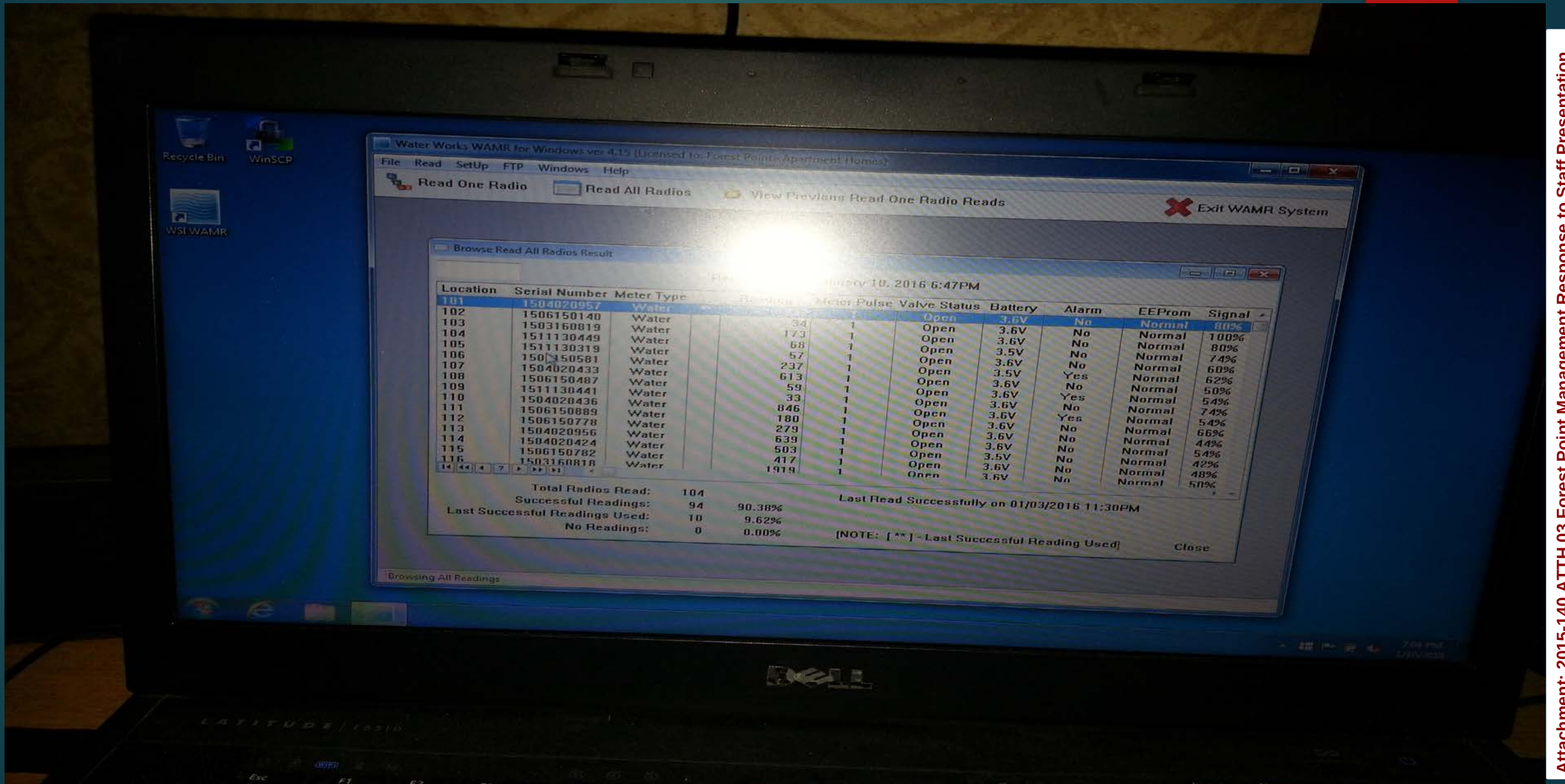
Industrial Quality Components - Rugged components tested in environments far tougher than that of your property. All NEMA-4 environmental protection packaging of electronics.

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

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

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

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



SUMMARY TO DATE

7/14/15-8/14/2015

|                |               |            |               |
|----------------|---------------|------------|---------------|
|                | Gallons       |            |               |
| 200 Apartments | 131495        |            |               |
| 100 Apartments | 135277        |            |               |
| Laundry        | 19840         |            |               |
| Pool           | 20800         |            |               |
| USED           | <u>307412</u> | BILLED FOR | <u>673700</u> |

8/15/15-9/14/2015

|                |               |            |               |
|----------------|---------------|------------|---------------|
| 200 Apartments | 170857        |            |               |
| 100 Apartments | 182161        |            |               |
| Laundry        | 23360         |            |               |
| Pool           | 14130         |            |               |
| USED           | <u>390508</u> | BILLED FOR | <u>558900</u> |

9/15/15-10/14/15

|                |               |            |               |
|----------------|---------------|------------|---------------|
| 200 Apartments | 179873        |            |               |
| 100 Apartments | 168276        |            |               |
| Laundry        | 17240         |            |               |
| Pool           | 13280         |            |               |
| USED           | <u>378669</u> | BILLED FOR | <u>568800</u> |

10/15/15-11/15/15

|                |               |            |               |
|----------------|---------------|------------|---------------|
| 200 Apartments | 188362        |            |               |
| 100 Apartments | 171642        |            |               |
| Laundry        | 9200          |            |               |
| Pool           | 5170          |            |               |
| USED           | <u>374374</u> | BILLED FOR | <u>562800</u> |

11/16/15-12/24/15

|                |               |            |                |
|----------------|---------------|------------|----------------|
| 200 Apartments | 193944        |            |                |
| 100 Apartments | 180168        |            |                |
| Laundry        | 13480         |            |                |
| Pool           | 4480          |            |                |
| USED           | <u>392072</u> | BILLED FOR | <u>412,500</u> |



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

“HE SAID – SHE SAID”



## CLOSING THOUGHTS FOR THE COUNCIL

### WHY????

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

### WHY IS FOREST POINT APARTMENT HOMES BEING TREATED UNFAIRLY?



# PROPOSAL

Here are the numbers again:

\$590,879.69 amount paid to TWU since 2008

\$249,000.00 amount should've been paid

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

Rather than having a protracted legal confrontation:

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



# *Forest Point Apartment Homes*

# Forest Point Apartment Complex Utility Billing Dispute

Texarkana City Council Meeting  
January 24, 2015

# Forest Point Questions and Comments to City Council

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



# Forest Point Questions and Comments to City Council

- City ordinances that were produced are inaccurate applications due to malfunctioning equipment?
  - City Code Section 42-46 entitled “Failure of meter to register correctly” is the applicable code which states, “Should any meter fail to register correctly the amount of water used by customers since the previous reading, the water and sewer systems shall have the right to determine the amount due by making a charge for the water based on an average of the basis of any three previous months.”

# Forest Point Questions and Comments to City Council

- Why is the name being changed on the bill?



# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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



## Texarkana Water Utilities

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

(903) 798-3800 Phone

(903) 791-0724 Fax

*orig*

### TEXAS

Customer Name:  
FOREST POINT APT HOMES

Service Address:  
2605 KENNEDY LN

Account #:  
03918120-05

Bill Date:  
09/25/15

Type:  
TX APARTMENTS >=8

# Of Units:  
104

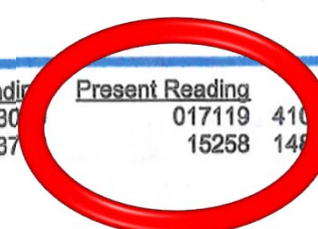
Customer #:  
00059817

Due Date:  
10/09/15

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

### CURRENT METER INFORMATION

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







## Texarkana Water Utilities

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

(903) 798-3800 Phone

(903) 791-0724 Fax

*Corr*

### TEXAS

Customer Name:  
FOREST POINT APT HOMES

Service Address:  
2605 KENNEDY LN

Account #:  
03918120-05

Bill Date:  
09/25/15

Type:  
TX APARTMENTS >=8

# Of Units:  
104

Customer #:  
00059817

Due Date:  
10/09/15

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

### CURRENT METER INFORMATION

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



#### SPECIAL MESSAGES

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

#### IMPORTANT PAYMENT INFORMATION

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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

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

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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



## TRU/FLO® COMPOUND METER

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



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

### Key Features

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

### Combined Turbine and Disc Measuring Elements

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

### Compact Maincase

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

## TRU/FLO® COMPOUND METER

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



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

### Key Features

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

### Combined Turbine and Disc Measuring Elements

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

### Compact Maincase

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



## TRU/FLO® COMPOUND METER

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



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

### Key Features

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

### Combined Turbine and Disc Measuring Elements

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

### Compact Maincase

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

## TRU/FLO® COMPOUND METER

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



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

### Key Features

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

### Combined Turbine and Disc Measuring Elements

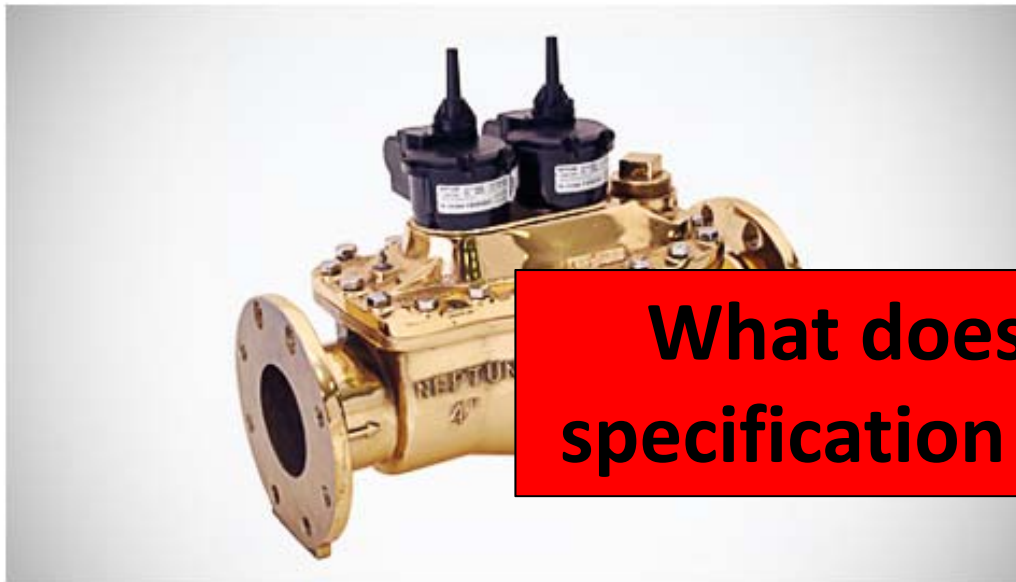
- Industry-leading flow ranges at 98.5%–101.5% accuracy ensure maximum revenue
- Direct coupling of rotor to gear train ensures accurate registration
- Unitized Measuring Element (UME) makes maintenance easier and faster with less downtime
- Calibration vane allows in-line service to extend life and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

### Compact Maincase

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

## TRU/FLO® COMPOUND METER

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



**What does this specification mean?**

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

### Key Features

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

### Combined Turbine and Disc Measuring Elements

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

### Compact Maincase

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



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

- Look at the rated capacity of the meter



## OPERATING CHARACTERISTICS

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

## OPERATING CHARACTERISTICS

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

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

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

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

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

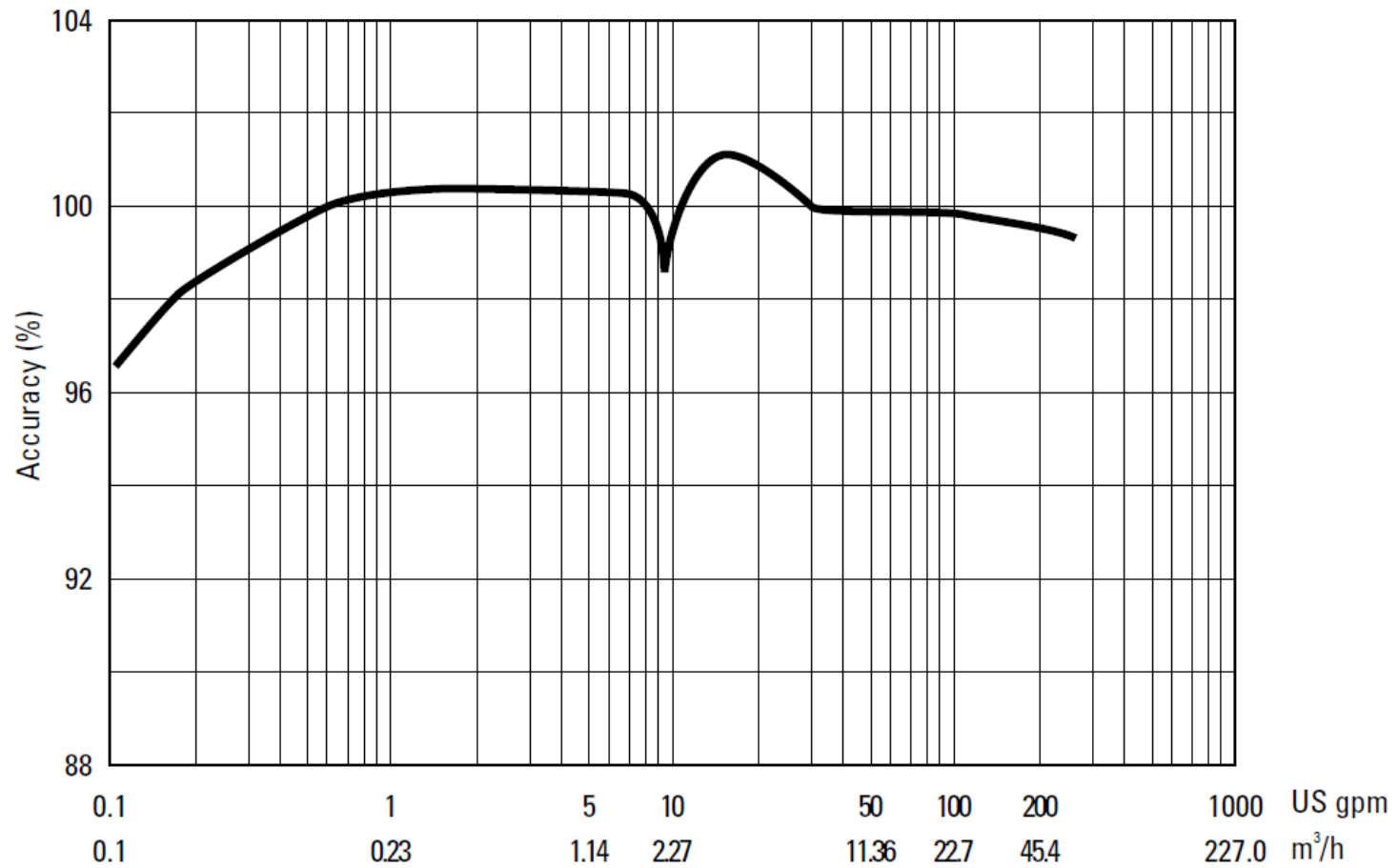
What does “maximum continuous flow rates may be exceeded by as much as 25% for intermittent periods” mean?

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

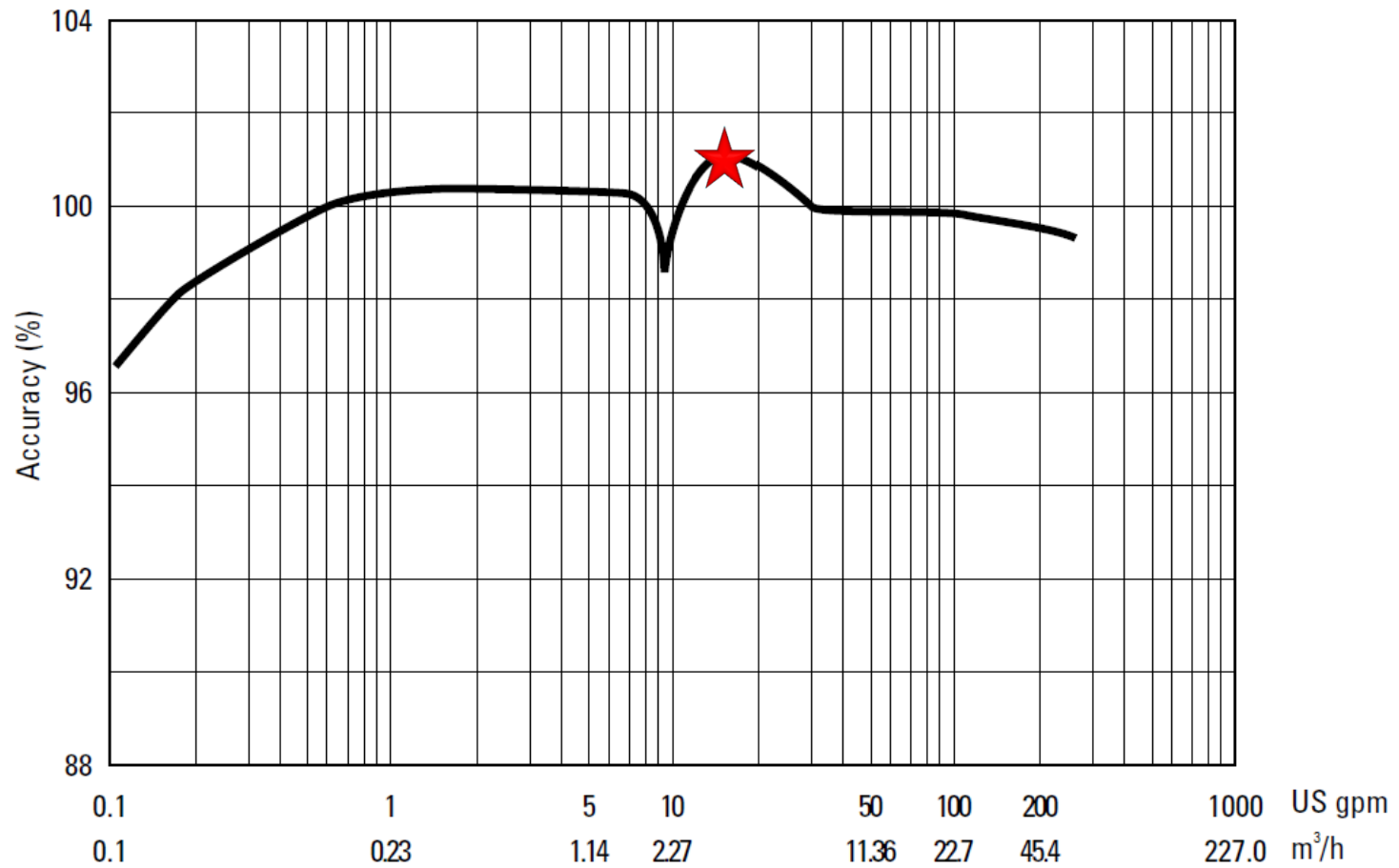


| Item                                    | Factor | Gallons   |
|-----------------------------------------|--------|-----------|
| Max flow rate per minute                | 200    | 200       |
| Hour                                    | 60     | 12,000    |
| Day                                   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

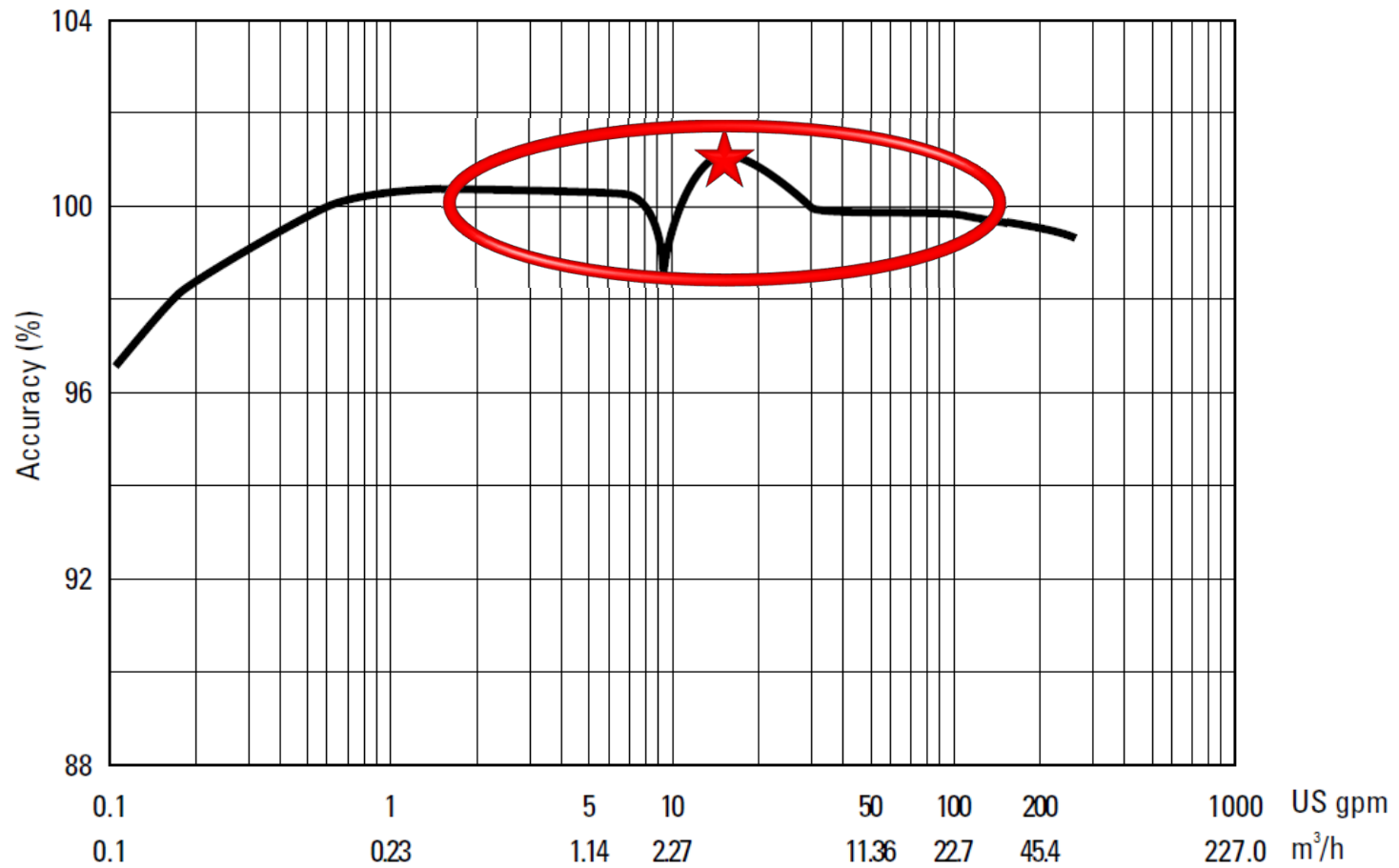
# 2" ACCURACY



# 2" ACCURACY



## 2" ACCURACY



# Forest Point Questions and Comments to City Council

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



# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

- Why has the meter been changed five times?

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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



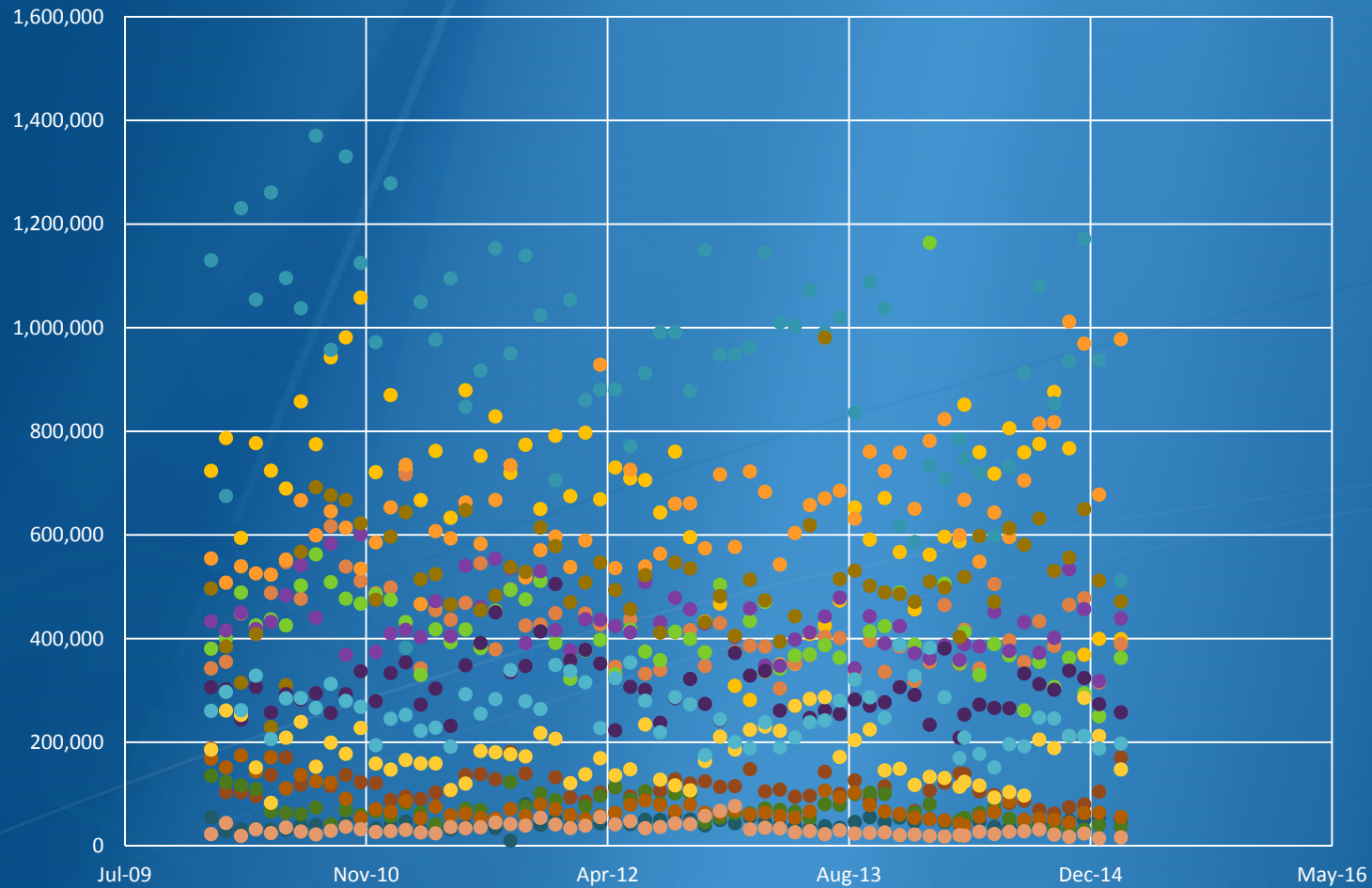
# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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

## Monthly Water Usage



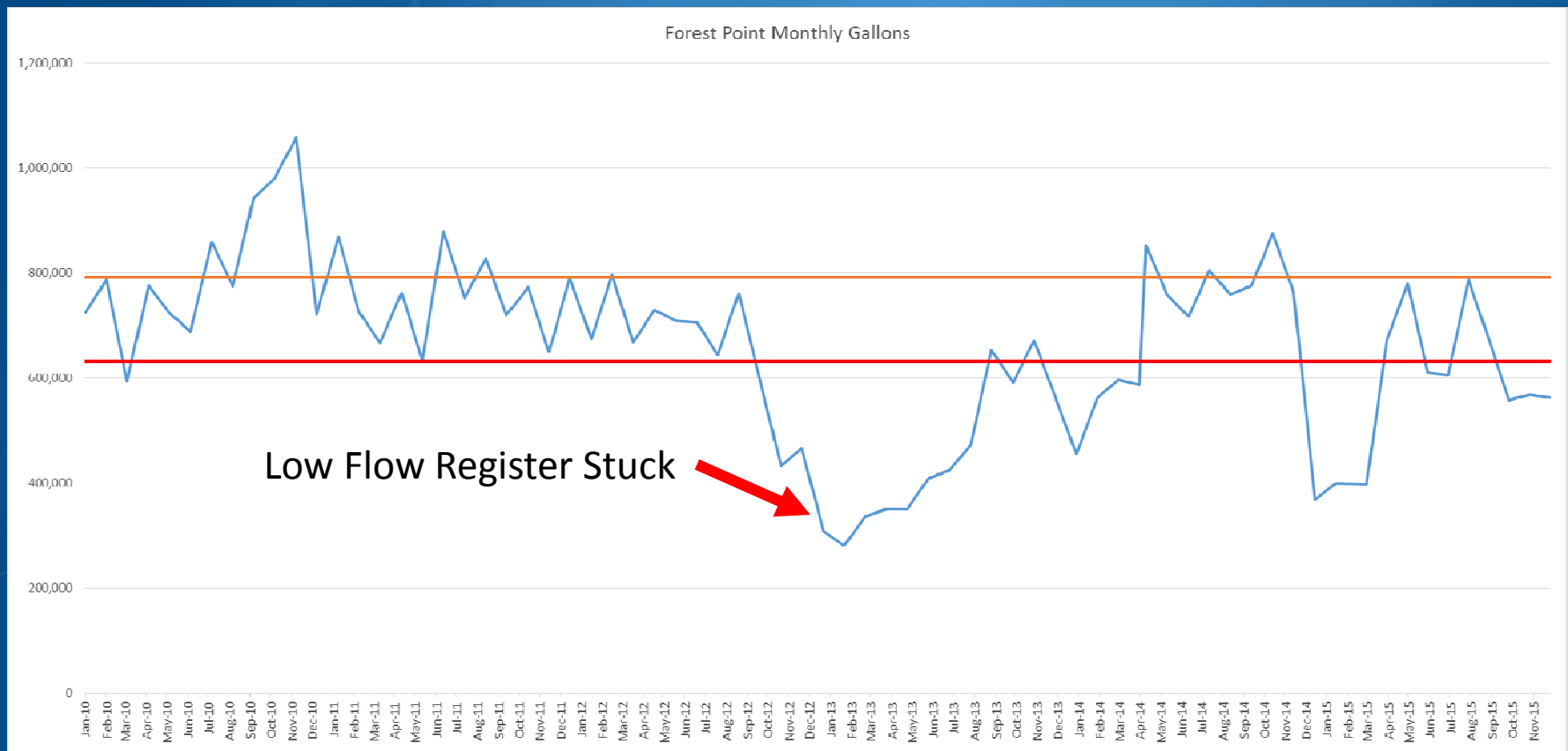
- Forest Point
- Town North
- Westridge (1)
- Westridge (2)
- Lakeridge
- Richmond Oaks
- HATT: Woodbridge
- LaCasa
- Brentwood (1)
- Brentwood (2)
- Brookhaven
- Georgia Manor
- Forest Green
- Hillside VLG
- Oak Street (1)

915 Data Points

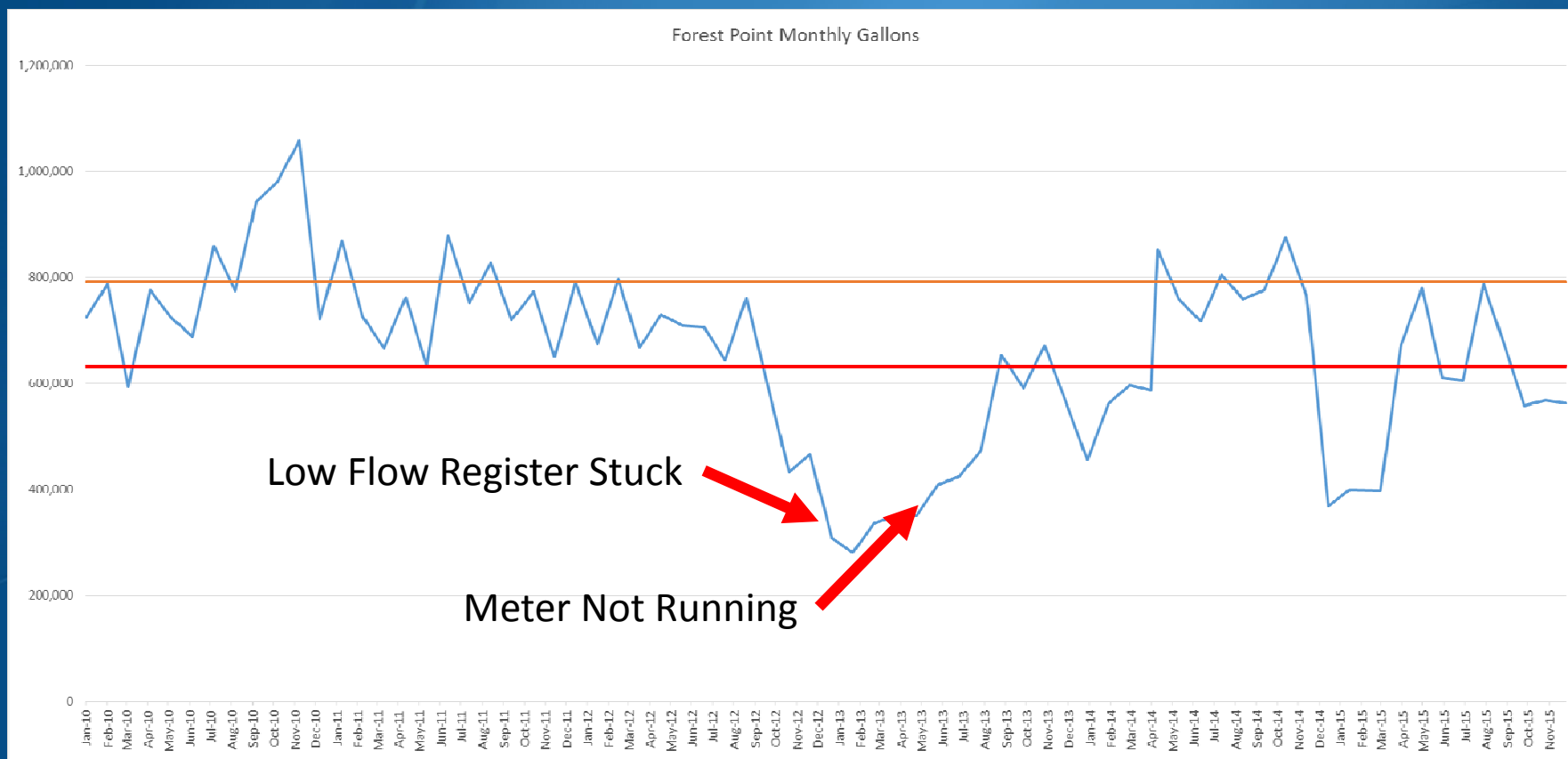
# Forest Point Questions and Comments to City Council

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

# Meter Malfunctions Noted

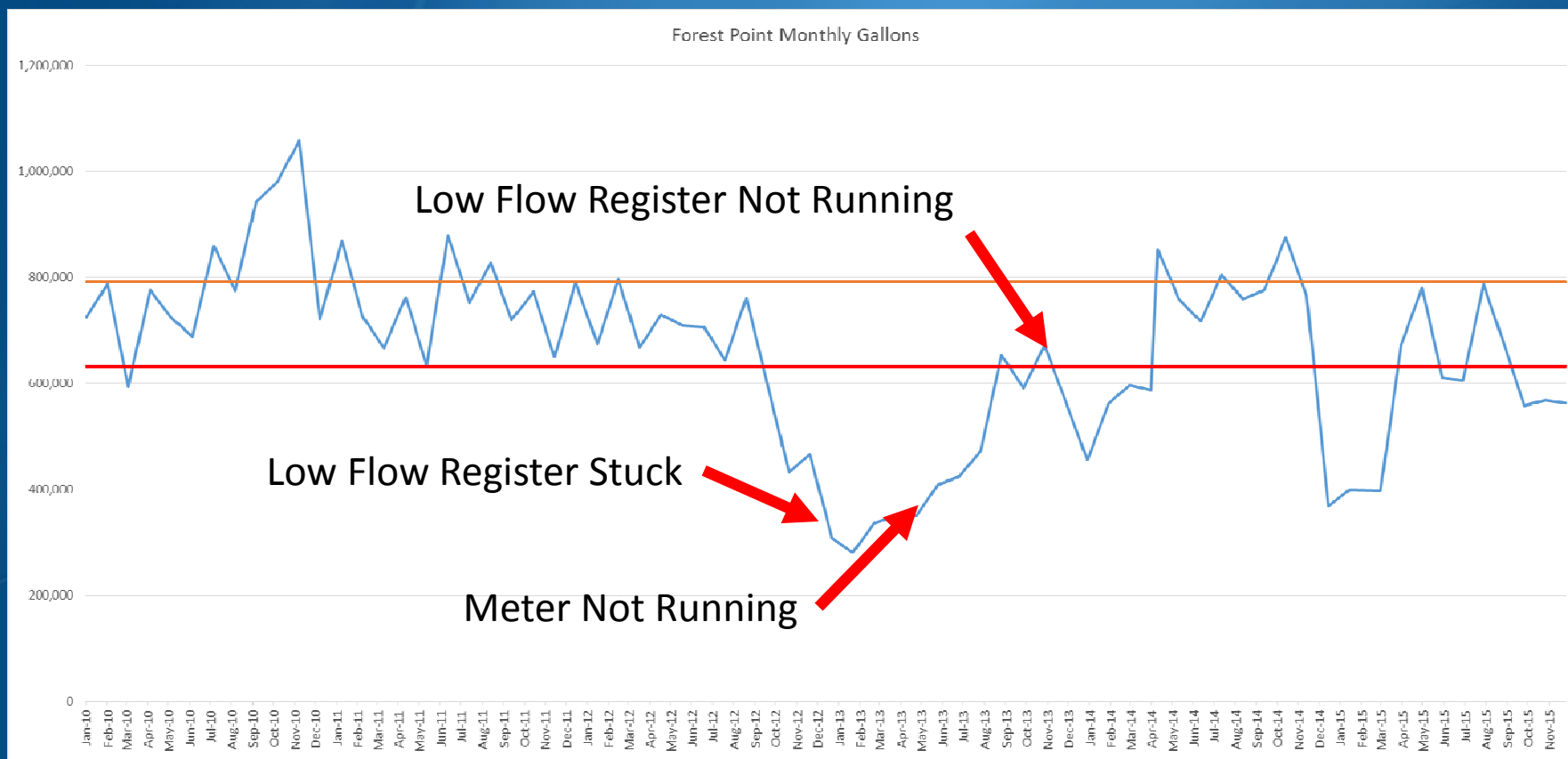


# Meter Malfunctions Noted

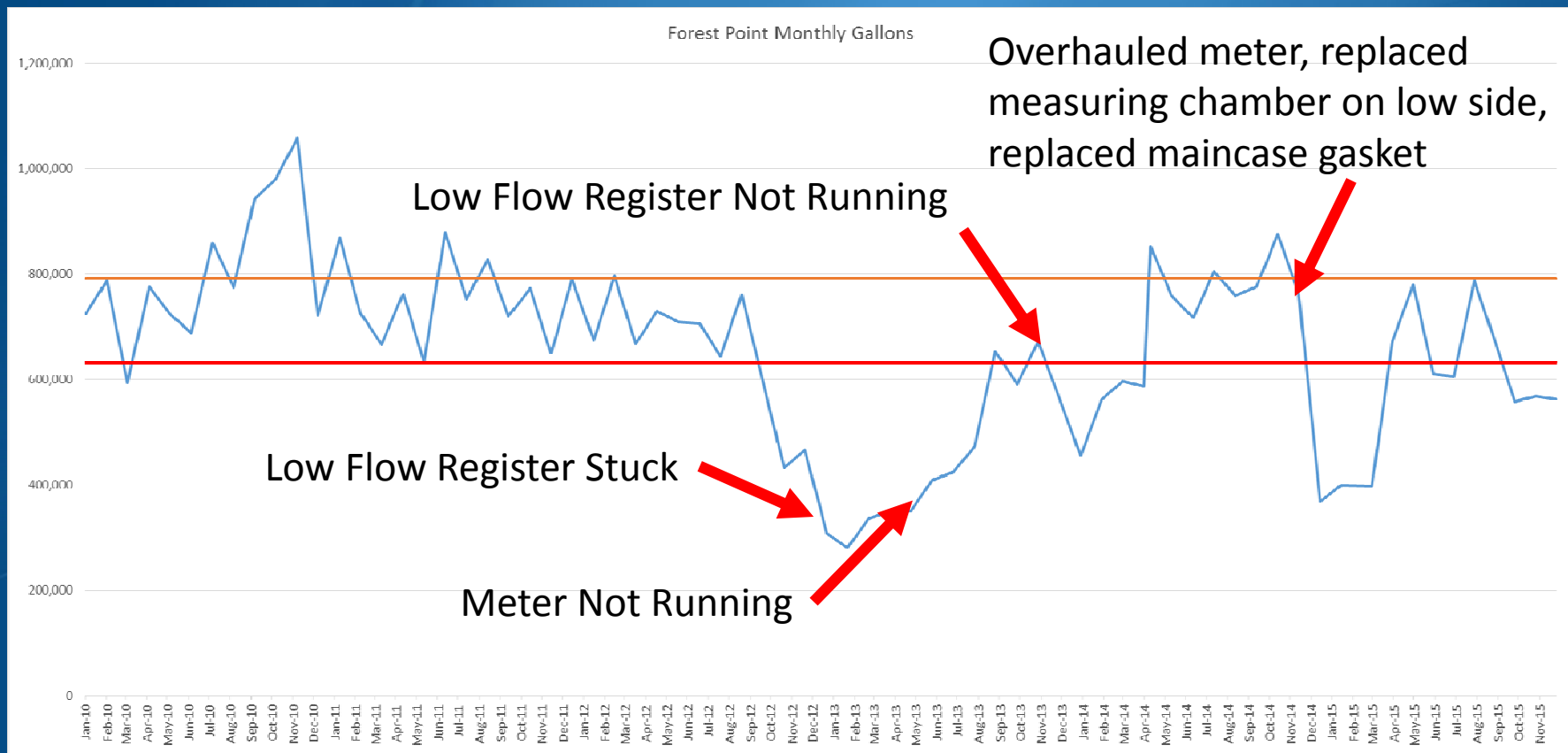




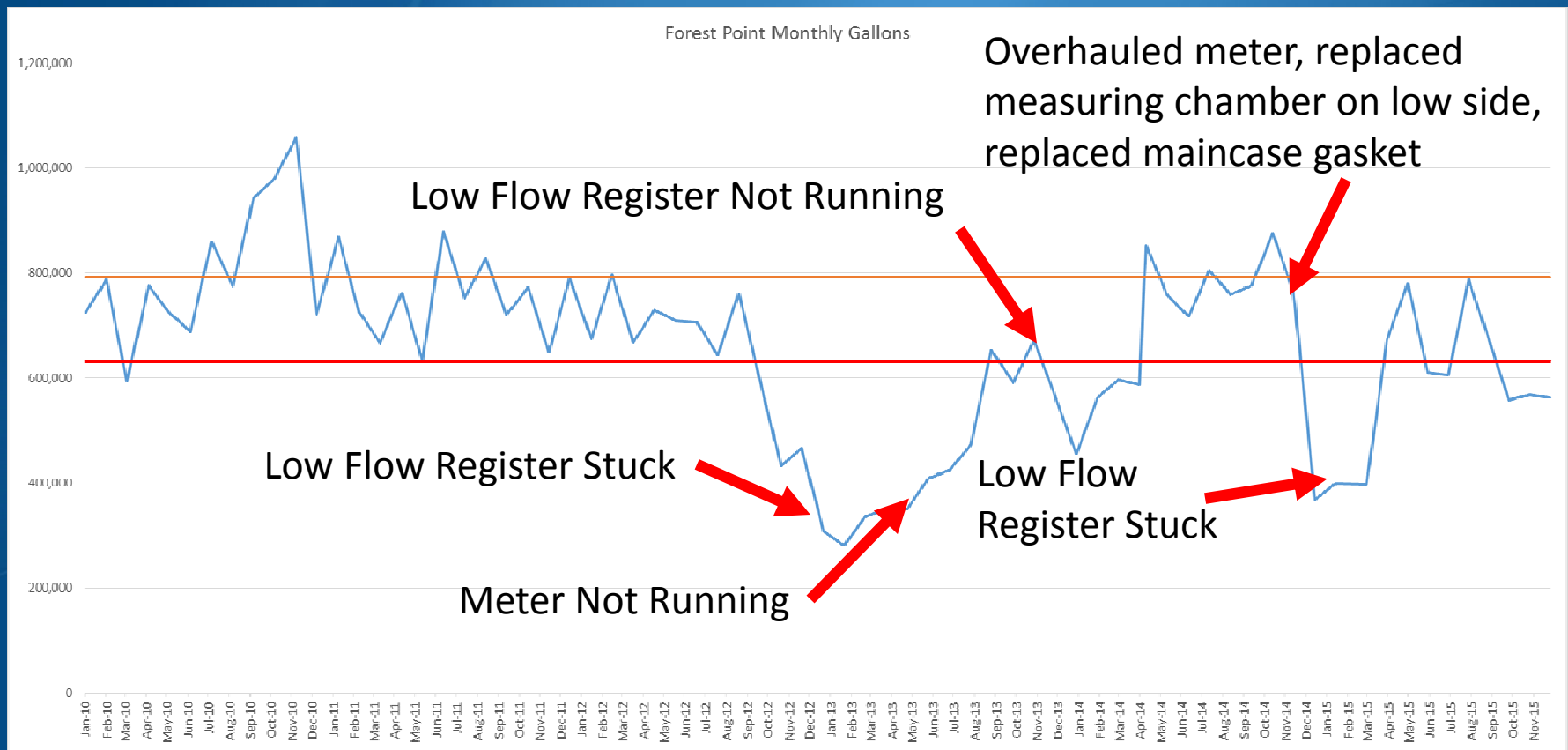
# Meter Malfunctions Noted



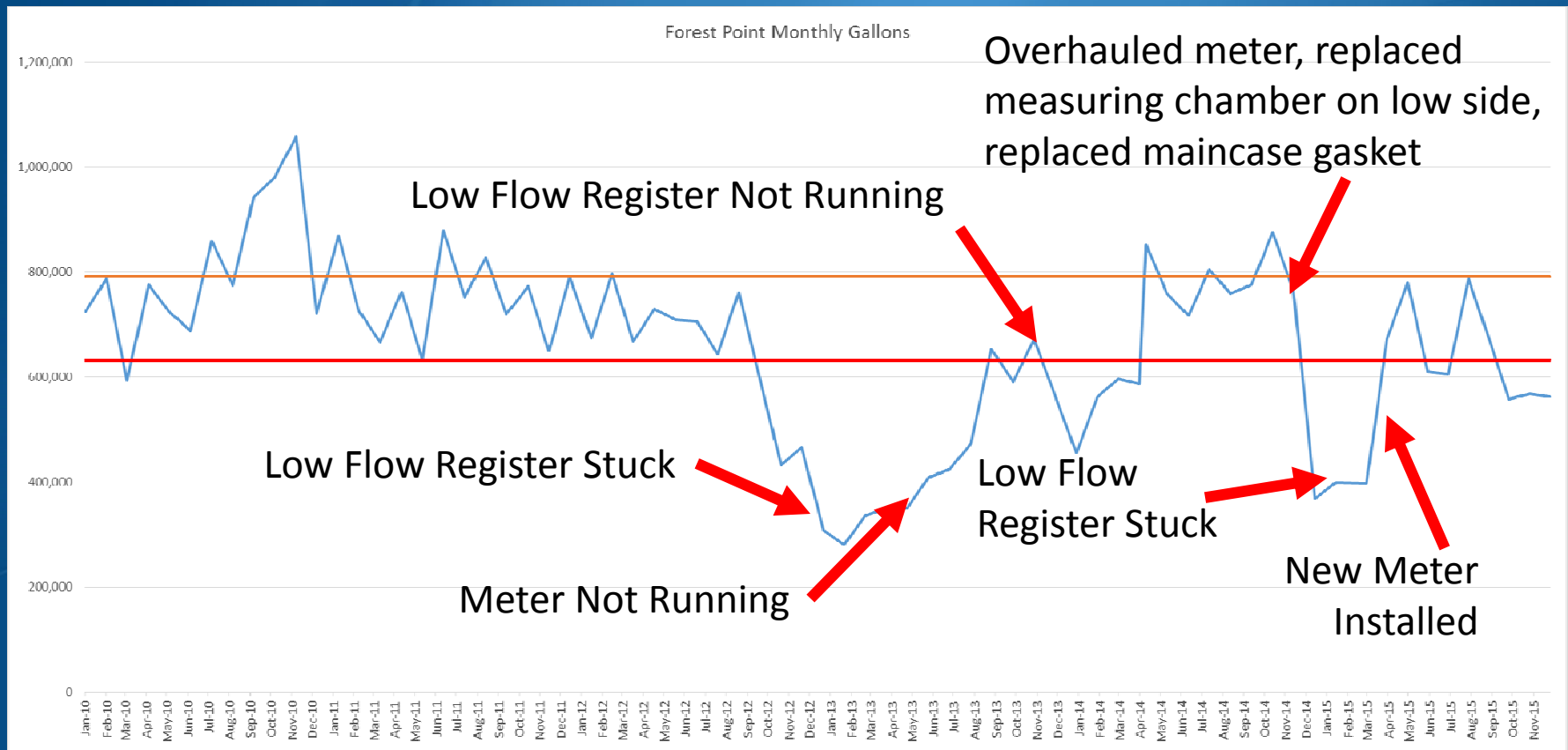
# Meter Overhauled



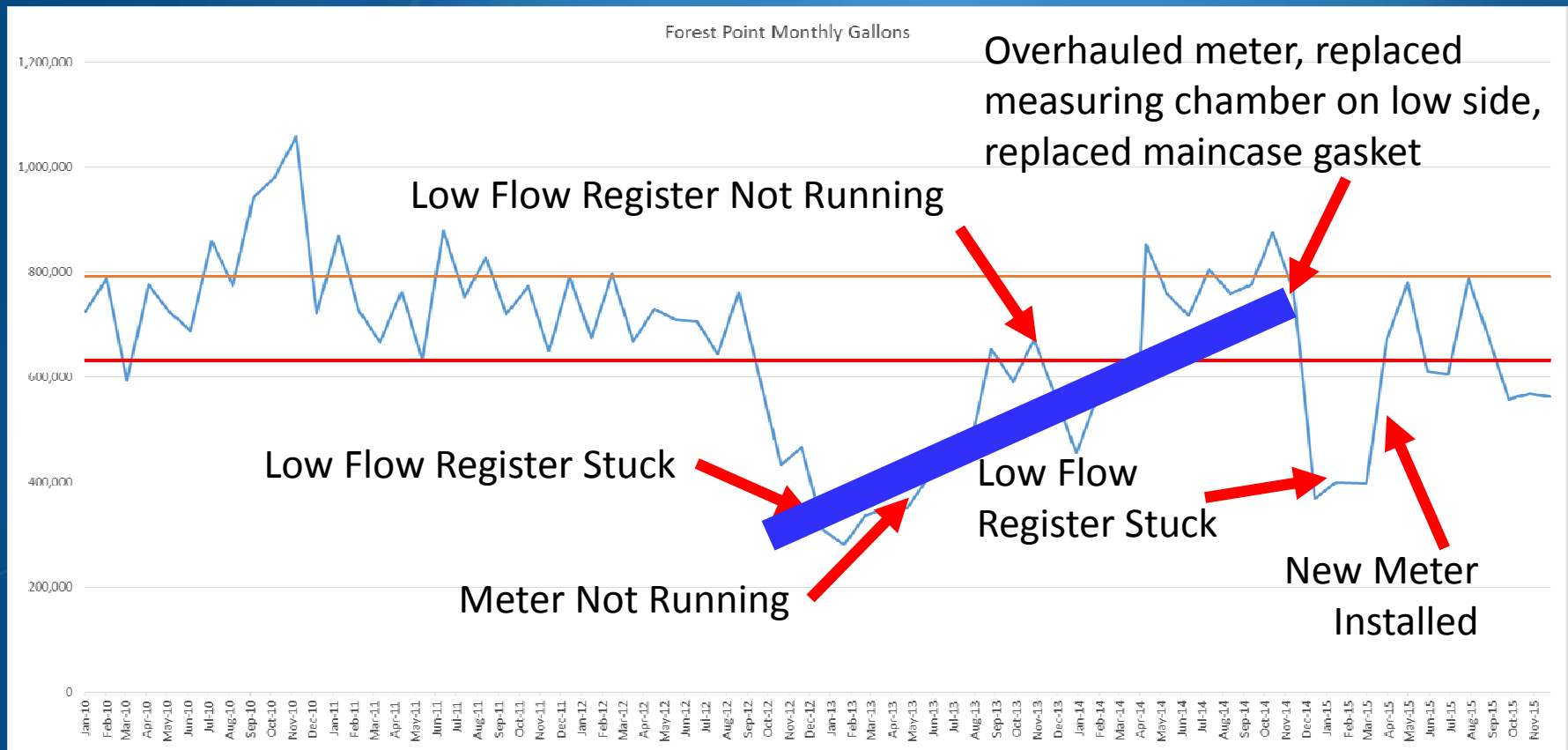
# Meter Malfunction Noted



# Meter Replaced



# Meter Replaced

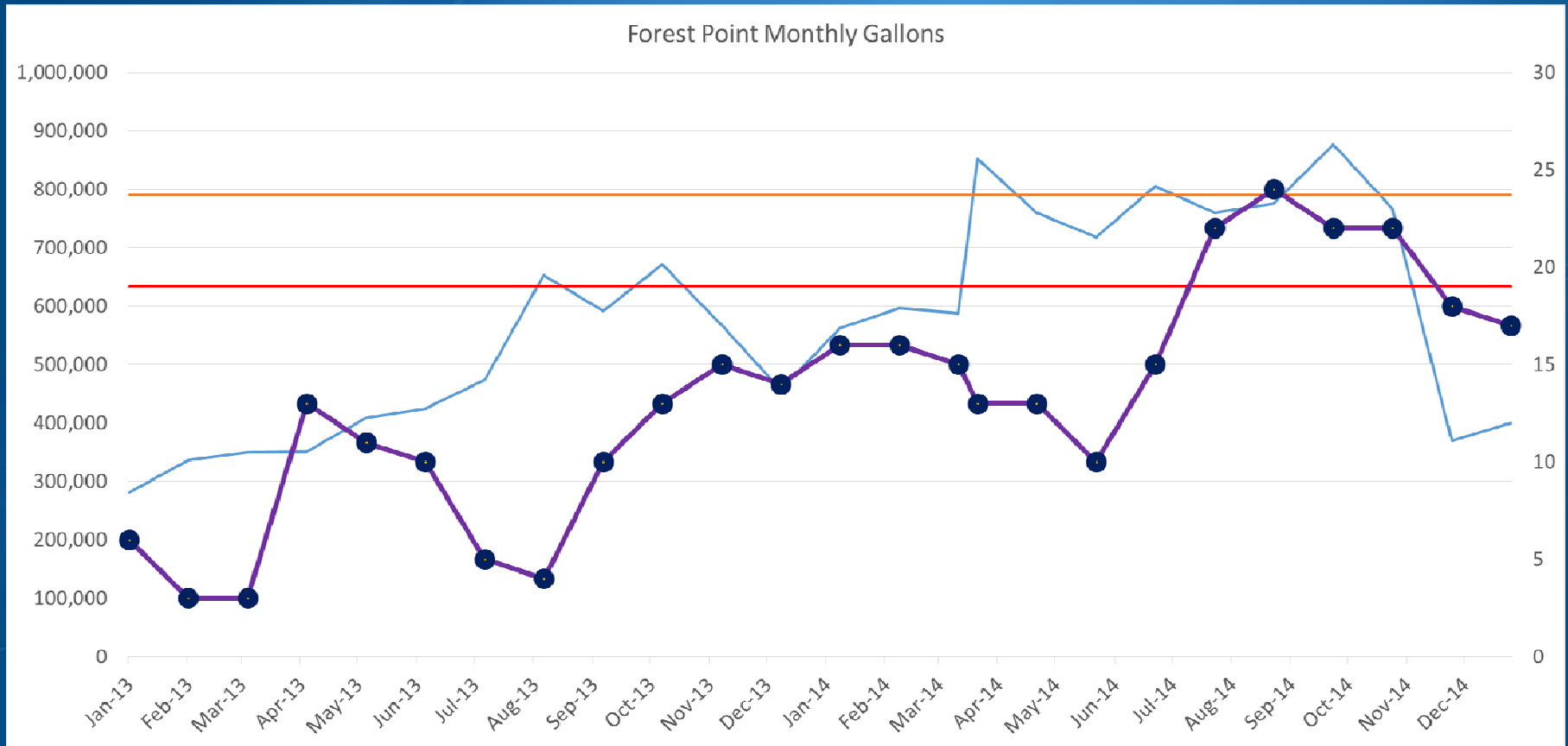


# Forest Point Questions and Comments to City Council

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



# Water Usage vs Vacancies



# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

- Why is Forest Point Apartment Homes being treated unfairly?

# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

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



# Forest Point Questions and Comments to City Council

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

# Forest Point Questions and Comments to City Council

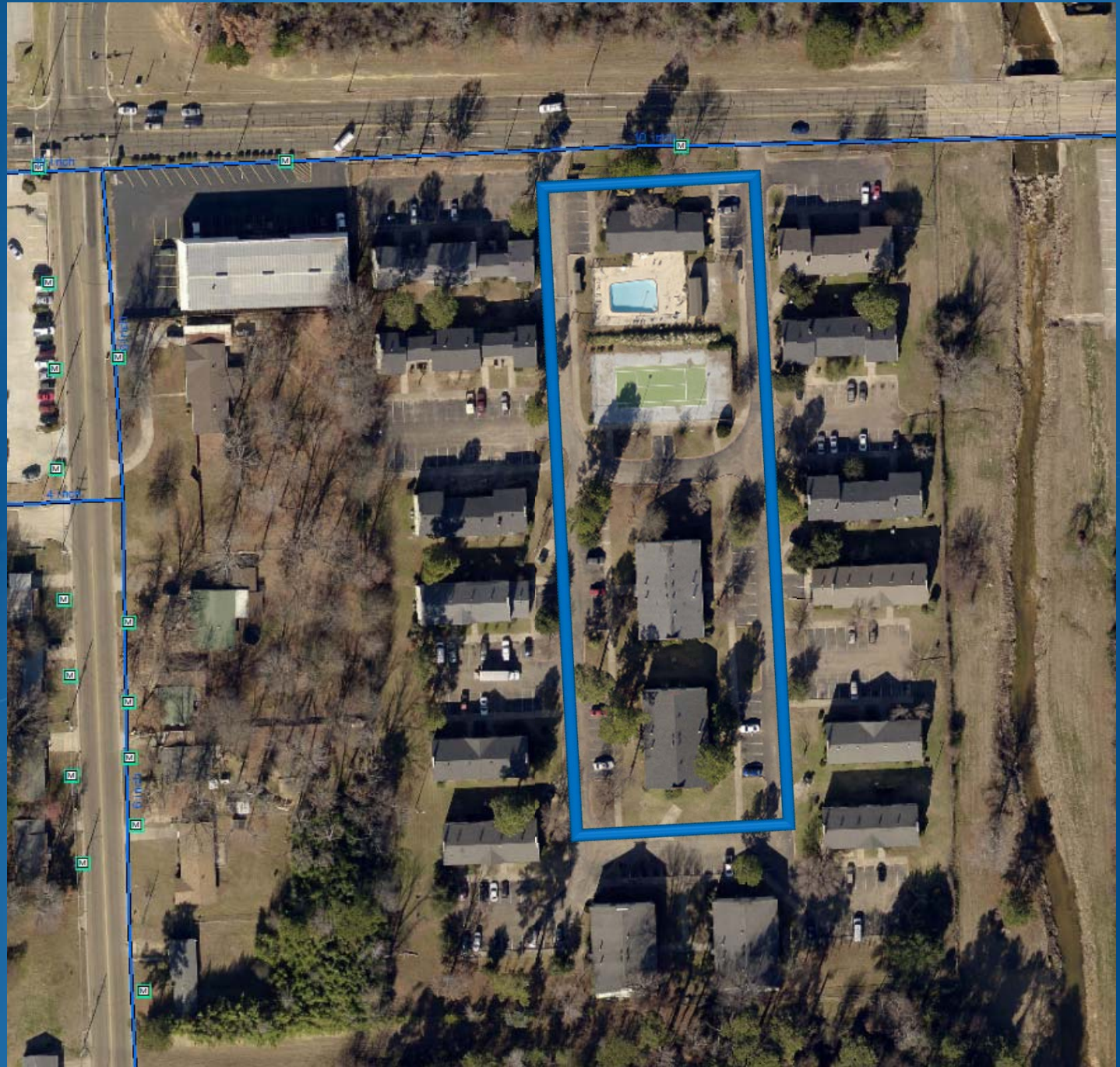
- Believes that there is unjust enrichment and malfeasance by TWU's public officials.

# Forest Point Questions and Comments to City Council

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



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







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



|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|----|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| J2 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

| Gallons Usage by Apartment Complex.xlsx - Excel                          |                 |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |              |   |
|--------------------------------------------------------------------------|-----------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|--------------|---|
| FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW DEVELOPER ACROBAT |                 |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |              |   |
| Clipboard Font Alignment Number Styles Cells Editing                     |                 |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |              |   |
| CL4 : X ✓ fx =SUM(B4:CK4)                                                |                 |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |              |   |
|                                                                          | A               | B             | C             | D             | E             | F             | G             | H             | I             | J             | K             | L             | M             | N             | O             | P             | Q             | R            | A |
| 1                                                                        |                 | Arista (1011) | Arista (1012) | Arista (1013) | Arista (1014) | Arista (1015) | Arista (1016) | Arista (1021) | Arista (1022) | Arista (1023) | Arista (1024) | Arista (1025) | Arista (1026) | Arista (1032) | Arista (1033) | Arista (1034) | Arista (1035) | Arista (711) |   |
| 2                                                                        | Meter Type      | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S       |   |
| 3                                                                        | Meters          | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1            |   |
| 4                                                                        | Apartment Units | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1             | 1            |   |
| 50                                                                       | Oct-13          | 8,017         |               |               |               |               | 3,853         | 4,042         | 1,442         |               |               |               | 3,082         |               |               |               |               | 4,433        |   |
| 51                                                                       | Nov-13          | 7,327         |               |               |               |               | 2,784         | 3,625         | 1,541         |               |               |               | 2,849         |               |               |               |               | 4,950        |   |
| 52                                                                       | Dec-13          | 6,474         |               |               |               |               | 3,190         | 3,423         | 1,405         |               |               |               | 2,382         |               |               |               |               | 4,007        |   |
| 53                                                                       | Jan-14          | 5,603         |               |               |               |               | 3,731         | 4,247         | 1,397         |               |               |               | 1,855         |               |               |               |               | 1,873        |   |
| 54                                                                       | Feb-14          | 7,205         |               |               |               |               | 2,693         | 2,596         | 1,360         |               |               |               | 3,111         |               |               |               |               | 4,722        |   |
| 55                                                                       | Mar-14          | 5,629         |               |               |               |               | 2,704         |               | 906           |               |               |               | 2,610         |               |               |               |               | 3,284        |   |
| 56                                                                       | Apr-14          | 6,036         |               |               |               |               | 2,604         |               | 1,018         | 430           |               | 1,162         | 2,631         |               |               |               |               |              |   |
| 57                                                                       | May-14          | 6,089         |               |               |               |               | 3,289         | 3,127         | 978           | 849           | 1,377         | 1,066         | 3,528         |               |               |               |               |              |   |
| 58                                                                       | Jun-14          | 6,733         |               |               |               |               | 3,261         | 5,573         | 992           | 1,110         | 2,125         | 939           | 2,313         |               |               | 1,577         |               |              |   |
| 59                                                                       | Jul-14          | 6,630         |               | 439           | 2,659         |               | 4,275         | 5,175         | 738           | 1,270         | 1,614         | 1,560         | 2,142         |               |               | 4,350         |               | 1,836        |   |
| 60                                                                       | Aug-14          | 161           |               | 774           | 3,802         |               | 5,247         | 4,280         | 713           | 1,149         | 1,946         | 1,883         | 2,851         |               |               | 2,208         | 518           | 4,069        |   |
| 61                                                                       | Sep-14          | 6,546         |               | 398           | 2,065         |               | 3,421         | 4,810         |               | 1,272         | 1,638         | 370           | 2,096         |               | 1,005         | 2,033         | 869           | 2,859        |   |
| 62                                                                       | Oct-14          | 7,140         |               | 638           | 1,698         |               | 3,905         | 5,464         |               | 1,024         | 2,312         |               |               |               | 1,898         | 2,419         | 931           | 4,083        |   |
| 63                                                                       | Nov-14          | 7,661         |               | 770           | 2,846         |               | 3,725         | 6,730         |               | 933           | 2,161         |               |               |               | 1,942         | 3,511         | 914           | 3,410        |   |
| 64                                                                       | Dec-14          | 7,757         |               | 741           | 1,913         |               | 3,941         | 6,302         |               | 984           | 1,983         | 1,861         | 669           |               | 1,947         | 2,926         | 1,102         | 3,761        |   |
| 65                                                                       | Jan-15          | 3,721         |               | 465           | 3,106         |               | 2,618         | 3,728         |               | 651           | 1,915         | 1,114         | 2,318         |               | 1,091         | 1,733         | 773           | 3,264        |   |
| 66                                                                       | Feb-15          | 7,468         |               | 994           | 2,035         |               | 581           | 5,352         |               | 1,131         | 2,200         | 1,571         | 3,204         |               | 8,496         | 2,659         | 973           | 4,010        |   |
| 67                                                                       | Mar-15          | 5,882         |               | 707           | 577           | 1,040         | 706           | 4,600         |               | 1,225         | 2,266         | 1,492         | 2,560         |               | 4,122         | 3,569         | 854           | 3,274        |   |
| 68                                                                       | Apr-15          | 7,523         | 394           | 690           | 1,721         | 2,120         | 3,369         | 5,389         | 525           | 564           | 2,625         | 2,550         | 3,498         |               | 1,950         | 1,612         | 1,044         | 2,475        |   |
| 69                                                                       | May-15          | 6,960         | 768           | 892           | 1,084         | 2,000         | 2,764         | 4,890         | 389           | 120           | 2,078         | 2,855         | 2,913         | 642           | 1,973         | 3,027         | 1,030         |              |   |
| 70                                                                       | Jun-15          | 6,146         | 1,051         | 845           | 1,927         | 1,540         | 3,302         | 6,051         | 504           | 1,187         | 1,220         | 617           | 1,766         | 3,115         | 2,659         | 2,548         | 1,170         |              |   |
| 71                                                                       | Jul-15          | 5,504         | 1,239         | 869           | 3,810         | 2,750         | 5,137         | 4,320         | 429           | 1,875         | 2,304         | 1,514         | 2,269         | 4,239         | 770           | 3,208         | 1,080         | 4,411        |   |
| 72                                                                       | Aug-15          | 7,122         | 1,047         | 855           | 3,380         | 3,600         | 4,402         | 5,007         | 550           | 2,034         | 2,164         | 1,448         | 2,381         | 4,247         | 2,108         | 3,211         | 1,221         | 4,799        |   |
| 73                                                                       | Sep-15          | 5,901         | 1,070         | 661           | 3,381         | 3,200         | 3,493         | 5,910         | 657           | 1,822         | 2,355         | 1,159         | 3,056         | 4,041         | 2,069         | 3,603         | 1,179         | 6,340        |   |
| 74                                                                       | Oct-15          | 5,696         | 1,636         | 587           | 2,851         | 2,900         | 2,763         | 5,705         | 438           | 1,522         | 2,352         | 1,340         | 2,541         | 3,868         | 1,739         | 2,731         | 995           | 4,645        |   |
| 75                                                                       | Nov-15          | 5,256         | 1,471         | 477           |               | 2,400         | 2,731         | 1,947         | 534           | 1,783         | 1,900         | 333           | 2,699         | 2,974         | 1,677         | 2,459         | 940           | 6,773        |   |
| 76                                                                       | Dec-15          | 4,505         | 1,085         | 417           |               | 1,850         | 2,313         |               | 777           | 1,640         | 1,763         |               | 2,896         | 2,486         | 1,495         | 2,305         | 792           | 593          |   |
| 77                                                                       | Count           | 31            | 9             | 18            | 16            | 10            | 30            | 30            | 23            | 21            | 20            | 18            | 30            | 8             | 16            | 19            | 17            | 27           |   |
| 78                                                                       | Gallons         | 197,369       | 9,761         | 12,219        | 38,855        | 23,400        | 92,841        | 136,763       | 21,094        | 24,575        | 40,298        | 24,834        | 78,663        | 25,612        | 36,941        | 51,689        | 16,385        | 110,418      |   |
| 79                                                                       | Average         | 6,367         | 1,085         | 679           | 2,428         | 2,340         | 3,095         | 4,559         | 917           | 1,170         | 2,015         | 1,380         | 2,622         | 3,202         | 2,309         | 2,720         | 964           | 4,090        |   |
| 80                                                                       |                 |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |              |   |
| 81                                                                       |                 |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |               |              |   |

| Gallons Usage by Apartment Complex.xlsx - Excel                          |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|--------------------------------------------------------------------------|-----------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW DEVELOPER ACROBAT |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| Clipboard Font Alignment Number Styles Cells Editing                     |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| CL4 : X ✓ fx =SUM(B4:CK4)                                                |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
|                                                                          | A               | R            | S            | T            | U            | V            | W            | X            | Y            | Z            | AA           | AB           | AC           | AD           | AE           | AF           | AG           | AH           | AI           |
| 1                                                                        |                 | Arista (711) | Arista (712) | Arista (713) | Arista (714) | Arista (715) | Arista (716) | Arista (721) | Arista (722) | Arista (723) | Arista (724) | Arista (725) | Arista (726) | Arista (732) | Arista (733) | Arista (734) | Arista (735) | Arista (811) | Arista (812) |
| 2                                                                        | Meter Type      | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       |
| 3                                                                        | Meters          | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            |
| 4                                                                        | Apartment Units | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            |
| 50                                                                       | Oct-13          | 4,433        | 1,001        |              | 1,298        | 1,336        | 3,339        | 1,049        | 1,352        | 714          | 809          | 4,855        | 9,010        | 926          | 1,386        |              |              |              | 3,587        |
| 51                                                                       | Nov-13          | 4,950        | 814          |              | 1,299        | 1,187        | 2,895        | 1,379        | 1,231        | 639          | 765          | 3,683        | 2,282        | 726          | 58           |              |              |              | 2,922        |
| 52                                                                       | Dec-13          | 4,007        | 769          |              | 639          | 1,197        | 2,897        | 1,195        | 982          | 505          | 669          | 3,999        | 905          | 955          |              |              |              |              | 2,674        |
| 53                                                                       | Jan-14          | 1,873        | 1,229        |              |              | 1,197        | 3,033        | 1,997        | 1,361        | 618          | 845          | 4,093        | 1,387        | 691          |              |              |              |              | 2,706        |
| 54                                                                       | Feb-14          | 4,722        | 1,123        |              |              | 1,113        | 2,422        | 1,411        | 1,551        | 440          | 833          | 3,586        | 6,720        | 748          |              |              |              |              | 1,784        |
| 55                                                                       | Mar-14          | 3,284        | 814          |              |              | 1,164        | 1,303        | 621          | 1,269        | 658          | 708          | 2,333        | 4,339        | 521          |              |              | 716          |              |              |
| 56                                                                       | Apr-14          |              | 1,109        |              | 915          | 1,731        | 2,604        | 1,056        | 1,802        | 724          | 738          | 1,843        | 6,655        | 716          |              |              | 3,054        | 3,832        |              |
| 57                                                                       | May-14          |              | 976          | 1,390        | 1,401        | 1,055        | 2,226        | 774          | 1,436        | 863          | 500          | 1,647        | 5,072        | 687          | 1,088        |              | 2,677        | 3,217        |              |
| 58                                                                       | Jun-14          |              | 1,105        | 765          | 1,215        | 1,165        | 2,616        | 2,343        | 726          | 1,297        | 594          | 3,583        | 5,156        | 620          | 1,523        |              | 2,902        | 3,858        |              |
| 59                                                                       | Jul-14          | 1,836        | 666          | 983          | 1,582        | 940          | 2,745        | 2,892        | 534          | 847          | 763          | 4,181        | 3,254        | 736          | 1,521        | 4,754        | 2,962        | 4,030        |              |
| 60                                                                       | Aug-14          | 4,069        | 852          | 917          | 1,282        | 1,498        | 3,657        | 2,157        | 460          | 526          | 638          | 3,066        | 5,352        | 599          | 1,593        | 2,816        | 2,248        | 3,603        |              |
| 61                                                                       | Sep-14          | 2,859        | 665          | 671          | 1,116        | 1,183        | 1,273        | 1,340        | 965          | 845          | 461          |              | 4,842        | 610          | 1,395        | 2,755        | 2,316        | 3,170        |              |
| 62                                                                       | Oct-14          | 4,083        | 704          | 127          | 1,383        | 1,077        | 3,399        |              |              | 725          | 452          | 320          | 4,887        | 560          | 1,824        | 2,518        | 2,094        | 3,506        |              |
| 63                                                                       | Nov-14          | 3,410        | 792          | 2,028        | 1,229        | 1,151        | 4,420        |              |              | 671          | 512          | 1,336        | 5,377        | 460          | 1,353        | 2,765        | 1,814        | 3,930        |              |
| 64                                                                       | Dec-14          | 3,761        | 1,257        | 2,572        | 1,101        | 1,636        | 7,089        |              |              | 618          | 429          | 1,381        | 4,288        | 363          | 1,289        | 2,891        | 2,005        | 3,505        |              |
| 65                                                                       | Jan-15          | 3,264        | 359          | 1,381        | 1,224        | 890          | 5,120        |              |              | 322          | 346          | 1,050        | 2,822        | 356          | 826          | 1,901        | 1,693        | 2,509        |              |
| 66                                                                       | Feb-15          | 4,010        |              | 1,769        | 1,380        | 1,107        | 7,262        | 271          |              | 919          | 618          | 1,214        | 5,324        | 443          | 739          | 2,721        | 2,329        | 3,607        |              |
| 67                                                                       | Mar-15          | 3,274        | 1,261        | 2,641        | 1,176        | 1,122        | 6,281        | 2,491        | 546          |              | 476          | 1,074        | 3,968        | 443          | 749          | 3,098        | 1,039        | 4,601        |              |
| 68                                                                       | Apr-15          | 2,475        | 3,215        | 1,254        | 1,159        | 1,154        | 7,114        | 2,612        | 761          | 1,155        | 651          | 1,122        | 1,708        | 368          | 1,215        | 2,730        | 499          | 4,111        |              |
| 69                                                                       | May-15          |              | 2,513        | 224          | 1,104        | 1,032        | 6,321        | 1,977        | 622          | 2,762        | 540          | 1,123        | 1,882        | 605          | 480          | 2,232        | 2,514        | 2,207        |              |
| 70                                                                       | Jun-15          |              | 2,510        | 1,392        | 1,479        | 992          | 6,785        | 2,229        | 551          | 3,768        | 491          |              | 2,038        | 577          | 485          | 2,367        | 1,289        |              |              |
| 71                                                                       | Jul-15          | 4,411        | 2,259        | 1,066        | 1,991        | 1,145        | 4,756        | 5,790        | 630          | 3,769        | 647          | 956          | 2,246        | 492          | 3,236        | 960          | 1,249        |              |              |
| 72                                                                       | Aug-15          | 4,799        | 124          | 1,619        | 1,744        | 1,394        | 3,978        | 5,526        | 239          | 2,859        | 311          | 2,272        | 2,132        | 434          | 4,174        | 1,519        | 1,043        | 2,865        |              |
| 73                                                                       | Sep-15          | 6,340        |              | 1,789        | 1,214        | 1,415        | 4,600        | 4,902        | 329          |              | 826          | 1,928        | 2,036        | 483          | 2,869        | 1,297        | 1,646        | 1,913        |              |
| 74                                                                       | Oct-15          | 4,645        | 3,100        | 2,390        | 1,268        | 1,360        | 3,781        | 5,712        | 1,853        | 772          | 648          | 1,777        | 2,027        | 300          |              | 849          | 291          | 5,340        |              |
| 75                                                                       | Nov-15          | 6,773        | 2,026        |              | 834          | 1,110        |              | 5,174        | 1,510        | 413          | 612          | 1,814        | 2,143        | 452          | 1,720        | 948          | 51           | 2,987        |              |
| 76                                                                       | Dec-15          | 593          | 1,928        | 1,369        | 644          | 898          | 4,077        | 778          | 1,361        | 561          | 395          | 1,561        | 2,642        | 318          | 1,138        | 934          | 1,981        | 1,065        |              |
| 77                                                                       | Count           | 27           | 28           | 27           | 28           | 30           | 27           | 33           | 25           | 27           | 32           | 30           | 36           | 34           | 28           | 18           | 22           | 32           |              |
| 78                                                                       | Gallons         | 110,418      | 35,968       | 38,320       | 35,165       | 35,835       | 107,642      | 73,958       | 25,681       | 29,326       | 19,836       | 77,651       | 147,735      | 20,607       | 42,739       | 40,055       | 38,412       | 96,985       |              |
| 79                                                                       | Average         | 4,090        | 1,285        | 1,419        | 1,256        | 1,195        | 3,987        | 2,241        | 1,027        | 1,086        | 620          | 2,588        | 4,104        | 606          | 1,526        | 2,225        | 1,746        | 3,031        |              |
| 80                                                                       |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |
| 81                                                                       |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |              |

| Gallons Usage by Apartment Complex.xlsx - Excel                          |                 |              |               |               |               |              |              |              |              |              |              |              |              |              |               |               |               |              |
|--------------------------------------------------------------------------|-----------------|--------------|---------------|---------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|---------------|---------------|--------------|
| FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW DEVELOPER ACROBAT |                 |              |               |               |               |              |              |              |              |              |              |              |              |              |               |               |               |              |
| Clipboard Font Alignment Number Styles Cells Editing                     |                 |              |               |               |               |              |              |              |              |              |              |              |              |              |               |               |               |              |
| CL4 : X ✓ fx =SUM(B4:CK4)                                                |                 |              |               |               |               |              |              |              |              |              |              |              |              |              |               |               |               |              |
|                                                                          | A               | AH           | AI            | AJ            | AK            | AL           | AM           | AN           | AO           | AP           | AQ           | AR           | AS           | AT           | AU            | AV            | AW            | AX           |
| 1                                                                        |                 | Arista (811) | Arista (8110) | Arista (8111) | Arista (8112) | Arista (812) | Arista (813) | Arista (814) | Arista (815) | Arista (816) | Arista (817) | Arista (818) | Arista (819) | Arista (821) | Arista (8210) | Arista (8211) | Arista (8212) | Arista (822) |
| 2                                                                        | Meter Type      | 5/8" S       | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S       |
| 3                                                                        | Meters          | 1            | 1             | 1             | 1             | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1             | 1             | 1             | 1            |
| 4                                                                        | Apartment Units | 1            | 1             | 1             | 1             | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1             | 1             | 1             | 1            |
| 50                                                                       | Oct-13          | 3,587        |               | 1,295         | 1,269         |              | 622          | 1,094        |              | 356          |              |              | 2,109        | 3,968        | 4,357         |               |               | 1,626        |
| 51                                                                       | Nov-13          | 2,922        |               | 1,006         | 833           |              | 421          | 884          |              |              |              |              | 1,857        | 3,856        | 3,475         |               | 1,432         | 1,639        |
| 52                                                                       | Dec-13          | 2,674        |               | 851           |               |              | 435          | 852          |              |              |              |              | 2,062        | 3,065        |               |               | 1,274         |              |
| 53                                                                       | Jan-14          | 2,706        |               | 999           |               |              | 597          | 1,356        |              |              |              |              | 1,961        | 2,932        |               |               | 980           | 486          |
| 54                                                                       | Feb-14          | 1,784        |               | 1,210         |               |              | 580          | 1,266        |              |              |              |              | 2,151        | 3,561        |               |               | 1,464         | 652          |
| 55                                                                       | Mar-14          |              |               | 1,168         | 907           |              | 261          | 246          |              |              |              |              | 930          | 3,270        |               |               | 2,215         | 906          |
| 56                                                                       | Apr-14          | 3,832        | 4,157         | 1,144         | 3,094         | 911          | 210          | 31           |              | 414          |              |              |              | 3,708        |               |               | 2,159         | 616          |
| 57                                                                       | May-14          | 3,217        | 2,974         | 1,069         | 2,641         | 1,089        |              | 23           |              | 1,422        |              |              |              | 3,387        |               |               | 1,928         |              |
| 58                                                                       | Jun-14          | 3,858        | 2,616         | 1,827         | 2,740         | 763          | 693          | 32           |              | 1,404        |              |              | 709          | 4,403        |               |               | 1,977         |              |
| 59                                                                       | Jul-14          | 4,030        | 2,373         | 1,425         | 2,691         | 1,167        | 1,939        | 1,423        |              | 1,692        | 1,029        |              | 3,722        | 3,703        |               |               | 2,167         |              |
| 60                                                                       | Aug-14          | 3,603        | 3,080         | 1,513         | 2,725         | 1,063        | 2,631        | 1,841        |              | 1,469        | 895          |              | 3,041        | 2,979        |               |               | 2,115         |              |
| 61                                                                       | Sep-14          | 3,170        | 1,985         | 924           | 2,329         | 1,065        | 2,075        | 1,623        | 570          | 1,335        | 847          |              | 3,134        | 3,411        |               |               | 2,138         |              |
| 62                                                                       | Oct-14          | 3,506        | 1,534         | 1,122         | 2,867         | 1,479        | 2,459        | 1,692        | 2,294        | 1,491        | 833          |              | 3,158        | 4,106        |               |               | 2,175         |              |
| 63                                                                       | Nov-14          | 3,930        | 1,341         | 1,237         | 3,028         | 1,132        | 2,134        | 1,657        | 2,912        | 1,047        | 834          |              | 3,236        | 2,984        |               |               | 1,698         |              |
| 64                                                                       | Dec-14          | 3,505        | 2,150         | 1,207         | 3,354         | 2,134        | 2,373        | 1,856        | 3,163        | 1,155        |              |              | 3,450        | 3,952        |               |               | 2,439         |              |
| 65                                                                       | Jan-15          | 2,509        | 2,102         | 773           | 1,935         | 1,636        | 1,812        | 1,185        | 1,186        | 987          |              |              | 2,150        | 2,383        |               |               | 1,697         |              |
| 66                                                                       | Feb-15          | 3,607        | 2,023         | 1,096         | 2,695         | 3,019        | 2,347        | 1,866        | 3,201        | 1,454        |              |              | 3,910        | 3,740        |               |               | 1,989         |              |
| 67                                                                       | Mar-15          | 4,601        | 2,081         | 1,062         | 2,588         | 2,928        | 1,810        | 1,326        | 2,768        | 1,312        |              |              | 2,607        | 3,285        |               |               | 1,811         |              |
| 68                                                                       | Apr-15          | 4,111        | 3,032         | 1,409         | 2,869         | 191          | 2,161        | 1,681        | 2,846        | 962          |              |              | 2,964        | 2,695        |               |               | 1,610         |              |
| 69                                                                       | May-15          | 2,207        | 2,146         | 1,125         | 2,310         | 48           | 1,885        | 1,600        | 2,872        | 860          | 2,611        | 495          | 3,029        | 3,422        |               | 1,265         | 1,837         |              |
| 70                                                                       | Jun-15          |              | 1,738         |               | 988           | 1,136        | 1,286        | 1,473        | 2,792        | 1,239        | 3,580        | 1,184        | 2,768        | 3,201        |               | 3,918         | 344           |              |
| 71                                                                       | Jul-15          |              | 1,964         | 410           |               | 925          | 2,400        | 1,634        | 3,668        | 936          | 4,493        | 1,038        | 3,645        | 3,793        |               | 4,276         | 1,021         |              |
| 72                                                                       | Aug-15          | 2,865        | 2,078         | 3,205         |               | 1,290        | 2,222        | 1,876        | 4,399        | 1,302        | 7,140        | 1,249        | 4,017        | 4,285        | 2,804         | 4,224         | 392           |              |
| 73                                                                       | Sep-15          | 1,913        | 1,326         | 2,150         |               | 1,282        | 1,846        | 1,863        | 2,644        | 1,272        | 8,436        | 124          | 382          | 3,760        | 3,928         | 3,999         | 1,106         |              |
| 74                                                                       | Oct-15          | 5,340        | 1,185         | 2,064         |               | 1,099        |              | 740          | 2,860        | 1,259        | 4,891        |              | 3,870        | 3,497        | 4,010         | 3,545         | 2,038         |              |
| 75                                                                       | Nov-15          | 2,987        | 1,570         | 1,807         |               | 64           | 556          | 893          | 2,153        | 1,425        | 8,781        | 519          | 2,907        | 2,722        | 3,782         | 3,395         | 1,676         |              |
| 76                                                                       | Dec-15          | 1,065        | 1,434         | 1,872         |               | 449          | 445          | 720          | 2,223        | 960          | 4,497        | 744          | 2,731        | 2,174        | 3,555         | 2,931         | 1,263         | 2,355        |
| 77                                                                       | Count           | 32           | 21            | 31            | 20            | 21           | 27           | 31           | 16           | 28           | 13           | 7            | 30           | 28           | 11            | 8             | 26            | 12           |
| 78                                                                       | Gallons         | 96,985       | 44,889        | 43,090        | 43,393        | 24,870       | 37,443       | 36,988       | 42,551       | 34,456       | 48,867       | 5,353        | 75,648       | 93,780       | 38,763        | 27,553        | 42,945        | 13,638       |
| 79                                                                       | Average         | 3,031        | 2,138         | 1,390         | 2,170         | 1,184        | 1,387        | 1,193        | 2,659        | 1,231        | 3,759        | 765          | 2,522        | 3,349        | 3,524         | 3,444         | 1,652         | 1,137        |
| 80                                                                       |                 |              |               |               |               |              |              |              |              |              |              |              |              |              |               |               |               |              |
| 81                                                                       |                 |              |               |               |               |              |              |              |              |              |              |              |              |              |               |               |               |              |



| Gallons Usage by Apartment Complex.xlsx - Excel                          |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |               |               |               |              |
|--------------------------------------------------------------------------|-----------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|---------------|---------------|--------------|
| FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW DEVELOPER ACROBAT |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |               |               |               |              |
| Clipboard Font Alignment Number Styles Cells Editing                     |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |               |               |               |              |
| CL4 : X ✓ fx =SUM(B4:CK4)                                                |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |               |               |               |              |
|                                                                          | A               | AX           | AY           | AZ           | BA           | BB           | BC           | BD           | BE           | BF           | BG           | BH           | BI           | BJ           | BK            | BL            | BM            | BN           |
| 1                                                                        |                 | Arista (822) | Arista (823) | Arista (824) | Arista (825) | Arista (826) | Arista (827) | Arista (828) | Arista (829) | Arista (835) | Arista (836) | Arista (837) | Arista (838) | Arista (911) | Arista (9110) | Arista (9111) | Arista (9112) | Arista (912) |
| 2                                                                        | Meter Type      | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S       |
| 3                                                                        | Meters          | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1             | 1             | 1             | 1            |
| 4                                                                        | Apartment Units | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1             | 1             | 1             | 1            |
| 50                                                                       | Oct-13          | 1,626        |              |              |              |              | 4,984        |              |              | 1,360        |              |              |              |              |               |               |               |              |
| 51                                                                       | Nov-13          | 1,639        |              |              |              |              | 4,309        |              |              |              |              |              |              |              |               |               |               |              |
| 52                                                                       | Dec-13          |              |              |              |              |              | 4,877        |              |              |              |              |              |              |              |               |               |               |              |
| 53                                                                       | Jan-14          | 486          |              |              |              |              | 5,416        |              |              |              |              |              |              |              |               |               |               |              |
| 54                                                                       | Feb-14          | 652          |              |              |              | 5,252        | 407          |              |              |              |              |              |              |              |               |               |               |              |
| 55                                                                       | Mar-14          | 906          |              |              |              | 3,296        | 670          |              |              |              |              |              |              |              |               |               |               |              |
| 56                                                                       | Apr-14          | 616          |              |              |              | 3,338        | 942          |              |              |              |              |              |              |              |               |               |               |              |
| 57                                                                       | May-14          |              |              |              |              | 3,820        | 679          |              |              |              | 47           |              |              |              | 503           | 188           |               | 1,584        |
| 58                                                                       | Jun-14          |              |              |              |              | 3,512        | 874          |              |              |              | 895          |              |              |              | 1,304         | 836           |               | 3,524        |
| 59                                                                       | Jul-14          |              |              |              |              | 3,527        | 1,245        |              |              |              | 662          |              |              | 4,950        | 1,435         | 465           |               | 4,037        |
| 60                                                                       | Aug-14          |              |              |              | 974          | 2,643        | 1,045        |              |              |              | 747          | 327          | 1,188        | 3,071        | 1,411         | 908           |               | 7,046        |
| 61                                                                       | Sep-14          |              |              |              | 1,266        | 2,849        | 1,323        |              |              |              | 212          | 469          | 2,392        | 3,776        | 1,319         | 925           |               | 6,799        |
| 62                                                                       | Oct-14          |              |              |              | 1,489        | 2,448        | 863          | 4,354        |              | 1,616        | 142          | 712          | 4,243        | 3,095        | 1,611         | 1,488         |               | 4,834        |
| 63                                                                       | Nov-14          |              |              |              | 690          | 2,174        | 1,095        | 2,887        |              | 1,572        | 91           | 1,190        | 2,459        | 2,691        | 1,756         | 679           | 900           | 2,563        |
| 64                                                                       | Dec-14          |              |              |              | 726          | 318          | 861          | 3,273        |              | 1,862        | 2,609        | 833          | 2,280        | 3,707        | 724           |               | 2,200         | 5,100        |
| 65                                                                       | Jan-15          |              |              |              | 404          |              | 373          | 2,718        |              | 1,023        | 2,341        | 602          | 2,229        | 3,605        | 405           |               | 1,000         | 2,186        |
| 66                                                                       | Feb-15          |              |              |              | 410          |              | 853          | 3,891        |              | 1,885        | 3,419        | 957          | 3,510        | 3,783        | 1,369         |               | 1,700         |              |
| 67                                                                       | Mar-15          |              |              |              | 536          |              | 782          | 3,533        |              | 1,664        | 2,724        | 711          | 2,098        | 3,002        |               |               | 1,400         |              |
| 68                                                                       | Apr-15          |              | 1,563        |              | 694          |              | 644          | 3,758        |              | 1,433        | 3,415        | 737          | 2,551        | 3,731        |               |               | 2,100         |              |
| 69                                                                       | May-15          |              | 1,037        |              | 485          | 1,792        | 780          | 3,036        |              | 1,940        | 2,043        | 1,078        | 1,278        | 2,886        |               |               | 2,150         |              |
| 70                                                                       | Jun-15          |              | 349          |              | 441          | 3,155        | 806          | 3,199        |              | 1,949        |              |              | 1,638        |              |               |               | 750           |              |
| 71                                                                       | Jul-15          |              |              |              | 842          | 3,466        | 953          | 3,055        |              | 1,968        | 759          | 3,376        | 2,021        |              |               |               | 2,700         |              |
| 72                                                                       | Aug-15          |              |              |              | 734          | 2,920        | 1,301        | 3,289        |              | 2,686        | 770          | 484          | 2,166        |              |               | 693           | 2,750         |              |
| 73                                                                       | Sep-15          |              |              | 4,159        | 515          | 2,892        | 991          | 3,929        |              | 1,634        | 1,031        |              | 1,928        | 661          | 1,493         | 2,194         | 2,750         | 3,974        |
| 74                                                                       | Oct-15          |              |              | 3,112        | 637          | 2,805        | 688          |              |              | 2,087        | 410          | 1,248        | 1,544        | 1,458        | 2,011         | 2,232         | 2,200         | 5,151        |
| 75                                                                       | Nov-15          |              |              | 2,405        | 394          | 2,309        | 469          |              |              | 1,931        | 336          | 2,231        | 2,521        | 1,198        | 2,024         | 1,836         | 1,800         | 1,651        |
| 76                                                                       | Dec-15          | 2,355        |              | 3,314        | 354          | 2,500        | 808          |              | 5,607        | 1,639        | 384          | 1,798        | 2,300        | 723          | 1,247         | 1,775         | 1,050         | 2,372        |
| 77                                                                       | Count           | 12           | 3            | 4            | 17           | 22           | 29           | 12           | 1            | 19           | 24           | 16           | 17           | 15           | 14            | 12            | 14            | 13           |
| 78                                                                       | Gallons         | 13,638       | 2,949        | 12,990       | 11,591       | 56,594       | 48,748       | 40,922       | 5,607        | 33,385       | 25,539       | 17,822       | 38,346       | 42,337       | 18,612        | 14,219        | 25,450        | 50,821       |
| 79                                                                       | Average         | 1,137        | 983          | 3,248        | 682          | 2,572        | 1,681        | 3,410        | 5,607        | 1,757        | 1,064        | 1,114        | 2,256        | 2,822        | 1,329         | 1,185         | 1,818         | 3,909        |
| 80                                                                       |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |               |               |               |              |
| 81                                                                       |                 |              |              |              |              |              |              |              |              |              |              |              |              |              |               |               |               |              |

| Gallons Usage by Apartment Complex.xlsx - Excel                          |                 |              |              |              |              |              |              |              |              |              |               |               |               |              |              |              |              |              |
|--------------------------------------------------------------------------|-----------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|---------------|---------------|--------------|--------------|--------------|--------------|--------------|
| FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW DEVELOPER ACROBAT |                 |              |              |              |              |              |              |              |              |              |               |               |               |              |              |              |              |              |
| Clipboard Font Alignment Number Styles Cells Editing                     |                 |              |              |              |              |              |              |              |              |              |               |               |               |              |              |              |              |              |
| CL4 : $\text{=SUM(B4:CK4)}$                                              |                 |              |              |              |              |              |              |              |              |              |               |               |               |              |              |              |              |              |
|                                                                          | A               | BN           | BO           | BP           | BQ           | BR           | BS           | BT           | BU           | BV           | BW            | BX            | BY            | BZ           | CA           | CB           | CC           | CD           |
| 1                                                                        |                 | Arista (912) | Arista (913) | Arista (914) | Arista (915) | Arista (916) | Arista (917) | Arista (918) | Arista (919) | Arista (921) | Arista (9210) | Arista (9211) | Arista (9212) | Arista (922) | Arista (923) | Arista (924) | Arista (925) | Arista (926) |
| 2                                                                        | Meter Type      | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S        | 5/8" S        | 5/8" S        | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       |
| 3                                                                        | Meters          | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1             | 1             | 1             | 1            | 1            | 1            | 1            | 1            |
| 4                                                                        | Apartment Units | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1             | 1             | 1             | 1            | 1            | 1            | 1            | 1            |
| 50                                                                       | Oct-13          |              |              |              |              |              |              |              |              |              |               |               |               | 4,182        |              |              |              |              |
| 51                                                                       | Nov-13          |              |              |              |              |              |              |              |              |              |               |               |               | 3,265        |              |              |              |              |
| 52                                                                       | Dec-13          |              |              |              |              |              |              |              |              |              |               |               |               | 3,451        |              |              |              |              |
| 53                                                                       | Jan-14          |              |              |              |              |              |              |              |              |              |               |               |               | 4,042        |              |              |              |              |
| 54                                                                       | Feb-14          |              |              |              |              |              |              |              |              |              |               |               |               | 4,267        |              |              |              |              |
| 55                                                                       | Mar-14          |              |              |              |              |              |              |              |              |              |               |               |               | 4,093        |              |              |              |              |
| 56                                                                       | Apr-14          |              |              |              |              |              |              |              |              |              |               |               |               | 4,295        |              |              |              |              |
| 57                                                                       | May-14          | 1,584        | 2,105        |              |              | 950          |              |              |              |              |               |               |               | 3,973        |              |              |              | 396          |
| 58                                                                       | Jun-14          | 3,524        | 1,755        | 881          |              | 2,147        |              |              |              |              |               |               |               | 4,547        |              |              |              | 763          |
| 59                                                                       | Jul-14          | 4,037        | 1,359        | 1,162        | 479          | 2,475        | 1,154        |              |              |              |               |               |               | 3,039        |              |              | 953          | 1,291        |
| 60                                                                       | Aug-14          | 7,046        | 1,679        | 994          | 1,434        | 2,241        | 2,190        | 1,351        |              |              |               |               |               | 4,554        |              |              | 1,849        | 1,292        |
| 61                                                                       | Sep-14          | 6,799        | 1,921        | 935          | 1,310        | 2,262        | 1,859        | 998          |              |              |               |               |               | 4,522        |              |              | 1,986        | 657          |
| 62                                                                       | Oct-14          | 4,834        | 1,869        | 1,090        | 1,382        | 2,097        | 1,628        | 1,062        |              |              |               |               |               | 4,285        |              |              | 2,462        | 1,015        |
| 63                                                                       | Nov-14          | 2,563        | 1,888        | 907          | 1,592        | 1,999        | 2,207        | 1,043        |              |              |               |               |               | 3,520        |              |              | 2,013        |              |
| 64                                                                       | Dec-14          | 5,100        | 1,928        | 914          | 1,473        | 2,154        | 2,608        | 906          |              |              |               |               |               | 2,619        |              |              | 2,619        | 1,031        |
| 65                                                                       | Jan-15          | 2,186        | 1,236        | 479          | 1,285        | 1,560        | 1,461        | 876          |              |              |               |               |               | 3,232        |              | 1,479        | 1,972        | 1,812        |
| 66                                                                       | Feb-15          |              | 875          | 786          | 1,140        | 2,175        | 2,286        | 1,076        | 5,821        |              |               |               |               | 4,687        |              | 3,180        | 2,642        | 889          |
| 67                                                                       | Mar-15          |              |              | 625          | 1,416        | 2,569        | 1,899        | 992          | 4,269        |              |               |               |               | 5,102        |              | 3,219        | 1,981        | 702          |
| 68                                                                       | Apr-15          |              |              | 929          | 1,554        |              | 2,583        | 1,098        | 5,502        |              |               |               |               | 4,325        |              | 3,055        | 575          |              |
| 69                                                                       | May-15          |              | 718          | 797          | 1,241        | 2,838        | 2,243        | 1,449        | 1,958        |              |               |               |               | 4,679        |              | 3,052        | 311          | 1,303        |
| 70                                                                       | Jun-15          |              | 945          | 703          | 1,153        | 2,709        | 927          | 649          | 803          |              |               |               |               | 5,424        | 1,740        | 2,607        |              | 1,629        |
| 71                                                                       | Jul-15          |              | 904          | 1,101        | 1,219        | 3,704        | 2,526        | 905          |              |              |               |               |               | 5,406        | 1,820        | 2,374        |              | 1,629        |
| 72                                                                       | Aug-15          |              | 608          | 941          | 1,569        | 3,240        | 2,265        | 916          | 937          |              | 1,872         |               |               | 6,543        | 1,604        | 3,706        | 4,300        | 2,330        |
| 73                                                                       | Sep-15          | 3,974        | 451          | 847          | 1,468        | 2,845        | 2,295        | 802          | 2,070        | 3,483        | 2,275         |               |               | 6,192        | 1,247        | 3,783        | 2,132        | 1,788        |
| 74                                                                       | Oct-15          | 5,151        | 675          | 812          | 926          | 1,995        | 2,169        | 718          | 1,842        | 2,337        | 2,213         | 1,216         |               | 2,109        | 2,198        | 2,591        | 3,422        | 1,237        |
| 75                                                                       | Nov-15          | 1,651        | 167          | 659          | 1,288        | 1,917        | 2,181        | 315          | 1,496        | 2,246        | 2,369         | 3,818         |               | 8,694        | 1,879        | 2,733        | 1,871        | 845          |
| 76                                                                       | Dec-15          | 2,372        | 1,220        | 600          | 967          | 2,439        | 1,354        | 2,240        | 1,253        | 924          | 2,616         | 3,405         |               | 4,616        | 1,466        | 2,544        | 1,638        | 1,399        |
| 77                                                                       | Count           | 13           | 18           | 19           | 18           | 19           | 18           | 17           | 10           | 4            | 5             | 3             |               | 28           | 7            | 12           | 16           | 18           |
| 78                                                                       | Gallons         | 50,821       | 22,303       | 16,162       | 22,896       | 44,316       | 35,835       | 17,396       | 25,951       | 8,990        | 11,345        | 8,439         |               | 124,620      | 11,954       | 34,323       | 32,726       | 22,008       |
| 79                                                                       | Average         | 3,909        | 1,239        | 851          | 1,272        | 2,332        | 1,991        | 1,023        | 2,595        | 2,248        | 2,269         | 2,813         |               | 4,451        | 1,708        | 2,860        | 2,045        | 1,223        |
| 80                                                                       |                 |              |              |              |              |              |              |              |              |              |               |               |               |              |              |              |              |              |
| 81                                                                       |                 |              |              |              |              |              |              |              |              |              |               |               |               |              |              |              |              |              |



| Gallons Usage by Apartment Complex.xlsx - Excel                                              |                 |               |              |              |              |              |              |              |              |              |              |              |              |              |                |               |       |    |
|----------------------------------------------------------------------------------------------|-----------------|---------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|----------------|---------------|-------|----|
| FILE HOME INSERT PAGE LAYOUT FORMULAS DATA REVIEW VIEW DEVELOPER ACROBAT                     |                 |               |              |              |              |              |              |              |              |              |              |              |              |              |                |               |       |    |
| TEX-Whitson, John                                                                            |                 |               |              |              |              |              |              |              |              |              |              |              |              |              |                |               |       |    |
| Clipboard Font Alignment Number Styles Cells Editing                                         |                 |               |              |              |              |              |              |              |              |              |              |              |              |              |                |               |       |    |
| CL4 : X ✓ fx =SUM(B4:CK4)                                                                    |                 |               |              |              |              |              |              |              |              |              |              |              |              |              |                |               |       |    |
|                                                                                              | A               | BY            | BZ           | CA           | CB           | CC           | CD           | CE           | CF           | CG           | CH           | CI           | CJ           | CK           | CL             | CM            | CN    | CO |
| 1                                                                                            |                 | Arista (9212) | Arista (922) | Arista (923) | Arista (924) | Arista (925) | Arista (926) | Arista (927) | Arista (928) | Arista (929) | Arista (935) | Arista (936) | Arista (937) | Arista (938) | Meter Readings | Total Gallons |       |    |
| 2                                                                                            | Meter Type      | 5/8" S        | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       | 5/8" S       |                |               |       |    |
| 3                                                                                            | Meters          | 1             | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 88             |               |       |    |
| 4                                                                                            | Apartment Units | 1             | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 1            | 88             |               |       |    |
| 50                                                                                           | Oct-13          |               | 4,182        |              |              |              |              |              |              |              |              |              |              |              | 31             | 82,753        | 2,669 |    |
| 51                                                                                           | Nov-13          |               | 3,265        |              |              |              |              |              |              |              |              |              |              |              | 30             | 65,933        | 2,198 |    |
| 52                                                                                           | Dec-13          |               | 3,451        |              |              |              |              |              |              |              |              |              |              |              | 26             | 55,134        | 2,121 |    |
| 53                                                                                           | Jan-14          |               | 4,042        |              |              |              |              |              |              |              |              |              |              |              | 26             | 56,632        | 2,178 |    |
| 54                                                                                           | Feb-14          |               | 4,267        |              |              |              |              |              |              |              |              |              |              |              | 27             | 64,228        | 2,379 |    |
| 55                                                                                           | Mar-14          |               | 4,093        |              |              |              |              |              |              |              |              |              |              |              | 27             | 47,541        | 1,761 |    |
| 56                                                                                           | Apr-14          |               | 4,295        |              |              |              |              |              |              |              |              |              |              |              | 32             | 65,679        | 2,052 |    |
| 57                                                                                           | May-14          |               | 3,973        |              |              |              | 396          |              | 2,494        |              | 1,046        | 1,824        |              |              | 44             | 79,454        | 1,806 |    |
| 58                                                                                           | Jun-14          |               | 4,547        |              |              |              | 763          |              | 2,763        |              | 1,204        | 1,538        |              |              | 48             | 97,798        | 2,037 |    |
| 59                                                                                           | Jul-14          |               | 3,039        |              |              | 953          | 1,291        | 835          | 1,437        |              | 1,441        | 1,953        |              |              | 58             | 123,308       | 2,126 |    |
| 60                                                                                           | Aug-14          |               | 4,554        |              |              | 1,849        | 1,292        | 1,712        | 1,740        |              | 1,003        | 1,383        |              | 568          | 64             | 127,567       | 1,993 |    |
| 61                                                                                           | Sep-14          |               | 4,522        |              |              | 1,986        | 657          | 2,113        | 1,230        |              | 897          | 1,063        |              | 1,077        | 64             | 118,585       | 1,853 |    |
| 62                                                                                           | Oct-14          |               | 4,285        |              |              | 2,462        | 1,015        | 2,366        | 1,221        |              | 1,136        | 2,458        | 327          | 863          | 64             | 132,454       | 2,070 |    |
| 63                                                                                           | Nov-14          |               | 3,520        |              |              | 2,013        |              | 3,716        | 1,120        |              | 1,244        | 2,109        | 211          | 861          | 64             | 130,858       | 2,045 |    |
| 64                                                                                           | Dec-14          |               | 2,619        |              |              | 2,619        | 1,031        | 2,116        | 1,784        |              | 1,313        | 2,148        | 158          | 1,091        | 65             | 142,899       | 2,198 |    |
| 65                                                                                           | Jan-15          |               | 3,232        |              | 1,479        | 1,972        | 1,812        | 1,473        | 1,344        |              |              | 1,121        | 175          | 538          | 64             | 102,071       | 1,595 |    |
| 66                                                                                           | Feb-15          |               | 4,687        |              | 3,180        | 2,642        | 889          | 2,821        | 1,910        |              |              | 2,181        | 20           | 1,112        | 64             | 153,095       | 2,392 |    |
| 67                                                                                           | Mar-15          |               | 5,102        |              | 3,219        | 1,981        | 702          | 864          | 2,498        |              |              | 803          |              | 868          | 63             | 131,675       | 2,090 |    |
| 68                                                                                           | Apr-15          |               | 4,325        |              | 3,055        | 575          |              | 1,267        | 713          |              | 768          | 1,917        | 413          | 1,001        | 67             | 137,623       | 2,054 |    |
| 69                                                                                           | May-15          |               | 4,679        |              | 3,052        | 311          | 1,303        | 1,101        | 1,466        |              | 2,305        | 1,255        | 275          | 1,022        | 74             | 134,546       | 1,818 |    |
| 70                                                                                           | Jun-15          |               | 5,424        | 1,740        | 2,607        |              | 1,629        | 1,928        | 1,403        |              | 1,998        | 232          | 181          | 1,038        | 68             | 126,604       | 1,862 |    |
| 71                                                                                           | Jul-15          |               | 5,406        | 1,820        | 2,374        |              | 1,629        | 1,224        | 1,249        |              | 2,509        | 603          | 414          | 716          | 70             | 154,566       | 2,208 |    |
| 72                                                                                           | Aug-15          |               | 6,543        | 1,604        | 3,706        | 4,300        | 2,330        | 1,659        | 1,498        |              | 3,459        | 1,177        | 860          | 1,430        | 76             | 180,999       | 2,382 |    |
| 73                                                                                           | Sep-15          |               | 6,192        | 1,247        | 3,783        | 2,132        | 1,788        | 983          | 1,475        |              | 2,809        | 1,437        | 1,430        | 1,286        | 78             | 180,511       | 2,314 |    |
| 74                                                                                           | Oct-15          |               | 2,109        | 2,198        | 2,591        | 3,422        | 1,237        |              | 1,736        |              | 2,622        | 1,322        | 1,559        | 1,082        | 77             | 167,199       | 2,171 |    |
| 75                                                                                           | Nov-15          |               | 8,694        | 1,879        | 2,733        | 1,871        | 845          | 1,049        | 1,277        |              | 2,435        | 1,134        | 1,332        | 778          | 78             | 151,986       | 1,949 |    |
| 76                                                                                           | Dec-15          |               | 4,616        | 1,466        | 2,544        | 1,638        | 1,399        | 2,428        | 1,517        |              | 1,630        | 768          | 1,233        | 498          | 80             | 137,546       | 1,719 |    |
| 77                                                                                           | Count           |               | 28           | 7            | 12           | 16           | 18           | 17           | 20           |              | 17           | 20           | 14           | 17           | 1,679          | 3,491,247     | 2,079 |    |
| 78                                                                                           | Gallons         |               | 124,620      | 11,954       | 34,323       | 32,726       | 22,008       | 29,655       | 31,875       |              | 29,819       | 28,426       | 8,588        | 15,829       |                |               |       |    |
| 79                                                                                           | Average         |               | 4,451        | 1,708        | 2,860        | 2,045        | 1,223        | 1,744        | 1,594        |              | 1,754        | 1,421        | 613          | 931          |                |               |       |    |
| 80                                                                                           |                 |               |              |              |              |              |              |              |              |              |              |              |              |              |                |               |       |    |
| 81                                                                                           |                 |               |              |              |              |              |              |              |              |              |              |              |              |              |                |               |       |    |
| ... Meter Readings Arista Individual Meters Arista Master Meters Arista and Forest Point ... |                 |               |              |              |              |              |              |              |              |              |              |              |              |              |                |               |       |    |
| READY 100%                                                                                   |                 |               |              |              |              |              |              |              |              |              |              |              |              |              |                |               |       |    |

# Summary and Recommendation

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



2605 Kennedy Lane Texarkana, TX 75503  
Phone 903.838.9808 Fax 903.832.4939

January 26, 2016

Dr. Brian Matthews and Mayor Bruggeman  
Via emails

Dear Dr. Matthews and Mayor Bruggeman,

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

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

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

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

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

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

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

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

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

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

I'd like to know your thoughts.

Thank you,

Claire

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

## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

| Perspectives         | Goals                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serve the Community  | <input type="checkbox"/> Promote an Environmentally Sensitive & Livable Community<br><input type="checkbox"/> Provide a Safe Community<br><input checked="" type="checkbox"/> Deliver Quality Services<br><input type="checkbox"/> Foster a Healthy Community                                                                                                                                           |
| Run the Operations   | <input type="checkbox"/> Enhance Community Preparedness & Responsiveness<br><input type="checkbox"/> Maximize Partnership Opportunities<br><input type="checkbox"/> Provide Courteous & Responsive Customer Service<br><input type="checkbox"/> Model a Positive City Image<br><input type="checkbox"/> Deliver Efficient Services<br><input type="checkbox"/> Cultivate Community Involvement & Access |
| Manage the Resources | <input checked="" type="checkbox"/> Maintain Fiscal Strength<br><input type="checkbox"/> Maximize Utilization & Resources<br><input type="checkbox"/> Invest in Infrastructure & Transportation                                                                                                                                                                                                         |
| Develop Personnel    | <input type="checkbox"/> Develop a Skilled & Diverse Workforce<br><input type="checkbox"/> 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:

|                                                                 |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Newspaper Notice (Required by Statute) | <input type="checkbox"/> Public Hearing (Required by Statute) |
| <input type="checkbox"/> Public Forum/Input Session             | <input type="checkbox"/> Press Release                        |
| <input type="checkbox"/> E-News Distribution                    | <input type="checkbox"/> Website Notice                       |
| <input type="checkbox"/> Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/> Special Mailing                      |
| <input type="checkbox"/> Flyers Posted                          | <input type="checkbox"/> Banners Posted                       |
| <input type="checkbox"/> Survey                                 | <input type="checkbox"/> Automated Phone Call                 |
| <input checked="" type="checkbox"/> None Required               | <input type="checkbox"/>                                      |

Other:



## RESOLUTION NO. 2015-140

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, DIRECTING ENFORCEMENT OF CODE PROVISIONS IN THE EVENT FOREST POINT APARTMENT HOMES FAILS TO MAKE FULL PAYMENT OF ITS WATER AND SEWER ACCOUNT BALANCE; CONDITIONALLY AUTHORIZING THE CITY MANAGER TO NEGOTIATE AN AGREEMENT TO FACILITATE PAYMENT OF THE ACCOUNT BALANCE IN ARREARS WITH THE RETENTION OF A DISINTERESTED CALIBRATION EXPERT AND A PAYMENT PLAN; AND ESTABLISHING AN EFFECTIVE DATE.**

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

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

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

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

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

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

**WHEREAS**, the customer, Forest Point Apartment Homes, has short-paid the monthly bill for water and sewer services for bills issued after January 6, 2015, when the account balance was \$0.00, leaving an account balance in arrears of \$33,138.57 as of March 9, 2016 (hereafter, "the balance in arrears"); and

**WHEREAS**, from the information presented during public meetings, the City Council cannot determine the customer's method for calculating the short-payments made after the customer paid \$3,961.68 credited on 03/02/2015 (an amount which corresponded to the regular 01/21/2015 billing), nor determine that the customer's meter has failed or otherwise malfunctioned at any time in 2015 to the current date, nor conclude that the balance in arrears should be removed as requested by the customer; and



**WHEREAS**, in an effort to resolve this matter within the policy decisions made by the City Council as reflected in the Code of Ordinances, the City Council is of the opinion that the City Manager should be authorized to negotiate an agreement with Forest Point Apartment Homes for the retention of a disinterested calibration expert together with authorizing the City Manager's recommendation to offer payment plans for the balance in arrears, as described in Section 2 of this Resolution.

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

**SECTION 1:** Except as provided in Section 2 of this Resolution, in the event Forest Point Apartment Homes fails to make full payment of the balance in arrears by 4 p.m. CDT, April 13, 2016, the City Council directs the City Manager to carry out and enforce the provisions of the Code of Ordinances, including Code provisions and procedures related to collection of an unpaid or outstanding balance and shut-off of utility service.

**SECTION 2:** To facilitate full payment of the balance in arrears, the City Council authorizes the City Manager to negotiate an agreement which, if agreed to by Forest Point Apartment Homes, shall include retention of a disinterested expert – with the City and Forest Point Apartment Homes equally bearing the costs of retention – to provide an expert report on the calibration of the customer's meter and equitably adjusting any monthly billing after 01/06/2015 in favor of either the customer or the City should the report conclude such an adjustment is warranted, together with either a 90-day payment plan without additional penalty or interest or an alternate payment plan of a longer duration with penalty and interest applied to balances due. The City Manager shall provide Forest Point Apartment Homes a list of disinterested calibration experts, from which Forest Point Apartment Homes shall select one. Any agreement signed pursuant to this Section 2 shall survive the expiration of this section, shall constitute an accord and satisfaction, and must be signed by all owners of Forest Point Apartment Homes and any person claiming standing to assert claims on its behalf. This Section 2 shall expire on April 13, 2016, at 4 p.m. CDT.

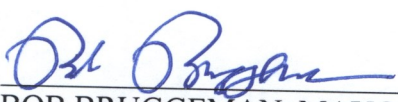
**SECTION 3:** Regarding water and sewer charges billed to Forest Point Apartment Homes after the effective date of this Resolution, the City Council directs the City Manager to carry out and enforce the provisions of the Code of Ordinances consistent with any agreement and equitable adjustment authorized by Section 2 of this Resolution.

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

PASSED AND APPROVED in Regular Council Session on this the 14th day of March, 2016.

ATTEST:

  
JENNIFER EVANS, CITY SECRETARY

  
BOB BRUGGEMAN, MAYOR

7:54 p.m.

## City of Texarkana, Texas

Version: D

Update Date: 3/3/2016 10:41 AM

# Briefing Sheet

**Lead Department:** Water Utilities      **Action Officer:** Pam White,  
Resolution No. 2016-028 authorizing the City Manager to enter into a contract  
for the New Boston Road Water Treatment Plant Switchgear Replacement in an  
amount not to exceed THREE HUNDRED FIVE THOUSAND SIX  
**Subject:** HUNDRED THIRTY-NINE DOLLARS (\$305,639).

**Briefing:** 3/14/2016      **Public Hearing:**      **Second Briefing:**      **Council Vote:** 3/14/2016

## Item Schedule

Schedule 3: No briefing required (one week)

## Updates/History of Briefing:

NOT APPLICABLE

## Executive Summary and Background Information:

Bids were received Wednesday, February 17, 2016 for the New Boston Road Water Treatment Plant Switchgear Replacement Project. This project will replace the switchgear that was damaged in August of 2015 when one of the starters malfunctioned and caused an explosion. Four (4) contractors picked up bid packages for the project and three (3) bids were received. Artex Electric of Texarkana, Arkansas was the apparent low bidder for the project with a total bid of \$305,639.00. The project will consist of removing and replacing the main switch and five (5) motor starters at the water treatment plant on New Boston Road. Four (4) of the starters were installed when the plant was constructed in 1957 and the other starter was installed when the plant was expanded in 1971. The main switch was replaced in 1992. The engineer for the project recommends that the base bid item utilizing soft starters that will reduce the electrical demand load and allow for throttling of the pumps in an effort to eliminate potentially damaging pressure spikes on the piping system. Artex Electric has successfully completed several generator installations for the Utility and installed the variable frequency drive at the New Boston booster pump station.

## Potential Options:

None

## Fiscal Implications:

Funds for this project will need to be reallocated from funds currently budgeted within the Lake Texarkana Water Supply Corporation Capital Improvement Fund. Texas Municipal League has paid the Utility \$162,256.59 dollars towards the replacement cost of the switchgear. The remaining \$143,382.41 can be reallocated from the raw water line cleaning and inspection line item that is budgeted at \$150,000. The raw water cleaning and inspection project can be delayed to the next fiscal year.

## Staff Recommendation:

## City of Texarkana, Texas

Texarkana Water Utilities staff recommends approval of the bid and a bid tabulation sheet is attached.

### Advisory Board/Committee Review:

NONE

### Board/Committee Recommendation:

NOT APPLICABLE

### Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

### Attachments

- a. 2016-028 RES Switchgear Replacement (DOC)
- b. 2016-028 ATTH 01 Bid Tabulation (PDF)
- c. 2016-028 ATTH 02 Recommendation Letter(PDF)
- d. 2016-028 Goals & Perspectives (DOCX)
- e. 2016-028 RES Switchgear Replacement signed (PDF)

### Staff Coordination

|                                                   |                |                     |            |            |
|---------------------------------------------------|----------------|---------------------|------------|------------|
| Water Utilities<br>11:40 AM                       | JD Phillips    | Review              | Completed  | 03/01/2016 |
| Water Utilities<br>11:47 AM                       | Jim Cornelius  | Review              | Completed  | 03/01/2016 |
| Public Information Officer<br>03/01/2016 11:54 AM |                | Lisa Thompson       | PIO Review | Completed  |
| City Manager<br>10:16 PM                          | John Whitson   | City Manager Review | Completed  | 03/06/2016 |
| City Council<br>6:00 PM                           | Jennifer Evans | Meeting             | Completed  | 03/14/2016 |

### Meeting History



**RESOLUTION NO. 2016 - 028**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH ARTEX ELECTRIC OF TEXARKANA, ARKANSAS, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED FIVE THOUSAND SIX HUNDRED THIRTY-NINE AND NO/100 DOLLARS (\$305,639.00) FOR THE NEW BOSTON ROAD WATER TREATMENT PLANT SWITCHGEAR REPLACEMENT; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, on February 17, 2016, three (3) bids were received by the Texarkana Water Utilities for the New Boston Road Water Treatment Plant Switchgear Replacement Project; and

**WHEREAS**, the project will consist of removing and replacing the existing main switch and five (5) motor starters at the water treatment plant located on New Boston Road; and

**WHEREAS**, the lowest and best bid by a responsible vendor for this project was submitted by Artex Electric of Texarkana, Arkansas, a copy of which is attached hereto as 2016-028 ATTH01, in an amount not to exceed THREE HUNDRED FIVE THOUSAND SIX HUNDRED THIRTY-NINE AND NO/100 DOLLARS (\$305,639.00); and

**WHEREAS**, the Texas Municipal League has paid the Texarkana Water Utility ONE HUNDRED SIXTY-TWO THOUSAND TWO HUNDRED FIFTY-SIX AND 59/100 DOLLARS (\$162,256.59) towards the cost of removing and replacing the existing switchgear; and

**WHEREAS**, the remaining funds needed for this project in the amount of ONE HUNDRED FORTY-THREE THOUSAND THREE HUNDRED EIGHTY-TWO AND 41/100 DOLLARS (\$143,382.41) will need to be reallocated from funds currently budgeted within the Lake Texarkana Water Supply Corporation Capital Improvement Fund raw water line cleaning and inspection line item.

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

**SECTION 1:** That the lowest and best bid by a responsible vendor, submitted by Artex Electric of Texarkana, Arkansas, a copy of which is attached hereto as 2016-028 ATTH01, be and is hereby approved in an amount not to exceed THREE HUNDRED FIVE THOUSAND SIX HUNDRED THIRTY-NINE AND NO/100 DOLLARS (\$305,639.00) for the removal and replacement of the switchgear in the New Boston Road Water Treatment Plant Switchgear Replacement Project.

**SECTION 2:** That the City Manager be and is authorized to contract with Artex Electric of Texarkana for the above described services.

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

**PASSED AND APPROVED** in Regular Council Session on this the **14<sup>th</sup> day of March, 2016.**

ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR



**TEXARKANA WATER UTILITIES  
NEW BOSTON WTP SWITCHGEAR REPLACEMENT**

**WEDNESDAY, FEBRUARY 17, 2016 AT 2:00 P.M.**

**BID TABULATION**

| ITEM                  | QTY | UNIT | DESCRIPTION                                                                                                                 | <u>ARTEX ELECTRIC</u> |                     | <u>NANTZE ELECTRIC COMPANY</u> |                     | <u>ELECTROQUE CORPORATION</u> |                     |
|-----------------------|-----|------|-----------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------|--------------------------------|---------------------|-------------------------------|---------------------|
|                       |     |      |                                                                                                                             | UNIT PRICE            | TOTAL PRICE         | UNIT PRICE                     | TOTAL PRICE         | UNIT PRICE                    | TOTAL PRICE         |
| 1                     | 1   | L.S. | Provide Demolition of Existing Switch Gear                                                                                  | \$5,000.00            | \$5,000.00          | \$5,500.00                     | \$5,500.00          | \$9,400.00                    | \$9,400.00          |
| 2                     | 1   | L.S. | Provide and Install New Switch Gear, Soft Starters, Materials and Appuretenances for a complete and operational Switch Gear | \$300,639.00          | \$300,639.00        | \$335,500.00                   | \$335,500.00        | \$357,400.00                  | \$357,400.00        |
| <b>TOTAL BASE BID</b> |     |      |                                                                                                                             |                       | <b>\$305,639.00</b> |                                | <b>\$341,000.00</b> |                               | <b>\$366,800.00</b> |

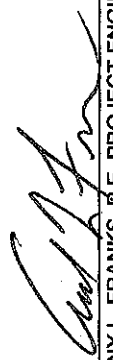
**DEDUCTIVE ALTERNATIVE #1**

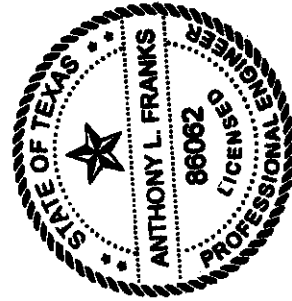
| ITEM                                | QTY | UNIT | DESCRIPTION                                              | UNIT PRICE   | TOTAL PRICE         | UNIT PRICE   | TOTAL PRICE         | UNIT PRICE  | TOTAL PRICE         |
|-------------------------------------|-----|------|----------------------------------------------------------|--------------|---------------------|--------------|---------------------|-------------|---------------------|
| 1                                   | 1   | L.S. | Item No.2 - Use Direct Starters in lieu of Soft Starters | \$150,503.00 | \$150,503.00        | \$105,000.00 | \$105,000.00        | \$75,000.00 | \$75,000.00         |
| <b>DEDUCTIVE ALTERNATIVE #1 BID</b> |     |      |                                                          |              | <b>\$150,503.00</b> |              | <b>\$105,000.00</b> |             | <b>\$75,000.00</b>  |
| <b>TOTAL BASE BID LESS</b>          |     |      |                                                          |              |                     |              |                     |             |                     |
| <b>DEDUCTIVE ALTERNATIVE #1</b>     |     |      |                                                          |              | <b>\$155,136.00</b> |              | <b>\$236,000.00</b> |             | <b>\$291,800.00</b> |

\* Note correction made by A.L. Franks Engineering

CERTIFIED AS TRUE AND CORRECT BY:

A.L. FRANKS ENGINEERING, INC.

  
ANTHONY L. FRANKS, P.E., PROJECT ENGINEER





118 East Broad Street  
 Texarkana, AR 71854  
**PHONE** 870.216.1906 • **FAX** 870.216.1907

February 17, 2016

Texarkana Water Utilities  
 Mr. J. D. Phillips, P.E., Interim Executive Director  
 801 Wood Street  
 Texarkana, Texas 75501

Re: New Boston Road Water Treatment Plant  
 Switchgear Replacement

Dear Mr. Phillips:

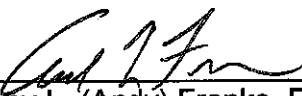
As you are aware, sealed bids were received and opened on February 17, 2016 with reference to the captioned project. The successful Contractor was Artex Electric with a Base Bid of \$305,639.00, a Base Bid less Deductive Alternate No. 1 Bid of \$155,136.00 as shown on the attached Bid Tabulation. The Base bid includes soft starters for the high service pump motors. The Deductive Alternate Bid utilizes direct starters in lieu of the soft starters. Soft starters reduce the electrical demand load and allow for throttling of the pumps in an effort to eliminate potentially damaging pressure spikes on the piping system.

Artex Electric has successfully completed generator installations and other electrical related projects for the Utility. I, therefore, recommend project award to Artex Electric for the Base Bid in the amount of \$305,639.00 contingent on Board of Directors approval with Contract execution and construction to begin as soon as possible.

If you have any questions or require additional information, please contact me.

Sincerely,

A. L. FRANKS ENGINEERING, INC.

  
 \_\_\_\_\_  
 Anthony L. (Andy) Franks, P.E.  
 Principal

ARKANSAS CERTIFICATE OF AUTHORIZATION NUMBER 1681  
 OKLAHOMA CERTIFICATE OF AUTHORIZATION NUMBER 5503  
 TEXAS CERTIFICATE OF REGISTRATION NUMBER F-10338

Attachment: 2016-028 ATTH 02 Recommendation Letter (1446 : 2016-028 RES New Boston Road Water Treatment Plant Switchgear

## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

| Perspectives         | Goals                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serve the Community  | <input type="checkbox"/> Promote an Environmentally Sensitive & Livable Community<br><input type="checkbox"/> Provide a Safe Community<br><input checked="" type="checkbox"/> Deliver Quality Services<br><input type="checkbox"/> Foster a Healthy Community                                                                                                                                                      |
| Run the Operations   | <input type="checkbox"/> Enhance Community Preparedness & Responsiveness<br><input type="checkbox"/> Maximize Partnership Opportunities<br><input type="checkbox"/> Provide Courteous & Responsive Customer Service<br><input type="checkbox"/> Model a Positive City Image<br><input checked="" type="checkbox"/> Deliver Efficient Services<br><input type="checkbox"/> Cultivate Community Involvement & Access |
| Manage the Resources | <input type="checkbox"/> Maintain Fiscal Strength<br><input type="checkbox"/> Maximize Utilization & Resources<br><input checked="" type="checkbox"/> Invest in Infrastructure & Transportation                                                                                                                                                                                                                    |
| Develop Personnel    | <input type="checkbox"/> Develop a Skilled & Diverse Workforce<br><input type="checkbox"/> 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:

|                                     |                                        |                                     |                                      |
|-------------------------------------|----------------------------------------|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | Newspaper Notice (Required by Statute) | <input checked="" type="checkbox"/> | Public Hearing (Required by Statute) |
| <input type="checkbox"/>            | Public Forum/Input Session             | <input type="checkbox"/>            | Press Release                        |
| <input type="checkbox"/>            | E-News Distribution                    | <input type="checkbox"/>            | Website Notice                       |
| <input type="checkbox"/>            | Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/>            | Special Mailing                      |
| <input type="checkbox"/>            | Flyers Posted                          | <input type="checkbox"/>            | Banners Posted                       |
| <input type="checkbox"/>            | Survey                                 | <input type="checkbox"/>            | Automated Phone Call                 |
| <input type="checkbox"/>            | None Required                          | <input type="checkbox"/>            |                                      |

Other:

# RESOLUTION NO. 2016 - 028

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH ARTEX ELECTRIC OF TEXARKANA, ARKANSAS, IN AN AMOUNT NOT TO EXCEED THREE HUNDRED FIVE THOUSAND SIX HUNDRED THIRTY-NINE AND NO/100 DOLLARS (\$305,639.00) FOR THE NEW BOSTON ROAD WATER TREATMENT PLANT SWITCHGEAR REPLACEMENT; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, on February 17, 2016, three (3) bids were received by the Texarkana Water Utilities for the New Boston Road Water Treatment Plant Switchgear Replacement Project; and

**WHEREAS**, the project will consist of removing and replacing the existing main switch and five (5) motor starters at the water treatment plant located on New Boston Road; and

**WHEREAS**, the lowest and best bid by a responsible vendor for this project was submitted by Artex Electric of Texarkana, Arkansas, a copy of which is attached hereto as 2016-028 ATTH01, in an amount not to exceed THREE HUNDRED FIVE THOUSAND SIX HUNDRED THIRTY-NINE AND NO/100 DOLLARS (\$305,639.00); and

**WHEREAS**, the Texas Municipal League has paid the Texarkana Water Utility ONE HUNDRED SIXTY-TWO THOUSAND TWO HUNDRED FIFTY-SIX AND 59/100 DOLLARS (\$162,256.59) towards the cost of removing and replacing the existing switchgear; and

**WHEREAS**, the remaining funds needed for this project in the amount of ONE HUNDRED FORTY-THREE THOUSAND THREE HUNDRED EIGHTY-TWO AND 41/100 DOLLARS (\$143,382.41) will need to be reallocated from funds currently budgeted within the Lake Texarkana Water Supply Corporation Capital Improvement Fund raw water line cleaning and inspection line item.

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

**SECTION 1:** That the lowest and best bid by a responsible vendor, submitted by Artex Electric of Texarkana, Arkansas, a copy of which is attached hereto as 2016-028 ATTH01, be and is hereby approved in an amount not to exceed THREE HUNDRED FIVE THOUSAND SIX HUNDRED THIRTY-NINE AND NO/100 DOLLARS (\$305,639.00) for the removal and replacement of the switchgear in the New Boston Road Water Treatment Plant Switchgear Replacement Project.

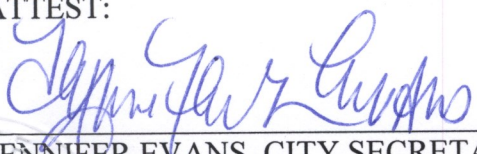
**SECTION 2:** That the City Manager be and is authorized to contract with Artex Electric of Texarkana for the above described services.

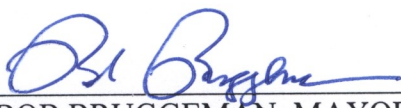


**SECTION 3:** That this Resolution shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** in Regular Council Session on this the **14<sup>th</sup> day of March, 2016.**

ATTEST:

  
JENNIFER EVANS, CITY SECRETARY

  
BOB BRUGGEMAN, MAYOR

7:57 p.m.



**TEXARKANA WATER UTILITIES**  
**NEW BOSTON WTP SWITCHGEAR REPLACEMENT**  
**WEDNESDAY, FEBRUARY 17, 2016 AT 2:00 P.M.**  
**BID TABULATION**

Page 1 of 1

| ITEM                  | QTY | UNIT | DESCRIPTION                                                                                                                  | <u>ARTEX ELECTRIC</u> |                     | <u>NANTZE ELECTRIC COMPANY</u> |                     | <u>ELECTRQUE CORPORATION</u> |                     |
|-----------------------|-----|------|------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------|--------------------------------|---------------------|------------------------------|---------------------|
|                       |     |      |                                                                                                                              | UNIT PRICE            | TOTAL PRICE         | UNIT PRICE                     | TOTAL PRICE         | UNIT PRICE                   | TOTAL PRICE         |
| 1                     | 1   | L.S. | Provide Demolition of Existing Switch Gear                                                                                   | \$5,000.00            | \$5,000.00          | \$5,500.00                     | \$5,500.00          | \$9,400.00                   | \$9,400.00          |
| 2                     | 1   | L.S. | Provide and Install New Switch Gear, Soft Starters, Materials and Appurentenances for a complete and operational Switch Gear | \$300,639.00          | \$300,639.00        | \$335,500.00                   | \$335,500.00        | \$357,400.00                 | \$357,400.00        |
| <b>TOTAL BASE BID</b> |     |      |                                                                                                                              |                       | <b>\$305,639.00</b> |                                | <b>\$341,000.00</b> |                              | <b>\$366,800.00</b> |

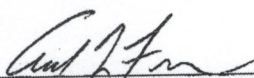
**DEDUCTIVE ALTERNATIVE #1**

| ITEM                                                | QTY | UNIT | DESCRIPTION                                              | UNIT PRICE   | TOTAL PRICE         | UNIT PRICE   | TOTAL PRICE         | UNIT PRICE  | TOTAL PRICE         |
|-----------------------------------------------------|-----|------|----------------------------------------------------------|--------------|---------------------|--------------|---------------------|-------------|---------------------|
| 1                                                   | 1   | L.S. | Item No.2 - Use Direct Starters in lieu of Soft Starters | \$150,503.00 | \$150,503.00        | \$105,000.00 | \$105,000.00        | \$75,000.00 | \$75,000.00         |
| <b>DEDUCTIVE ALTERNATIVE #1 BID</b>                 |     |      |                                                          |              | <b>\$150,503.00</b> |              | <b>\$105,000.00</b> |             | <b>\$75,000.00</b>  |
| <b>TOTAL BASE BID LESS DEDUCTIVE ALTERNATIVE #1</b> |     |      |                                                          |              | <b>\$155,136.00</b> |              | <b>\$236,000.00</b> |             | <b>\$291,800.00</b> |

\* Note correction made by A.L. Franks Engineering

CERTIFIED AS TRUE AND CORRECT BY:

A.L. FRANKS ENGINEERING, INC.

  
 ANTHONY L. FRANKS, P.E., PROJECT ENGINEER



Attachment: 2016-028 RES Switchgear Replacement signed (1446 : 2016-028 RES New Boston Road Water Treatment Plant Switchgear Replacement) 2016-028 ATTH01

## City of Texarkana, Texas

Version: A

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

**Briefing Sheet**

**Lead Department:** Economic Development **Action Officer:** Jerry Sparks, Economic Developer  
Resolution No. 2016-025 authorizing the City Manager to enter into an incentive agreement with Harte-Hanks, Inc. funded by the City of Texarkana's Economic Development Fund in an amount not to exceed TWO HUNDRED THOUSAND DOLLARS (\$200,000).

**Subject:** Public **Second** **Council**  
**Briefing:** 3/28/2016 **Hearing:** 3/28/2016 **Briefing:** April 11, 2016 **Vote:** 4/25/2016

**Item Schedule**Schedule 3: No briefing required (one week)**Updates/History of Briefing:**

"NOT APPLICABLE"

**Executive Summary and Background Information:**

Harte-Hanks is requesting a third incentive agreement. At the time of this application, Harte-Hanks had approximately 650 employees in its facility in the Oaklawn area. The company plans to expand that number to approximately 775. Harte Hanks will use the funds for employee training and leadership development. The first incentive agreement was for an amount not to exceed \$400,000 and helped establish Harte-Hanks in our community. The most recent agreement was for an amount not to exceed \$250,000 in 2012. Harte-Hanks fulfilled all of the terms of the two earlier agreements.

Harte-Hanks operates out of a facility in the Kitty Wells Center on Robison Road (Oaklawn area). This location is in an area the City has targeted for redevelopment. The number of Harte-Hanks employees in this area increases potential customers for area businesses. The location is near the housing authority developments and the campus of Texarkana College.

The creation and retention of retail and service sector jobs in this redevelopment area are vital parts of attaining one or more of the goals of our HUD/CDBG comprehensive plan.

Funding for a potential incentive was included in the FY16 budget.

**Potential Options:**

- Approve the staff recommendation for incentive funding from the Economic Development Fund
- Deny the application for incentive funding.

**Fiscal Implications:**

Maximum expenditure would be \$50,000 annually or a total of \$200,000.

## City of Texarkana, Texas

### Staff Recommendation:

Staff recommendation is to offer an incentive of an amount not to exceed \$200,000 over a five-year period based on 1% of wages paid in excess of \$11,000,000 per year. No single year payment will exceed \$50,000 during the term of the incentive agreement.

### Advisory Board/Committee Review:

The internal staff review committee reviewed the request. The recommendation was the consensus of the committee.

### Board/Committee Recommendation:

Not applicable

### Advisory Board/Committee Meeting Date and Minutes:

The meeting was September 22, 2015.

### Attachments

- a. 2016-025 RES Harte Hanks 2016 incentive (DOC)
- b. 2016-025 ATTH 01 Project briefing sheet (DOCX)
- c. 2016-025 ATTH 02 2011 Economic Development strategy 15 Nov 2011 proposed (PDF)
- d. 2016-025 Goals & Perspectives (DOCX)
- e. 2016-025 RES Harte Hanks Incentive Agreement signed (PDF)

### Staff Coordination

|                                    |                    |                                          |
|------------------------------------|--------------------|------------------------------------------|
| Economic Development               | Jerry Sparks       | Department Head Review                   |
| Completed                          | 03/02/2016 7:25 AM |                                          |
| Planning and Community Development | David Orr          | Review Completed                         |
| 03/02/2016 9:33 AM                 |                    |                                          |
| Finance Department                 | Charlie Bassett    | Finance Review Completed 03/02/2016      |
| 2:22 PM                            |                    |                                          |
| Purchasing and Contracting         | Jennifer Evans     | Purchasing Review                        |
| Skipped                            | 03/01/2016 8:39 AM |                                          |
| Assistant City Manager             | Shirley Jaster     | Assistant City Manager                   |
| Review Completed                   | 03/02/2016 2:56 PM |                                          |
| Public Information Officer         | Lisa Thompson      | PIO Review Completed                     |
| 03/02/2016 2:58 PM                 |                    |                                          |
| City Manager                       | John Whitson       | City Manager Review Completed 03/06/2016 |
| 9:50 PM                            |                    |                                          |
| City Council                       | Jennifer Evans     | Meeting Completed 03/14/2016             |
| 6:00 PM                            |                    |                                          |

### Meeting History

**City of Texarkana, Texas**

**RESOLUTION NO. 2016-025**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INCENTIVE AGREEMENT WITH HARTE-HANKS, INC FUNDED BY THE CITY OF TEXARKANA'S ECONOMIC DEVELOPMENT FUND IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) FOR A TERM NOT TO EXCEED FIVE (5) YEARS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council, by Ordinance 292-05, established an Economic Development Fund to provide incentives for specified activities; and

**WHEREAS**, the City Council, by Ordinance 190-2011, adopted an Economic Development Fund Policy establishing criteria for incentive eligibility; and

**WHEREAS, Harte-Hanks Inc.** requested consideration of an incentive as a part of the company's plan to expand employment in a redevelopment area and create new jobs in our community.

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

**SECTION 1:** That the City Manager, be and is hereby authorized to enter into an economic development incentive agreement for an amount not to exceed Two Hundred Thousand Dollars (\$200,000) for a period of no more than five (5) years with Harte-Hanks Inc.

**SECTION 2:** That the City Manager is hereby authorized to execute the necessary documents to implement said incentive agreement.

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

**PASSED AND APPROVED** in Regular Council Session on this the **25<sup>th</sup>** day of **April 2016**.

ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR



2016-025 Resolution of the City Council of Texarkana, TX  
Briefing Sheet

|                          |                                                                                                          |
|--------------------------|----------------------------------------------------------------------------------------------------------|
| <b>PROGRAM:</b>          | <b>Economic Development Fund</b>                                                                         |
| <b>PROJECT:</b>          | <b>Harte-Hanks Inc</b>                                                                                   |
| <b>Objective:</b>        | <b>Retain or create jobs and increase gross payroll in redevelopment area</b>                            |
| <b>Amount:</b>           | <b>\$200,000</b>                                                                                         |
| <b>Sources of funds:</b> | <b>Economic Development Fund</b>                                                                         |
| <b>Impact:</b>           | <b>Increased wages in redevelopment area</b>                                                             |
| <b>Review/approval:</b>  | <b>Internal review conducted by staff committee to determine eligibility and recommend funding level</b> |

**Narrative:**  
**Harte-Hanks**

Harte-Hanks is requesting a third incentive agreement. At the time of this application, Harte-Hanks had approximately 650 employees in its facility in the Oaklawn area. The company plans to expand that number to approximately 775. Harte Hanks will use the funds for employee training and leadership development. The most recent agreement was for an amount not to exceed \$250,000. Harte-Hanks fulfilled all of the terms of the two earlier agreements.

Harte-Hanks has increased employment from their initial goal of 200 employees to the current size in their location in the Kitty Wells Center on Robison Road at New Boston Road. This location is in an area the City has targeted for redevelopment. The number of Harte-Hanks employees in this area increases potential customers for area businesses.

The creation and retention of retail and service sector jobs in this redevelopment area are vital parts of attaining one or more of the goals of our HUD comprehensive plan.

# ECONOMIC DEVELOPMENT FUND GUIDELINES & STRATEGY

## Ordinance #190-November 2011 An amendment to Ordinance #292-05

The dynamics of economic development in the communities of Texas have changed dramatically over the past 15 years, particularly since the passage of enabling legislation that allows communities to implement a sales tax for the exclusive purpose of funding economic development efforts. For plausible reasons, Texarkana has had no such dedicated source. This lack of funding has made it increasingly difficult for Texarkana to effectively compete with other Texas communities for job-creating prospects who predictably look for communities who will provide tangible incentives. The decision of the Council in 2004 to dedicate future revenues from the increased utility franchise fees specifically to the economic development effort will enable Texarkana to begin entering the arena of legitimate competition for new job prospects. The stated purpose of this initiative shall be to:

- Promote new, and expand existing, long-term employment opportunities for the citizens of Texarkana, Texas
- Enhance property values and expand the base for the taxing entities within the City of Texarkana, Texas
- Promote diversity within the local economy
- Help enhance the standard of living and raise the median wage for the citizens of Texarkana, Texas

Generally, it is recommended that the City adhere to the basic permissible uses identified in the Handbook on Economic Development Laws for Texas Cities that applies to those communities utilizing Section 4A tax proceeds. Specifically, fund expenditures should be permissible for employee training, supporting infrastructure, land, buildings, equipment, facilities and other improvements that are suitable to promote the following types of enterprises:

1. Manufacturing & industrial projects
2. Distribution centers & small warehousing projects
3. Recycling programs
4. Programs to promote new & expanded business development, with the exception of commercial and retail business development
5. Facilities and buildings to promote job creation &/or business retention
6. Job training programs
7. Research & development programs
8. Infrastructure & improvements, including wet utility construction, repair and extensions, and environment remediation, directly associated with an otherwise allowable use
9. Land acquisition directly associated with an otherwise allowable use
10. Grants for job training
11. Matching funds for Federal or State grants
12. Collateral & debt service
13. Economic Development feasibility studies
14. Closed or re-aligned military bases
15. Staffing & administration costs directly related to specifically allowable uses
16. Research, promotion & advertising directly related to specifically allowable uses
17. Restaurant and retail facilities that will generate more than 100 jobs or increase the ad valorem tax base more than \$10,000,000.
18. Tourism and entertainment facilities that will generate more than 100 jobs or increase the ad valorem tax base more than \$10,000,000.
19. Provide inter-city agency loans to approved projects in any of the City's Tax Increment Reinvestment Zones so long as those loans do not exceed the lesser of 50% of the EDF reserves or \$1,000,000. Said inter-agency loans may be an interest rate equal to the most recent debt instrument issued by the City.

# ECONOMIC DEVELOPMENT FUND GUIDELINES & STRATEGY

## Ordinance #190-November 2011 An amendment to Ordinance #292-05

Economic Development Funding Proposals Report  
Page 2 of 3

In all instances, the use of these funds should be associated directly with the creation and/or retention of Primary Jobs defined as: *those available at a company for which a majority of the products or services of that company are ultimately exported or provided thus infusing new dollars into the local economy; and included in one of the listed sectors of the North American Industry Classification System (NAICS). Examples of sectors are:*

| NAICS                              | DESCRIPTION                                                                                                                                                                |
|------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 111                                | Crop Production                                                                                                                                                            |
| 112                                | Animal Production                                                                                                                                                          |
| 113                                | Forestry & Logging                                                                                                                                                         |
| 114                                | Commercial Fishing                                                                                                                                                         |
| 115                                | Support Activities for Agriculture & Forestry                                                                                                                              |
| 211-213                            | Mining                                                                                                                                                                     |
| 221                                | Utilities                                                                                                                                                                  |
| 311-339                            | Manufacturing                                                                                                                                                              |
| 42                                 | Wholesale Trade                                                                                                                                                            |
| 48-49                              | Transportation & Warehousing                                                                                                                                               |
| 51 (excludes 512131 & 512132)      | Information (excludes movie theaters & drive in theaters)                                                                                                                  |
| 62 (excludes subsectors 713 & 812) | Health Care & Social Assistance                                                                                                                                            |
| 523-525                            | Securities, commodity contracts, other financial investments and related activities; insurance carriers and related activities; funds, trusts and other financial vehicles |
| 5413, 5415, 5416, 5417, 5419       | Scientific research & development services                                                                                                                                 |
| 551                                | Management of companies & enterprises                                                                                                                                      |
| 922140                             | Correctional institutions                                                                                                                                                  |

**ECONOMIC DEVELOPMENT FUND GUIDELINES & STRATEGY****Ordinance #190-November 2011  
An amendment to Ordinance #292-05**

Economic Development Funding Proposals Report  
Page 3 of 3

While the list of permissible uses included herein is not intended to be blocked from amendment, deletion or addition, it should be noted that other certain uses be identified as specifically non-permissible uses. Among them:

1. Retail & restaurant projects with less than 100 newly created jobs or less than a \$10,000,000 increase in advalorem tax base
2. Athletic facility projects
3. Parks & related public space improvements
4. Tourism & entertainment facilities with less than 100 newly created jobs or less than a \$10,000,000 increase in ad valorem tax base
5. Infrastructure improvements not directly associated with specific eligible projects
6. Housing & residence projects not directly associated with specific eligible projects
7. Removal, repair &/or renovation of non-residential structures not directly associated with specific eligible projects

The expenditure of funds for allowable uses shall be permissible within the limits of Texarkana, Texas, its extra-territorial jurisdiction, and projects of significant importance in Bowie County Texas and Miller County AR upon approval of the City Council.

## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

| Perspectives         | Goals                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serve the Community  | <input type="checkbox"/> Promote an Environmentally Sensitive & Livable Community<br><input type="checkbox"/> Provide a Safe Community<br><input type="checkbox"/> Deliver Quality Services<br><input checked="" type="checkbox"/> Foster a Healthy Community                                                                                                                                                                 |
| Run the Operations   | <input type="checkbox"/> Enhance Community Preparedness & Responsiveness<br><input checked="" type="checkbox"/> Maximize Partnership Opportunities<br><input type="checkbox"/> Provide Courteous & Responsive Customer Service<br><input checked="" type="checkbox"/> Model a Positive City Image<br><input type="checkbox"/> Deliver Efficient Services<br><input type="checkbox"/> Cultivate Community Involvement & Access |
| Manage the Resources | <input type="checkbox"/> Maintain Fiscal Strength<br><input type="checkbox"/> Maximize Utilization & Resources<br><input checked="" type="checkbox"/> Invest in Infrastructure & Transportation                                                                                                                                                                                                                               |
| Develop Personnel    | <input type="checkbox"/> Develop a Skilled & Diverse Workforce<br><input type="checkbox"/> 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:

|                                                                 |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Newspaper Notice (Required by Statute) | <input type="checkbox"/> Public Hearing (Required by Statute) |
| <input type="checkbox"/> Public Forum/Input Session             | <input type="checkbox"/> Press Release                        |
| <input type="checkbox"/> E-News Distribution                    | <input type="checkbox"/> Website Notice                       |
| <input type="checkbox"/> Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/> Special Mailing                      |
| <input type="checkbox"/> Flyers Posted                          | <input type="checkbox"/> Banners Posted                       |
| <input type="checkbox"/> Survey                                 | <input type="checkbox"/> Automated Phone Call                 |
| <input checked="" type="checkbox"/> None Required               | <input type="checkbox"/>                                      |

Other:



## RESOLUTION NO. 2016-025

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INCENTIVE AGREEMENT WITH HARTE-HANKS, INC FUNDED BY THE CITY OF TEXARKANA'S ECONOMIC DEVELOPMENT FUND IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS (\$200,000) FOR A TERM NOT TO EXCEED FIVE (5) YEARS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, the City Council, by Ordinance 292-05, established an Economic Development Fund to provide incentives for specified activities; and

**WHEREAS**, the City Council, by Ordinance 190-2011, adopted an Economic Development Fund Policy establishing criteria for incentive eligibility; and

**WHEREAS**, **Harte-Hanks Inc.** requested consideration of an incentive as a part of the company's plan to expand employment in a redevelopment area and create new jobs in our community.

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

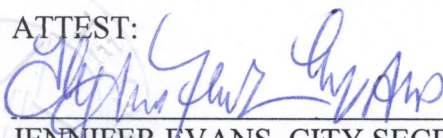
**SECTION 1:** That the City Manager, be and is hereby authorized to enter into an economic development incentive agreement for an amount not to exceed Two Hundred Thousand Dollars (\$200,000) for a period of no more than five (5) years with Harte-Hanks Inc.

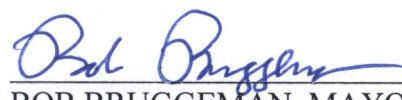
**SECTION 2:** That the City Manager is hereby authorized to execute the necessary documents to implement said incentive agreement.

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

**PASSED AND APPROVED** in Regular Council Session on this the **25<sup>th</sup>** day of April 2016.

ATTEST:

  
JENNIFER EVANS, CITY SECRETARY

  
BOB BRUGGEMAN, MAYOR

7:38p.m.

## City of Texarkana, Texas

## Briefing Sheet

Version:

Update Date: 3/8/2016 10:45 AM

**Lead Department:** Public Works Department      **Action Officer:** Kyle Dooley  
Resolution No. 2016-026 authorizing the City Manager to execute a gateway monument agreement with the Texas Department of Transportation regarding the City of Texarkana's construction and maintenance of a gateway monument along Interstate 30 right-of-way.

**Subject:**

**Briefing:** 3/28/2016      **Public Hearing:** 3/28/2016      **Second Briefing:** April 11, 2016      **Council Vote:** 4/25/2016

## Item Schedule

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

## Updates/History of Briefing:

NOT APPLICABLE

## Executive Summary and Background Information:

Staff has been working with MTG Engineers to come up with a design for a "Welcome to Texarkana" sign for eastbound IH30 traffic. Council had previously decided that the sign should look similar in design to the existing sign for westbound IH30 traffic that was installed on the Arkansas side. After presentations and consideration, Council had also previously decided that the location would be on the west side of the Kings Highway Overpass at IH30, which would be inside of Texas Department of Transportation (TxDOT) right of way.

These types of signs are called "Gateway Monuments" by TxDOT. A proposal must be submitted to TxDOT for approval of a gateway monument to be installed and maintained inside TxDOT right of way. Part of that submittal requires that the local entity requesting the monument adopt a resolution recommending approval of the monument and requesting installation of the monument within TxDOT right of way. Also, a Gateway Monument Agreement would need to be signed by the City and TxDOT. This resolution would authorize the City Manager to execute the needed Gateway Monument Agreement along with recommending approval of the monument and stating installation of the monument would be proposed inside TxDOT right of way. If approved, this resolution, along with the Gateway Monument Agreement and plan drawings of the monument, would be submitted to TxDOT for review and approval.

## Potential Options:

- Approve authorizing the City Manager to execute a gateway monument agreement with TxDOT..
- Do not approve authorizing the City Manager to execute a gateway monument agreement with TxDOT.

## Fiscal Implications:

If the agreement is approved, a budget amendment will be brought back for Council consideration once construction pricing has been established.

## City of Texarkana, Texas

**Staff Recommendation:**

Staff recommends approval.

**Advisory Board/Committee Review:**

NONE

**Board/Committee Recommendation:**

NOT APPLICABLE

**Advisory Board/Committee Meeting Date and Minutes:**

NOT APPLICABLE

**Attachments**

- a. 2016-026 RES Agreement with TxDOT for Gateway Monument Sign (DOC)
- b. 2016-026 Goals & Perspectives (DOCX)
- c. 2016-026 Exhibit 'A' - Gateway Monument Agreement (PDF)
- d. 2016-026 Exhibit 'B' - Gateway Monument Plans (PDF)
- e. 2016-026 RES Gateway Monument Agreement with TxDOT signed (PDF)

**Staff Coordination**

|                             |                               |                        |
|-----------------------------|-------------------------------|------------------------|
| Public Works Department     | Kyle Dooley                   | Department Head Review |
| Completed                   | 03/04/2016 8:40 AM            |                        |
| Public Information Officer  | Lisa Thompson                 | PIO Review Completed   |
| 03/04/2016 9:18 AM          |                               |                        |
| Assistant City Manager      | Shirley Jaster                | Assistant City Manager |
| Review Completed            | 03/04/2016 9:23 AM            |                        |
| City Manager John Whitson   | City Manager Review Completed | 03/06/2016             |
| 9:56 PM                     |                               |                        |
| City Council Jennifer Evans | Meeting Completed             | 03/14/2016             |
| 6:00 PM                     |                               |                        |

**Meeting History**

## RESOLUTION NO. 2016-026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A GATEWAY MONUMENT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING THE CITY OF TEXARKANA'S CONSTRUCTION AND MAINTENANCE OF A GATEWAY MONUMENT ALONG INTERSTATE 30 RIGHT OF WAY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council desires to construct a gateway monument sign within the State's right-of-way on Interstate 30 at the King's Highway Overpass; and

**WHEREAS**, subject to compliance with the terms and conditions of a Gateway Monument Agreement, the State will allow the City to construct a gateway monument sign on the west side of the King's Highway Overpass along Interstate 30; and

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

**SECTION 1:** The monument location is located within the city limits of Texarkana, Texas.

**SECTION 2:** The City Manager is authorized to execute a Gateway Monument Agreement with the State of Texas, said Agreement being attached hereto and incorporated herein as **Exhibit "A"**.

**SECTION 3:** As is stated in the Gateway Monument Agreement, the City of Texarkana acknowledges responsibility for all costs related to the installation of the Gateway Monument. The City of Texarkana also commits to ensuring the long term maintenance of the Gateway Monument, including maintaining any associated landscaping and lighting, timely removal of graffiti, and repairing and/or removing the Gateway Monument as stated in the Gateway Monument Agreement.

**SECTION 5:** A schematic drawing showing the general design of the Gateway Monument is attached hereto and incorporated herein as **Exhibit "B"**.

**SECTION 6:** 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 25<sup>th</sup> day of April, 2016.

ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR



## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

| Perspectives         | Goals                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serve the Community  | <input type="checkbox"/> Promote an Environmentally Sensitive & Livable Community<br><input type="checkbox"/> Provide a Safe Community<br><input checked="" type="checkbox"/> Deliver Quality Services<br><input type="checkbox"/> Foster a Healthy Community                                                                                                                                                                 |
| Run the Operations   | <input type="checkbox"/> Enhance Community Preparedness & Responsiveness<br><input checked="" type="checkbox"/> Maximize Partnership Opportunities<br><input type="checkbox"/> Provide Courteous & Responsive Customer Service<br><input checked="" type="checkbox"/> Model a Positive City Image<br><input type="checkbox"/> Deliver Efficient Services<br><input type="checkbox"/> Cultivate Community Involvement & Access |
| Manage the Resources | <input type="checkbox"/> Maintain Fiscal Strength<br><input type="checkbox"/> Maximize Utilization & Resources<br><input type="checkbox"/> Invest in Infrastructure & Transportation                                                                                                                                                                                                                                          |
| Develop Personnel    | <input type="checkbox"/> Develop a Skilled & Diverse Workforce<br><input type="checkbox"/> 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:

|                                     |                                        |                          |                                      |
|-------------------------------------|----------------------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/>            | Newspaper Notice (Required by Statute) | <input type="checkbox"/> | Public Hearing (Required by Statute) |
| <input checked="" type="checkbox"/> | Public Forum/Input Session             | <input type="checkbox"/> | Press Release                        |
| <input type="checkbox"/>            | E-News Distribution                    | <input type="checkbox"/> | Website Notice                       |
| <input type="checkbox"/>            | Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/> | Special Mailing                      |
| <input type="checkbox"/>            | Flyers Posted                          | <input type="checkbox"/> | Banners Posted                       |
| <input type="checkbox"/>            | Survey                                 | <input type="checkbox"/> | Automated Phone Call                 |
| <input type="checkbox"/>            | None Required                          | <input type="checkbox"/> |                                      |

Other:



Contract No. \_\_\_\_\_

## GATEWAY MONUMENT AGREEMENT

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State", and the \_\_\_\_\_ of \_\_\_\_\_, acting through its duly authorized officials, as evidenced by Resolution or Ordinance Number \_\_\_\_\_, dated \_\_\_\_\_, hereinafter called the "Local Entity".

### BACKGROUND

The State owns and maintains a system of highways, including \_\_\_\_\_ in \_\_\_\_\_ County, Texas, for public use and benefit. The State agrees to allow for the construction of a Gateway Monument within the State's right of way and the Local Entity agrees to construct the Monument and to conduct the long term maintenance for this structure located at \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_, referred to as the "Gateway Monument," more specifically described in **Attachment "A,"** Project Map, which is attached hereto. The Local Entity will conduct the Monument's long term maintenance activities through the use of Local Entity forces, contractors, or other means satisfactory to the Local Entity and the State.

**THEREFORE**, in consideration of the mutual promises contained in this Agreement, the parties agree to the following.

## A G R E E M E N T

### SECTION 1. PERIOD OF THE AGREEMENT

This Agreement becomes effective when finally executed by the State and shall continue unless or until otherwise terminated as provided by this agreement.

### SECTION 2. FINANCIAL RESPONSIBILITIES

All costs covered by this agreement including design, engineering, testing, construction, installation, access for maintenance, maintenance, labor, materials, supplies, traffic control, additional improvements, and if required, removal of the Gateway Monument, shall be the responsibility of the Local Entity.

Any administrative costs associated with the Gateway Monument that are incurred by the State, such as those related to proposal review, as well as developing, issuing, and monitoring the Agreement for approved the Gateway Monument project shall be the responsibility of the State.

**SECTION 3. RESPONSIBILITY OF THE PARTIES****A. The Local Entity agrees to:**

1. Provide Gateway Monument design plans to the State before execution of this agreement according to TxDOT policy and, upon final approval, furnish and construct the Gateway Monument according to plans approved by the State, which are set out more specifically in **Attachment "B,"** Local Entity's Final Gateway Monument Proposal, which is attached to this Agreement, and include any other related installation items that may be required; and
2. Furnish, erect, and maintain any barricades, signs and traffic handling devices, in accordance with the latest Texas Manual of Uniform Traffic Control Devices (MUTCD) and to the satisfaction of the State related to this project, as may be required to protect the safety of the public; and
3. Conduct periodic inspections of the Gateway Monument as deemed necessary; and
4. Provide for the construction and maintenance of all associated appurtenances that are considered by the State to be a part of the project. The Local Entity further agrees to remove such items from the project's location and restore the area to the satisfaction of the State upon termination of this Agreement in accordance with Section 9.

**B. The State agrees to:**

1. Review and evaluate the Gateway Monument proposal submitted by the Local Entity with due consideration to safety (location, potential for motorist distraction, accessibility for maintenance, etc.), aesthetics, community support and maintainability; and
2. Coordinate with other TxDOT Divisions, as appropriate, as well as interact with the Federal Highway Administration (FHWA) for input, review and approval; and
3. Cooperate with the Local Entity to determine the requirements for barricades, signs, and traffic handling devices to be used by the Local Entity during the construction and maintenance of the Gateway Monument; and

Contract No. \_\_\_\_\_

4. Provide maintenance access to the project location for the Local Entity or for its Contractor or group, and if possible, from outside the highway right of way; and
5. Conduct periodic inspections of the Gateway Monument as deemed necessary.

C. The Local Entity and State further agree that nothing contained in this Agreement will be construed to:

1. Give either party the power to direct and control the day-to-day activities of the other; or
2. Constitute the parties as partners, joint venturers, co-owners, or otherwise as participants in a joint or common undertaking; or
3. Allow either party to create or assume any obligation on behalf of the other party for any purpose whatsoever.

#### **SECTION 4. DESIGN AND PLACEMENT OF GATEWAY MONUMENTS**

A. Gateway Monuments shall be designed and placed so as to:

1. Be freestanding.
2. Feature only the letters of the community name and/or officially adopted seal.
3. Include, if required by TxDOT, approved protective graffiti coatings.
4. Be appropriate to its proposed setting and community context.
5. Be in proper size and scale with its surroundings.
6. Be composed of materials that are durable for the projected life span of the project.
7. Be located beyond the clear zone, for both main lane traffic and frontage road traffic.
8. Be located where maintenance can be safely performed, as specified in the Gateway Monument Agreement, and in conformance with TxDOT procedures.
9. Be subject to the review and approval of TxDOT in consideration of design, size, and scale for appropriate integration on urban or rural highway features.

Contract No. \_\_\_\_\_

## B. Gateway Monuments shall not:

1. Be allowed within the center median areas of interstate highway rights-of-way.
2. Contain religious, political, special interest, private, or commercial messages of any sort, including, but not limited to, symbols, logos, business names, trade names, jingles, or slogans.
3. Contain any displays of any sort, advertising, decorative banners, flags, or flag poles.
4. Display telephone numbers, street addresses, or Internet addresses.
5. Interfere with airspace above the roadway.
6. Create a distraction to the motoring public; for example, the Gateway Monument shall be large enough to interpret at highway speed, but not be so large that it demands attention from the motorist.
7. Include reflective or glaring surface finishes.
8. Include illumination that impairs or distracts the vision of transportation system users. Other lighting may be permitted.
9. Display blinking or intermittent or moving lights, including changeable message signs, digital displays, or lighted static displays such as LED.
10. Include moving elements (kinetic art) or simulate movement.
11. Include water features of any sort.
12. Interfere with official traffic control devices, nor interfere with the operational right-of-way above the roadway.
13. Be placed within State right-of-way upon trees, or painted or drawn upon rocks or other existing natural features.
14. Make use of or simulate colors or combinations of colors usually reserved for official traffic control devices described in the Texas Manual on Uniform Traffic Control Devices.

15. Require the removal of trees or other vegetation for visibility, or harm trees during construction. Pruning of tree branches or roots, and removal of shrubs should be avoided.
16. Negatively impact existing highway features, including existing signs, irrigation systems, necessary drainage patterns, and facilities.

#### **SECTION 5. MAINTENANCE**

The Local Entity shall provide regularly scheduled maintenance, as described in **Attachment "B,"** the Local Entity's Final Gateway Monument Proposal, for its projected lifespan. Maintenance shall include, but not be limited to, restoration work to maintain the integrity of the approved Gateway Monument, maintenance of any associated landscaping or lighting, and graffiti removal. Gateway Monuments shall be kept clean, free of graffiti, and in good repair. Graffiti removal shall conform to the most current TxDOT policies and guidelines, which require prompt removal of offensive messages and timely removal of all other graffiti. Maintenance practices of the Local Entity or its agent shall protect air and water quality as required by federal and state law.

#### **SECTION 6. MONUMENT REMOVAL**

The Local Entity shall remove the Gateway Monument covered by this agreement, if in the opinion of TxDOT, it creates safety or operational concerns due to deterioration or inadequate maintenance or upon termination of the main Gateway Monument Agreement. TxDOT will notify the Local Entity when it has determined that the Gateway Monument requires special attention. In the event the Local Entity fails to maintain, repair, rehabilitate, or remove the Gateway Monument in a timely manner, TxDOT may choose to remove the Gateway Monument after thirty (30) days following notification to the Local Entity, and bill the Local Entity for all costs of removal and restoration of the area.

TxDOT reserves the right to remove the Gateway Monument due to construction, rehabilitation, violation of the terms of this agreement, or other necessary activities affecting the transportation facilities without any obligation, compensation to, or approval of the Local Entity. TxDOT will strive to notify the Local Entity of its intent to remove the Gateway Monument to allow for timely removal and salvage by the Local Entity, if possible.

TxDOT reserves the right to remove or alter any Gateway Monument that presents an immediate safety hazard to the public without delay or advanced notification to the Local Entity.

#### **SECTION 7. USE OF CONTRACTOR OR GROUP**

The Local Entity shall have the right to engage any responsible Contractor or group to perform or provide any portion of the Local Entity's Gateway Monument



Contract No. \_\_\_\_\_

activities specified in this Agreement. However, notwithstanding this provision, the Local Entity shall continue to remain responsible to the State to ensure performance of all its duties and responsibilities specified in this Agreement. The Local Entity shall ensure that any Contractor or group complies with all provisions of this agreement, and federal, state, and local laws, and regulations as may be applicable.

In the event the Local Entity engages a Contractor to perform Gateway Monument construction or maintenance activities under this Agreement, the Local Entity shall ensure that said Contractor shall indemnify the State for any and all damages and claims for damages by said Contractor, its employees, agents, or representatives, including any claims resulting from bodily injury or death to others, or, for loss of or damage to property of others, arising out of, incident to, or in any manner connected to Gateway Monument construction or maintenance activities, and, for any or all liability arising from the negligent acts of said Contractor, its employees, agents, or representatives.

In the event the Local Entity engages and approves a responsible group to perform Gateway Monument construction or maintenance activities under this Agreement, the Local Entity shall require and ensure that said Contractor or group follow all the terms of this Agreement as well as all Attachments.

#### **SECTION 8. INDEMNIFICATION**

- A. The Local Entity and the State each acknowledge responsibility for the acts, deeds, errors and omissions of its own employees. The parties agree that the Texas Tort Claims Act pertaining to governmental liability for tortious conduct and/or property damage shall apply to this Agreement.
- B. The Local Entity shall also indemnify and save harmless the State from any and all expense, including, but not limited to, attorney fees, which may be incurred by the State in litigation or otherwise resisting a claim or liabilities that may be imposed on the State as a result of error, omission, or act of the Local Entity, its agents, or its employees.

#### **SECTION 9. TERMINATION**

This Agreement may be terminated under any of the following conditions:

- A. By mutual written agreement and consent of both parties; or
- B. By either party upon giving the other party thirty (30) days prior written notice; or
- C. By the State, in the event the State determines that the Gateway Monument is not in the best interest of the traveling public.

Contract No. \_\_\_\_\_

If either party terminates this Agreement, as provided herein, the Local Entity will be responsible for repair or removal of the Gateway Monument. In the event that the Local Entity does not provide the repair or removal services, the State may remove or repair the Gateway Monument and shall be entitled to reimbursement from the Local Entity for any reasonable costs incurred by the State to restore the State's right of way to its original condition.

**SECTION 10. AMENDMENTS**

Amendments to this Agreement shall be in writing and shall be executed by both parties.

**SECTION 11. AUDIT**

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

**SECTION 12. SUCCESSORS AND ASSIGNS**

Subject to the provisions of Section 7, the Local Entity shall not assign or otherwise transfer its rights and obligations under this Agreement except with prior written consent of the State, and any prohibited assignment or transfer shall be null and void.

**SECTION 13. REMEDIES**

This Agreement shall not be considered as specifying the exclusive remedy for any default. All legal remedies may be pursued by either party and shall be cumulative.

**SECTION 14. INSURANCE**

If this agreement authorizes the Local Entity or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on the State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

Contract No. \_\_\_\_\_

**SECTION 15. NOTICES**

All notices to either party by the other under this Agreement shall be delivered personally or sent by U.S. mail, postage prepaid, addressed to such party at the following addresses:

|                                                                                                                               |                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>STATE :</b><br>Texas Department of Transportation<br>District Engineer<br>(mailing address) _____<br>_____<br>_____, Texas | <b>LOCAL ENTITY:</b><br>City of _____<br>Attn: _____<br>_____<br>_____ |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|

**SECTION 16. GRATUITIES**

Texas Transportation Commission policy mandates that employees of the State shall not accept any benefits, gifts, or favors from any person doing business or who reasonably speaking may do business with the State under this Agreement. The only exceptions allowed are ordinary business lunches and items that have received advanced written approval of the Texas Department of Transportation Executive Director. Any person doing business with or who may reasonably speaking do business with the State under this Agreement may not make any offer of benefits, gifts or favors to State employees, except as mentioned here above. Failure on the part of the Local Entity to adhere to this policy may result in the termination of this Agreement.

**SECTION 17. SIGNATORY WARRANTY**

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

**SECTION 18. INCORPORATION OF PROVISIONS**

Attachments "A" and "B" are made part of this contract. The parties shall comply with the provisions of Attachments "A" and "B" as if they were set forth in full within the body of this contract.

**THEREFORE**, the Parties have executed this Agreement in duplicate originals.

Contract No. \_\_\_\_\_

THE CITY OF \_\_\_\_\_

THE STATE OF TEXAS

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by The Texas Transportation Commission

Attest: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
District Engineer  
\_\_\_\_\_ District

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
City Attorney

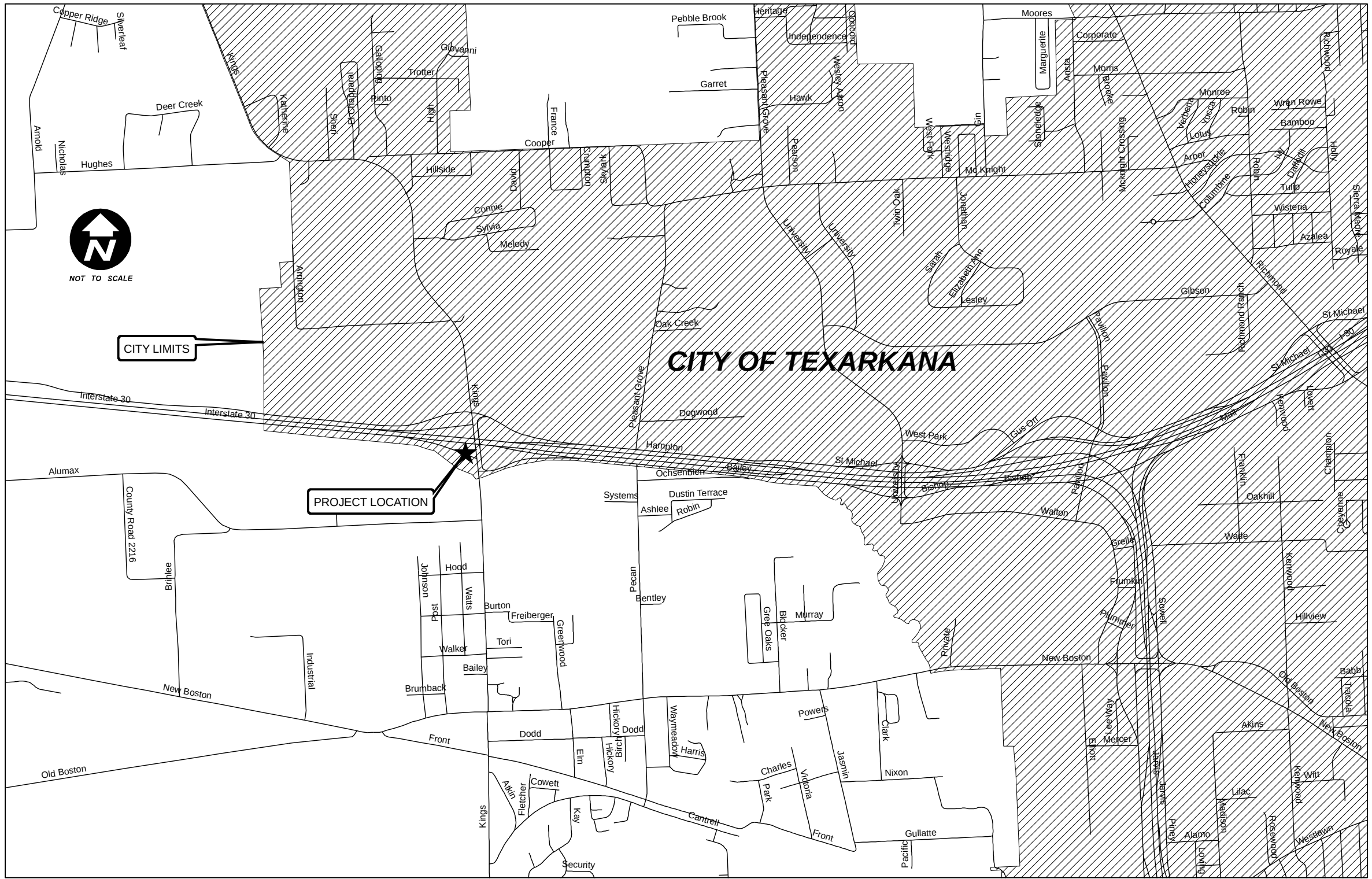
**List of Attachments:****“A” – Project Map for Gateway Monument****“B” - Local Entity’s Final Gateway Monument Proposal**

CONSTRUCTION PLANS  
FOR  
E.B. IH 30 GATEWAY SIGN  
FOR  
CITY OF TEXARKANA, TEXAS

EXHIBIT 'B'

TEXARKANA, TEXAS  
JOB NO. 156087  
MARCH, 2016

VICINITY MAP



REFERENCE LIST

City of Texarkana, Texas  
Ph: 903-798-3943  
Kyle Dooley, P.E.

A.E.P. Electric  
Ph: 903-223-5733  
Dusty Wiley

Windstream  
Ph: 903-223-4665  
James Latimer

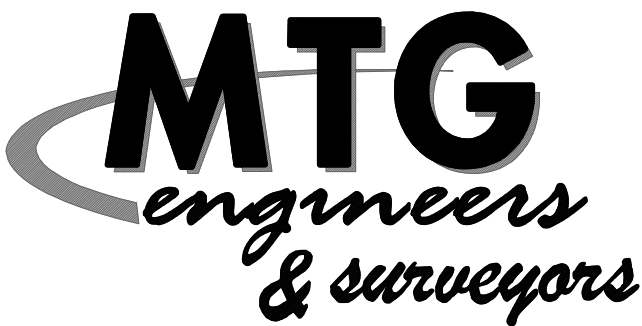
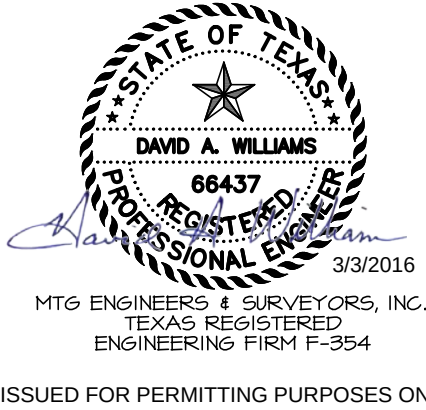
Texarkana Water Utilities  
Ph: 903-798-3800  
Gary Smith

Centerpoint Energy  
Ph: 870-779-6338  
Diane Engelkes



INDEX OF DRAWINGS

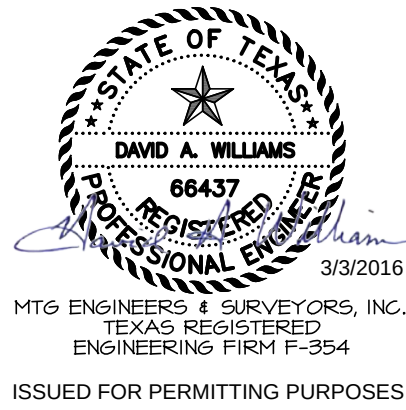
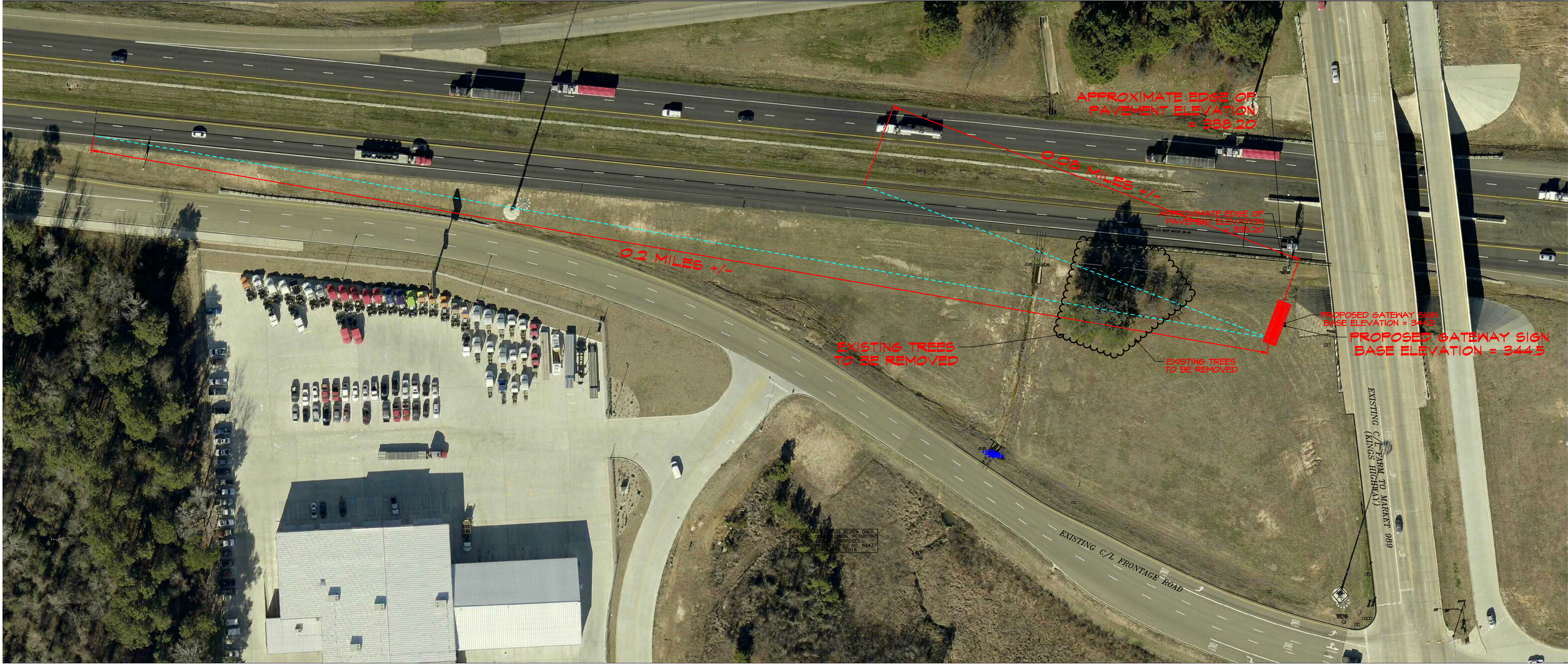
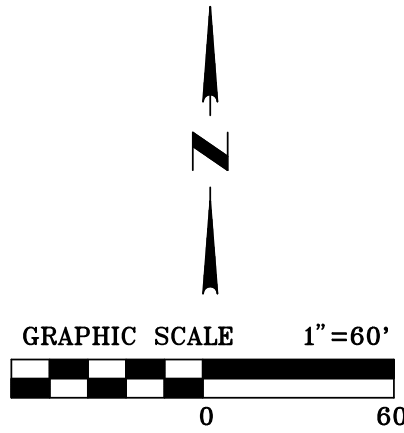
1. TITLE SHEET
2. AREA MAP & SITE VISION LINES
3. SITE PLAN
4. SIGN ELEVATION & DETAILS



5430 SUMMERHILL RD.  
TEXARKANA TEXAS 75503  
P 903.838.8533 | F 903.832.4100  
www.mtgengineers.com  
TBPE FIRM NO. F-354 | ASBL NO. 125  
© MTG 2016

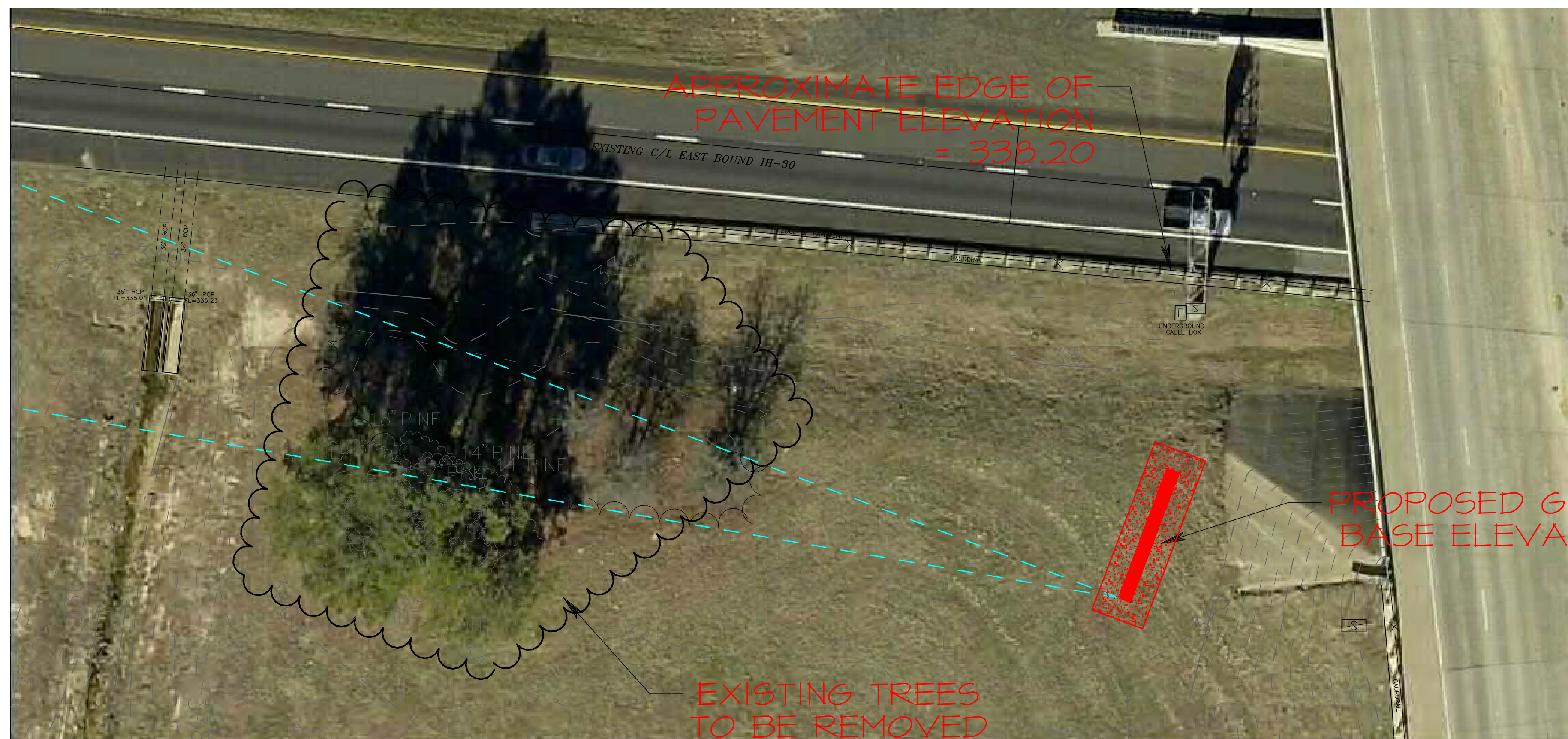
SET NO. \_\_\_\_\_





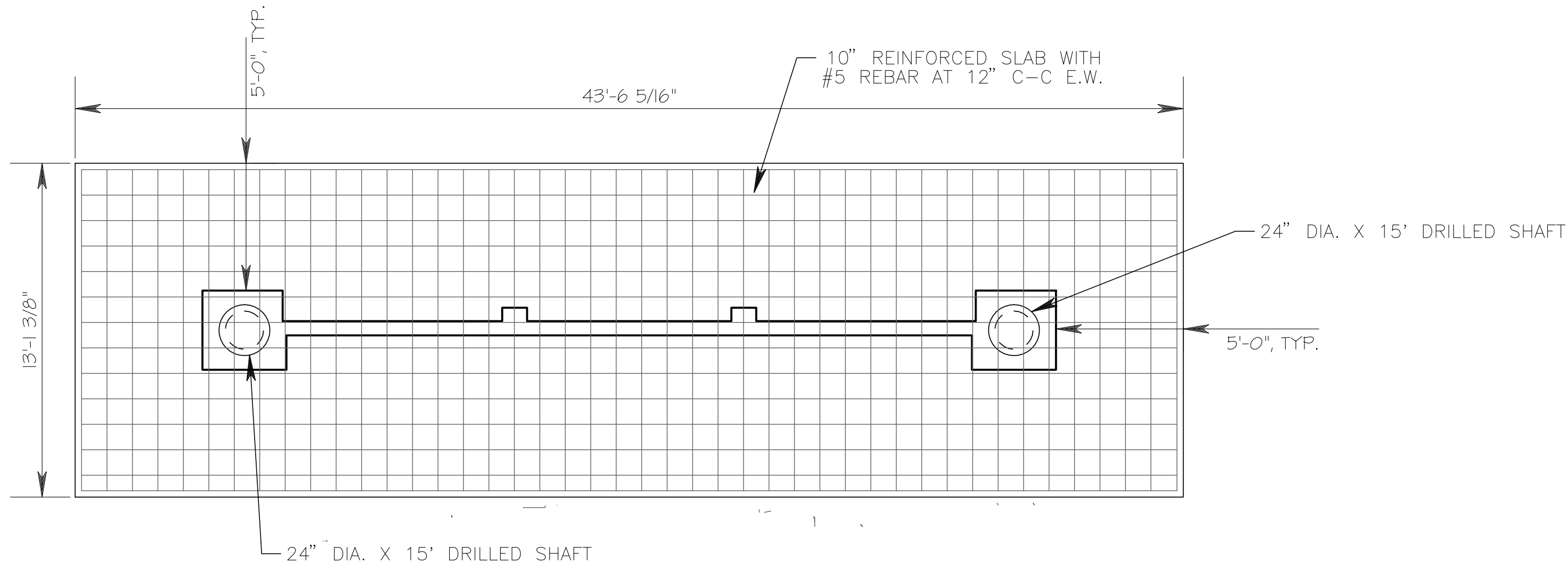
|                                                   |                      |                       |                     |                                                                                                                                                                                                                                                                       |                |
|---------------------------------------------------|----------------------|-----------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| AREA MAP AND<br>SITE VISION LINES                 |                      |                       |                     | <br>5430 SUMMERHILL RD.   P.O. BOX 3786<br>TEXARKANA, TEXAS 75501<br>P 903.838.8533   F 903.832.4700<br>www.mtgengineers.com<br>TBPE FIRM NO. F-354   ASBL NO. 125<br>© MTG 2015 |                |
| EB IH 30 GATEWAY SIGN<br>CITY OF TEXARKANA, TEXAS |                      |                       |                     |                                                                                                                                                                                                                                                                       |                |
| Date                                              | Revision/Description |                       |                     |                                                                                                                                                                                                                                                                       |                |
|                                                   |                      |                       |                     |                                                                                                                                                                                                                                                                       |                |
|                                                   |                      |                       |                     |                                                                                                                                                                                                                                                                       |                |
| Drawn By<br>XXX.                                  | Checked By<br>XXX.   | Project No.<br>156081 | Dwg. Date<br>2/2016 | File No.                                                                                                                                                                                                                                                              | Sheet No.<br>2 |





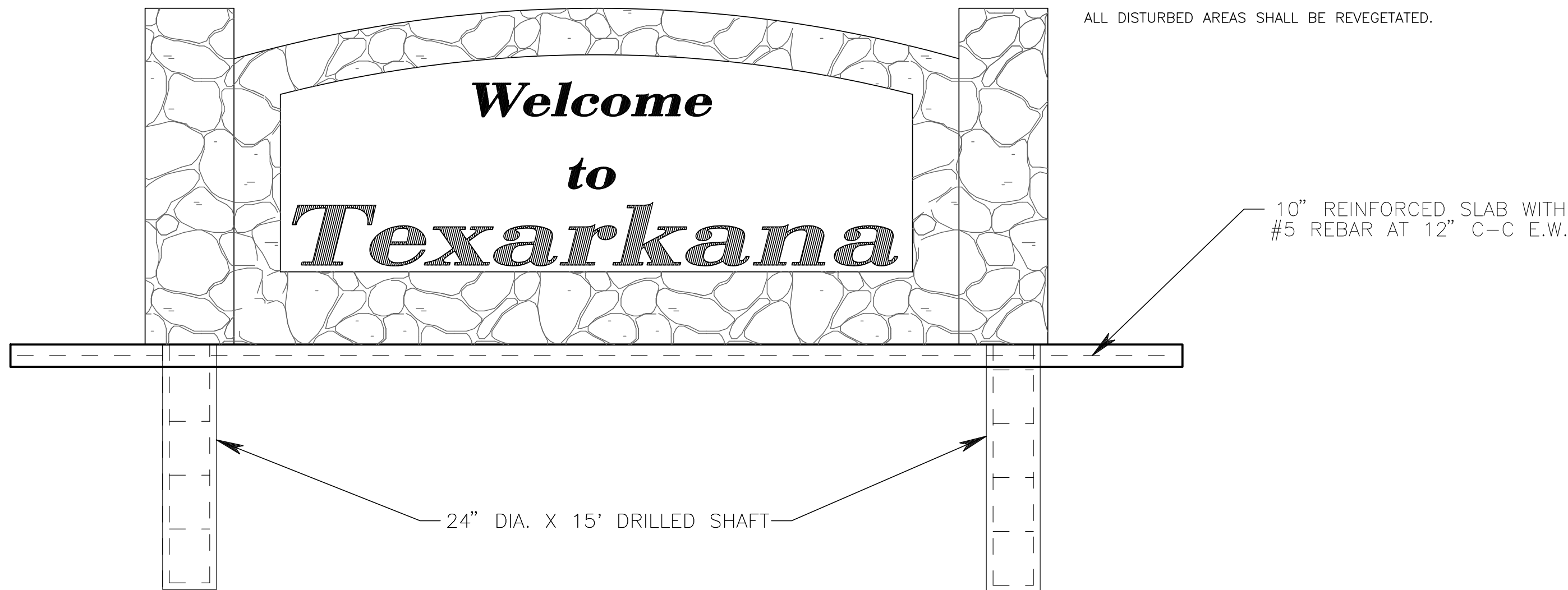
| <h1 style="margin: 0;">SITE PLAN</h1>                                                                                                                                                                                                                                                                                       |                      |  <p style="margin: 0;">5430 SUMMERHILL RD.   P.O. BOX 3786<br/>TEXARKANA TEXAS 75501</p> <p style="margin: 0;">P 903.832.8533   F 903.832.4700<br/><a href="http://www.mtgengineers.com">www.mtgengineers.com</a></p> <p style="margin: 0;">TBPFE FIRM NO. F-354   ASBL NO. 125</p> <p style="margin: 0;">© MTG 2015</p> |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------|--|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-------------------|------------------------|
| <p style="margin: 0;">EB IH 30 GATEWAY SIGN<br/>CITY OF TEXARKANA, TEXAS</p>                                                                                                                                                                                                                                                |                      |                                                                                                                                                                                                                                                                                                                                                                                                               |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 15%;">Date</th> <th style="width: 85%;">Revision/Description</th> </tr> <tr><td style="height: 20px;"> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td></tr> <tr><td style="height: 20px;"> </td><td> </td></tr> </table> | Date                 |                                                                                                                                                                                                                                                                                                                                                                                                               | Revision/Description |   |                                                                                                                                                                                                                                                             |          |           |  |   | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">Drawn By<br/>XXX</td> <td style="width: 25%;">Checked By<br/>XXX</td> <td style="width: 25%;">Project No.<br/>156-NAT</td> <td style="width: 25%;">Dwg. Date<br/>2/20/16</td> </tr> </table> | Drawn By<br>XXX | Checked By<br>XXX | Project No.<br>156-NAT |
| Date                                                                                                                                                                                                                                                                                                                        | Revision/Description |                                                                                                                                                                                                                                                                                                                                                                                                               |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
|                                                                                                                                                                                                                                                                                                                             |                      |                                                                                                                                                                                                                                                                                                                                                                                                               |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
|                                                                                                                                                                                                                                                                                                                             |                      |                                                                                                                                                                                                                                                                                                                                                                                                               |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
|                                                                                                                                                                                                                                                                                                                             |                      |                                                                                                                                                                                                                                                                                                                                                                                                               |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
| Drawn By<br>XXX                                                                                                                                                                                                                                                                                                             | Checked By<br>XXX    | Project No.<br>156-NAT                                                                                                                                                                                                                                                                                                                                                                                        | Dwg. Date<br>2/20/16 |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">File No.</td> <td style="width: 50%;">Sheet No.</td> </tr> <tr> <td style="height: 40px;"> </td> <td style="text-align: center; font-size: 2em;">3</td> </tr> </table>                                                                 | File No.             | Sheet No.                                                                                                                                                                                                                                                                                                                                                                                                     |                      | 3 | <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">File No.</td> <td style="width: 50%;">Sheet No.</td> </tr> <tr> <td style="height: 40px;"> </td> <td style="text-align: center; font-size: 2em;">3</td> </tr> </table> | File No. | Sheet No. |  | 3 |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
| File No.                                                                                                                                                                                                                                                                                                                    | Sheet No.            |                                                                                                                                                                                                                                                                                                                                                                                                               |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
|                                                                                                                                                                                                                                                                                                                             | 3                    |                                                                                                                                                                                                                                                                                                                                                                                                               |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
| File No.                                                                                                                                                                                                                                                                                                                    | Sheet No.            |                                                                                                                                                                                                                                                                                                                                                                                                               |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |
|                                                                                                                                                                                                                                                                                                                             | 3                    |                                                                                                                                                                                                                                                                                                                                                                                                               |                      |   |                                                                                                                                                                                                                                                             |          |           |  |   |                                                                                                                                                                                                                                                                                   |                 |                   |                        |





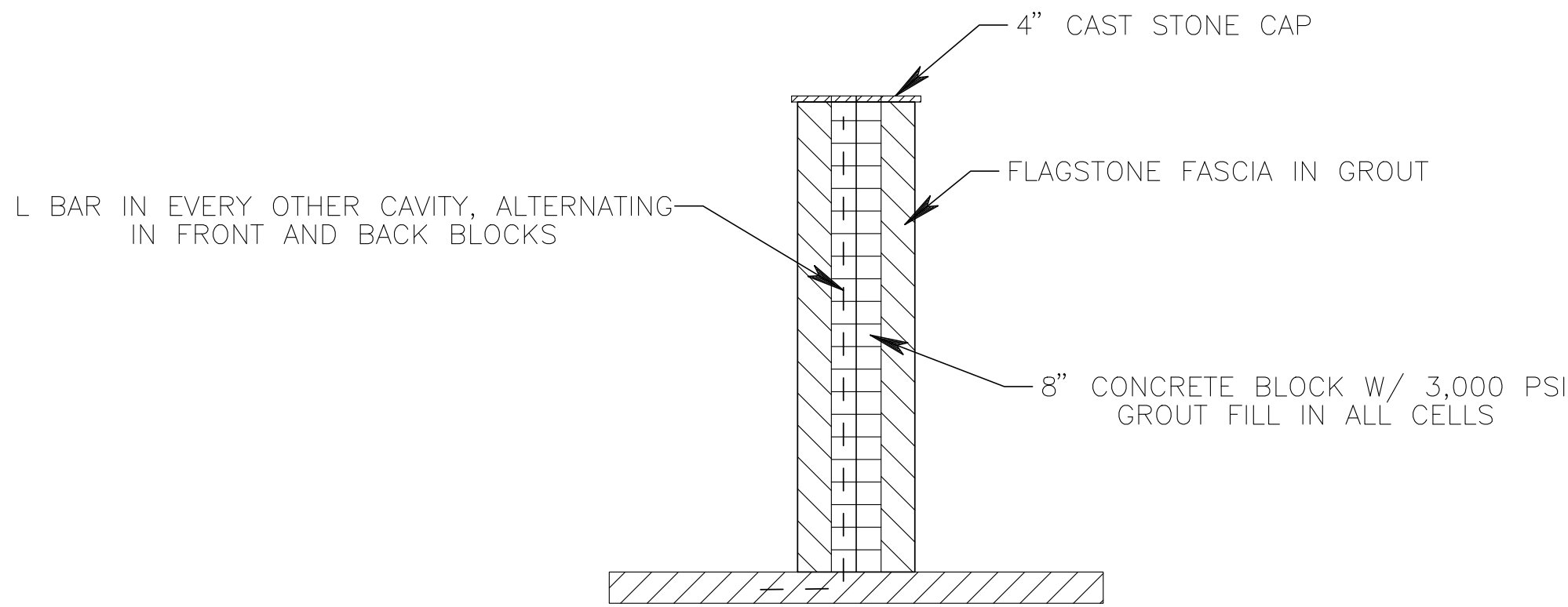
FOUNDATION PLAN

GENERAL NOTES:  
ALL CONCRETE SHALL BE 3,000 PSI WITH 4% - 6% ENTRAINED AIR.  
ALL REINFORCEMENT SHALL BE ASTM A-615, GR 60.  
EXPOSED EDGES OF FOUNDATION SHALL HAVE A 3/4 CHAMFER AND A LIGHT BROOM FINISH.  
ALL DISTURBED AREAS SHALL BE REVEGETATED.



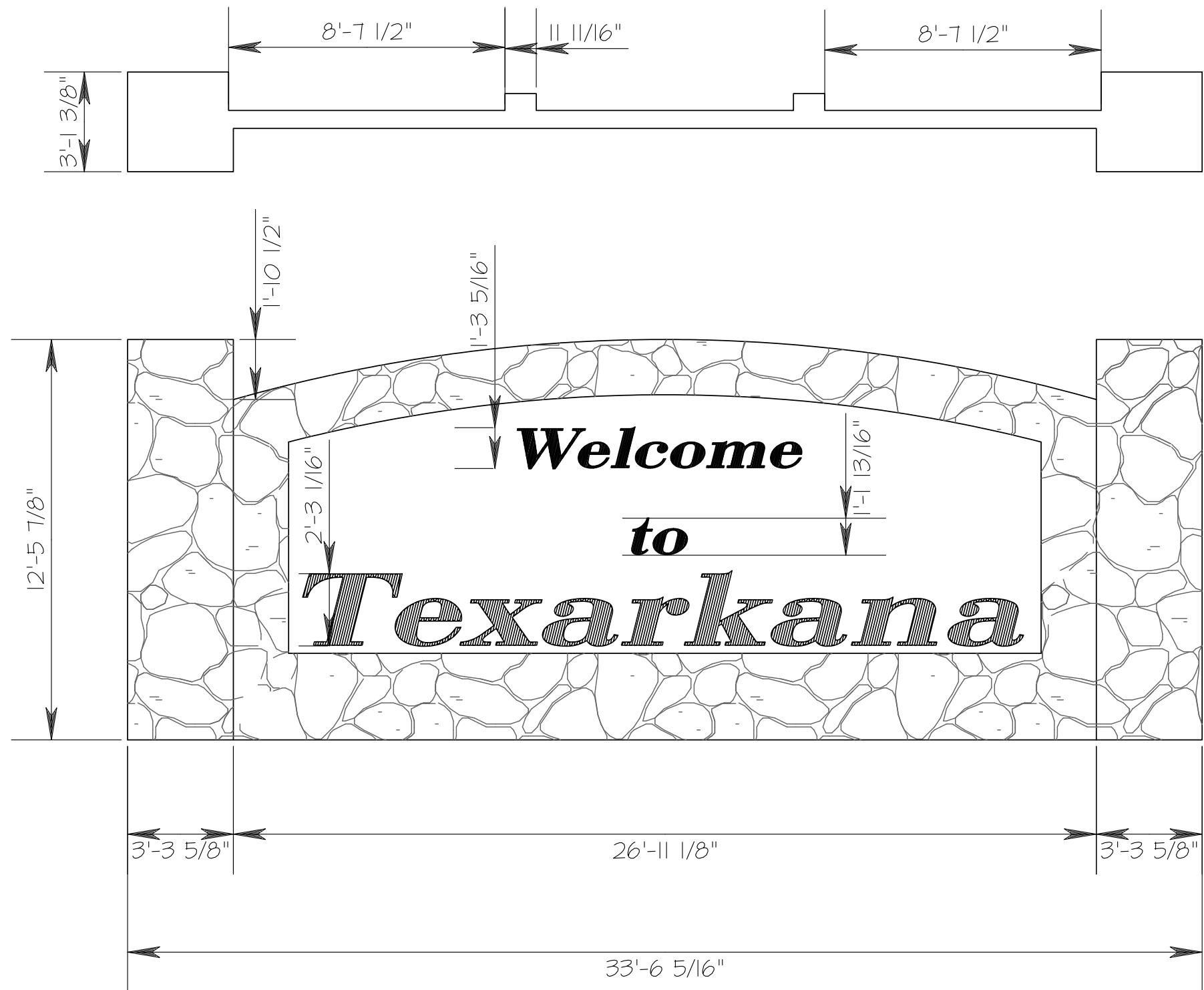
SCALE: 1/4" = 1'

FOUNDATION ELEVATION



WALL SECTION

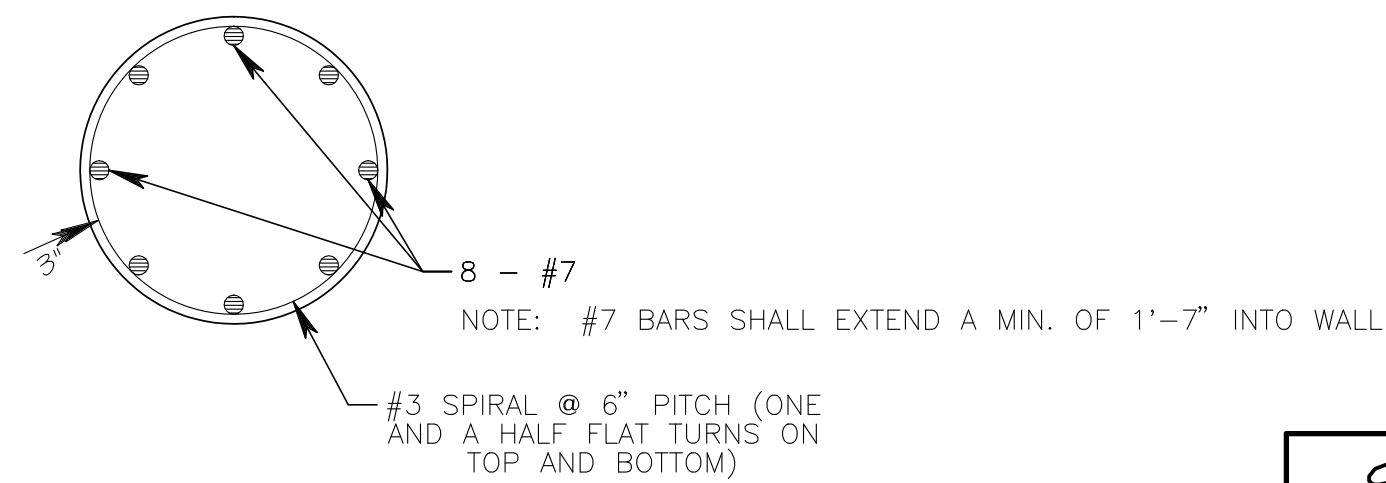
VARIES, WALL HEIGHT + 2"  
4'-0"  
L BAR (#4)



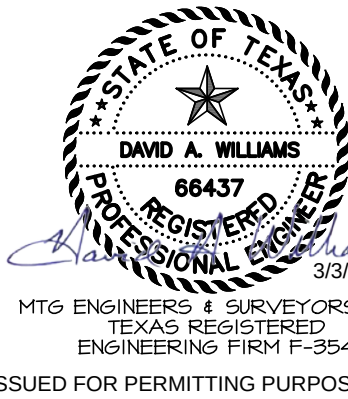
PROPOSED SIGN

SCALE: 1/4" = 1'

SIGN MATERIAL NOTES:  
PROPOSED ROCK MATERIAL TO BE A FLAGSTONE TYPE STONE.  
MESSAGE BACKGROUND TO BE A EGGSHELL COLOR STUCCO MATERIAL.  
PROPOSED LETTERS TO BE A NAVY COLORED LED INTERNAL BACKLIGHT LETTER.  
ELECTRICITY FOR SIGN TO BE ROUTED UNDERGROUND FROM AN EXISTING STREET LIGHT OPERATED AND MAINTAINED BY THE CITY OF TEXARKANA.  
NO LANDSCAPING OR IRRIGATION IMPROVEMENTS ARE PROPOSED.  
ALL ACCESS TO THE WORK SITE WILL BE FROM THE FRONTAGE ROAD. NO ACCESS FROM IH 30 MAIN LANES WILL BE ALLOWED.



24" D.S.



|                                                   |                      |                       |                     |                                                                                                                                                                                                                                                                       |                |
|---------------------------------------------------|----------------------|-----------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| SIGN ELEVATION<br>& DETAILS                       |                      |                       |                     | <br>5430 SUMMERHILL RD.   P.O. BOX 3786<br>TEXARKANA, TEXAS 75501<br>P 903.838.8533   F 903.832.4100<br>www.mtgengineers.com<br>TBPE FIRM NO. F-354   ASBL NO. 125<br>© MTG 2015 |                |
| EB IH 30 GATEWAY SIGN<br>CITY OF TEXARKANA, TEXAS |                      |                       |                     |                                                                                                                                                                                                                                                                       |                |
| Date                                              | Revision/Description |                       |                     |                                                                                                                                                                                                                                                                       |                |
|                                                   |                      |                       |                     |                                                                                                                                                                                                                                                                       |                |
| Drawn By<br>XXX.                                  | Checked By<br>XXX.   | Project No.<br>156081 | Dwg. Date<br>2/2016 | File No.                                                                                                                                                                                                                                                              | Sheet No.<br>4 |



## RESOLUTION NO. 2016-026

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A GATEWAY MONUMENT AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION REGARDING THE CITY OF TEXARKANA'S CONSTRUCTION AND MAINTENANCE OF A GATEWAY MONUMENT ALONG INTERSTATE 30 RIGHT OF WAY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council desires to construct a gateway monument sign within the State's right-of-way on Interstate 30 at the King's Highway Overpass; and

**WHEREAS**, subject to compliance with the terms and conditions of a Gateway Monument Agreement, the State will allow the City to construct a gateway monument sign on the west side of the King's Highway Overpass along Interstate 30; and

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

**SECTION 1:** The monument location is located within the city limits of Texarkana, Texas.

**SECTION 2:** The City Manager is authorized to execute a Gateway Monument Agreement with the State of Texas, said Agreement being attached hereto and incorporated herein as **Exhibit "A"**.

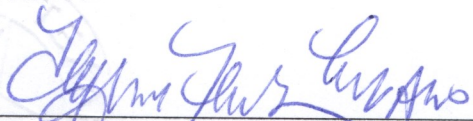
**SECTION 3:** As is stated in the Gateway Monument Agreement, the City of Texarkana acknowledges responsibility for all costs related to the installation of the Gateway Monument. The City of Texarkana also commits to ensuring the long term maintenance of the Gateway Monument, including maintaining any associated landscaping and lighting, timely removal of graffiti, and repairing and/or removing the Gateway Monument as stated in the Gateway Monument Agreement.

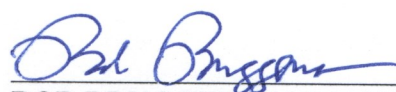
**SECTION 5:** A schematic drawing showing the general design of the Gateway Monument is attached hereto and incorporated herein as **Exhibit "B"**.

**SECTION 6:** 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 **25<sup>th</sup>** day of April, 2016.

ATTEST:

  
JENNIFER EVANS, CITY SECRETARY

  
BOB BRUGGEMAN, MAYOR

7:39 p.m.



Contract No. \_\_\_\_\_

## GATEWAY MONUMENT AGREEMENT

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

**THIS AGREEMENT** is made by and between the State of Texas, acting by and through the Texas Department of Transportation, hereinafter called the "State", and the \_\_\_\_\_ of \_\_\_\_\_, acting through its duly authorized officials, as evidenced by Resolution or Ordinance Number \_\_\_\_\_, dated \_\_\_\_\_, hereinafter called the "Local Entity".

### BACKGROUND

The State owns and maintains a system of highways, including \_\_\_\_\_ in \_\_\_\_\_ County, Texas, for public use and benefit. The State agrees to allow for the construction of a Gateway Monument within the State's right of way and the Local Entity agrees to construct the Monument and to conduct the long term maintenance for this structure located at \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_, referred to as the "Gateway Monument," more specifically described in **Attachment "A,"** Project Map, which is attached hereto. The Local Entity will conduct the Monument's long term maintenance activities through the use of Local Entity forces, contractors, or other means satisfactory to the Local Entity and the State.

**THEREFORE**, in consideration of the mutual promises contained in this Agreement, the parties agree to the following.

## A G R E E M E N T

### SECTION 1. PERIOD OF THE AGREEMENT

This Agreement becomes effective when finally executed by the State and shall continue unless or until otherwise terminated as provided by this agreement.

### SECTION 2. FINANCIAL RESPONSIBILITIES

All costs covered by this agreement including design, engineering, testing, construction, installation, access for maintenance, maintenance, labor, materials, supplies, traffic control, additional improvements, and if required, removal of the Gateway Monument, shall be the responsibility of the Local Entity.

Any administrative costs associated with the Gateway Monument that are incurred by the State, such as those related to proposal review, as well as developing, issuing, and monitoring the Agreement for approved the Gateway Monument project shall be the responsibility of the State.



Contract No. \_\_\_\_\_

**SECTION 3. RESPONSIBILITY OF THE PARTIES****A. The Local Entity agrees to:**

1. Provide Gateway Monument design plans to the State before execution of this agreement according to TxDOT policy and, upon final approval, furnish and construct the Gateway Monument according to plans approved by the State, which are set out more specifically in **Attachment "B,"** Local Entity's Final Gateway Monument Proposal, which is attached to this Agreement, and include any other related installation items that may be required; and
2. Furnish, erect, and maintain any barricades, signs and traffic handling devices, in accordance with the latest Texas Manual of Uniform Traffic Control Devices (MUTCD) and to the satisfaction of the State related to this project, as may be required to protect the safety of the public; and
3. Conduct periodic inspections of the Gateway Monument as deemed necessary; and
4. Provide for the construction and maintenance of all associated appurtenances that are considered by the State to be a part of the project. The Local Entity further agrees to remove such items from the project's location and restore the area to the satisfaction of the State upon termination of this Agreement in accordance with Section 9.

**B. The State agrees to:**

1. Review and evaluate the Gateway Monument proposal submitted by the Local Entity with due consideration to safety (location, potential for motorist distraction, accessibility for maintenance, etc.), aesthetics, community support and maintainability; and
2. Coordinate with other TxDOT Divisions, as appropriate, as well as interact with the Federal Highway Administration (FHWA) for input, review and approval; and
3. Cooperate with the Local Entity to determine the requirements for barricades, signs, and traffic handling devices to be used by the Local Entity during the construction and maintenance of the Gateway Monument; and



Contract No. \_\_\_\_\_

4. Provide maintenance access to the project location for the Local Entity or for its Contractor or group, and if possible, from outside the highway right of way; and
  5. Conduct periodic inspections of the Gateway Monument as deemed necessary.
- C. The Local Entity and State further agree that nothing contained in this Agreement will be construed to:
1. Give either party the power to direct and control the day-to-day activities of the other; or
  2. Constitute the parties as partners, joint venturers, co-owners, or otherwise as participants in a joint or common undertaking; or
  3. Allow either party to create or assume any obligation on behalf of the other party for any purpose whatsoever.

#### **SECTION 4. DESIGN AND PLACEMENT OF GATEWAY MONUMENTS**

- A. Gateway Monuments shall be designed and placed so as to:
1. Be freestanding.
  2. Feature only the letters of the community name and/or officially adopted seal.
  3. Include, if required by TxDOT, approved protective graffiti coatings.
  4. Be appropriate to its proposed setting and community context.
  5. Be in proper size and scale with its surroundings.
  6. Be composed of materials that are durable for the projected life span of the project.
  7. Be located beyond the clear zone, for both main lane traffic and frontage road traffic.
  8. Be located where maintenance can be safely performed, as specified in the Gateway Monument Agreement, and in conformance with TxDOT procedures.
  9. Be subject to the review and approval of TxDOT in consideration of design, size, and scale for appropriate integration on urban or rural highway features.

Contract No. \_\_\_\_\_

## B. Gateway Monuments shall not:

1. Be allowed within the center median areas of interstate highway rights-of-way.
2. Contain religious, political, special interest, private, or commercial messages of any sort, including, but not limited to, symbols, logos, business names, trade names, jingles, or slogans.
3. Contain any displays of any sort, advertising, decorative banners, flags, or flag poles.
4. Display telephone numbers, street addresses, or Internet addresses.
5. Interfere with airspace above the roadway.
6. Create a distraction to the motoring public; for example, the Gateway Monument shall be large enough to interpret at highway speed, but not be so large that it demands attention from the motorist.
7. Include reflective or glaring surface finishes.
8. Include illumination that impairs or distracts the vision of transportation system users. Other lighting may be permitted.
9. Display blinking or intermittent or moving lights, including changeable message signs, digital displays, or lighted static displays such as LED.
10. Include moving elements (kinetic art) or simulate movement.
11. Include water features of any sort.
12. Interfere with official traffic control devices, nor interfere with the operational right-of-way above the roadway.
13. Be placed within State right-of-way upon trees, or painted or drawn upon rocks or other existing natural features.
14. Make use of or simulate colors or combinations of colors usually reserved for official traffic control devices described in the Texas Manual on Uniform Traffic Control Devices.



Contract No. \_\_\_\_\_

15. Require the removal of trees or other vegetation for visibility, or harm trees during construction. Pruning of tree branches or roots, and removal of shrubs should be avoided.
16. Negatively impact existing highway features, including existing signs, irrigation systems, necessary drainage patterns, and facilities.

## **SECTION 5. MAINTENANCE**

The Local Entity shall provide regularly scheduled maintenance, as described in **Attachment "B,"** the Local Entity's Final Gateway Monument Proposal, for its projected lifespan. Maintenance shall include, but not be limited to, restoration work to maintain the integrity of the approved Gateway Monument, maintenance of any associated landscaping or lighting, and graffiti removal. Gateway Monuments shall be kept clean, free of graffiti, and in good repair. Graffiti removal shall conform to the most current TxDOT policies and guidelines, which require prompt removal of offensive messages and timely removal of all other graffiti. Maintenance practices of the Local Entity or its agent shall protect air and water quality as required by federal and state law.

## **SECTION 6. MONUMENT REMOVAL**

The Local Entity shall remove the Gateway Monument covered by this agreement, if in the opinion of TxDOT, it creates safety or operational concerns due to deterioration or inadequate maintenance or upon termination of the main Gateway Monument Agreement. TxDOT will notify the Local Entity when it has determined that the Gateway Monument requires special attention. In the event the Local Entity fails to maintain, repair, rehabilitate, or remove the Gateway Monument in a timely manner, TxDOT may choose to remove the Gateway Monument after thirty (30) days following notification to the Local Entity, and bill the Local Entity for all costs of removal and restoration of the area.

TxDOT reserves the right to remove the Gateway Monument due to construction, rehabilitation, violation of the terms of this agreement, or other necessary activities affecting the transportation facilities without any obligation, compensation to, or approval of the Local Entity. TxDOT will strive to notify the Local Entity of its intent to remove the Gateway Monument to allow for timely removal and salvage by the Local Entity, if possible.

TxDOT reserves the right to remove or alter any Gateway Monument that presents an immediate safety hazard to the public without delay or advanced notification to the Local Entity.

## **SECTION 7. USE OF CONTRACTOR OR GROUP**

The Local Entity shall have the right to engage any responsible Contractor or group to perform or provide any portion of the Local Entity's Gateway Monument



Contract No. \_\_\_\_\_

activities specified in this Agreement. However, notwithstanding this provision, the Local Entity shall continue to remain responsible to the State to ensure performance of all its duties and responsibilities specified in this Agreement. The Local Entity shall ensure that any Contractor or group complies with all provisions of this agreement, and federal, state, and local laws, and regulations as may be applicable.

In the event the Local Entity engages a Contractor to perform Gateway Monument construction or maintenance activities under this Agreement, the Local Entity shall ensure that said Contractor shall indemnify the State for any and all damages and claims for damages by said Contractor, its employees, agents, or representatives, including any claims resulting from bodily injury or death to others, or, for loss of or damage to property of others, arising out of, incident to, or in any manner connected to Gateway Monument construction or maintenance activities, and, for any or all liability arising from the negligent acts of said Contractor, its employees, agents, or representatives.

In the event the Local Entity engages and approves a responsible group to perform Gateway Monument construction or maintenance activities under this Agreement, the Local Entity shall require and ensure that said Contractor or group follow all the terms of this Agreement as well as all Attachments.

#### **SECTION 8. INDEMNIFICATION**

- A. The Local Entity and the State each acknowledge responsibility for the acts, deeds, errors and omissions of its own employees. The parties agree that the Texas Tort Claims Act pertaining to governmental liability for tortious conduct and/or property damage shall apply to this Agreement.
- B. The Local Entity shall also indemnify and save harmless the State from any and all expense, including, but not limited to, attorney fees, which may be incurred by the State in litigation or otherwise resisting a claim or liabilities that may be imposed on the State as a result of error, omission, or act of the Local Entity, its agents, or its employees.

#### **SECTION 9. TERMINATION**

This Agreement may be terminated under any of the following conditions:

- A. By mutual written agreement and consent of both parties; or
- B. By either party upon giving the other party thirty (30) days prior written notice; or
- C. By the State, in the event the State determines that the Gateway Monument is not in the best interest of the traveling public.



Contract No. \_\_\_\_\_

If either party terminates this Agreement, as provided herein, the Local Entity will be responsible for repair or removal of the Gateway Monument. In the event that the Local Entity does not provide the repair or removal services, the State may remove or repair the Gateway Monument and shall be entitled to reimbursement from the Local Entity for any reasonable costs incurred by the State to restore the State's right of way to its original condition.

#### **SECTION 10. AMENDMENTS**

Amendments to this Agreement shall be in writing and shall be executed by both parties.

#### **SECTION 11. AUDIT**

The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

#### **SECTION 12. SUCCESSORS AND ASSIGNS**

Subject to the provisions of Section 7, the Local Entity shall not assign or otherwise transfer its rights and obligations under this Agreement except with prior written consent of the State, and any prohibited assignment or transfer shall be null and void.

#### **SECTION 13. REMEDIES**

This Agreement shall not be considered as specifying the exclusive remedy for any default. All legal remedies may be pursued by either party and shall be cumulative.

#### **SECTION 14. INSURANCE**

If this agreement authorizes the Local Entity or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on the State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.



Contract No. \_\_\_\_\_

**SECTION 15. NOTICES**

All notices to either party by the other under this Agreement shall be delivered personally or sent by U.S. mail, postage prepaid, addressed to such party at the following addresses:

|                                                                                                                            |                                                                        |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>STATE :</b><br>Texas Department of Transportation<br>District Engineer<br>(mailing address) _____<br>_____, Texas _____ | <b>LOCAL ENTITY:</b><br>City of _____<br>Attn: _____<br>_____<br>_____ |
|----------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|

**SECTION 16. GRATUITIES**

Texas Transportation Commission policy mandates that employees of the State shall not accept any benefits, gifts, or favors from any person doing business or who reasonably speaking may do business with the State under this Agreement. The only exceptions allowed are ordinary business lunches and items that have received advanced written approval of the Texas Department of Transportation Executive Director. Any person doing business with or who may reasonably speaking do business with the State under this Agreement may not make any offer of benefits, gifts or favors to State employees, except as mentioned here above. Failure on the part of the Local Entity to adhere to this policy may result in the termination of this Agreement.

**SECTION 17. SIGNATORY WARRANTY**

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

**SECTION 18. INCORPORATION OF PROVISIONS**

Attachments "A" and "B" are made part of this contract. The parties shall comply with the provisions of Attachments "A" and "B" as if they were set forth in full within the body of this contract.

**THEREFORE**, the Parties have executed this Agreement in duplicate originals.

Contract No. \_\_\_\_\_

THE CITY OF \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
City Clerk

THE STATE OF TEXAS

Certified as being executed for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by The Texas Transportation Commission

By: \_\_\_\_\_  
District Engineer  
\_\_\_\_\_ District

Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
City Attorney**List of Attachments:****"A" – Project Map for Gateway Monument****"B" - Local Entity's Final Gateway Monument Proposal**



CONSTRUCTION PLANS  
FOR  
E.B. IH 30 GATEWAY SIGN  
FOR  
CITY OF TEXARKANA, TEXAS

EXHIBIT 'B'

TEXARKANA, TEXAS

JOB NO. 156087

MARCH, 2016

VICINITY MAP

## REFERENCE LIST

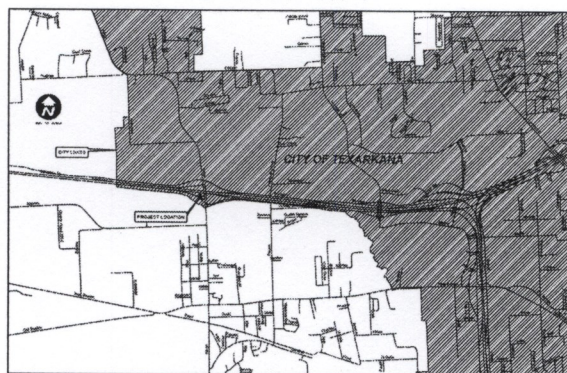
City of Texarkana, Texas  
Ph: 903-798-3443  
Kyle Dooley, P.E.

A.E.P. Electric  
Ph: 903-223-5733  
Dusty Wiley

Mindstream  
Ph: 903-223-4665  
James Latimer

Texarkana Water Utilities  
Ph: 903-798-3800  
Gary Smith

Centerpoint Energy  
Ph: 817-774-6338  
Plane Engelkes



## INDEX OF DRAWINGS

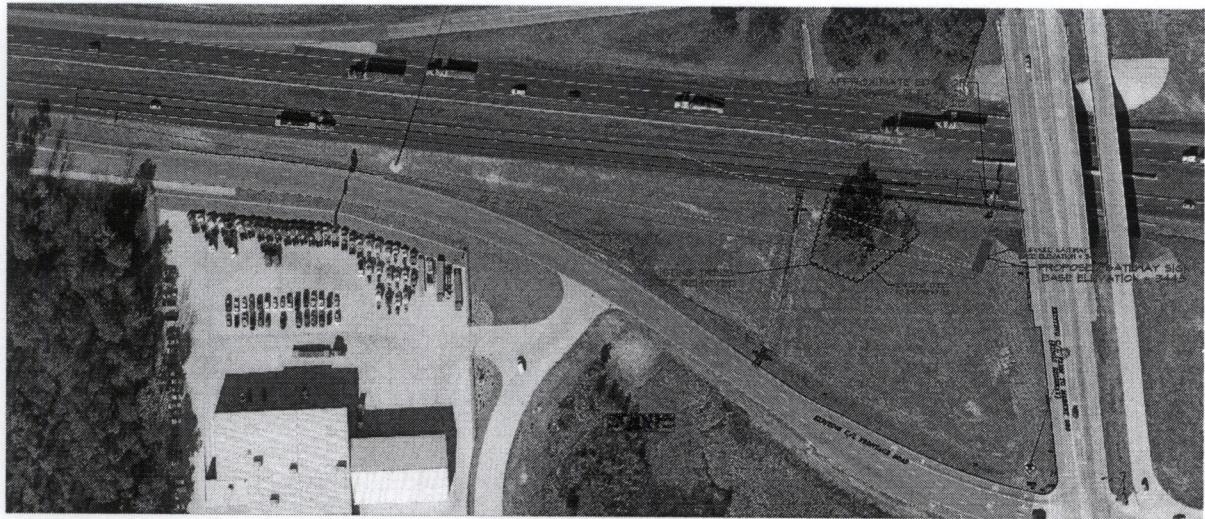
1. TITLE SHEET
2. AREA MAP & SITE VISION LINES
3. SITE PLAN
4. SIGN ELEVATION & DETAILS



**MTG**  
engineers  
& surveyors

5430 SUMMERBELL RD.  
TEXARKANA TEXAS 75508  
P 409.258.5533 | F 409.252.4100  
www.mtgengineers.com  
TYPE FIRM NO. F-354 | ASBL NO. 125  
© MTG 2016

SET NO. \_\_\_\_\_



NOT FOR CONSTRUCTION OR  
FOR ANY OTHER PURPOSES  
ISSUED FOR PERMITTING PURPOSES ONLY

| AREA MAP AND<br>SITE VISION LINES                 |                      |                      |
|---------------------------------------------------|----------------------|----------------------|
| EB IH 30 GATEWAY SIGN<br>CITY OF TEXARKANA, TEXAS |                      |                      |
| Date                                              | Revision/Description |                      |
| Drawn by<br>AJAX                                  | Checked by<br>KJA    | Project No.<br>89081 |
|                                                   |                      | Sheet No.<br>2006    |
|                                                   |                      | File No.             |

12/15/2016 11:00:00 AM 12/15/2016 11:00:00 AM 12/15/2016 11:00:00 AM 12/15/2016 11:00:00 AM 12/15/2016 11:00:00 AM 12/15/2016 11:00:00 AM 12/15/2016 11:00:00 AM 12/15/2016 11:00:00 AM 12/15/2016 11:00:00 AM 12/15/2016 11:00:00 AM





PROPOSED GATEWAY SIGN  
ELEVATION = 344.5

**GENERAL NOTES:**

ALL CONCRETE SHALL BE 3000 PSI WITH 40% OR EXCEEDED AIR.  
ALL REINFORCEMENT SHALL BE ASTM A-615, GR 40.  
CONCRETE SHALL HAVE A 3/4" CHAMFER  
AND A 1/4" RADIUS FINISH.  
ALL STRUCTURAL AREAS SHALL BE REINFORCED.

**SIGN MATERIAL NOTES:**

PROPOSED SIGN STRUCTURE TO BE A FLATSTONE TYPE SIGN.  
MESSAGE BACKGROUND TO BE A EDGEMILL COLOR STUCCO MATERIAL.  
PROPOSED LETTERS TO BE A WHITE COLORED LED INTERNAL ILLUMINANT LETTER.  
ELECTRICITY FOR SIGN TO BE SUPPLIED UNDERGROUND FROM AN EXISTING STREET  
LIGHT CIRCUIT AND MAINTAINED BY THE CITY OF TEXARKANA.  
NO LANDSCAPING OR IRRIGATION IMPROVEMENTS ARE PROPOSED.  
ALL SIGNS TO THE NORTH SIDE WILL BE FROM THE FRONTAGE ROAD. NO SIGNS  
FROM S TO N SIDE LANE WILL BE ALLOWED.



MTG ENGINEERS & ARCHITECTS, P.C.  
10000 TEXAS HIGHWAY 100, SUITE 100  
DALLAS, TEXAS 75243  
PHONE: (214) 343-1000  
FAX: (214) 343-1001  
WWW.MTG-ENGINEERS.COM

| SITE PLAN |                      | <br>MTG ENGINEERS & ARCHITECTS, P.C.<br>10000 TEXAS HIGHWAY 100, SUITE 100<br>DALLAS, TEXAS 75243<br>PHONE: (214) 343-1000<br>FAX: (214) 343-1001<br>WWW.MTG-ENGINEERS.COM |
|-----------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DATE      | REVISION/DESCRIPTION |                                                                                                                                                                            |
| 1/1/2016  | 1.000                |                                                                                                                                                                            |
| 1/1/2016  | 1.001                |                                                                                                                                                                            |
| 1/1/2016  | 1.002                |                                                                                                                                                                            |
| 1/1/2016  | 1.003                |                                                                                                                                                                            |
| 1/1/2016  | 1.004                |                                                                                                                                                                            |
| 1/1/2016  | 1.005                |                                                                                                                                                                            |
| 1/1/2016  | 1.006                |                                                                                                                                                                            |
| 1/1/2016  | 1.007                |                                                                                                                                                                            |
| 1/1/2016  | 1.008                |                                                                                                                                                                            |
| 1/1/2016  | 1.009                |                                                                                                                                                                            |
| 1/1/2016  | 1.010                |                                                                                                                                                                            |
| 1/1/2016  | 1.011                |                                                                                                                                                                            |
| 1/1/2016  | 1.012                |                                                                                                                                                                            |
| 1/1/2016  | 1.013                |                                                                                                                                                                            |
| 1/1/2016  | 1.014                |                                                                                                                                                                            |
| 1/1/2016  | 1.015                |                                                                                                                                                                            |
| 1/1/2016  | 1.016                |                                                                                                                                                                            |
| 1/1/2016  | 1.017                |                                                                                                                                                                            |
| 1/1/2016  | 1.018                |                                                                                                                                                                            |
| 1/1/2016  | 1.019                |                                                                                                                                                                            |
| 1/1/2016  | 1.020                |                                                                                                                                                                            |
| 1/1/2016  | 1.021                |                                                                                                                                                                            |
| 1/1/2016  | 1.022                |                                                                                                                                                                            |
| 1/1/2016  | 1.023                |                                                                                                                                                                            |
| 1/1/2016  | 1.024                |                                                                                                                                                                            |
| 1/1/2016  | 1.025                |                                                                                                                                                                            |
| 1/1/2016  | 1.026                |                                                                                                                                                                            |
| 1/1/2016  | 1.027                |                                                                                                                                                                            |
| 1/1/2016  | 1.028                |                                                                                                                                                                            |
| 1/1/2016  | 1.029                |                                                                                                                                                                            |
| 1/1/2016  | 1.030                |                                                                                                                                                                            |
| 1/1/2016  | 1.031                |                                                                                                                                                                            |
| 1/1/2016  | 1.032                |                                                                                                                                                                            |
| 1/1/2016  | 1.033                |                                                                                                                                                                            |
| 1/1/2016  | 1.034                |                                                                                                                                                                            |
| 1/1/2016  | 1.035                |                                                                                                                                                                            |
| 1/1/2016  | 1.036                |                                                                                                                                                                            |
| 1/1/2016  | 1.037                |                                                                                                                                                                            |
| 1/1/2016  | 1.038                |                                                                                                                                                                            |
| 1/1/2016  | 1.039                |                                                                                                                                                                            |
| 1/1/2016  | 1.040                |                                                                                                                                                                            |
| 1/1/2016  | 1.041                |                                                                                                                                                                            |
| 1/1/2016  | 1.042                |                                                                                                                                                                            |
| 1/1/2016  | 1.043                |                                                                                                                                                                            |
| 1/1/2016  | 1.044                |                                                                                                                                                                            |
| 1/1/2016  | 1.045                |                                                                                                                                                                            |
| 1/1/2016  | 1.046                |                                                                                                                                                                            |
| 1/1/2016  | 1.047                |                                                                                                                                                                            |
| 1/1/2016  | 1.048                |                                                                                                                                                                            |
| 1/1/2016  | 1.049                |                                                                                                                                                                            |
| 1/1/2016  | 1.050                |                                                                                                                                                                            |
| 1/1/2016  | 1.051                |                                                                                                                                                                            |
| 1/1/2016  | 1.052                |                                                                                                                                                                            |
| 1/1/2016  | 1.053                |                                                                                                                                                                            |
| 1/1/2016  | 1.054                |                                                                                                                                                                            |
| 1/1/2016  | 1.055                |                                                                                                                                                                            |
| 1/1/2016  | 1.056                |                                                                                                                                                                            |
| 1/1/2016  | 1.057                |                                                                                                                                                                            |
| 1/1/2016  | 1.058                |                                                                                                                                                                            |
| 1/1/2016  | 1.059                |                                                                                                                                                                            |
| 1/1/2016  | 1.060                |                                                                                                                                                                            |
| 1/1/2016  | 1.061                |                                                                                                                                                                            |
| 1/1/2016  | 1.062                |                                                                                                                                                                            |
| 1/1/2016  | 1.063                |                                                                                                                                                                            |
| 1/1/2016  | 1.064                |                                                                                                                                                                            |
| 1/1/2016  | 1.065                |                                                                                                                                                                            |
| 1/1/2016  | 1.066                |                                                                                                                                                                            |
| 1/1/2016  | 1.067                |                                                                                                                                                                            |
| 1/1/2016  | 1.068                |                                                                                                                                                                            |
| 1/1/2016  | 1.069                |                                                                                                                                                                            |
| 1/1/2016  | 1.070                |                                                                                                                                                                            |
| 1/1/2016  | 1.071                |                                                                                                                                                                            |
| 1/1/2016  | 1.072                |                                                                                                                                                                            |
| 1/1/2016  | 1.073                |                                                                                                                                                                            |
| 1/1/2016  | 1.074                |                                                                                                                                                                            |
| 1/1/2016  | 1.075                |                                                                                                                                                                            |
| 1/1/2016  | 1.076                |                                                                                                                                                                            |
| 1/1/2016  | 1.077                |                                                                                                                                                                            |
| 1/1/2016  | 1.078                |                                                                                                                                                                            |
| 1/1/2016  | 1.079                |                                                                                                                                                                            |
| 1/1/2016  | 1.080                |                                                                                                                                                                            |
| 1/1/2016  | 1.081                |                                                                                                                                                                            |
| 1/1/2016  | 1.082                |                                                                                                                                                                            |
| 1/1/2016  | 1.083                |                                                                                                                                                                            |
| 1/1/2016  | 1.084                |                                                                                                                                                                            |
| 1/1/2016  | 1.085                |                                                                                                                                                                            |
| 1/1/2016  | 1.086                |                                                                                                                                                                            |
| 1/1/2016  | 1.087                |                                                                                                                                                                            |
| 1/1/2016  | 1.088                |                                                                                                                                                                            |
| 1/1/2016  | 1.089                |                                                                                                                                                                            |
| 1/1/2016  | 1.090                |                                                                                                                                                                            |
| 1/1/2016  | 1.091                |                                                                                                                                                                            |
| 1/1/2016  | 1.092                |                                                                                                                                                                            |
| 1/1/2016  | 1.093                |                                                                                                                                                                            |
| 1/1/2016  | 1.094                |                                                                                                                                                                            |
| 1/1/2016  | 1.095                |                                                                                                                                                                            |
| 1/1/2016  | 1.096                |                                                                                                                                                                            |
| 1/1/2016  | 1.097                |                                                                                                                                                                            |
| 1/1/2016  | 1.098                |                                                                                                                                                                            |
| 1/1/2016  | 1.099                |                                                                                                                                                                            |
| 1/1/2016  | 1.100                |                                                                                                                                                                            |



## City of Texarkana, Texas

Version: C

Update Date: 3/2/2016 11:10 AM

## Briefing Sheet

**Lead Department:** Water Utilities **Action Officer:** Pam White,  
Resolution No. 2016-027 authorizing the City Manager to enter into a contract  
for the repainting and repairs of the Pleasant Grove Elevated Storage Tank in an  
amount not to exceed TWO HUNDRED FOUR THOUSAND SEVEN  
**Subject:** HUNDRED DOLLARS (\$204,700).

**Briefing:** 3/28/2016 **Public Hearing:** 3/28/2016 **Second Briefing:** April 11, 2016 **Council Vote:** 4/25/2016

## Item Schedule

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

## Updates/History of Briefing:

NOT APPLICABLE

## Executive Summary and Background Information:

Bids were received Tuesday, February 16, 2016 for the 2016 Texarkana Water Utilities Tank Painting Project. Two tanks were included in the project: The Arkansas Boulevard elevated tank and the Pleasant Grove elevated tank. Fourteen (14) bid packages for the project were sent out and five (5) contractors bid on the project. Tankez Coatings, Inc. of Fort Worth, Texas was the apparent low bidder for the project with a total bid of \$232,700.00 and a bid of \$204,700.00 for the interior and exterior sandblasting and repainting of the Pleasant Grove elevated tank. The Pleasant Grove elevated tank was constructed in 1993 and has not been repainted since its construction. The existing coatings need to be removed and replaced to keep the tank in compliance with the Texas Commission on Environmental Quality regulations. The interior ladder and top hatch of the Pleasant Grove tank will be replaced in this project also. The Utility bid the painting of a new Pleasant Grove Independent School District logo as a separate bid item. The bid for the Pleasant Grove logo is \$6,000.00, which is included in the \$204,700.00. The school district has been notified of the cost and will decide if they wish to go ahead with the painting of the logo. Tankez Coatings, Inc. has satisfactorily painted several tanks in the area including Red River County Water Supply, the City of Blossom, Texas and the Lamar County Water Supply. Their references were excellent.

## Potential Options:

- None

## Fiscal Implications:

Funds are available in the Utility's Capital Improvement Fund for this project. \$275,000.00 was budgeted in the Utility's Texas Capital Improvement Fund for this project.

## Staff Recommendation:

Texarkana Water Utilities staff recommends approval of the bid and a bid tabulation sheet is attached.

## Advisory Board/Committee Review:

## City of Texarkana, Texas

NONE

### Board/Committee Recommendation:

NOT APPLICABLE

### Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

### Attachments

- a. 2016-027 RES Pleasant Grove Storage Tank (DOC)
- b. 2016-027 ATTH 01 Bid Tabulation (DOCX)
- c. 2016-027 Goals & Perspectives (DOCX)
- d. 2016-027 RES Painting Contract for PG Storage Tank signed (PDF)

### Staff Coordination

|                            |                     |                        |            |            |
|----------------------------|---------------------|------------------------|------------|------------|
| Water Utilities            | JD Phillips         | Department Head Review | Completed  |            |
|                            | 03/01/2016 10:43 AM |                        |            |            |
| Water Utilities            | Jim Cornelius       | Review                 | Completed  | 03/01/2016 |
|                            | 11:37 AM            |                        |            |            |
| Public Information Officer |                     | Lisa Thompson          | PIO Review | Completed  |
|                            | 03/01/2016 11:53 AM |                        |            |            |
| City Manager               | John Whitson        | City Manager Review    | Completed  | 03/06/2016 |
|                            | 10:02 PM            |                        |            |            |
| City Council               | Jennifer Evans      | Meeting                | Completed  | 03/14/2016 |
|                            | 6:00 PM             |                        |            |            |

### Meeting History



## RESOLUTION NO. 2016 - 027

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH TANKEZ COATINGS, INC OF FORT WORTH, TEXAS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$204,700.00) FOR THE EXTERIOR AND INTERIOR REPAINTING AND REPAIRS OF THE PLEASANT GROVE ELEVATED STORAGE TANK; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, on February 16, 2016, five (5) bids were received by the Texarkana Water Utilities for the 2016 Texarkana Water Utilities Tank Painting Project; and

**WHEREAS**, the project will consist of repainting the interior of the Arkansas Boulevard elevated tank (to be funded by the Arkansas Capital Improvement Fund) and repainting and repairing the Pleasant Grove elevated tank; and

**WHEREAS**, the lowest and best bid by a responsible vendor for this project was submitted by Tankez Coatings, Inc. of Fort Worth, Texas, a copy of which is attached hereto as 2016-027 ATTH01, in an amount not to exceed TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$204,700.00); and

**WHEREAS**, the funds were budgeted in the Texarkana Water Utilities 2015-2016 Budget at TWO HUNDRED SEVENTY-FIVE THOUSAND NO/100 DOLLARS (\$275,000.00) in the Texas Capital Improvement Fund.

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

**SECTION 1:** That the lowest and best bid by a responsible vendor, submitted by Tankez Coatings, Inc. of Fort Worth, Texas, a copy of which is attached hereto as 2016-027 ATTH01, be and is hereby approved in an amount not to exceed TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$204,700.00) for the exterior and interior repainting and repairs of the Pleasant Grove elevated storage tank for the 2016 Texarkana Water Utilities Tank Paint Project.

**SECTION 2:** That the City Manager be and is authorized to contract with Tankez Coatings, Inc., of Fort Worth, Texas for the above described services.

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

**PASSED AND APPROVED** in Regular Council Session on this the 25<sup>th</sup> day of April, 2016.



ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR

**Bid Tabulation**

**Repair and Repainting of the**  
**Pleasant Grove and Arkansas Boulevard Elevated Water Storage Tanks**

**2:00 P.M. Tuesday, February 16, 2016**

|     |                                                                 |              |
|-----|-----------------------------------------------------------------|--------------|
| 1.  | Pittsburgh Tank & Tower Maint. Co., Inc.<br>Henderson, Kentucky | No Bid       |
| 2.  | Maguire Iron, Inc.<br>Sioux Falls, South Dakota                 | \$344,500.00 |
| 3.  | Champion Coatings, Inc.<br>Savage, Minnesota                    | No Bid       |
| 4.  | Belt Construction<br>Texarkana, Arkansas                        | \$308,050.00 |
| 5.  | Protective Linings and Coatings, Inc.<br>Alexander, Arkansas    | No Bid       |
| 6.  | Tankez Coatings, Inc.<br>Ft. Worth, Texas                       | \$232,700.00 |
| 7.  | Utility Service Co., Inc.<br>Perry, Georgia                     | \$269,800.00 |
| 8.  | J & A Coatings<br>Hughes Springs, Texas                         | No Bid       |
| 9.  | Preferred Tank & Tower<br>Henderson, Kentucky                   | No Bid       |
| 10. | Isqft/Lawton<br>Dallas, Texas                                   | No Bid       |
| 11. | Williams Painting & Sandblasting, Inc.<br>Tyler, Texas          | \$262,455.00 |
| 12. | H & W Industrial Services<br>Kilgore, Texas                     | No Bid       |
| 13. | A & M Construction and Utilities, Inc.<br>Rowlett, Texas        | No Bid       |
| 14. | Augustus Paint<br>Midlothian, Texas                             | No Bid       |

Time First Bid Opened: 2:00 P.M.

Number of Bidders: 5

Apparent Low Bidder: Tankez Coating

## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

| Perspectives         | Goals                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serve the Community  | <input type="checkbox"/> Promote an Environmentally Sensitive & Livable Community<br><input type="checkbox"/> Provide a Safe Community<br><input checked="" type="checkbox"/> Deliver Quality Services<br><input type="checkbox"/> Foster a Healthy Community                                                                                                                                                      |
| Run the Operations   | <input type="checkbox"/> Enhance Community Preparedness & Responsiveness<br><input type="checkbox"/> Maximize Partnership Opportunities<br><input type="checkbox"/> Provide Courteous & Responsive Customer Service<br><input type="checkbox"/> Model a Positive City Image<br><input checked="" type="checkbox"/> Deliver Efficient Services<br><input type="checkbox"/> Cultivate Community Involvement & Access |
| Manage the Resources | <input type="checkbox"/> Maintain Fiscal Strength<br><input type="checkbox"/> Maximize Utilization & Resources<br><input checked="" type="checkbox"/> Invest in Infrastructure & Transportation                                                                                                                                                                                                                    |
| Develop Personnel    | <input type="checkbox"/> Develop a Skilled & Diverse Workforce<br><input type="checkbox"/> 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:

|                                     |                                        |                                     |                                      |
|-------------------------------------|----------------------------------------|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | Newspaper Notice (Required by Statute) | <input checked="" type="checkbox"/> | Public Hearing (Required by Statute) |
| <input type="checkbox"/>            | Public Forum/Input Session             | <input type="checkbox"/>            | Press Release                        |
| <input type="checkbox"/>            | E-News Distribution                    | <input type="checkbox"/>            | Website Notice                       |
| <input type="checkbox"/>            | Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/>            | Special Mailing                      |
| <input type="checkbox"/>            | Flyers Posted                          | <input type="checkbox"/>            | Banners Posted                       |
| <input type="checkbox"/>            | Survey                                 | <input type="checkbox"/>            | Automated Phone Call                 |
| <input type="checkbox"/>            | None Required                          | <input type="checkbox"/>            |                                      |

Other:

**RESOLUTION NO. 2016 - 027**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH TANKEZ COATINGS, INC OF FORT WORTH, TEXAS, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$204,700.00) FOR THE EXTERIOR AND INTERIOR REPAINTING AND REPAIRS OF THE PLEASANT GROVE ELEVATED STORAGE TANK; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, on February 16, 2016, five (5) bids were received by the Texarkana Water Utilities for the 2016 Texarkana Water Utilities Tank Painting Project; and

**WHEREAS**, the project will consist of repainting the interior of the Arkansas Boulevard elevated tank (to be funded by the Arkansas Capital Improvement Fund) and repainting and repairing the Pleasant Grove elevated tank; and

**WHEREAS**, the lowest and best bid by a responsible vendor for this project was submitted by Tankez Coatings, Inc. of Fort Worth, Texas, a copy of which is attached hereto as 2016-027 ATTH01, in an amount not to exceed TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$204,700.00); and

**WHEREAS**, the funds were budgeted in the Texarkana Water Utilities 2015-2016 Budget at TWO HUNDRED SEVENTY-FIVE THOUSAND NO/100 DOLLARS (\$275,000.00) in the Texas Capital Improvement Fund.

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

**SECTION 1:** That the lowest and best bid by a responsible vendor, submitted by Tankez Coatings, Inc. of Fort Worth, Texas, a copy of which is attached hereto as 2016-027 ATTH01, be and is hereby approved in an amount not to exceed TWO HUNDRED FOUR THOUSAND SEVEN HUNDRED AND NO/100 DOLLARS (\$204,700.00) for the exterior and interior repainting and repairs of the Pleasant Grove elevated storage tank for the 2016 Texarkana Water Utilities Tank Paint Project.

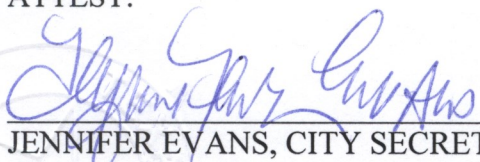
**SECTION 2:** That the City Manager be and is authorized to contract with Tankez Coatings, Inc., of Fort Worth, Texas for the above described services.

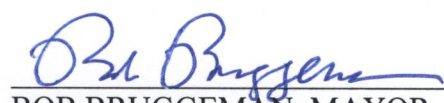
**SECTION 3:** That this Resolution shall be in full force and effect from and after its passage and approval.

**PASSED AND APPROVED** in Regular Council Session on this the **25<sup>th</sup>** day of April, 2016.



ATTEST:

  
JENNIFER EVANS, CITY SECRETARY

  
BOB BRUGGEMAN, MAYOR

7:41 p.m.

**Bid Tabulation****Repair and Repainting of the  
Pleasant Grove and Arkansas Boulevard Elevated Water Storage Tanks****2:00 P.M. Tuesday, February 16, 2016**

|     |                                                                 |              |
|-----|-----------------------------------------------------------------|--------------|
| 1.  | Pittsburgh Tank & Tower Maint. Co., Inc.<br>Henderson, Kentucky | No Bid       |
| 2.  | Maguire Iron, Inc.<br>Sioux Falls, South Dakota                 | \$344,500.00 |
| 3.  | Champion Coatings, Inc.<br>Savage, Minnesota                    | No Bid       |
| 4.  | Belt Construction<br>Texarkana, Arkansas                        | \$308,050.00 |
| 5.  | Protective Linings and Coatings, Inc.<br>Alexander, Arkansas    | No Bid       |
| 6.  | Tankez Coatings, Inc.<br>Ft. Worth, Texas                       | \$232,700.00 |
| 7.  | Utility Service Co., Inc.<br>Perry, Georgia                     | \$269,800.00 |
| 8.  | J & A Coatings<br>Hughes Springs, Texas                         | No Bid       |
| 9.  | Preferred Tank & Tower<br>Henderson, Kentucky                   | No Bid       |
| 10. | Isqft/Lawton<br>Dallas, Texas                                   | No Bid       |
| 11. | Williams Painting & Sandblasting, Inc.<br>Tyler, Texas          | \$262,455.00 |
| 12. | H & W Industrial Services<br>Kilgore, Texas                     | No Bid       |
| 13. | A & M Construction and Utilities, Inc.<br>Rowlett, Texas        | No Bid       |
| 14. | Augustus Paint<br>Midlothian, Texas                             | No Bid       |

Time First Bid Opened: 2:00 P.M.

Number of Bidders: 5

Apparent Low Bidder: Tankez Coating

## City of Texarkana, Texas

## Briefing Sheet

Version:

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

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

**Subject:** reconstruction project.

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

## Item Schedule

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

## Updates/History of Briefing:

NOT APPLICABLE

## Executive Summary and Background Information:

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

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

## Potential Options:

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

## Fiscal Implications:

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

## City of Texarkana, Texas

**Staff Recommendation:**

Staff recommends approval.

**Advisory Board/Committee Review:**

NONE

**Board/Committee Recommendation:**

NOT APPLICABLE

**Advisory Board/Committee Meeting Date and Minutes:**

NOT APPLICABLE

**Attachments**

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

**Staff Coordination**

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

**Meeting History**

|          |              |               |                |
|----------|--------------|---------------|----------------|
| 02/22/16 | City Council | MOVED FORWARD | Next: 03/14/16 |
|----------|--------------|---------------|----------------|



## ORDINANCE NO. 2016-020

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

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

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

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

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

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

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

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

**SECTION 5:** It is further provided that in case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

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

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

**PASSED AND APPROVED** in Regular Council Session on this the **11<sup>th</sup> day of April, 2016**.

ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR

## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

| Perspectives         | Goals                                                                                                                                                                                                                                                                                                                                                                                                   |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serve the Community  | <input type="checkbox"/> Promote an Environmentally Sensitive & Livable Community<br><input type="checkbox"/> Provide a Safe Community<br><input type="checkbox"/> Deliver Quality Services<br><input type="checkbox"/> Foster a Healthy Community                                                                                                                                                      |
| Run the Operations   | <input type="checkbox"/> Enhance Community Preparedness & Responsiveness<br><input type="checkbox"/> Maximize Partnership Opportunities<br><input type="checkbox"/> Provide Courteous & Responsive Customer Service<br><input type="checkbox"/> Model a Positive City Image<br><input type="checkbox"/> Deliver Efficient Services<br><input type="checkbox"/> Cultivate Community Involvement & Access |
| Manage the Resources | <input type="checkbox"/> Maintain Fiscal Strength<br><input checked="" type="checkbox"/> Maximize Utilization & Resources<br><input checked="" type="checkbox"/> Invest in Infrastructure & Transportation                                                                                                                                                                                              |
| Develop Personnel    | <input type="checkbox"/> Develop a Skilled & Diverse Workforce<br><input type="checkbox"/> 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

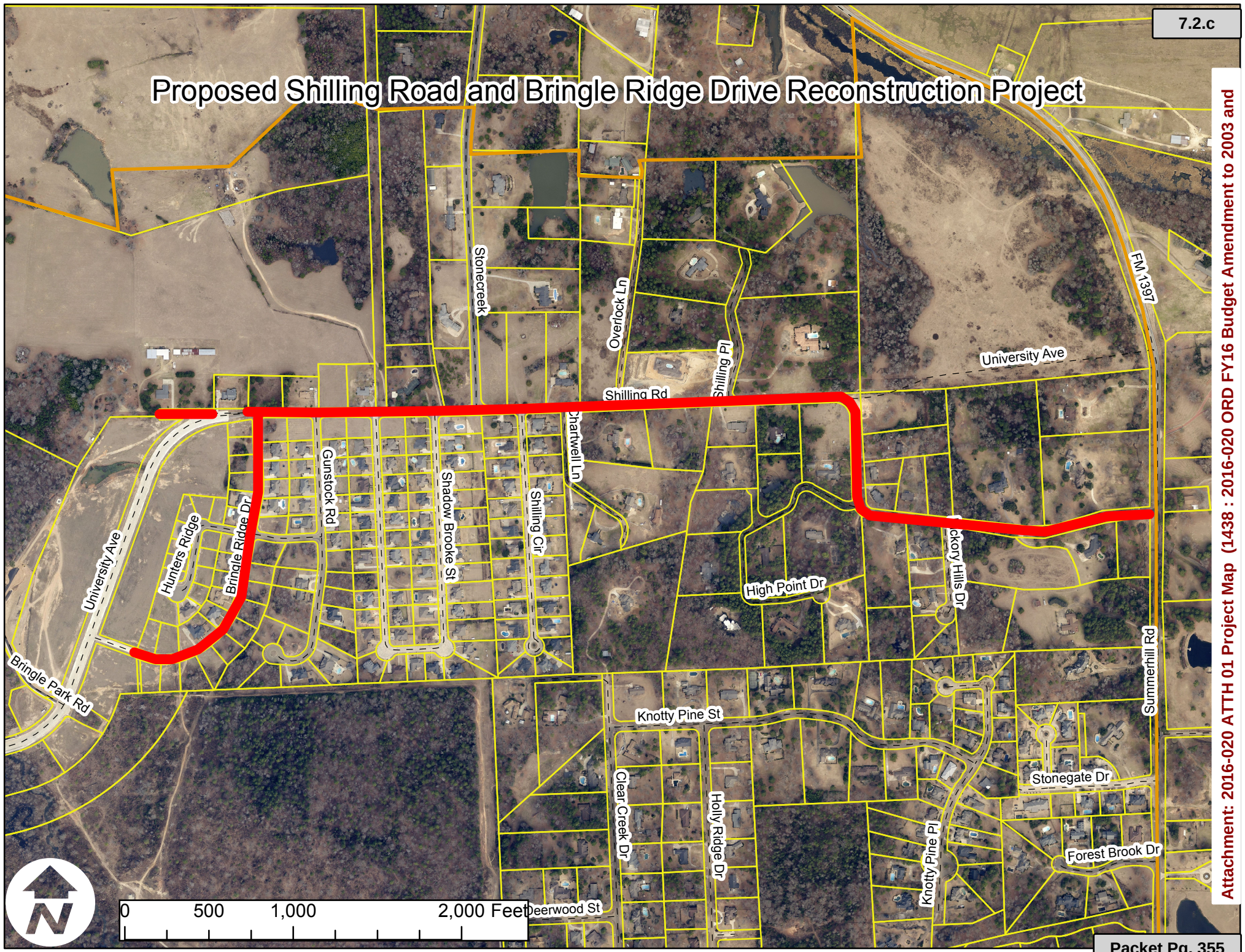
## Public Information Plan:

|                                     |                                        |                          |                                      |
|-------------------------------------|----------------------------------------|--------------------------|--------------------------------------|
| <input type="checkbox"/>            | Newspaper Notice (Required by Statute) | <input type="checkbox"/> | Public Hearing (Required by Statute) |
| <input checked="" type="checkbox"/> | Public Forum/Input Session             | <input type="checkbox"/> | Press Release                        |
| <input type="checkbox"/>            | E-News Distribution                    | <input type="checkbox"/> | Website Notice                       |
| <input type="checkbox"/>            | Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/> | Special Mailing                      |
| <input type="checkbox"/>            | Flyers Posted                          | <input type="checkbox"/> | Banners Posted                       |
| <input type="checkbox"/>            | Survey                                 | <input type="checkbox"/> | Automated Phone Call                 |
| <input type="checkbox"/>            | None Required                          | <input type="checkbox"/> |                                      |

Other:



# Proposed Shilling Road and Bringle Ridge Drive Reconstruction Project



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



**ORDINANCE NO. 2016-020**

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

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

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

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

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

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

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

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

**SECTION 5:** It is further provided that in case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

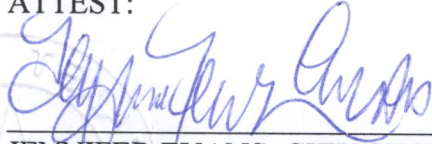
**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.



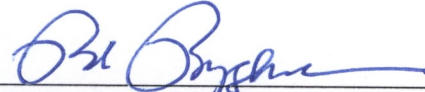
**SECTION 7:** This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment on the City's website.

**PASSED AND APPROVED** in Regular Council Session on this the **14<sup>th</sup> day of March, 2016.**

ATTEST:



JENNIFER EVANS, CITY SECRETARY



BOB BRUGGEMAN, MAYOR

8:11 p.m.

## City of Texarkana, Texas

Version: C

Update Date: 3/21/2016 11:13 AM

**Briefing Sheet**

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

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

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

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

Two residents from the area spoke in opposition to this request at the City Council Public Hearing meeting on March 14, 2016.

**Executive Summary and Background Information:**

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

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

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

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

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

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

## City of Texarkana, Texas

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

### Potential Options:

None

### Fiscal Implications:

None

### Staff Recommendation:

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

### Advisory Board/Committee Review:

Planning and Zoning Commission

### Board/Committee Recommendation:

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

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

### Advisory Board/Committee Meeting Date and Minutes:

February 1, 2016

### Attachments

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

### Staff Coordination

|                                    |                    |                               |
|------------------------------------|--------------------|-------------------------------|
| Planning and Community Development | David Orr          | Department Head Review        |
| Completed                          | 02/08/2016 3:47 PM |                               |
| Assistant City Manager             | Shirley Jaster     | Assistant City Manager        |
| Review Completed                   | 02/08/2016 4:02 PM |                               |
| Public Information Officer         | Lisa Thompson      | PIO Review Completed          |
|                                    | 02/08/2016 4:29 PM |                               |
| City Manager                       | John Whitson       | City Manager Review Completed |
| 8:29 AM                            |                    | 02/15/2016                    |

**City of Texarkana, Texas**

City Council  
6:00 PM

Jennifer Evans

Meeting

Completed

02/22/2016

---

**Meeting History**

02/22/16

City Council

MOVED FORWARD

Next: 03/14/16

**ORDINANCE NO. 2016-021**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-666 TO ALLOW THE LOCATION OF A 100' MONOPOLE CELLULAR TELECOMMUNICATIONS TOWER AND MAINTENANCE PLATFORM ON A 0.0980 ACRE TRACT OF LEASED SPACE BEING A PART OF A 5.65 ACRE TRACT OF LAND IN THE GEORGE BRINLEE HRS-18, LOCATED AT 910 FRANKLIN STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance so as to grant a **Specific Use Permit** to allow **the location of a 100' monopole cellular telecommunications tower and maintenance platform (Exhibit 'A')** on a 0.0980 acre tract of leased space being a part of a 5.65 acre tract of land in the George Brinlee HRS, A-18 (**Exhibit 'B'**), located at 910 Franklin Street, in the City of Texarkana, Bowie County, Texas; and

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

**WHEREAS**, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a 100' monopole cellular telecommunications tower and maintenance platform (Exhibit 'A')** on said property; and

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

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

**SECTION 1:** That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended so as to grant **Specific Use Permit numbered S-666 for the purpose of allowing the location of a 100' monopole cellular telecommunications tower with maintenance platform (Exhibit 'A') on a 0.0980 acre tract of leased space being a part of a 5.65 acre tract of land in the George Brinlee HRS, A-18 (Exhibit 'B'), located at 910 Franklin Street in the City of Texarkana, Bowie County, Texas.**

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

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



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

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

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

**PASSED AND APPROVED** in regular Council Session on this the **11<sup>th</sup> day of April, 2016.**

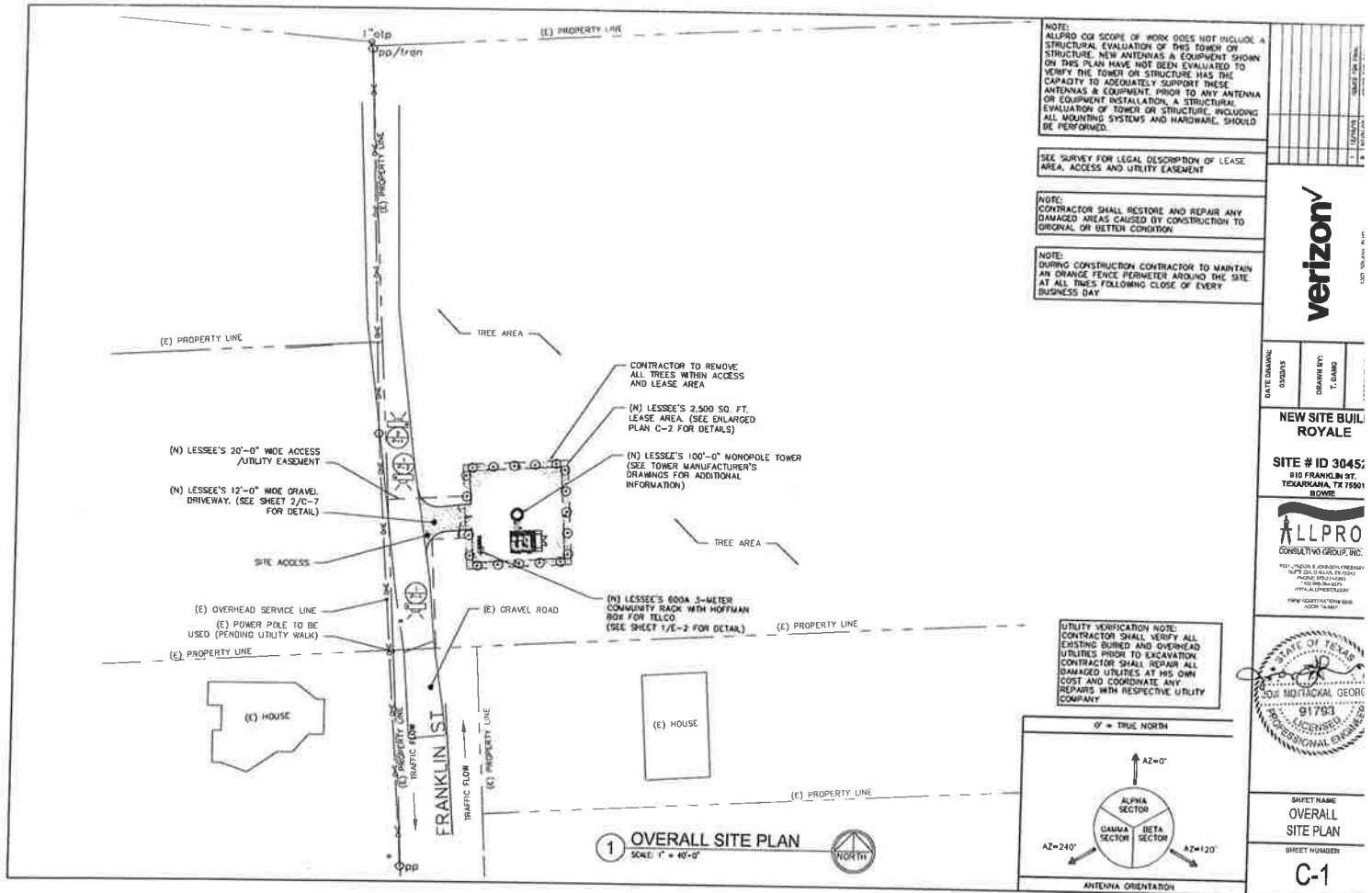
ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR

## EXHIBIT 'A'

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



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

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

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

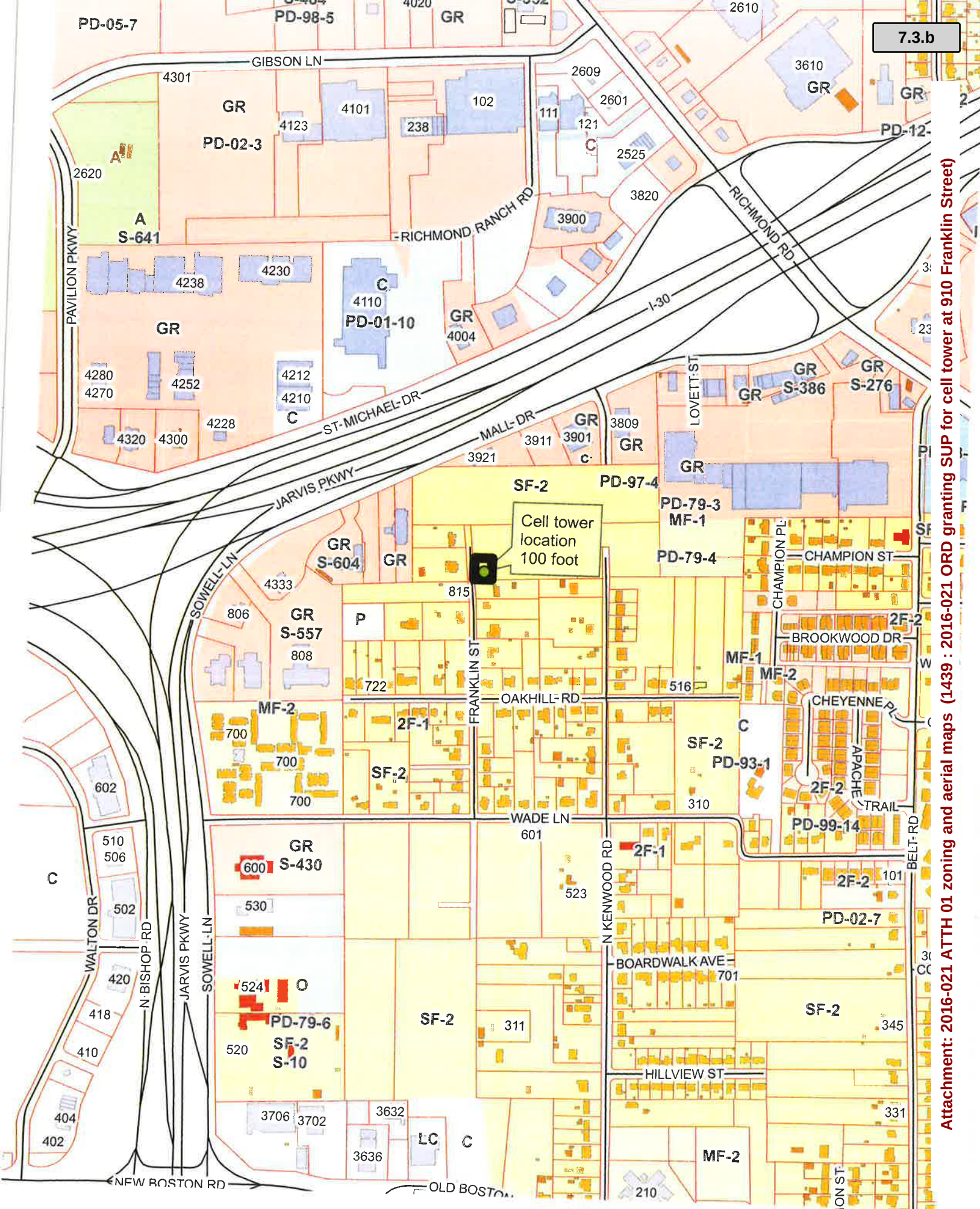
THENCE North 86 degrees 42 minutes 45 seconds East, a distance of 50.00 feet to a Point;  
 THENCE South 03 degrees 17 minutes 15 seconds East, a distance of 50.00 feet to a Point;  
 THENCE South 86 degrees 42 minutes 45 seconds West, a distance of 50.00 feet to a Point;  
 THENCE North 03 degrees 17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

**LESSEE'S ACCESS AND UTILITY RIGHT-OF-WAY**

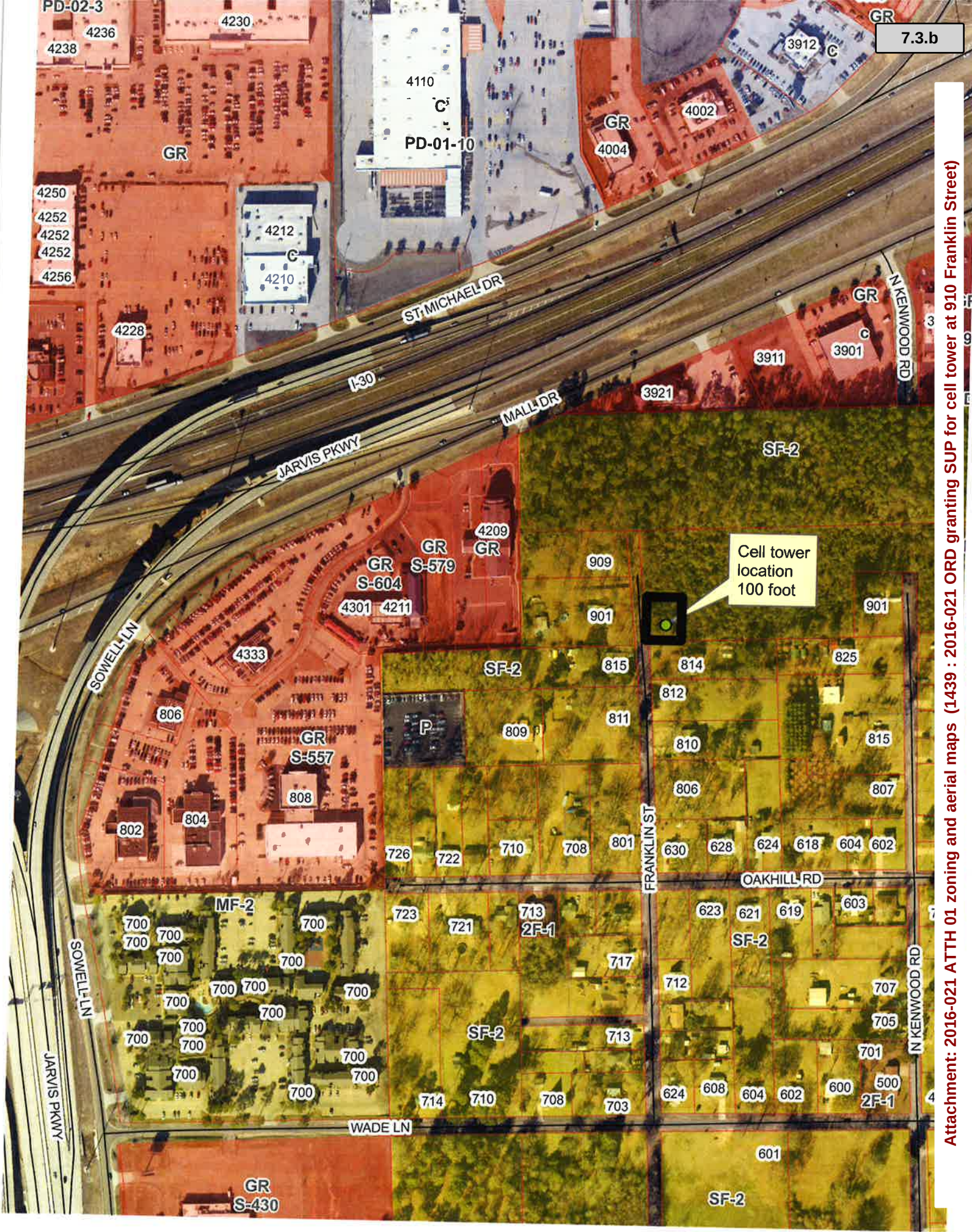
BEING a tract of land situated in the George Brinlee Headright Survey, Abstract No. 18, Texarkana, Bowie County, Texas, also being out of and a portion of that certain tract of land conveyed to Walnut Street Church of Christ, as recorded in Volume 1636, Page 10 of the Deed Records of Bowie County, Texas,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

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









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





① SITE PHOTOGRAPH  
SCALE: NTS



③ SITE PHOTOGRAPH  
SCALE: NTS



② SITE PHOTOGRAPH  
SCALE: NTS



④ SITE PHOTOGRAPH  
SCALE: NTS

|                                                                                                                                                       |  |                     |  |                            |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------|--|----------------------------|--|
| DATE DRAWN<br>08/01/15                                                                                                                                |  | DRAWN BY<br>T. GARD |  | APPROVED BY<br>[Signature] |  |
|                                                                                                                                                       |  |                     |  |                            |  |
| <b>NEW SITE BUILD</b><br><b>ROYALE</b><br><b>SITE # ID 304528</b><br>810 FRANKLIN ST.<br>TEXARKANA, TX 75701<br>BORNE                                 |  |                     |  |                            |  |
|                                                                                                                                                       |  |                     |  |                            |  |
| 1001 LINDSEY ST. JARVIS, TEXAS 77450<br>A/E/C/S/ALL DIS. 11/2011<br>TEL: 817-251-0000<br>WWW.ALLPROCONSULTING.COM<br>FIRM REGISTRATION NO. 0100000000 |  |                     |  |                            |  |
|                                                                                                                                                       |  |                     |  |                            |  |
| SHEET NAME<br>SITE PHOTOGRAPHS                                                                                                                        |  |                     |  |                            |  |
| SHEET NUMBER<br>P-1                                                                                                                                   |  |                     |  |                            |  |

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



① SITE PHOTOGRAPH  
SCALE: NTS



② SITE PHOTOGRAPH  
SCALE: NTS



③ SITE PHOTOGRAPH  
SCALE: NTS



④ SITE PHOTOGRAPH  
SCALE: NTS

|                                                                                                                             |                      |
|-----------------------------------------------------------------------------------------------------------------------------|----------------------|
|                                                                                                                             |                      |
| DATE CHANGED<br>10/20/15                                                                                                    | DRAWN BY<br>T. JAMES |
| APPROVED BY<br>J. GEORGE                                                                                                    |                      |
| <b>NEW SITE BUILD</b><br><b>ROYALE</b>                                                                                      |                      |
| SITE # ID 304528<br>910 FRANKLIN ST.<br>TEXARKANA, TX 76861<br>SCENE                                                        |                      |
|                                                                                                                             |                      |
| REG. PROFESSIONAL ENGINEER<br>STATE OF TEXAS, EX. NO. 10100<br>EXPIRATION DATE 08/31/2017<br>91753<br>PROFESSIONAL ENGINEER |                      |
| SHEET NAME<br>SITE PHOTOGRAPHS                                                                                              |                      |
| SHEET NUMBER<br>P-2                                                                                                         |                      |



City of Texarkana  
220 Texas Blvd  
Texarkana, TX 75504

December 7, 2015

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

To Whom It May Concern,

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

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

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

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

Sincerely,

Said Rachid  
RF Design Engineer  
Verizon Wireless

A handwritten signature in blue ink, appearing to be "Said Rachid", written over a faint, stylized outline of a cell tower.

# Sabre Industries™

Towers and Poles

December 1, 2015

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

RE: Proposed 100 ft Sabre Monopole for Royale, TX

Dear Mr. Mason,

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

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

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

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

Sincerely,

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



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

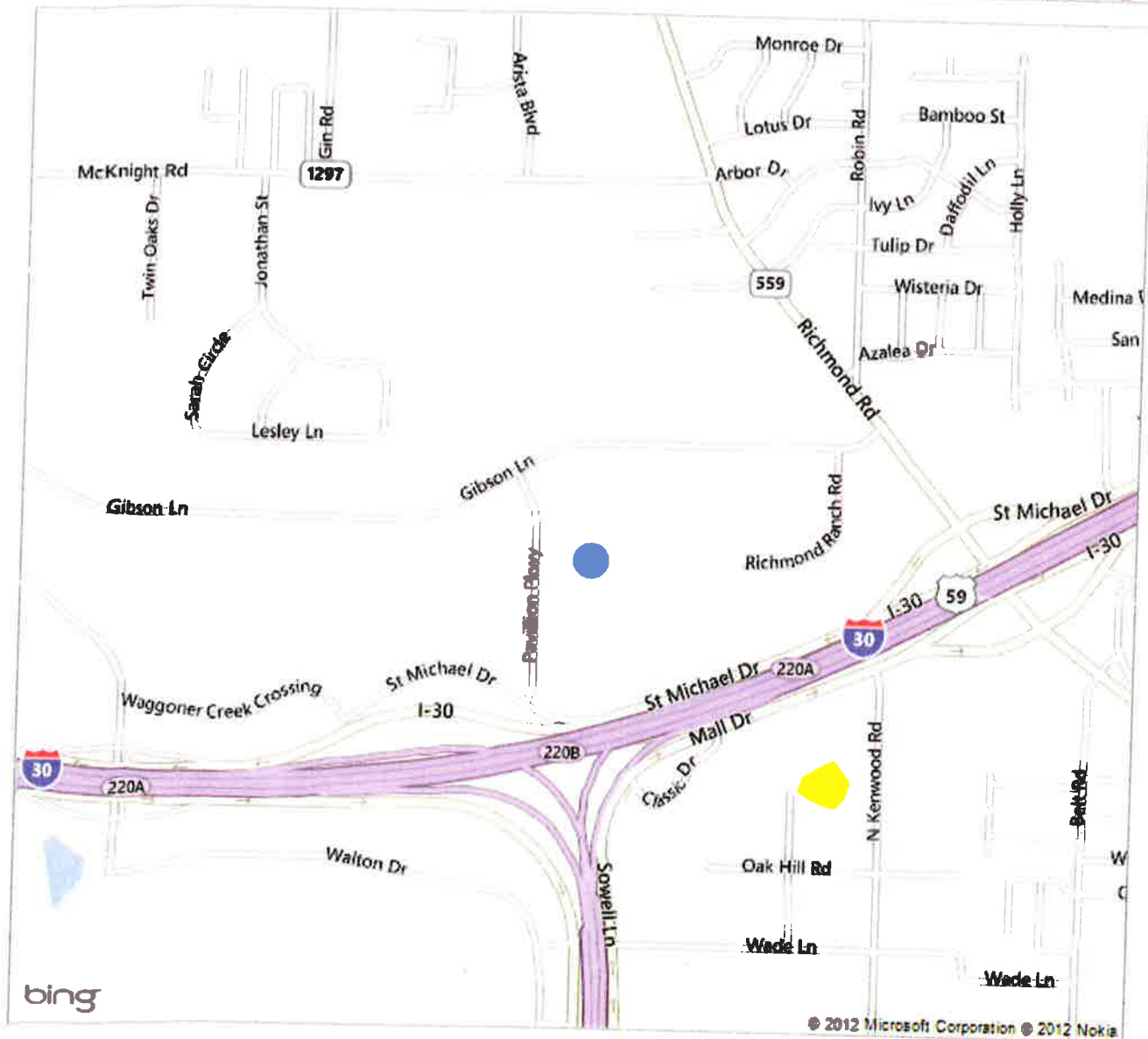
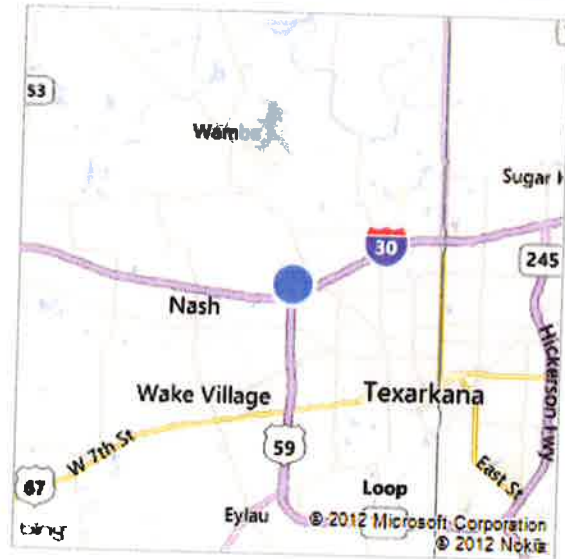


bing Maps

33.4565277777778, -94.0971666666667

N-991

On the go? Use [m.bing.com](http://m.bing.com) to find maps, directions, businesses, and more



Attachment: 2016-021 ATTH 05 map showing both tower locations (1439 : 2016-021 ORD granting SUP for cell tower at 910 Franklin Street)



## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

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

## Perspectives and Goals Additional Comments:

NONE

## Resource Impact:

NA

No Additional

## Other Potential Impacts:

NA

## Public Information Plan:

|                                     |                                        |                                     |                                      |
|-------------------------------------|----------------------------------------|-------------------------------------|--------------------------------------|
| <input checked="" type="checkbox"/> | Newspaper Notice (Required by Statute) | <input checked="" type="checkbox"/> | Public Hearing (Required by Statute) |
| <input type="checkbox"/>            | Public Forum/Input Session             | <input type="checkbox"/>            | Press Release                        |
| <input type="checkbox"/>            | E-News Distribution                    | <input checked="" type="checkbox"/> | Website Notice                       |
| <input type="checkbox"/>            | Social Media (Twitter, Facebook, etc.) | <input checked="" type="checkbox"/> | Special Mailing                      |
| <input type="checkbox"/>            | Flyers Posted                          | <input type="checkbox"/>            | Banners Posted                       |
| <input type="checkbox"/>            | Survey                                 | <input type="checkbox"/>            | Automated Phone Call                 |
| <input checked="" type="checkbox"/> | None Required                          | <input checked="" type="checkbox"/> | Sign Posted                          |

Other:

## City of Texarkana, Texas

## Briefing Sheet

Version: B

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

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

## Item Schedule

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

## Updates/History of Briefing:

NOT APPLICABLE

## Executive Summary and Background Information:

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

Project

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

The Fountain

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

## City of Texarkana, Texas

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

### Artist

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

### Purpose

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

### Funding Background

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

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

### Current Status

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

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

### **Potential Options:**

- List or "None"
-

## City of Texarkana, Texas

### Fiscal Implications:

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

### Staff Recommendation:

Staff recommends for approval

### Advisory Board/Committee Review:

None

### Board/Committee Recommendation:

NOT APPLICABLE

### Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

### Attachments

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

### Staff Coordination

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

**City of Texarkana, Texas**

City Council  
6:00 PM

Jennifer Evans

Meeting

Completed

02/22/2016

---

**Meeting History**

02/22/16

City Council

MOVED FORWARD

Next: 03/14/16



**RESOLUTION NO. 2016-022**

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

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

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

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

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

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

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

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

**SECTION 1:** That the City Manager be and is hereby authorized to enter into a Memorandum of Agreement (MOA) with The City of Texarkana, Arkansas, a municipality of the State of Arkansas.

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

**PASSED AND APPROVED** in Regular Council Session on this the **11<sup>th</sup>** day of **April, 2016**.

ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR



STREET.





# Exhibit “B”

## MEMORANDUM OF AGREEMENT BETWEEN

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

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

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

#### AGREEMENTS:

##### A. Definitions.

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

##### B. Ownership Structure.

## Exhibit “B”

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

### C. **Financing.**

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

### D. **Maintenance and Repair**

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

### E. **Management and Operation.**

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

### F. **Community Support.**

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

## Exhibit “B”

inquiries that may arise.

### G. Insurance

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

### H. Right to Opt Out

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

### I. Miscellaneous

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



## Exhibit “B”

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

# Exhibit “B”

EXECUTED to be effective as of the date above shown.

CITY OF TEXARKANA, ARKANSAS

CITY OF TEXARKANA, TEXAS

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

# Exhibit “B”

## EXHIBIT “A”

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



# EXHIBIT "C" Pg. 1 of 4

## Certificate of Coverage

7.5.d

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

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

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

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

**DESCRIPTION:**

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

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

**Authorized Representative:** Kris Reim

**Date Issued:**

10/9/2015

Packet Pg. 385

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

## INDEMNIFICATION UNDER CONTRACT

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

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

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

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

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

**Description**

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

TEXAS MUNICIPAL LEAGUE INTERGOVERNMENTAL RISK POOL

EL217  
08/16/99

Packet Pg. 386





Workers' Compensation • Property • Liability

September 30, 2015

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

TEXARKANA WATER UTILITIES

OCT 05 2015

RE: Contribution Bearing Endorsement

Dear Mr. Cornelius:

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

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

Thank you,

Kris Reim  
Unit Leader

Attachments

Member: Texarkana Water Utilities

Member ID: 5959

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

Endorsement Number: 2

Date Issued: 09/30/2015

**Coverage: Real and Personal Property**

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

Endorsement Effective Date: 10/01/2015

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

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

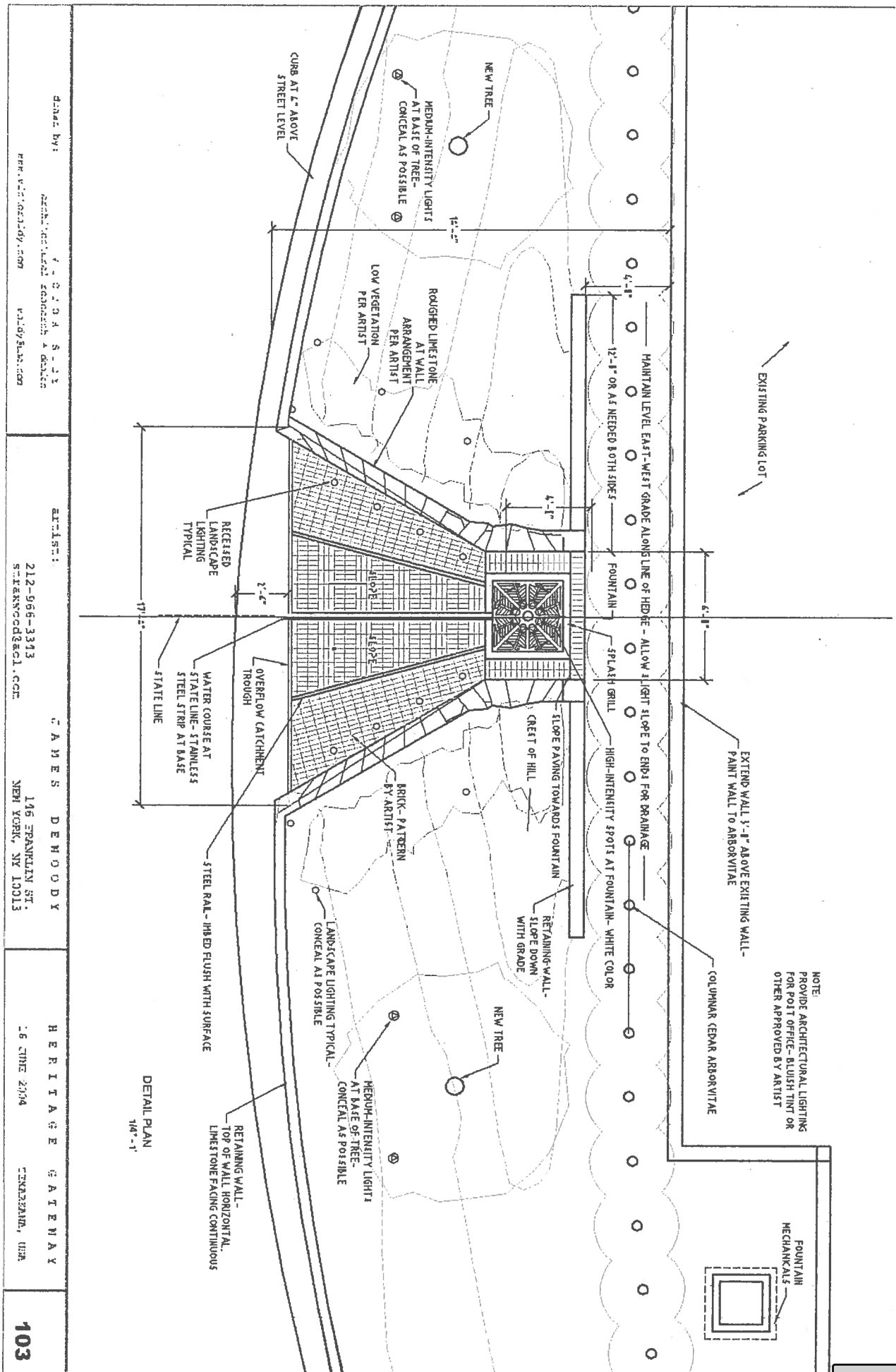
|                                                  |              |
|--------------------------------------------------|--------------|
| <b>Coverage Pro-Rata Contribution Adjustment</b> | <b>\$115</b> |
|--------------------------------------------------|--------------|

|                                                       |              |
|-------------------------------------------------------|--------------|
| <b>All Coverages Pro-Rata Contribution Adjustment</b> | <b>\$115</b> |
|-------------------------------------------------------|--------------|

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



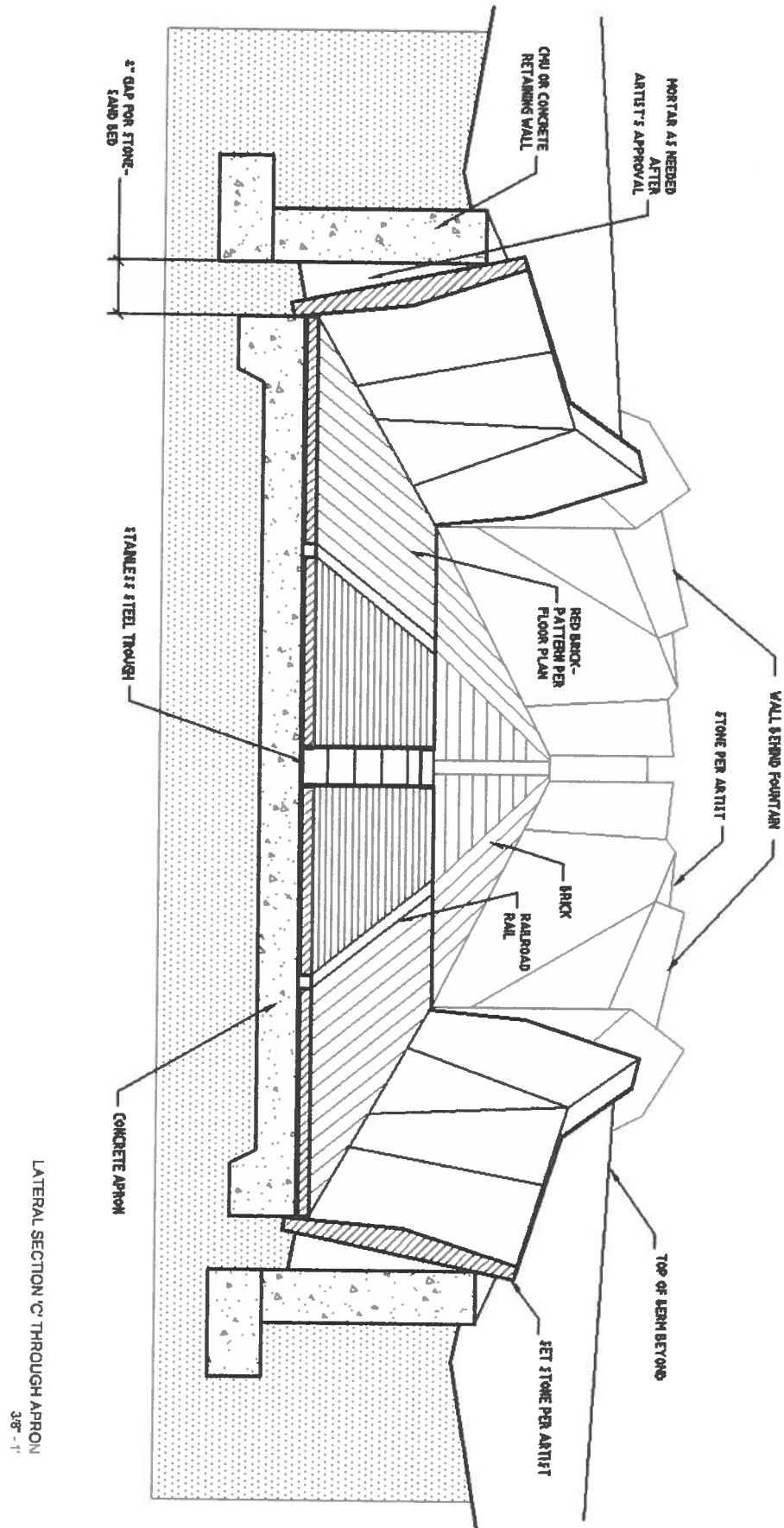
102

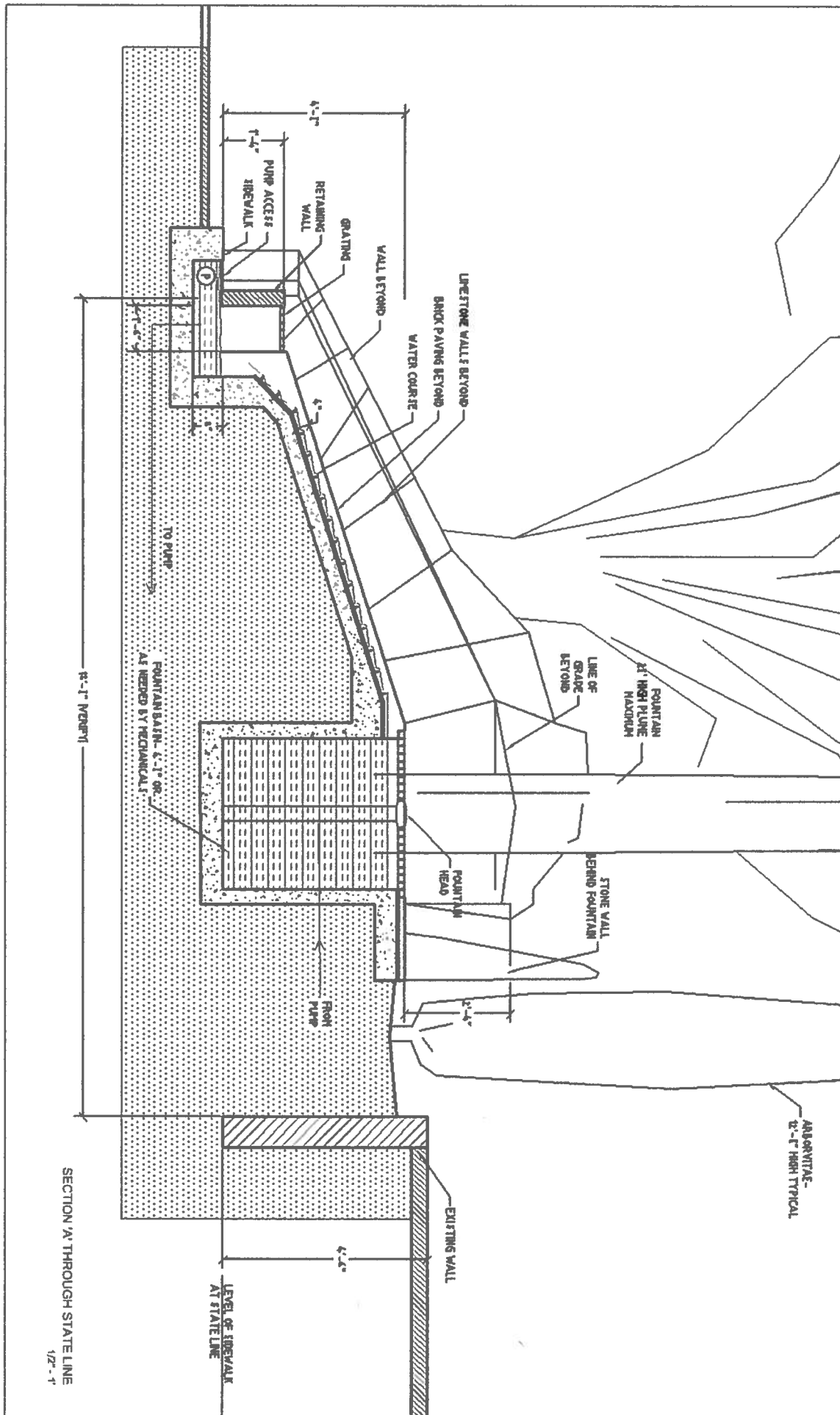


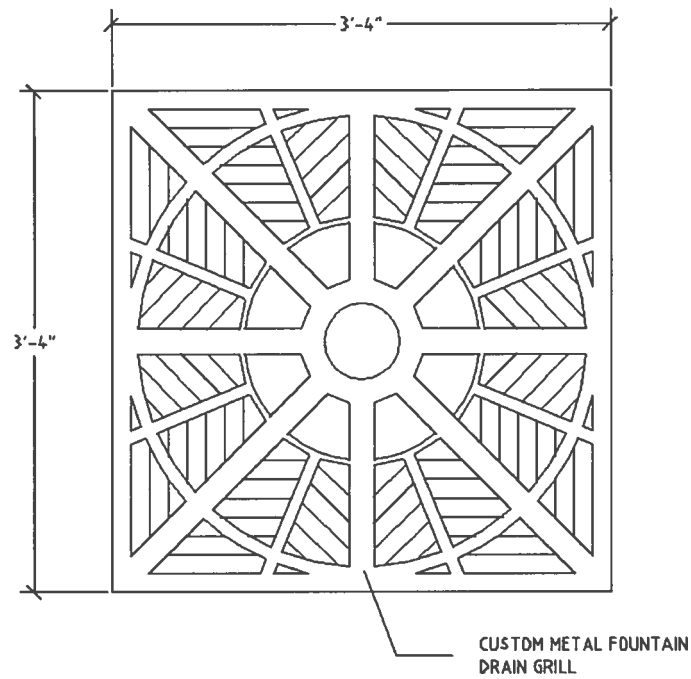


**TEXARKANA, USA**









DETAIL OF FOUNTAIN GRATING

1" = 1'

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

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

HERITAGE GATEWAY  
22 JULY 2004 TEXARKANA, USA





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







## Heritage Gateway – A Visual “Welcome To Texarkana”

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

### **Project:**

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

### **The Fountain**

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



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

### Artist

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



### Purpose

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

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





### **Funding Background**

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

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

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

### **Current Status**

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

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

**REVOCABLE LICENSE FOR NON-FEDERAL USE OF REAL PROPERTY**

1. LICENSE NO.

GS-07B-99196

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

## 2. NAME OF LICENSEE

City of Texarkana Arkansas /  
City of Texarkana Texas

## 3. ADDRESS

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

## 4. PROJECT DESIGNATION AND ADDRESS

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

## 5. MAXIMUM PERIOD COVERED

FROM

02/10/2016

TO

02/09/2021

## 6. CONSIDERATION (\$)

\$0.00 / And Mutual Covenants

## 7. DESCRIPTION OF PROPERTY AFFECTED

(As shown on Exhibit

"A"

, attached hereto and made a part hereof.)

"Heritage Gateway Fountain"

## 8. PURPOSE OF LICENSE

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

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

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

**LICENSEE**

ACCEPTED (Month, day, year)

BY (Signature)

NAME

Kenny Haskin

TITLE

Interim City Manager - City of Texarkana Arkansas

**LICENSEE**

ACCEPTED (Month, day, year)

BY (Signature)

NAME

John A. Whitson

TITLE

City Manager - City of Texarkana Texas

**GENERAL SERVICES ADMINISTRATION LICENSOR**

NAME

James Weller

BY (Signature)

DATED (Month, day, year)

TITLE

Region 7 - PBS Regional Commissioner

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

**CERTIFICATE OF CORPORATE LICENSEE**

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

(CORPORATE SEAL)

NAME OF LICENSE SIGNER

TITLE OF LICENSE SIGNER

NAME OF CERTIFIER

TITLE OF CERTIFIER

SIGNATURE OF CERTIFIER

GENERAL SERVICES ADMINISTRATION

PREVIOUS EDITION IS NOT USABLE

(See reverse)

GSA FORM 1582 (REV. 02/09/2016 - R7)

Packet Pg. 400

Attachment: 2016-022 ATTH 08 Revocable License for Heritage Gateway Fountain GSA (1440 : 2016-022 RES Heritage Gateway Public Artwork



## 11. GENERAL CONDITIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## City of Texarkana, Texas

### Developing Perspectives and Goals Pending Approval by the City Council:

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

#### Perspectives and Goals Additional Comments:

NONE

#### Resource Impact:

Staff time required if item is approved: Medium

#### Other Potential Impacts:

NONE APPLICABLE

#### Public Information Plan:

|                                                                 |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Newspaper Notice (Required by Statute) | <input type="checkbox"/> Public Hearing (Required by Statute) |
| <input type="checkbox"/> Public Forum/Input Session             | <input type="checkbox"/> Press Release                        |
| <input type="checkbox"/> E-News Distribution                    | <input type="checkbox"/> Website Notice                       |
| <input type="checkbox"/> Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/> Special Mailing                      |
| <input type="checkbox"/> Flyers Posted                          | <input type="checkbox"/> Banners Posted                       |
| <input type="checkbox"/> Survey                                 | <input type="checkbox"/> Automated Phone Call                 |
| <input checked="" type="checkbox"/> None Required               | <input type="checkbox"/>                                      |

Other:

## RESOLUTION NO. 2016-022

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

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

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

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

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

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

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

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

**SECTION 1:** That the City Manager be and is hereby authorized to enter into a Memorandum of Agreement (MOA) with The City of Texarkana, Arkansas, a municipality of the State of Arkansas.

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

**PASSED AND APPROVED** in Regular Council Session on this the 14<sup>th</sup> day of March, 2016.

ATTEST:

  
JENNIFER EVANS, CITY SECRETARY

  
BOB BRUGGEMAN, MAYOR

8:33 p.m.

Attachment: 2016-022 RES Heritage Gateway Public Artwork MOA signed (1440 : 2016-022 RES Heritage Gateway Public Artwork MOA)

## City of Texarkana, Texas

Version: C

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

# Briefing Sheet

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

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

## Item Schedule

### Updates/History of Briefing:

"NOT APPLICABLE"

### Executive Summary and Background Information:

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

### Potential Options:

- "None"
- 

### Fiscal Implications:

None

### Staff Recommendation:

TWU staff recommend approval.

### Advisory Board/Committee Review:

"NONE"

### Board/Committee Recommendation:

"NOT APPLICABLE"



## City of Texarkana, Texas

### Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

### Attachments

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

### Staff Coordination

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

### Meeting History

|          |              |               |                |
|----------|--------------|---------------|----------------|
| 02/08/16 | City Council | MOVED FORWARD | Next: 02/22/16 |
| 02/22/16 | City Council | MOVED FORWARD | Next: 03/14/16 |

**RESOLUTION NO. 2016 - 017**

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

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

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

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

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

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

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

**PASSED AND APPROVED** in Regular Council Session on this the **28<sup>th</sup> day of March, 2016.**

ATTEST:

\_\_\_\_\_  
JENNIFER EVANS, CITY SECRETARY

\_\_\_\_\_  
BOB BRUGGEMAN, MAYOR

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

Name of Entity: Texarkana Water Utilities

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

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

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

Title: Director of Engineering

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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

## PROFILE

### I. WHOLESALE SERVICE AREA POPULATION AND CUSTOMER DATE

#### A. Population and Service Area Data

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

4. Population served for previous five years:

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

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

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

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

[www.texas-demographics.com](http://www.texas-demographics.com)

Extrapolated from data from 2011 Region D Water Plan

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

## B. Customer Data

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

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



## II. WATER USE DATA FOR SERVICE AREA

### A. Water Delivery

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

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

### B. Water Accounting Data

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

#### Lake Wright Patman

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

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

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

**C. Projected Water Demands**

(Water use is in acre-feet per year)

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

(Data obtained from Northeast Texas Regional Water Plan)

**III. WATER SUPPLY SYSTEM DATA**

**A. Water Supply Sources**

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

Source:

Amount Authorized:

Surface Water:

Lake Wright Patman

108,654 acre-feet/year

Other:

None

## B. Treatment and Distribution System

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

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

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

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

## IV. WASTEWATER SYSTEM DATA

ipwaterconplan01

### A. Wastewater System Data

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

## WATER CONSERVATION PLAN FOR MUNICIPAL AND WHOLESALE WATER SUPPLIERS

### Specific, Quantified 5 & 10-Year Targets

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

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

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



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

\* - Gallons Per Capita Daily

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

### **Metering Devices**

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

### **Record Management Program**

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

### **Metering/Leak-Detection and Repair Program**

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

### **Reservoir Systems Operations Plan**

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

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

### **Contract Requirements for Successive Customer Conservation**

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

### **Enforcement Procedure & Official Adoption**

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

### **Coordination with the Regional Water Planning Group**

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

### **Plan Review and Update**

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

## **DROUGHT CONTINGENCY PLAN FOR MUNICIPAL AND WHOLESALE PUBLIC WATER SUPPLIERS**

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

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

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

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

### **Coordination With the North East Texas Regional Water Planning Group**

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

### **Informing the Public**

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

### **Authorization/Applicability**

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

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

### **Coordination with the Texas Commission on Environmental Quality**

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

### **Plan Definitions**

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

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

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

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

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

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

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

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

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



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

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

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

## RESPONSE TO A DROUGHT EVENT

### Stage 1 - Mild Water Shortage

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

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

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

#### Measures:

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

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

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

#### Stage 2 - Moderate water Shortage

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

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

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

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

1 becomes operative.

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

### **Stage 3 - Severe Water Shortage**

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

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

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

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

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

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

#### **Stage 4 - Emergency Water Shortage**

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

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

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

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

## **PLAN EXECUTION**

### **Public Involvement**

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

## Enforcement

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

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

## Notification of TCEQ on Mandatory Provisions

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

## Variance Procedures

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

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

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

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



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

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

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

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

### 5-Year Updates

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

## City of Texarkana, Texas

## Developing Perspectives and Goals Pending Approval by the City Council:

| Perspectives         | Goals                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Serve the Community  | <input checked="" type="checkbox"/> Promote an Environmentally Sensitive & Livable Community<br><input type="checkbox"/> Provide a Safe Community<br><input checked="" type="checkbox"/> Deliver Quality Services<br><input type="checkbox"/> Foster a Healthy Community                                                                                                                                                                 |
| Run the Operations   | <input checked="" type="checkbox"/> Enhance Community Preparedness & Responsiveness<br><input type="checkbox"/> Maximize Partnership Opportunities<br><input type="checkbox"/> Provide Courteous & Responsive Customer Service<br><input type="checkbox"/> Model a Positive City Image<br><input checked="" type="checkbox"/> Deliver Efficient Services<br><input checked="" type="checkbox"/> Cultivate Community Involvement & Access |
| Manage the Resources | <input type="checkbox"/> Maintain Fiscal Strength<br><input checked="" type="checkbox"/> Maximize Utilization & Resources<br><input type="checkbox"/> Invest in Infrastructure & Transportation                                                                                                                                                                                                                                          |
| Develop Personnel    | <input type="checkbox"/> Develop a Skilled & Diverse Workforce<br><input type="checkbox"/> 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:

|                                                                 |                                                               |
|-----------------------------------------------------------------|---------------------------------------------------------------|
| <input type="checkbox"/> Newspaper Notice (Required by Statute) | <input type="checkbox"/> Public Hearing (Required by Statute) |
| <input type="checkbox"/> Public Forum/Input Session             | <input type="checkbox"/> Press Release                        |
| <input type="checkbox"/> E-News Distribution                    | <input type="checkbox"/> Website Notice                       |
| <input type="checkbox"/> Social Media (Twitter, Facebook, etc.) | <input type="checkbox"/> Special Mailing                      |
| <input type="checkbox"/> Flyers Posted                          | <input type="checkbox"/> Banners Posted                       |
| <input type="checkbox"/> Survey                                 | <input type="checkbox"/> Automated Phone Call                 |
| <input checked="" type="checkbox"/> None Required               | <input type="checkbox"/>                                      |

Other:

**RESOLUTION NO. 2016 - 017**

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

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

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

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

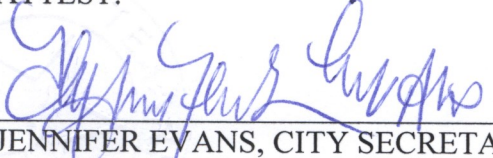
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS:**

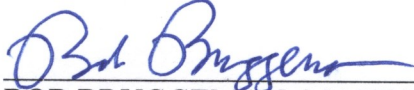
**SECTION 1:** The proposed International Paper Mill WTP Profile and Water Conservation and Drought Contingency Plan for Wholesale Public Water Suppliers, a copy of which is attached hereto, be and is hereby approved.

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

**PASSED AND APPROVED** in Regular Council Session on this the **28<sup>th</sup>** day of **March, 2016**.

ATTEST:

  
JENNIFER EVANS, CITY SECRETARY

  
BOB BRUGGEMAN, MAYOR

6:11 p.m.