



CITY OF TEXARKANA

CITY COUNCIL

AGENDA • MARCH 22, 2021

Council Chambers

Regular Meeting

6:00 PM

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

Mayor

Bob Bruggeman

Ward 1

Jean H. Matlock

Ward 3

Betty Williams

Ward 5

Bill Harp

Ward 2

Mary Hart

Ward 4

Christie Page

Ward 6

Jay Davis



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

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

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

II. INVOCATION AND PLEDGE LED BY MAYOR BOB BRUGGEMAN

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, April 12, 2021 at 6:00 p.m.

Monday, April 26, 2021 at 6:00 p.m.

Monday, May 10, 2021 at 6:00 p.m.

Monday, May 24, 2021 at 6:00 p.m.

Parks & Recreation Events:

March 25 th - 27 th	Huggins Baseball Tournament	Spring Lake Park
April 10 th	Spring Soccer Season begins	Wallace Park
April 10 th - 11 th	FASA Softball Tournament	Karrh/Wallace Parks
April 10 th - 11 th	USSSA Baseball Tournament	Spring Lake Park

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

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

V. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

VI. ITEMS FOR CONSIDERATION

Consent Items

1. Resolution No. 2021-018 acknowledging receipt of the 2020 Police Department Racial Profiling Report as statutorily required.

Public Hearing:

Council Vote: March 22, 2021

Action Items

2. Ordinance No. 2021-019 amending the City's Purchasing Policy Manual to include procedures and policies pertaining to the Texarkana Metropolitan Planning Organization.

Public Hearing:

Council Vote: March 22, 2021

VII. FIRST BRIEFINGS

1. Ordinance No. 2021-013 rezoning a portion of Lot 6, Parcel 2, Block 3, Galleria Oaks No. 1 Subdivision, located in the 1600 block of Moores Lane. Agriculture to Planned Development - Office. Rebecca Nelson, Owner. Darrel Kotur, agent.

Public Hearing: April 12, 2021

Council Vote: April 12, 2021

2. Ordinance No. 2021-014 rezoning a 5.007-acre tract of land in the George Brinlee HRS, A-18, being part of that certain tract of land described as Lot 1 of the Replat of Lot 2, Block 1, Waggoner Creek West Subdivision, located west of 6210 Gibson Lane. Single Family-1 to Multiple Family-2. Ray Walsh, owner. Jake Taylor, agent.

Public Hearing: April 12, 2021

Council Vote: April 12, 2021

3. Ordinance No. 2021-015 granting a Specific Use Permit to allow the location of a mini-storage facility on a 1.19-acre tract of land (being tract 9B) in the M. E. P. & P. RWY CO. HRS, A-435, located at 1609 North Robison Road. Robert Barwick, owner.

Public Hearing: April 12, 2021
Council Vote: April 12, 2021

4. Ordinance No. 2021-016 amending PD-02-13 (GR) for site plan approval to allow the construction of 10 apartment units on Lots 8 and 9, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block of Brooke Place. Brandon Taylor, 2B Builders, owner. Kayla Wood, MTG Engineers & Surveyors, agent.

Public Hearing: April 12, 2021
Council Vote: April 12, 2021

VIII. PUBLIC HEARINGS

[No Public Hearings]

IX. ITEMS FOR DISCUSSION - STAFF UPDATES

COVID-19 Report - Fire Chief Eric Schlotter

X. ADMINISTRATIVE COMMENTS

1. City Council
2. City Staff

XI. ADJOURNMENT



Jennifer Evans
City Secretary

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

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

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

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

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

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/16/2021 4:20 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2021-018 acknowledging receipt of the 2020 Police Department
Racial Profiling Report as statutorily required.

Briefing: 3/22/2021 **Public Hearing:** **Council Vote:** 3/22/2021

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

A resolution is necessary to comply with statutory requirements for the City Council to acknowledge receipt of the Police Department's Racial Profiling Report each year in March.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Staff recommends acceptance of this 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. 2021-018 RES 2020 Racial Profiling Rpt (DOCX)
- b. 2021-018 ATTH 01 Final Rpt Racial Profiling 2020 (PDF)
- c. 2021-018 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	
	03/18/2021 10:48 AM			
City Manager	Jennifer Evans	City Manager Review	Completed	03/18/2021
10:48 AM				
City Council	Vicky Coopwood	Meeting	Pending	03/22/2021
6:00 PM				

Meeting History

RESOLUTION NO. 2021 – 018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ACKNOWLEDGING RECEIPT OF THE 2020 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 titled as **ATTH 01**.

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 **22nd day of March, 2021**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



TEXARKANA, TEXAS POLICE DEPARTMENT

2020

RACIAL PROFILING ANALYSIS

PREPARED BY:

Eric J. Fritsch, Ph.D.

Chad R. Trulson, Ph.D.

Justice Research Consultants, LLC



Executive Summary

Article 2.132-2.134 of the Texas Code of Criminal Procedure (CCP) requires the annual reporting to the local governing body of data collected on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to data collection and reporting requirements. Article 2.134 of the CCP directs that “a comparative analysis of the information compiled under 2.133” be conducted, with specific attention to the below areas:

1. 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;
2. examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction;
3. evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; and
4. information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling.

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 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 IN BOTH PRINT AND ELECTRONIC FORM 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 TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW CONCERNING THE REPORTING OF INFORMATION TO TCOLE.**

- **THE TEXARKANA POLICE DEPARTMENT IS FULLY IN COMPLIANCE WITH APPLICABLE TEXAS LAW REGARDING CCP ARTICLES 2.132-2.134.**

Introduction

This report details an analysis of the Texarkana Police Department's policies, training, and statistical information on racial profiling for the year 2020. This report has been prepared to specifically comply with Article 2.132, 2.133, and 2.134 of the Texas Code of Criminal Procedure (CCP) regarding the compilation and analysis of traffic stop data. Specifically, the analysis will address Articles 2.131 – 2.134 of the CCP and make a determination of the level of compliance with those articles by the Texarkana Police Department in 2020. The full copies of the applicable laws pertaining to this report are contained in Appendix A.

This report is divided into six sections: (1) Texarkana Police Department's policy on racial profiling; (2) Texarkana Police Department's training and education on racial profiling; (3) Texarkana Police Department's complaint process and public education on racial profiling; (4) analysis of Texarkana Police Department's traffic stop data; (5) additional traffic stop data to be reported to TCOLE; and (6) Texarkana Police Department's compliance with applicable laws on racial profiling.

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 shall be subject to corrective action including diversity, sensitivity, or other appropriate training, informal counseling, formal counseling, written reprimand, suspension from duty with or without pay, indefinite suspension, or other appropriate action as determined by the Chief of Police. 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 2020. 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 a bi-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 a website with numbers available for contacting the agency with concerns (<http://ci.texarkana.tx.us/393/Police-Department/>). Additionally, each printed citation includes instructions on how to file a complaint and/or compliment on an officer following an interaction.

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 and Article 2.133 requires that law enforcement agencies collect statistical information on motor vehicle stops in which a ticket, citation, or warning was issued and to arrests made as a result of those stops, in addition to other information noted previously. Texarkana Police Department submitted statistical information on all motor vehicle stops in 2020 and accompanying information on the race/ethnicity of the person stopped. Accompanying this data was the relevant information required to be collected and reported by law.

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

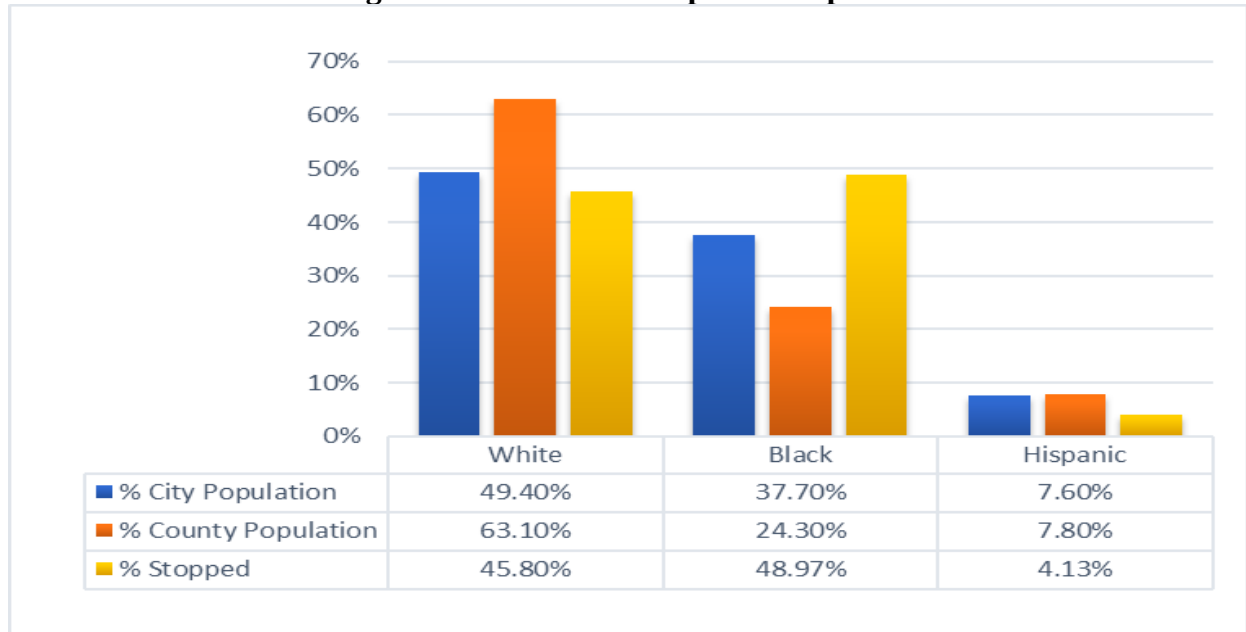
Analysis of the Data

Comparative Analysis #1:

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. Texas Code of Criminal Procedure Article 2.134(c)(1)(A)

The first chart depicts the percentages of people stopped by race/ethnicity among the total 5,207 motor vehicle stops in which a ticket, citation, or warning was issued, including arrests made, in 2020.¹

Chart 1: Percentage of Motor Vehicle Stops in Comparison to Benchmarks



White drivers constituted 45.80 percent of all drivers stopped, whereas Whites constitute 49.40 percent of the city population and 63.10 percent of the county population.²

Black drivers constituted 48.97 percent of all drivers stopped, whereas Blacks constitute 37.70 percent of the city population and 24.30 percent of the county population.

Hispanic drivers constituted 4.13 percent of all drivers stopped, whereas Hispanics constitute 7.60 percent of the city population and 7.80 percent of the county population.

The chart shows that White drivers are stopped at rates lower than the percentage of Whites found in the city and county populations. Black drivers are stopped at rates higher than the percentage of Blacks found in the city and county populations. Hispanics are stopped at rates lower than the percentage of Hispanics found in the city and county populations.

Methodological Issues

Upon examination of the data, it is important to note that differences in overall stop rates of a particular racial or ethnic group, compared to that racial or ethnic group's proportion of the population, cannot be used to make determinations that officers have or have not racially

¹ Due to a small number of stops relative to the population of Texarkana and the total number of motor vehicle stops among all drivers (5,207), information contained in the first chart excludes information pertaining to 39 stops of citizens of Asian/Pacific Islander descent and 18 stops of citizens of Alaska Native/American Indian descent.

² City and County population figures are derived from the 2019 American Community Survey (ACS) of the U.S. Census Bureau.

profiled any given individual motorist. Claims asserting racial profiling of an individual motorist from the aggregate data utilized in this report are erroneous.

For example, concluding that a particular driver of a specific race/ethnicity was racially profiled simply because members of that particular racial/ethnic group as a whole were stopped at a higher rate than their proportion of the population—are as erroneous as claims that a particular driver of a specific race/ethnicity could NOT have been racially profiled simply because the percentage of stops among members of a particular racial/ethnic group as a whole were stopped at a lower frequency than that group's proportion of the particular population base (e.g., city or county population). In short, aggregate data as required by law and presented in this report cannot be used to prove or disprove that a member of a particular racial/ethnic group was racially profiled. Next, we discuss the reasons why using aggregate data—as currently required by the state racial profiling law—are inappropriate to use in making claims that any individual motorist was racially profiled.

Issue #1: Using Group-Level Data to Explain Individual Officer Decisions

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 stop 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.** In sum, aggregate level data cannot be used to assess individual officer decisions, but the state racial profiling law requires this assessment.

Issue #2: Problems Associated with Population Base-Rates

There has been considerable debate as to what the most appropriate population “base-rate” is in determining whether or not racial/ethnic disparities exist. The base-rate serves as the benchmark for comparison purposes. The outcome of analyses designed to determine whether or not disparities exist is dependent on which base-rate is used. While this report utilized the most recent 2019 American Community Survey (ACS) as a population base-rate, this population measure can become quickly outdated, can be inaccurate, and may not keep pace with changes experienced in city and county population measures.

In addition, the validity of the benchmark base-rate becomes even more problematic if analyses fail to distinguish between residents and non-residents who are stopped. This is 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 sum, a valid measure of the driving population does not exist. As a proxy, census data is used which is problematic as an indicator of the driving population.** In addition, stopped motorists who are not residents of the city or county where the motor vehicle stop occurred are not included in the benchmark base-rate.

Issue #3: Officers Do Not Know the Race/Ethnicity of the Motorist Prior to the Stop

As illustrated in Table 4 near the end of this report, of the 5,207 motor vehicle stops in 2020, the officer knew the race/ethnicity of the motorist prior to the stop in 19.28% of the stops (1,004/5,207). An analysis of all annual racial profiling reports submitted to the Texas Commission on Law Enforcement, as required by the Texas racial profiling law, found that in 2.9% of the traffic stops in Texas, the officer knew the race/ethnicity of the motorist prior to the stop.³ The analysis included 1,186 Texas law enforcement agencies and more than 3.25 million traffic stops.

As noted, the legal definition of racial profiling in the Texas Code of Criminal Procedure Article 3.05 is “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.”

Most of the time, Texarkana PD officers do not know the race/ethnicity of the motorist prior to the stop. This factor further invalidates any conclusions drawn from the stop data presented in Chart 1. If an officer does not know the race/ethnicity of the motorist prior to the stop, then the officer cannot, by legal definition, be racial profiling. Racial profiling is a law-enforcement action based on the race/ethnicity of an individual. If the officer does not know the person's race/ethnicity before the action (in this case, stopping a vehicle), then racial profiling cannot occur.

Based on this factor, post-stop outcomes are more relevant for a racial profiling assessment, as presented later in this report, in comparison to initial motor vehicle stop data disaggregated by race/ethnicity. Once the officer has contacted the motorist after the stop, the officer has identified the person's race/ethnicity and all subsequent actions are more relevant to a racial profiling assessment than the initial stop data.

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 stopped in order to determine whether or not racial profiling exists within a given jurisdiction.

Table 1 reports the summaries for the total number of motor vehicle stops in which a ticket, citation, or warning was issued, and to arrests made as a result of those stops, by the Texarkana Police Department in 2020. Table 1 and associated analyses are utilized to satisfy the comparative analyses as required by Texas law, and in specific, Article 2.134 of the CCP.

Comparative Analysis #2:

Examine the disposition of motor vehicle stops made by officers employed by the agency, categorized according to the race or ethnicity of affected persons, as appropriate, including any searches resulting from stops within the applicable jurisdiction. Texas Code of Criminal Procedure Article 2.134(c)(1)(B)

³ Winkler, Jordan M. (2016). *Racial Disparity in Traffic Stops: An Analysis of Racial Profiling Data in Texas*. Master's Thesis. University of North Texas.

Table 1: Traffic Stops and Outcomes by Race/Ethnicity

Stop Outcomes by Race/Ethnicity	White	African-American	Hispanic /Latino	Asian /Pacific Islander	Alaska Native /American Indian	Total
Number of Stops	2,385	2,550	215	39	18	5,207
Result of Stop						
Verbal Warning	512	699	57	12	10	1,290
Written Warning	890	749	66	10	6	1,721
Citation	912	1,009	89	11	2	2,023
Written Warning and Arrest	7	7	1	0	0	15
Citation and Arrest	14	24	0	0	0	38
Arrest	50	62	2	6	0	120
Search Conducted						
Yes	151	298	17	8	0	474
No	2,234	2,252	198	31	18	4,733

As shown in Table 1, there were a total of 5,207 motor vehicle stops in 2020 in which a ticket, citation, or warning was issued. The table also shows arrests made as a result of those stops. Roughly 25 percent of stops resulted in a verbal warning (1,290/5,207), roughly 33 percent of stops resulted in a written warning, and roughly 39 percent resulted in a citation. Less than 1 percent of stops resulted in a written warning and arrest, less than 1 percent of stops resulted in a citation and arrest, and roughly 2 percent of stops resulted in a sole arrest.

Relative to the result of the stop within each racial/ethnic group, White motorists received a **verbal warning** in roughly 21 percent of stops involving White motorists (512/2,385). Black motorists received a verbal warning in roughly 27 percent of stops involving Black motorists. Hispanic motorists received a verbal warning in roughly 27 percent of stops involving Hispanic motorists.

Specific to **written warnings**, White motorists received a written warning in roughly 37 percent of stops involving White motorists (890/2,385), Black motorists received a written warning in roughly 29 percent of stops of Black motorists, and Hispanic motorists received a written warning in roughly 31 percent of stops of Hispanic motorists.

White motorists received a **citation** in roughly 38 percent of stops involving White motorists (912/2,385), Black motorists received a citation in roughly 40 percent of stops of Black motorists, and Hispanic motorists received a citation in roughly 41 percent of stops of Hispanic motorists.

Of the 5,207 total stops in 2020, 173 **arrests** [written warning and arrest (15), citation and arrest (38) and arrest only (120)] were made. White motorists were arrested in roughly 3 percent of stops involving White motorists (71/2,385), Black motorists were arrested in roughly 4 percent

of stops involving Black motorists, and Hispanics were arrested in roughly 1 percent of stops involving Hispanic motorists.

Comparative Analysis #3:

Evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches. Texas Code of Criminal Procedure Article 2.134(c)(1)(C)

In 2020, a total of 474 **searches** of motorists were conducted, or roughly 9 percent of all stops resulted in a search (474/5,207). Among searches within each racial/ethnic group, White motorists were searched in roughly 6 percent of all stops of White motorists (151/2,385), Black motorists were searched in roughly 12 percent of all stops of Black motorists, and Hispanic motorists were searched in roughly 8 percent of all stops of Hispanic motorists.

Regarding searches, it should be further noted that 239 out of 474 searches (see Table 3), or roughly 50 percent of all searches, were based on consent, which are regarded as discretionary as opposed to non-discretionary searches. Relative to the total number of stops (5,207), discretionary **consent searches** occurred in roughly 5 percent of stops.

Of the searches that occurred in 2020, and as shown in Table 3, **contraband** was discovered in 200 or roughly 42 percent of all searches (200/474 total searches). Among the searches in which contraband was discovered (200), roughly 76 percent of the time the contraband discovered was drugs (151/200).

Comparative Analysis #4:

Information relating to each complaint filed with the agency alleging that a peace officer employed by the agency has engaged in racial profiling. Texas Code of Criminal Procedure Article 2.134(c)(2)

In 2020, internal records indicate that the Texarkana Police Department received no complaints alleging that a peace officer employed by the agency engaged in racial profiling.

Additional Analysis:

Statistical analysis of motor vehicle stops relative to the gender population of the agency's reporting area. This analysis is presented in the report based on a December 2020 email sent from TCOLE to law enforcement executives in Texas.

In 2020, 5,207 motor vehicle stops were made by the Texarkana Police Department. Of these stops, 2,272 or roughly 44 percent were female drivers (2,272/5,207), and roughly 56 percent were male drivers (see Table 4 below).

According to 2019 American Community Survey (ACS) city and county population estimates of the U.S. Census Bureau, the City of Texarkana was composed of 51.7 percent females and 48.3

percent males. County population 2019 ACS estimates indicate that females accounted for 50.7 percent of the county population and males accounted for 49.3 percent of the county population.

Overall, in 2020, males were stopped at rates higher than their proportion of the city and county populations.

Additional Information Required to be Reported to TCOLE

Tables 2-4 provide additional information relative to motor vehicle stops in 2020 by the Texarkana Police Department. These data are required to be collected by the Texarkana Police Department under the Texas Code of Criminal Procedure Article 2.133.

Table 2: Data on Traffic Stops and Arrests

Stop Table	Frequency
Number of Stops	5,207
Reason for Stop	
Violation of Law	606
Preexisting Knowledge	73
Moving Traffic Violation	3,709
Vehicle Traffic Violation	819
Result of Stop	
Verbal Warning	1,290
Written Warning	1,721
Citation	2,023
Written Warning and Arrest	15
Citation and Arrest	38
Arrest	120
Arrest Based On	
Violation of Penal Code	103
Violation of Traffic Law	8
Violation of City Ordinance	1
Outstanding Warrant	61

Table 3: Data on Searches Pursuant to Traffic Stops

Search Table	Frequency
Search Conducted	
Yes	474
No	4,733
Reason for Search	
Consent	239
Contraband in Plain View	15
Probable Cause	163
Inventory	27
Incident to Arrest	30
Was Contraband Discovered	
Yes	200
No	274
Description of Contraband	
Drugs	151
Currency	5
Weapons	19
Alcohol	10
Stolen Property	7
Other	8

Table 4: Additional Data on Traffic Stops

Additional Information	Frequency
Gender	
Male	2,272
Female	2,935
Race/Ethnicity Known Prior to Stop	
Yes	1,004
No	4,203
Was Physical Force Resulting in Bodily Injury Used During Stop	
Yes	27
No	5,180
Approximate Location of Stop	
City Street	4,528
US Highway	312
County Road	47
State Highway	159
Private Property/Other	161

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.

In addition to providing summary reports and analysis of the data collected by the Texarkana, Texas Police Department in 2020, 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.

Appendix A

Racial Profiling Statutes and Laws

Attachment: 2021-018 ATTH 01 Final Rpt Racial Profiling 2020 (2443 : 2021-018 RES Racial Profiling Report for 2020)

Texas Racial Profiling Statutes

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 the following categories:

- (A) Alaska native or American Indian;
- (B) Asian or Pacific Islander;
- (C) black;
- (D) white; and
- (E) Hispanic or Latino.

(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 compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;
 - (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 ticket, citation, or warning 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;
 - (C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - (D) whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop;
 - (E) the location of the stop; and
 - (F) the reason for the stop; 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 Texas Commission on Law Enforcement; 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. The agency also shall examine the feasibility of equipping each peace officer who regularly detains or stops motor vehicles with a body worn camera, as that term is defined by Section 1701.651, Occupations Code. If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras 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 Texas Commission on Law Enforcement 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.

(h) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 25, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.05, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 173 (H.B. 3051), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.01, eff. September 1, 2017.

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;

(8) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and

(9) whether the officer used physical force that resulted in bodily injury, as that term is defined by Section 1.07, Penal Code, during the stop.

(c) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (b) to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

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

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1172 (H.B. 3389), Sec. 26, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.02, eff. September 1, 2017.

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 Texas Commission on Law Enforcement 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;

(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

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered in the course of those searches; 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 Texas Commission on Law Enforcement, 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 Texas Commission on Law Enforcement 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 (H.B. 3389), Sec. 27, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.06, eff. May 18, 2013.

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.03, eff. September 1, 2017.

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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras. 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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 in law enforcement motor vehicles and motorcycles or equipping peace officers with body worn cameras, 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 taken the necessary actions to use and is using video and audio equipment and body worn cameras for those purposes.

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

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.04, eff. September 1, 2017.

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 an amount not to exceed \$5,000 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 (H.B. 3389), Sec. 29, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 950 (S.B. 1849), Sec. 5.05, eff. September 1, 2017.

Appendix B

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

Attachment: 2021-018 ATTH 01 Final Rpt Racial Profiling 2020 (2443 : 2021-018 RES Racial Profiling Report for 2020)

TEXARKANA, TEXAS POLICE DEPARTMENT
GENERAL ORDERS MANUAL

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

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.

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<i>Directive</i> 2.01.1	<i>Subject</i> Biased Based Policing and Racial Profiling
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- 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 and includes the following categories:

- a. Alaska native or American Indian;
- b. Asian or Pacific Islander
- c. Black
- d. White
- e. Hispanic or Latino.

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.

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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.

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

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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.

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

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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
 - 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 certain information relating to all traffic stops, and shall record such information on either a citation, warning citation, field interview contact, or a Data Collection Form. In cases where no enforcement action was taken or where a custody arrest was made, 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;

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- e. Whether physical force was used that resulted in bodily injury;
 - f. Location of the stop;
 - g. Reason for the stop; and
 - h. 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 being discovered and, if so, the type of contraband; (4) The number of stops where physical force was used that resulted in bodily injury, and (5) 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. The Office of Professional Responsibility shall be responsible for reviewing this report to identify any improvements that can be made in the practices and policies regarding traffic stops.

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

Texas CCP Article	TEXARKANA, TEXAS POLICE DEPARTMENT Racial Profiling Policy
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)

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 3/18/2021 3:57 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Ordinance No. 2021-019 amending the City's Purchasing Policy Manual to include procedures and policies pertaining to the Texarkana Metropolitan Planning Organization.

Briefing: 3/22/2021 **Public Hearing:** **Council Vote:** 3/22/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Texarkana Metropolitan Planning Organization Policy Committee (“MPO”) is the designated Metropolitan Planning Organization for the Texarkana area. Two members of the City Council, Mayor Bruggeman and Councilmember Hart, serve on this committee. Among other duties, the Policy Committee approves and authorizes use of federal and non-federal metropolitan planning funds to develop and maintain a comprehensive regional transportation planning program in accordance with federal and state law; and

The City has two interlocal contracts with the MPO: one interlocal includes the Texas Department of Transportation (“TXDOT”) and details various duties and responsibilities of the MPO and TXDOT, in addition to certain City responsibilities as Fiscal Agent for the MPO; and another interlocal only with the MPO details City fiscal services, personnel and human resources support, and office space and support systems provided to the MPO, for which the MPO compensates the City in the aggregate amount of \$1,500 per month.

Generally, the MPO makes contracts and commitments in its own name, and the City acts as fiscal agent for the MPO and maintains one or more separate MPO accounts under the supervision of the Chief Financial Officer. The City’s fiscal budgets approved by the City Council include estimates of the expenditures of the City relating to anticipated contracts and commitments of the MPO. The MPO agrees it is responsible for seeking reimbursement of any City-advanced funds from any applicable federal, state, county, local agency, or any other entity required to reimburse funds expended by the MPO.

After consultation with the City's auditor and City Attorney, a new section for insertion in the City's purchasing policy manual has been prepared to summarize the MPO Policy Committee approval process as being different from and an exception to other city purchasing processes relating to expenditures equaling or exceeding \$50,000.00. In other words, the MPO Policy Committee's approval of a contract authorizes City personnel to prepare and sign documentation consistent with City policy and practices for disbursement of funds, including checks within and up to the contract amount according to the contract terms. This is an

City of Texarkana, Texas

exception to the general purchasing policy requiring the pre-approval of the City Council for expenditures equaling or exceeding \$50,000.00.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Staff Recommendation:

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-019 ORD MPO Purchasing Policy (jcl) (DOCX)
- b. 2021-019 EXH 'A' City Fiscal and Personnel Mgmt Agrmt (2015) (PDF)
- c. 2021-019 EXH 'B' TxDOT Agrmt (2018) (PDF)
- d. 2021-019 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	
	03/18/2021 3:57 PM			
Finance Department	Jennifer Evans	Finance Review	Skipped	03/18/2021
	3:56 PM			
City Manager	Jennifer Evans	City Manager Review	Completed	03/18/2021
	3:57 PM			
City Council	Vicky Coopwood	Meeting	Pending	03/22/2021
	6:00 PM			

Meeting History

ORDINANCE NO. 2021-019

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE CITY'S PURCHASING POLICY MANUAL TO INCLUDE PROCEDURES AND POLICIES FOR PROCUREMENT AND PURCHASING PERTAINING TO THE TEXARKANA METROPOLITAN PLANNING ORGANIZATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texarkana Metropolitan Planning Organization Policy Committee ("MPO"), the designated Metropolitan Planning Organization for the Texarkana area pursuant to federal law as agreed to by and between the City of Texarkana, Texas, and the Governor of the State of Texas, uses federal and non-federal metropolitan planning funds to develop and maintain a comprehensive regional transportation planning program in accordance with federal and state law; and

WHEREAS, pursuant to interlocal contracting authority delegated by the City Council to the City Manager [Ord. No. 087-08], the City entered into an interlocal "Fiscal and Personnel Management Agreement" with the MPO in 2015, detailing City fiscal services, personnel and human resources support, and office space and support systems provided to the MPO, for which the MPO compensates the City in the aggregate amount of \$1,500 per month (*see Exhibit "A"*); and

WHEREAS, also pursuant to interlocal contracting authority delegated by the City Council to the City Manager, the City entered into an interlocal "Agreement With Metropolitan Planning Organization" in 2018 with the MPO and the State of Texas, acting through the Texas Department of Transportation ("TXDOT"), which details various duties and responsibilities of the MPO and TXDOT, in addition to the following summary of City responsibilities as Fiscal Agent for the MPO (*see Exhibit "B"*):

Article 5. Responsibilities of the Fiscal Agent

The Fiscal Agent for the MPO is the entity responsible for providing fiscal, human resource, and staff support services to the MPO. The responsibilities of the Fiscal Agent are as follows:

- A. Maintain required accounting records for state and federal funds consistent with current federal and state requirements.
- B. Provide all appropriate funding, as identified by fiscal year in the UPWP [Unified Planning Work Program], to allow the MPO staff to effectively and efficiently operate the program.
- C. Provide human resource services to the MPO.
- D. Provide benefits for the MPO staff that shall be the same as the Fiscal Agent normally provides its own employees; [sic] or as determined through an

agreement between the MPO and the Fiscal Agent. Costs incurred by the Fiscal Agent for these benefits may be reimbursed by the MPO.

- E. Establish procedures and policies for procurement and purchasing, when necessary, in cooperation with the MPO.

WHEREAS, while the City’s approved fiscal budgets include estimates of the expenditures of the City relating to anticipated contracts and commitments of the MPO as identified by fiscal year in the UPWP, the MPO makes contracts and commitments in its own name and generally follows and implements the City’s purchasing policies; and

WHEREAS, when the City advances funds for MPO-related procurement and purchasing as approved by the MPO Policy Committee, it is the agreement and responsibility of the MPO to seek reimbursement of the advanced funds from any applicable federal, state, county, local agency, or any other entity required to reimburse funds expended by the MPO; and

WHEREAS, the MPO periodically applies for Supplemental Planning Research (SPR) funds provided by TXDOT; and upon award of such funds, the City Council is presented with an amendment to the fiscal year budget to include the SPR funds in the UPWP; and

WHEREAS, the City’s Purchasing Policy Manual, amended and approved by ordinance of the City Council from time to time, is currently undergoing an administrative review and revision for eventual presentment to and consideration by the City Council; and

WHEREAS, certain procedures and policies pertaining to the MPO procurement and purchasing—including MPO Policy Committee purchasing approvals being an exception to the City’s general purchasing policy for City Council pre-approval of expenditures equaling or exceeding \$50,000.00—are ready for submission to the City Council for consideration and, if approved, for inclusion in the existing and subsequent revision of the Purchasing Policy Manual.

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

SECTION 1: The City’s Purchasing Policy Manual shall be amended to include the following:

Texarkana Metropolitan Planning Organization (“MPO”)

The City acts as Fiscal Agent for the MPO pursuant to interlocal agreements. The City’s fiscal budget includes estimates of City expenditures relating to anticipated contracts and commitments of the MPO. While the City Council approves the annual budget and any amendments to the budget, the MPO makes contracts in its own name and generally follows and implements the

City's purchasing policies. When the MPO Policy Committee approves a specific contract within the fiscal and subject matter limits of the City Council's approved current fiscal year budget, and provided that sufficient funds are available to fund the payment requests, receipt of documentation of the Committee's approval of said contract shall authorize City personnel to prepare and sign documentation consistent with City policy and practices for disbursement of funds, including checks within and up to the contract amount according to the contract terms. (This section is an exception to the general purchasing policy requiring the pre-approval of the City Council for expenditures equaling or exceeding \$50,000.00.)

SECTION 2: The City Council acknowledges the agreement and responsibility of the Texarkana MPO to seek reimbursement of advanced City funds from any applicable federal, state, county, local agency, or any other entity required to reimburse funds expended by the MPO (see **Exhibit "A"**, § E).

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

PASSED AND APPROVED in Regular Council Session on this the 22nd day of March, 2021.

ATTEST :

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

FISCAL AND PERSONNEL MANAGEMENT AGREEMENT

This agreement entered into, by and between the CITY OF TEXARKANA, a political subdivision of the State of Texas, hereinafter referred to as the "CITY" and the Texarkana Urban Transportation Study Policy Board, hereinafter referred to as "TUTS", the designated Metropolitan Planning Organization (MPO) for the Texarkana area, as authorized by 23 USC 134 (West Supp. 1992).

WITNESSETH

WHEREAS, 23 USC 134 and Federal Transit Act Section 5303 (MPO Planning), as amended by the Moving Ahead for Progress in the 21st Century Act (MAP-21), requires that Metropolitan Planning Organizations, in cooperation with the State, shall develop transportation plans and programs for urbanized areas of the State; and

WHEREAS, 23 USC 104(f), as amended by MAP-21, authorizes Metropolitan Planning (PL) funds and Federal Transit Act Section 5303 (MPO Planning) funds be made available to Metropolitan Planning Organizations (MPO) duly designated by the Governor of each State to support the urban transportation planning process; and

WHEREAS, the Governor of Texas and the Governor of Arkansas have designated TUTS as the MPO for the Texarkana Metropolitan Area; and

WHEREAS, TUTS requests that the CITY act as the financial disbursing agent for all TUTS funds; and

WHEREAS, the CITY, as one of eight parties to an interlocal agreement creating TUTS, has determined it is in the public interest to assist TUTS in securing and managing funds for transportation planning purposes in the local area;

NOW, THEREFORE, the parties hereby agree as follows:

ARTICLE 1. PURPOSE. The purpose of this Agreement is to define the fiscal and personnel management roles and responsibilities between TUTS and the CITY.

ARTICLE 2. TERM. The term of this Agreement begins upon execution by both parties and ends **December 30, 2021** or sooner by mutual agreement of both parties.

ARTICLE 3. DESCRIPTION OF SERVICES. The CITY agrees to provide fiscal and personnel management assistance to TUTS by acting as the financial disbursing agent for TUTS funds.

ARTICLE 4. FISCAL MANAGEMENT AND DISBURSEMENT.

A. The CITY shall maintain one or more separate trust accounts under the supervision of the Chief Financial Officer. The Chief Financial Officer, in carrying out the requirements of this Agreement, is responsible only in the capacity of a trust officer for the funds involved. The Chief Financial Officer shall use generally accepted accounting procedures to satisfy their

duties pursuant to this Agreement. The CITY shall pay all invoices on a timely basis on behalf of TUTS.

- B. All warrants issued to the CITY or TUTS by the State of Texas, the State of Arkansas, federal, county, or local agencies for work performed by any agency or consultant under contract to TUTS shall be properly endorsed and deposited in the trust account.
- C. TUTS shall make contracts and commitments in its own name. TUTS shall forward invoices and payment obligations to the City Finance Department for processing and payment. The budget for all activities on behalf of the TUTS program will be set by TUTS.
- D. The disbursement of funds to agencies or consultants under contract to TUTS will be made by the CITY in the amounts specified by TUTS, so long as the TUTS budget has sufficient funds to accommodate all payment requests. TUTS, however, is fully responsible for all such contracts and releases the CITY from any liability which may arise as a result of the CITY performing any non-negligent task pursuant to this Agreement. The CITY is under no obligation to process payment requests unless sufficient funds for such purposes are present in the TUTS budget.
- E. TUTS hereby agrees to seek reimbursement from the State of Texas, State of Arkansas, City of Texarkana, Arkansas, any applicable federal, county, local agency, or any other entity required to reimburse funds expended by TUTS. The TUTS staff shall prepare and submit all requests for reimbursement within thirty (30) days of receipt of a monthly accounting statement from the CITY. All reimbursements shall be transmitted to the CITY immediately upon their receipt. TUTS is solely responsible for the accuracy of the records of funds expended by TUTS and those agencies or consultants who contract with TUTS. Any unreimbursed balance will be determined after all end of year reporting based on the CITY's fiscal year end (September 30) is complete, and all federal, state and other reimbursements have been requested and received for September. Reimbursement is due within thirty (30) days.
- F. TUTS assumes responsibility for the legal and proper expenditures of all Federal Highway Act Section 112 monies (PL), Federal Transit Administration Section 5303 (MPO Planning) monies, and Section 5307 (Urbanized Transit Planning) monies received by TUTS. All monies are budgeted and expended according to the latest approved Unified Planning Work Program.
- G. The CITY will provide the following support services to the TUTS staff: graphics services; computer services; human resource services; and purchasing services. Additional services may be provided by the CITY to TUTS if mutually agreed by the CITY and TUTS.
- H. All employees hired by TUTS or through its staff, shall be considered CITY employees for the purposes of payroll disbursement, indemnification, and all fringe benefits, including retirement, medical and life insurance, vacations, sick leave, holidays, and any other benefit normally extended to CITY employees. Hiring and termination of TUTS employees shall follow the CITY's established personnel policies and procedures, excepting that TUTS shall have final approval authority for both hiring and terminations. Additionally, TUTS shall establish the salary and salary range for each position it authorizes. TUTS shall be responsible for annual or more frequent personnel performance reviews and the decision as to whether performance or cost of living based salary increases are approved.

- I. The CITY will provide office space to the TUTS staff, including office support systems and services (utilities, maintenance, and janitorial), as well as, access to telephone and data lines and photocopying equipment.
- J. The City's Finance Department is hereby authorized to make payment for TUTS personnel costs, to be reimbursed on a regular basis from TUTS funds, as described in Article 4(E).
- K. In consideration of services performed under this contract for Article 4(A) through 4(G), TUTS shall pay to the CITY the sum of ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per month, for as long as the Agreement is in force. TUTS shall pay all costs associated with the TUTS employees as described in Article 4(H). In consideration of services performed under this contract for Article 4(I), TUTS shall pay to the CITY the sum of FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) per month for as long as the Agreement is in force. The amounts paid to CITY in this Article 4 (K) are exclusive of, and shall not be construed as, reimbursements of expenses payable to CITY under Article 4 (E).

ARTICLE 5. AMENDMENT/TERMINATION. This agreement may be amended or terminated in whole or in part by either party hereto whenever such amendment or termination is found to be in the best interest of either party. Amendment or termination shall be effected by the conveyance of a written notification thereof to the other party at least sixty (60) days in advance of the effective date of the amendment or termination. All notices pursuant to this Agreement shall be deemed given when, either delivered in person or deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the appropriate party at the following address:

If to CITY: City Manager
P.O. Box 1967
Texarkana, TX 75504

If to TUTS: Texarkana Urban Transportation Study Policy Board
P.O. Box 1967
Texarkana, TX 75504

ARTICLE 6. NON-DISCRIMINATION. It is mutually agreed that all parties hereto shall be bound by the provisions of title 49, Code of Federal Regulations, Part 21, which was promulgated to effectuate Title VI of the Civil Rights Act of 1964, Title 23, Code of Federal Regulations, Part 710.405(b), and Executive Order 11246 titled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in Department of Labor Regulations (41 CFR Part 60).

ARTICLE 7. GOVERNING LAW. This Agreement shall be governed by the laws of the State of Texas and all obligations hereunder of the parties are performable in Bowie County, Texas.

ARTICLE 8. NON-ASSIGNMENT. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective legal representatives successors and assigns. Neither the CITY nor TUTS shall assign or sublet any duty of this Agreement, excepting those already identified herein, without the written consent of the other.

CITY OF TEXARKANA §

ARTICLE 9. SEVERABILITY. Should any provisions of this Agreement for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof.

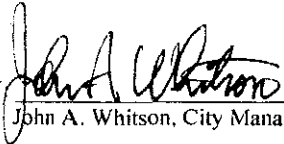
ARTICLE 10. ENTIRETY OF AGREEMENT. This is the entire Agreement between the parties and no modification of this Agreement shall be of any force or effect, unless it is in writing signed by both parties. NO OFFICIAL, EMPLOYEE, AGENT, OR REPRESENTATIVE OF THE CITY OF TEXARKANA, TEXAS HAS ANY AUTHORITY, EITHER EXPRESS OR IMPLIED, TO AMEND THIS AGREEMENT, EXCEPT PURSUANT TO SUCH EXPRESS AUTHORITY AS MAY BE GRANTED BY THE CITY OF TEXARKANA, TEXAS CITY COUNCIL.

Approved to be effective on the date of the last party to sign.

CITY OF TEXARKANA, TEXAS

TEXARKANA URBAN TRANSPORTATION
STUDY POLICY BOARD

BY:



John A. Whitson, City Manager

BY:



Laney Harris, Chairman

DATE:

17 DEC 15

DATE:

17 DEC 15

STATE OF TEXAS §

COUNTY OF TRAVIS §

AGREEMENT WITH METROPOLITAN PLANNING ORGANIZATION

THIS AGREEMENT is made by and between the State of Texas, acting through the Texas Department of Transportation, called the "Department," the **Texarkana** Metropolitan Planning Organization (MPO) Policy Committee, called the "MPO", which has been designated by the Governor of the State of Texas as the MPO of the **Texarkana** urbanized area, and the **City of Texarkana, Texas**, which serves as the Fiscal Agent for the MPO.

WITNESSETH

WHEREAS, 23 United States Code (USC) §134 and 49 USC §5303 require that MPOs, in cooperation with the Department and transit agencies, develop transportation plans and programs for urbanized areas of the State; and

WHEREAS, 23 Code of Federal Regulations (CFR) 450.314 requires the MPO, State, and public transportation operators within each metropolitan planning area to enter into a written agreement to clearly identify the responsibilities of the parties in carrying out the metropolitan planning process; and

WHEREAS, 23 USC §104(d) authorizes Metropolitan Planning funds and 49 USC §5305 authorizes funds to be made available to MPOs designated by the Governor to support the urban transportation planning process; and

WHEREAS, the Department participates in the Consolidated Planning Grant program in which federal transit planning funds authorized under 49 USC §5305 are transferred to the Federal Highway Administration, combined with additional federal funds, and distributed to the state as a single distribution; and

WHEREAS, the federal share payable for authorized activities using the Consolidated Planning Grant funds is eighty percent (80%) of allowable costs; and

WHEREAS, Texas Transportation Code §221.003 authorizes the Department to expend federal and state funds for improvements to the state highway system; and

WHEREAS, Texas Transportation Code §201.703 authorizes the Department to expend federal funds and to provide state matching funds for allowable costs necessary for the improvement of roads not in the state highway system; and

WHEREAS, this agreement outlines the requirements and responsibilities of the parties for federal reimbursement using Consolidated Planning Grant funds and other federal transportation funds that may be used for planning (e.g., Surface Transportation Program, National Highway System, Congestion Mitigation and Air Quality, etc.); and

Federal Highway Administration:

CFDA Title:

CFDA No.:

Not Research and Development

WHEREAS, the Governor of the State of Texas and the **City of Texarkana, Texas** have executed an agreement pursuant to the MPO designation, and

WHEREAS, an area equal to or larger than the above-mentioned urbanized area has been delineated in accordance with federal and state guidelines where required metropolitan transportation planning activities may take place; and

WHEREAS, 23 Code of Federal Regulations (CFR) §420.117(a) requires that in accordance with 49 CFR §18.40, the Department shall monitor all activities performed by its staff or by sub-recipients with Federal Highway Administration (FHWA) planning and research funds to assure that the work is being managed and performed satisfactorily and that time schedules are being met; and

NOW THEREFORE, it is agreed as follows:

A G R E E M E N T

Article 1. Agreement Period

- A. This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. The Department shall not continue its obligation to the MPO under this agreement if the Governor's designation of the MPO is withdrawn; if federal funds cease to become available; or if the agreement is terminated as provided below.
- B. This agreement expires on September 30, 2024. No fewer than one hundred and twenty (120) days before the expiration date, the Department may, at its sole discretion, exercise in writing an option to extend the agreement by a period of no more than two years. The Department may exercise this option no more than two times. If all terms and conditions of this agreement remain viable and no amendment to the existing agreement or new agreement is required, a letter from the Department to the MPO shall constitute renewal of this agreement subject to all terms and conditions specified in this agreement. However, an amendment or a new agreement may be executed, if necessary.

Article 2. Responsibilities of the Department

The responsibilities of the Department are as follows:

- A. Assist in the development of the Unified Planning Work Program (UPWP), approve the format of work programs submitted by the MPO, and, where required by federal law or regulation, monitor the MPO's performance of activities and expenditure of funds under a UPWP. Where monitoring is not required, the Department is responsible for reviewing the MPO's activities and expenditure of funds, and will comment on and make suggestions relating to those activities and expenditures.
- B. Develop a time line for development of the UPWP by the MPO; and in consultation with the MPOs, shall develop a standard UPWP format to be used by all MPOs.
- C. Make available to the MPO its share of all federal metropolitan planning funds and provide the required non-federal match as authorized by the Texas Transportation Commission. The Department will distribute federal transportation planning funds to the MPO based on a formula developed by the Department, in consultation with the MPOs, and approved by FHWA, the Federal Transit Administration (FTA), and other applicable federal agencies.

Federal Highway Administration:

CFDA Title:

CFDA No.:

Not Research and Development

- D. Provide to the MPO, as appropriate, technical assistance and guidance for the collection, processing, and forecasting of socio-economic data needed for the development of traffic forecasts, plans, programs, and planning proposals within the metropolitan area, including collecting, processing, and forecasting vehicular travel volume data in cooperation with the MPO, as appropriate.
- E. Jointly promote the development of the intermodal transportation system within the metropolitan area by identifying points in the system where access, connectivity, and coordination between the modes and inter-urban facilities would benefit the entire system.
- F. Share with the MPO information and information sources concerning transportation planning issues that relate to this agreement.
- G. Cooperatively develop and share information with the MPO related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO, and the collection of data for the State asset management plan for the National Highway System (NHS).

Article 3. Responsibilities of the MPO

The MPO is an organization created to ensure that existing and future expenditures on transportation projects and programs are based on a continuing, cooperative, and comprehensive planning process. The responsibilities of the MPO are as follows:

- A. Document planning activities in a UPWP to indicate who will perform the work, the schedule for completing it, and all products that will be produced. In cooperation with the Department and public transportation operators as defined by 23 CFR Part 450, the MPO must annually or bi-annually develop a UPWP that meets federal requirements.
- B. Prepare and submit to the Department an annual performance and expenditure report of progress no later than December 31 of each year. A uniform format for the annual report will be established by the Department, in consultation with the MPOs.
- C. Use funds provided in accordance with 43 Texas Administrative Code (TAC) §16.52 and Article 2 (Responsibilities of the Department) of this agreement to develop and maintain a comprehensive regional transportation planning program in conformity with the requirements of 23 USC §134, 49 USC §5303, and the Texas Comptroller of Public Accounts Uniform Grant Management Standards (UGMS).
- D. Develop a Metropolitan Transportation Plan (MTP), a Transportation Improvement Program (TIP), and a UPWP for the Metropolitan Planning Area (MPA), all of which are consistent with the Statewide Long-Range Transportation Plan (SLRTP), as required by the state and federal law. At a minimum, the MPO shall consider in their planning process the applicable factors outlined in 23 USC §134.
- E. Assemble and maintain an adequate, competent staff with the knowledge and experience that will enable them to perform all appropriate MPO activities required by law.
- F. Forecast, collect, and maintain appropriate socio-economic, roadway, and travel data on a timely basis, in cooperation with the Department.
- G. Prepare all required plans, programs, reports, data, and obtain required certifications in a timely manner.
- H. Share information with the Department and information sources concerning transportation planning issues.

Federal Highway Administration:

CFDA Title:

CFDA No.:

Not Research and Development

Article 4. Responsibilities of the MPO Policy Committee

The MPO Policy Committee is the policy body that is the forum designated under 23 USC §134 with the responsibility for establishing overall transportation policy for the MPO and for making required approvals. The MPO Policy Committee is comprised of those governmental agencies identified in the original designation agreement and those agencies or organizations subsequently added to the membership of the committee. The responsibilities of the MPO, acting through its Policy Committee, are as follows:

- A. Ensure that requirements of 23 USC §§134 and 135 and 49 USC, Chapter 53, are carried out.
- B. Use funds provided in accordance with Article 2 (Responsibilities of the Department) of this agreement to develop and maintain a comprehensive regional transportation planning program in accordance with requirements of 23 USC §134 and 49 USC §5303.
- C. Develop and adopt an MTP for the MPA that is consistent with the SLRTP required by state and federal laws; a TIP and a UPWP; and other planning documents and reports that may be required by state or federal laws or regulations.
- D. Exercise sole responsibility to hire, supervise, evaluate, and terminate the MPO Transportation Planning Director.
- E. Provide planning policy direction to the MPO Transportation Planning Director.

Article 5. Responsibilities of the Fiscal Agent

The Fiscal Agent for the MPO is the entity responsible for providing fiscal, human resource, and staff support services to the MPO. The responsibilities of the Fiscal Agent are as follows:

- A. Maintain required accounting records for state and federal funds consistent with current federal and state requirements.
- B. Provide all appropriate funding, as identified by fiscal year in the UPWP, to allow the MPO staff to effectively and efficiently operate the program.
- C. Provide human resource services to the MPO.
- D. Provide benefits for the MPO staff that shall be the same as the Fiscal Agent normally provides its own employees; or as determined through an agreement between the MPO and the Fiscal Agent. Costs incurred by the Fiscal Agent for these benefits may be reimbursed by the MPO.
- E. Establish procedures and policies for procurement and purchasing, when necessary, in cooperation with the MPO.

Article 6. Responsibilities of the MPO Transportation Planning Director

The responsibilities of the MPO Transportation Planning Director are as follows:

- A. Administer the MPO's UPWP. The Director shall serve in a full-time capacity and shall take planning policy direction from and be responsible to the designated MPO Policy Committee.
- B. Act as a liaison to the Department, relevant to the Department's transportation planning activities.
- C. Oversee and direct all MPO transportation planning staff work performed using MPO funds.
- D. Prepare and submit all required plans, programs, reports, data, and certifications in a timely manner.

Federal Highway Administration:

CFDA Title:

CFDA No.:

Not Research and Development

- E. Develop and present to the MPO Policy Committee an MTP for the MPA that is consistent with the SLRTP required by state and federal laws; a TIP and a UPWP; and other planning documents and reports that may be required by state or federal laws or regulations.
- F. Share with the Department information and information resources concerning transportation planning issues.

Article 7. Unified Planning Work Program

- A. Each year the MPO shall submit to the Department a program of work that includes goals, objectives, and tasks required by each of the several agencies involved in the metropolitan transportation planning process. This program of work is to be called the Unified Planning Work Program (UPWP), or any successor name. The UPWP shall be approved by the MPO Policy Committee, in accordance with 23 CFR §450.314.
- B. The UPWP will be prepared for a period of one (1) year or two (2) years unless otherwise agreed to by the Department and the MPO. The UPWP shall reflect only that work that can be accomplished during the time period of the UPWP, in accordance with TAC §16.52.
- C. The UPWP shall reflect transportation planning work tasks to be funded by federal, state, or local transportation, or transportation related (e.g. air quality) planning funds. The budget and statement of work will be included in the UPWP. The MPO may not incur costs until final approval of the UPWP is granted. The maximum amount payable will not exceed the budget included in the UPWP.
- D. The effective date of each UPWP will be October 1st of each year or the date of approval from the appropriate oversight agency, whichever occurs later. On that date, the UPWP shall constitute a new federal project and shall supersede the previous UPWP.
- E. The UPWP shall comply with all applicable federal and state requirements and will describe metropolitan transportation and transportation-related planning activities anticipated in the area.
- F. The use of federal metropolitan transportation planning funds shall be limited to transportation planning activities affecting the transportation system within the boundaries of a designated metropolitan planning area. If an MPO determines that data collection and analysis activities relating to land use, demographics, or traffic or travel information, conducted outside its boundaries, affects the transportation system within its boundaries, then those activities may be undertaken using federal planning funds, if the activities are specifically identified in an approved UPWP. Any other costs incurred for transportation planning activities outside the boundaries of a designated metropolitan planning area are not eligible for reimbursement.
- G. Travel outside the State of Texas by MPO staff and other agencies participating in the MPO planning process must be approved by the Department if funded with federal transportation planning funds. The MPO must receive approval prior to incurring any costs associated with the actual travel (e.g., registration fee). This provision will not apply if the travel is at the request of the Department. Travel to the State of Arkansas by the Texarkana MPO staff and travel to the State of New Mexico by the El Paso MPO staff shall be considered in-state travel.
- H. The cost of travel incurred by elected officials serving on the MPO Policy Committee is eligible for reimbursement with federal transportation planning funds in accordance with 43 TAC §16.52.
- I. The use of federal transportation planning funds is limited to corridor/subarea level planning or multimodal or system-wide transit planning studies. Major investment studies and

Contract No.:	
Federal Highway Administration:	
CFDA Title:	
CFDA No.:	
Not Research and Development	

environmental studies are considered corridor level planning. Unless otherwise authorized by federal law or regulation, the use of such funds beyond environmental document preparation or for specific project level planning and engineering (efforts directly related to a specific project instead of a corridor) is not allowed.

- J. Failure to adhere to the time line developed by the Department may result in a delay in the authorization to the MPOs to proceed in incurring costs.
- K. A UPWP will not be approved if it is submitted in a format other than the standard format developed by the Department. The UPWP and subsequent amendments may be submitted electronically.
- L. The MPO shall not incur any costs for work outlined in the UPWP or any subsequent amendments (i.e., adding new work tasks or changing the scope of existing work tasks) prior to receiving approval from the Department. Any costs incurred prior to receiving Department approval are not eligible for reimbursement from federal transportation planning funds.
- M. Costs incurred by the MPO shall not exceed the total budgeted amount of the UPWP without prior approval of the MPO Policy Committee and the Department. Costs incurred on individual work tasks shall not exceed that task budget by 25 percent without prior approval of the MPO Policy Committee and the Department. If the costs exceed 25 percent of the task budget, the UPWP shall be revised, approved by the MPO Policy Committee, and submitted to the Department for approval.
- N. The MPO Policy Committee must approve the UPWP and any subsequent revisions, and shall not delegate the approval authority, except for corrective actions. Corrective actions do not change the scope of work, result in an increase or decrease in the amount of task funding, or affect the overall budget. Examples include typographical, grammatical, or syntax corrections.
- O. Should any conflict be discovered between the terms of this agreement and the UPWP, the terms of this agreement shall prevail.
- P. The MPO is not authorized to request payment for any work it may perform that is not included in the current UPWP.

Article 8. Compensation

The Department's payment of any cost incurred under this agreement is contingent upon all of the following:

- A. Federal funds are available to the Department in a sufficient amount for making payments.
- B. The incurred cost is authorized in the UPWP. The maximum amount payable under this agreement shall not exceed the total budgeted amount outlined in the UPWP in accordance with 43 TAC §16.52.
- C. The cost has actually been incurred by the MPO and meets the following criteria:
 - 1. Is verifiable from MPO records;
 - 2. Is not included as match funds for any other federally-assisted program;
 - 3. Is necessary and reasonable for the proper and efficient accomplishment of program objectives;
 - 4. Is the type of charge that would be allowable under 2 CFR 200 Revised, "Cost Principles for State, Local, and Indian Tribal Governments" and the state's UGMS; and
 - 5. Is not paid by the Department or federal government under another assistance program unless authorized to be used as match under the other federal or state agreement and the laws and regulations to which it is subject.

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- D. After October 1st of each year, the Department will issue a work order to the MPO establishing the effective date of work and the total funds authorized. If the UPWP is subsequently revised, necessitating a revision to the original work order, or the Department deems a revision necessary, a revised work order may be issued at any time throughout the fiscal year. If the amount in the UPWP differs from the amount in the work order, the amount in the work order prevails.
- E. The MPO is authorized to submit requests for payment of authorized costs incurred under this agreement on a semi-monthly basis, but no more than twenty four (24) times a year and no less than monthly as expenses occur. Each request for payment shall be submitted in a manner acceptable to the Department, which includes, at a minimum, the following information:
1. UPWP budget category or line item;
 2. Description of the cost;
 3. Quantity;
 4. Price;
 5. Cost extension; and
 6. Total costs
- F. The MPO shall submit the final bill from the previous fiscal year to the Department no later than December 31st of the calendar year in which that fiscal year ended. Any bills submitted after December 31 for a fiscal year in which the funds have been de-obligated will be processed against the current year's UPWP.
- G. Payment of costs is contingent upon compliance with the terms of Article 3 (Responsibilities of the MPO) of this agreement. Noncompliance may result in cancellation of authorized work and suspension of payments after a thirty (30) day notification by the Department to the MPO.

Article 9. Reporting

To permit program monitoring and reporting, the MPO shall submit reports as required in Article 3 (Responsibilities of the MPO) of this agreement. If task expenditures overrun or underrun a budgeted task amount by twenty-five percent (25%) or more, the annual performance and expenditure report must include an explanation for the overrun or underrun.

Article 10. Indemnification

- A. The MPO shall save harmless the Department and its officers and employees from all claims and liability that are due to activities of the MPO, its agents, or its employees performed under this agreement and that are caused by or result from error, omission, or negligent act of the MPO or of any person employed by the MPO.
- B. To the extent possible under state law, the MPO shall also save harmless the Department from any and all expense, including but not limited to, attorney fees that may be incurred by the Department in litigation or otherwise resisting claims or liabilities that may be imposed on the Department as a result of the activities of the MPO, its agents, or its employees.

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Article 11. Inspection of Work and Retention of Documents

- A. The Department and, when federal funds are involved, the U. S. Department of Transportation (USDOT), and their authorized representatives shall have the right at all reasonable times to inspect or otherwise evaluate the work performed or being performed under this agreement and the premises on which it is being performed.
- B. If any inspection or evaluation is made on the premises of the MPO or a subcontractor, the MPO shall provide or require its subcontractor to provide all reasonable facilities and assistance for the safety and convenience of the inspectors in the performance of their duties. All inspections and evaluations shall be performed in a manner that will not unduly delay the work.
- C. The MPO agrees to maintain all books, documents, papers, computer generated files, accounting records, and other evidence pertaining to costs incurred and work performed under this agreement, and shall make those materials available at its office during the time period covered and for seven (7) years from the date of final payment under the UPWP. Those materials shall be made available during the specified period for inspection by the Department, the USDOT, and the Office of the Inspector General of the USDOT and any of their authorized representatives for the purpose of making audits, examinations, excerpts, and transcriptions.
- D. The state auditor may conduct an audit or investigation of any entity receiving funds from the Department directly under this agreement or indirectly through a subcontract under this agreement. Acceptance of funds directly under this agreement or indirectly through a subcontract under this agreement 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 under the state's UGMS.

Article 12. Work Performance

All work performed under this agreement shall be carried out in a professional and orderly manner, and the products authorized in the UPWP shall be accurate and exhibit high standards of workmanship.

Article 13. Disputes

The MPO shall be responsible for the settlement of all contractual and administrative issues arising out of procurement entered into in support of work under this agreement. In the event of a dispute between the Department and the MPO concerning the work performed under this agreement in support of the urban transportation planning process, the dispute shall be resolved through binding arbitration. Furthermore, the arbiter shall be mutually acceptable to the Department and the MPO.

Article 14. Non-Collusion

The MPO shall warrant that it has not employed or retained any company or person, other than a bona fide employee working for the MPO, to solicit or secure this agreement, and that it has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or making of this agreement. If the MPO breaches or violates this warranty, the Department shall have the right to annul this agreement without liability or, in its

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discretion, to deduct from the agreement price or consideration, or otherwise recover the full amount of the fee, commission, brokerage fee, gift, or contingent fee.

Article 15. Subcontracts

- A. Any subcontract for services rendered by individuals or organizations not a part of the MPO's organization shall not be executed without prior authorization and approval of the subcontract by the Department and, when federal funds are involved, the USDOT. All work in the subcontract is subject to the state's UGMS. If the work for the subcontract is authorized in the current approved UPWP, and if the MPO's procurement procedures for negotiated contracts have been approved by the Department either directly or through self-certification by the MPO, the subcontract shall be deemed to be authorized and approved, provided that the subcontract includes all provisions required by the Department and the USDOT.
- B. Subcontracts in excess of \$25,000 shall contain all required provisions of this agreement.
- C. No subcontract will relieve the MPO of its responsibility under this agreement.

Article 16. Termination

- A. The Department may terminate this agreement at any time before the date of completion if the Governor withdraws his designation of the MPO. The Department or the MPO may seek termination of this agreement pursuant to Article 13 (Disputes) if either party fails to comply with the conditions of the agreement. The Department or the MPO shall give written notice to all parties at least ninety (90) days prior to the effective date of termination and specify the effective date of termination.
- B. The Department may terminate this agreement for reasons of its own, subject to agreement by the MPO.
- C. The parties to this agreement may terminate this agreement when its continuation would not produce beneficial results commensurate with the further expenditure of funds. In this event, the parties shall agree upon the termination conditions.
- D. Upon termination of this agreement, whether for cause or at the convenience of the parties, all finished or unfinished documents, data, studies, surveys, reports, maps, drawings, models, photographs, etc., prepared by the MPO shall, at the option of the Department, be delivered to the Department.
- E. The Department shall reimburse the MPO for those eligible expenses incurred during the agreement period that are directly attributable to the completed portion of the work covered by this agreement, provided that the work has been completed in a manner satisfactory and acceptable to the Department. The MPO shall not incur new obligations for the terminated portion after the effective date of termination.

Article 17. Force Majeure

Except with respect to defaults of subcontractors, the MPO shall not be in default by reason of failure in performance of this agreement in accordance with its terms (including any failure by the MPO to progress in the performance of the work) if that failure arises out of causes beyond the control and without the default or negligence of the MPO. Those causes may include but are not limited to acts of God or of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather. In every case, however, the failure to perform must be beyond the control and without the fault or negligence of the MPO.

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Article 18. Remedies

- A. Violation or breach of agreement terms by the MPO shall be grounds for termination of the agreement. Any costs incurred by the Department arising from the termination of this agreement shall be paid by the MPO.
- B. This agreement shall not be considered as specifying the exclusive remedy for any dispute, but all remedies existing at law and in equity may be availed of by either party and shall be cumulative.

Article 19. Gratuities

- A. Employees of the Department or the MPO shall not accept any benefits, gifts, or favors from any person doing business with, or who may do business with the Department or the MPO under this agreement.
- B. Any person doing business with, or who may do business with the Department or the MPO under this agreement, may not make any offer of benefits, gifts, or favors to Department or the MPO employees. Failure on the part of the Department or the MPO to adhere to this policy may result in termination of this agreement.

Article 20. Compliance with Laws

The parties to this agreement shall comply with all federal and state laws, statutes, rules, and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any matter affecting the performance of this agreement, including without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and licensing laws and regulations. When required, the MPO shall furnish the Department with satisfactory proof of its compliance.

Article 21. Successors and Assigns

No party shall assign or transfer its interest in this agreement without written consent of the other parties.

Article 22. Debarment Certifications

The MPO is prohibited from making any award or permitting any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in federal assistance programs under Executive Order 12549, Debarment and Suspension. By executing this agreement, the MPO certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The MPO shall require any party to a subcontract or purchase order awarded under this agreement as specified in 49 CFR Part 29 (Debarment and Suspension) to certify its eligibility to receive federal funds and, when requested by the Department, to furnish a copy of the certification.

Article 23. Equal Employment Opportunity

The parties to this agreement agree to comply with Executive Order 11246 entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and as supplemented in Department of Labor Regulations (41 CFR §60).

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Article 24. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

- A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).
- C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).
- D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.
- E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).
- F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).
- G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).
- H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38.
- I. The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).
- J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).
- L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

Article 25. Nondiscrimination on the Basis of Disability

The MPO agrees that no otherwise qualified disabled person shall, solely by reason of his disability, be excluded from participation in, be denied the benefits of, or otherwise be subject to

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discrimination under this agreement. The MPO shall ensure that all fixed facility construction or alteration and all new equipment included in the project comply with applicable regulations regarding Nondiscrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Financial Assistance, set forth in 49 CFR Part 27, and any amendments to it.

Article 26. Disadvantaged Business Enterprise (DBE) Program Requirements

If federal funds are used:

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The MPO shall adopt, in its totality, the State's federally approved DBE program.
- C. The MPO shall incorporate into its contracts with subproviders an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The MPO shall submit its proposed scope of services and quantity estimates to the State to allow the State to establish a DBE goal for each MPO contract with a subprovider. The MPO shall be responsible for documenting its actions.
- D. The MPO shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The MPO shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The MPO shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the MPO of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the MPO signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as the recipient deems appropriate.*

Article 27. Procurement and Property Management Standards

- A. The parties to this Agreement shall adhere to the procurement standards established in Title 49 CFR §18.36, to the property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,

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and to the Texas Uniform Grant Management Standards. The State must pre-approve the MPO's procurement procedures for purchases to be eligible for state or federal funds.

- B. The MPO agrees to comply with applicable Buy America requirements set forth in the Surface Transportation Assistance Act of 1978 (Pub. L. 95-599) §401 and the FTA's Buy America regulations in 49 CFR Part 661.
- C. The MPO agrees to comply with the cargo preference requirements set forth in 46 USC §55305 and Maritime Administration regulations set forth in 46 CFR Part 381.

Article 28. Environmental Protection and Energy Efficiency

- A. The MPO agrees to comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act, 42 USC §7602; Section 508 of the Clean Water Act 33 USC §1368; Executive Order 11738 and Title 40 CFR, "Protection of Environment." The MPO further agrees to report violations to the Department.
- B. The MPO agrees to recognize standards and policies relating to energy efficiency that are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163).

Article 29. Federal Reimbursement

The MPO shall be responsible for any funds determined to be ineligible for federal reimbursement, and shall reimburse the Department the amount of those funds previously provided to it by the Department.

Article 30. Control of Drug Use

The MPO agrees to comply with the terms of the FTA regulation, "Prevention of Alcohol Misuse and Prohibited Drug Use in Mass Transit Operations," set forth in 49 CFR Part 655.

Article 31. Lobbying Certification

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the MPO shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC §1352. Any person who fails to file the required

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certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Article 32. Amendments

Any change to one or more of the terms and conditions of this agreement shall not be valid unless made in writing and agreed to by the parties before the change is implemented.

Article 33. Distribution of Products

- A. The MPO shall provide a number of copies to be specified by the Department of all information, reports, proposals, brochures, summaries, written conclusions, graphic presentations, and similar materials developed by the MPO and financed, in whole or in part, as provided in this agreement. All reports published by the MPO shall contain the following prominent credit reference to the Department, USDOT, FHWA, and FTA:
Prepared in cooperation with the Texas Department of Transportation and the U.S. Department of Transportation, Federal Highway Administration, and Federal Transit Administration.
- B. Upon termination of this agreement, all documents prepared by the MPO or furnished to the MPO by the Department, shall be delivered to the Department. All documents, photographs, calculations, programs, and other data prepared or used under this agreement may be used by the Department without restriction or limitation of further use.

Article 34. Legal Construction

In case any one or more of the provisions contained in this agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, that invalidity, illegality, or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

Article 35. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of this agreement.

Article 36. Copyrights

The Department and the USDOT shall, with regard to any reports or other products produced under this agreement, reserve a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the work for government purposes.

Article 37. Federal Funding Accountability and Transparency Act Requirements

- A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>
- B. The MPO agrees that it shall:
1. Obtain and provide to the Department a Central Contracting Registry (CCR) number (Federal Acquisition Regulation Part 4 Sub-part 4.1100) if this award provides for more

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than \$25,000 in Federal funding. The CCR number may be obtained by visiting the CCR web-site at <https://www.sam.gov/portal/public/SAM/>;

2. Obtain and provide to the Department a Data Universal Numbering System (DUNS) number a unique nine-character number that allows the Federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet on-line registration website at <http://fedgov.dnb.com/webform/>; and
3. Report the total compensation and names of its top five (5) executives to the Department if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

Article 38. Single Audit Report

If federal funds are used:

- A. The parties shall comply with the single audit report requirements stipulated in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.
- B. If threshold expenditures of \$750,000 or more are met during the fiscal year, the MPO must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division by email at singleaudits@txdot.gov.
- C. If expenditures are less than the threshold during the MPO's fiscal year, the MPO must submit a statement to TxDOT's Compliance Division as follows: "We did not meet the \$_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D. For each year the Project remains open for federal funding expenditures, the MPO will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the Agreement, unless otherwise amended or the Project has been formally closed out and no charges have been incurred within the current fiscal year.

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Article 39. Notices

All notices to any party by the other parties required under this agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to the party at the following addresses:

MPO:	Director Texarkana MPO 220 Texas Blvd. Texarkana, Texas 75501
Fiscal Agent:	City Manager City of Texarkana, Texas 220 Texas Blvd. Texarkana, Texas 75501
Department:	Director, Transportation Planning & Programming Division Texas Department of Transportation 125 E. 11 th Street Austin, Texas 78701

All notices shall be deemed given on the date delivered or deposited in the mail, unless otherwise provided in this agreement. Any party may change the above address by sending written notice of the change to the other parties. Any party may request in writing that notices shall be delivered personally or by certified U.S. mail and that request shall be honored and carried out by the other parties.

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Article 40. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented

THIS AGREEMENT IS EXECUTED by the Department, the MPO, and the Fiscal Agent in triplicate.

THE MPO

Signature

Rea Donna Jones

Typed or Printed Name

Director

Title

9-11-2018

Date

THE FISCAL AGENT

Signature

Shirley Jaster

Typed or Printed Name

City Manager

Title

9-11-2018

Date

THE DEPARTMENT

Signature



Typed or Printed Name

Director, Transportation Planning and
Programming Division, Texas Department of
Transportation

Title

9/24/2018

Date

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version:

Update Date: 3/16/2021 4:45 PM

Briefing Sheet

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2021-013 rezoning a portion of Lot 6, Parcel 2, Block 3, Galleria
Oaks No. 1 Subdivision, located in the 1600 block of Moores Lane. Agriculture
Subject: to Planned Development - Office. Rebecca Nelson, Owner. Darrel Kotur, agent.

Briefing: 3/22/2021 **Public Hearing:** 4/12/2021 **Council Vote:** 4/12/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Rebecca Nelson, owner and Darrel Kotzur, agent to rezone a portion of Lot 6, Parcel 2, Block 3, Galleria Oaks No. 1 Subdivision, located in the 1600 block of Moores Lane from Agriculture to Planned Development- Office. This property is currently zoned Agriculture and is vacant land.

The adjacent zoning is Planned Development-Office to the north, east and west, and Office to the south. The adjacent land use to the east and west is offices, a church to the south and vacant land to the north.

The majority of Lot 6 was rezoned to Planned Development-Office in 1988 except for an approximate 0.66-acre portion of the property located at the southeast corner that remained zoned Agriculture. Per the applicant, there are no immediate construction plans for this site, however, the applicant wants to have the entire parcel zoned consistently throughout as Planned Development-Office.

Staff recommends for approval of this request.

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

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

Potential Options:

- Approve
- Deny

Fiscal Implications:

Not Applicable

City of Texarkana, Texas

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning & Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommend for approval.

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-013 ORD rezoning in the 1600 block of Moores Ln (DOCX)
- b. 2021-013 ATTH 01 (Maps) (003) (PDF)
- c. 2021-013 Goals & Perspectives (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	03/18/2021 10:48 AM		
City Manager	Jennifer Evans	City Manager Review Completed	03/18/2021
10:48 AM			
City Council	Vicky Coopwood	Meeting	Pending 03/22/2021
6:00 PM			

Meeting History

ORDINANCE NO. 2021-013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A PORTION OF LOT 6, PARCEL 2, BLOCK 3, GALLERIA OAKS NO. 1 SUBDIVISION, LOCATED IN THE 1600 BLOCK OF MOORES LANE IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE TO PLANNED DEVELOPMENT-OFFICE; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **a portion of Lot 6, Parcel 2, Block 3, in the Galleria Oaks No. 1 Subdivision, located in the 1600 block of Moores Lane** in the City of Texarkana, Bowie County, Texas, from **Agriculture to Planned Development-Office**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Agriculture to Planned Development-Office, on a portion of Lot 6, Parcel 2, Block 3, in the Galleria Oaks No. 1 Subdivision, located in the 1600 block of Moores Lane** to the City Council of Texarkana, Texas; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone a **portion of Lot 6, Parcel 2, Block 3, in the Galleria Oaks No. 1 Subdivision, located in the 1600 block of Moores Lane** in the City of Texarkana, Bowie County, Texas, **from Agriculture to Planned Development-Office.**

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

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

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

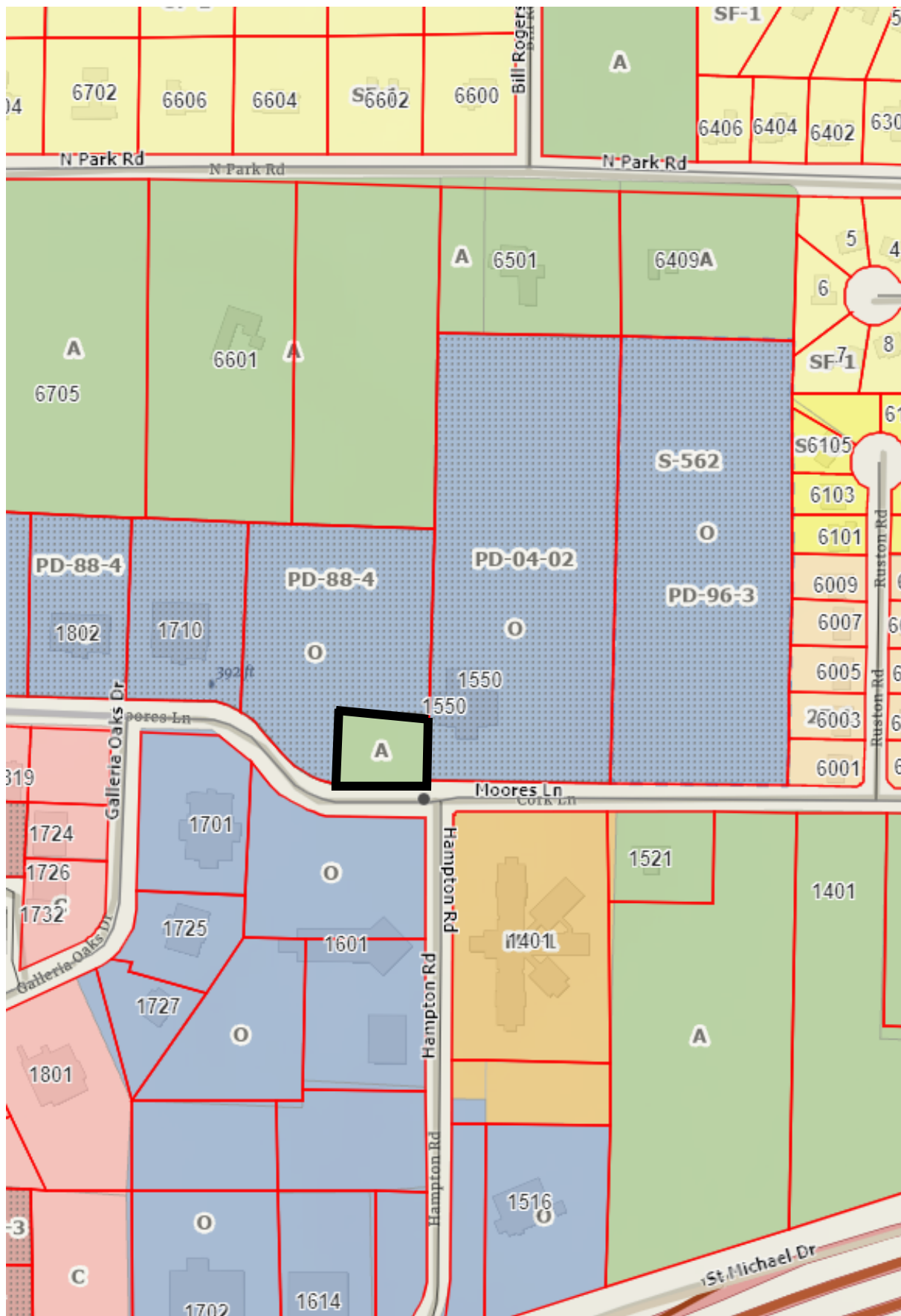
PASSED AND APPROVED in Regular Council Session on this the **12th day of April, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

1600 Blk Moores Lane



Attachment: 2021-013 ATTH 01 (Maps) (003) (2444 : 2021-013 ORD rezoning 1600 block of Moores Ln)

1600 Blk Moores Lane



Attachment: 2021-013 ATTH 01 (Maps) (003) (2444 : 2021-013 ORD rezoning 1600 block of Moores Ln)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2021-013 Goals & Perspectives (2444 : 2021-013 ORD rezoning 1600 block of Moores Ln)

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 3/16/2021 4:45 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2021-014 rezoning a 5.007-acre tract of land in the George
Brinlee HRS, A-18, being part of that certain tract of land described as Lot 1 of
the Replat of Lot 2, Block 1, Waggoner Creek West Subdivision, located west
of 6210 Gibson Lane. Single Family-1 to Multiple Family-2. Ray Walsh, owner.
Subject: Jake Taylor, agent.

Briefing: 3/22/2021 **Public Hearing:** 4/12/2021 **Council Vote:** 4/12/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Ray Walsh, owner and Jake Taylor, agent to rezone a 5.007 acre tract in the George Brinlee HRS, A-18, being part of that certain tract of land described as Lot 1 of the Replat of Lot 2, Block 1, Waggoner Creek West Subdivision, located west of the existing Waggoner Creek Apartments at 6210 Gibson Lane from Single Family-1 to Multiple Family-2. The proposed use is an expansion of the existing apartment complex. This property is currently vacant land.

The adjacent zoning is Single Family-1 to the north, south, and west and Multiple Family-2 to the east. The adjacent land use is an existing apartment complex to the east, residential and a school to the south and vacant land to the west and north.

The applicant is proposing to expand the existing Waggoner Creek Apartment complex and connect the two sites by driveway entry. Per the applicant, the proposed new apartments will look similar in design to the existing apartments. Staff recommends for approval of this request.

If a Planned Development designation is placed on this property, the applicant would be required to provide a site plan of the proposed project for consideration and approval by the Planning and Zoning Commission and City Council.

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

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

Potential Options:

- Approve
- Deny

City of Texarkana, Texas

Fiscal Implications:

Not Applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning & Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommend for approval.

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-014 ORD rezoning at parcel west of 6310 Gibson Ln (DOCX)
- b. 2021-014 EXH 'A' (Legal Description) (PDF)
- c. 2021-014 ATTH 01 (Maps) (PDF)
- d. 2021-014 ATTH 02 (Proposed Site Plan) (PDF)
- e. 2021-014 ATTH 03 (Google Earth Images of Existing Bldgs) (PDF)
- f. 2021-014 Goals & Perspectives (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	03/18/2021 10:49 AM		
City Manager	Jennifer Evans	City Manager Review Completed	03/18/2021
10:49 AM			
City Council	Vicky Coopwood	Meeting	Pending 03/22/2021
6:00 PM			

Meeting History

Z-21-03

ORDINANCE NO. 2021-014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 5.007-ACRE TRACT OF LAND IN THE GEORGE BRINLEE HRS, A-18, BEING PART OF THAT CERTAIN TRACT OF LAND DESCRIBED AS LOT 1 OF THE REPLAT OF LOT 2, BLOCK 1, WAGGONER CREEK WEST SUBDIVISION, LOCATED WEST OF 6210 GIBSON LANE IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-1 TO MULTIPLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone a **5.007-acre tract of land in the George Brinlee HRS, A-18, being part of that certain tract of land described as Lot 1 of the Replat of Lot 2, Block 1, Waggoner Creek West Subdivision (Exhibit ‘A’), located west of 6210 Gibson Lane** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Multiple Family-2**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted unanimously five (5) to zero (0) to recommend the application for rezoning from Single Family-1 to Multiple Family-2, on a 5.007-acre tract of land in the George Brinlee HRS, A-18, being part of that certain tract of land described as Lot 1 of the Replat of Lot 2, Block 1, Waggoner Creek West Subdivision (Exhibit ‘A’), located west of 6210 Gibson Lane** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-1 to Multiple Family-2** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone a **5.007-acre tract of land in the George Brinlee HRS, A-18, being part of that certain tract of**

Attachment: 2021-014 ORD rezoning at parcel west of 6310 Gibson Ln (2445 : 2021-014 ORD rezoning 6210 Gibson Ln)

land described as Lot 1 of the Replat of Lot 2, Block 1, Waggoner Creek West Subdivision (Exhibit 'A'), located west of 6210 Gibson Lane in the City of Texarkana, Bowie County, Texas, from Single Family-1 to Multiple Family-2.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **12th day of April, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Property Description
5.007 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the George Brinlee Headright Survey, Abstract 18, Bowie County, Texas, being part of that certain tract of land described as Lot 1 of the Replat of Lot 2, Block 1 of Waggoner Creek West, recorded in Document No. 2015-00009111, and filed in Plat Cabinet A, Sleeve 305 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, the Southeast Corner of the said Lot 1, the Southwest corner of Lot 1, Block 1 of Waggoner Creek West, recorded in Volume 6051, Page 271 of the Real Property Records of Bowie County, Texas, and lying in the North right-of-way line of Gibson Lane;

THENCE South 76 degrees 28 minutes 51 seconds West a distance of 199.83 feet along the South line of the said Lot 1 and the North right-of-way line of the said Gibson Lane, to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, at an angle point;

THENCE South 73 degrees 35 minutes 06 seconds West a distance of 263.79 feet along the South line of the said Lot 1 and the North right-of-way line of the said Gibson Lane, to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, at an angle point;

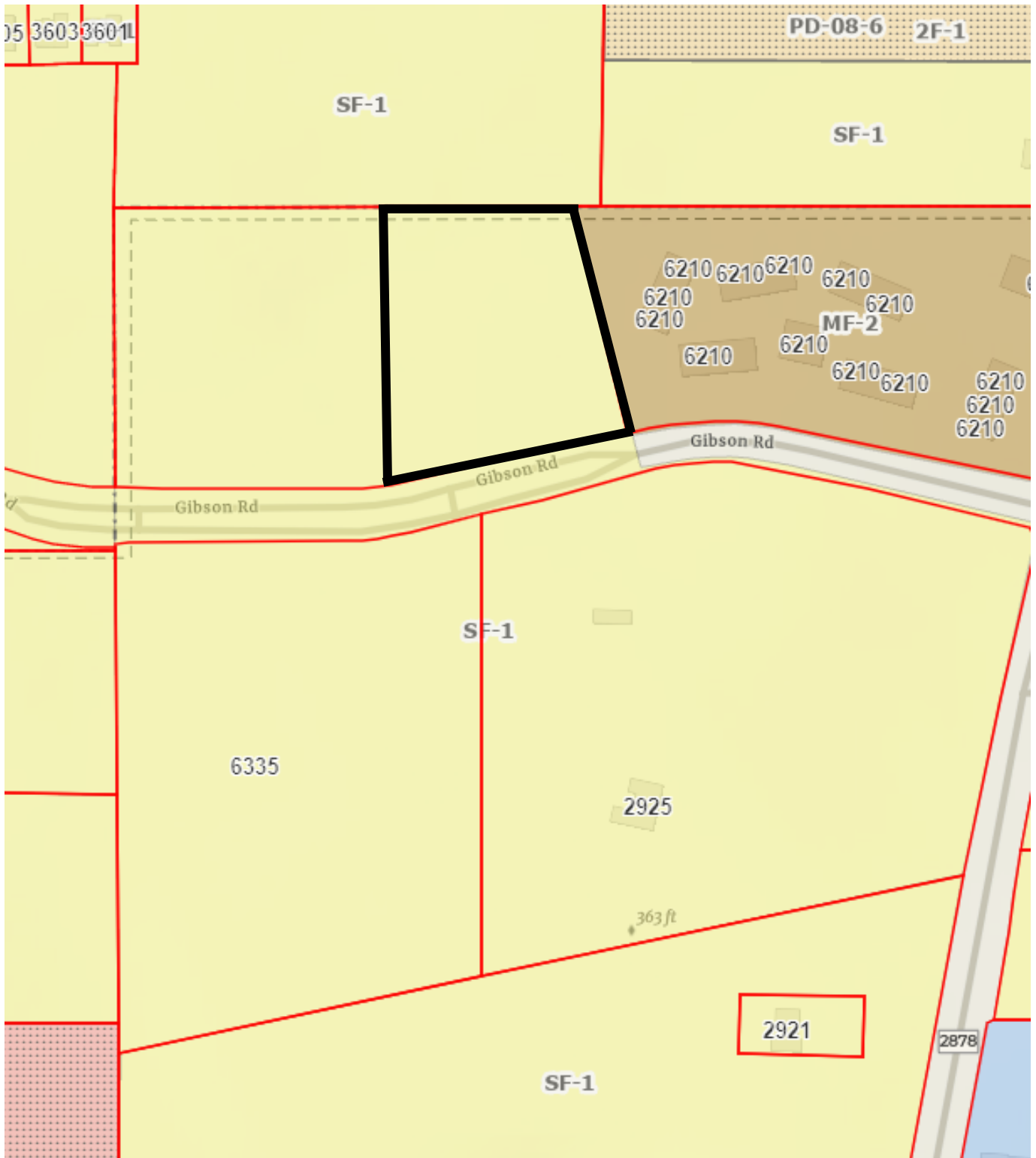
THENCE North 12 degrees 00 minutes 46 seconds West a distance of 543.45 feet across and through the said Lot 1 to a point for a corner, lying in the North line of the said Lot 1 and the South line of that certain tract of land described as 24 1/4 acres in the deed from BancorpSouth Bank Asset Management & Trust, Trustee of the Muriel Kunkel Irrevocable Trust to James M. Kunkel, et al, dated August 7, 2019, recorded in Document No. 2019-00008460 of the Real Property Records of Bowie County, Texas;

THENCE North 87 degrees 21 minutes 07 seconds East a distance of 430.00 feet along the North line of the said Lot 1 and the South line of the said 24 1/4 acre tract, to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, the Northeast Corner of the said Lot 1, the Northwest Corner of the said Lot 1, Block 1 Waggoner Creek West;

THENCE South 16 degrees 55 minutes 28 seconds East a distance of 449.63 feet along the East line of the said Lot 1 and the West line of the said Lot 1, Block 1 Waggoner Creek West to the point of beginning and containing 5.007 acres of land.

Parcel west of 6210 Gibson Ln

2021-014 ATTH 0



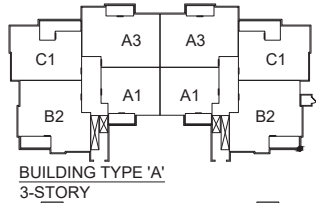
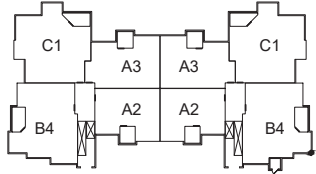
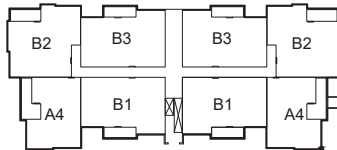
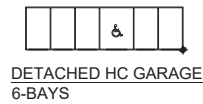
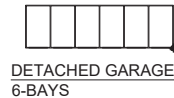
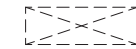
Attachment: 2021-014 ATTH 01 (Maps) (2445 : 2021-014 ORD rezoning 6210 Gibson Ln)

Parcel west of 6210 Gibson Ln

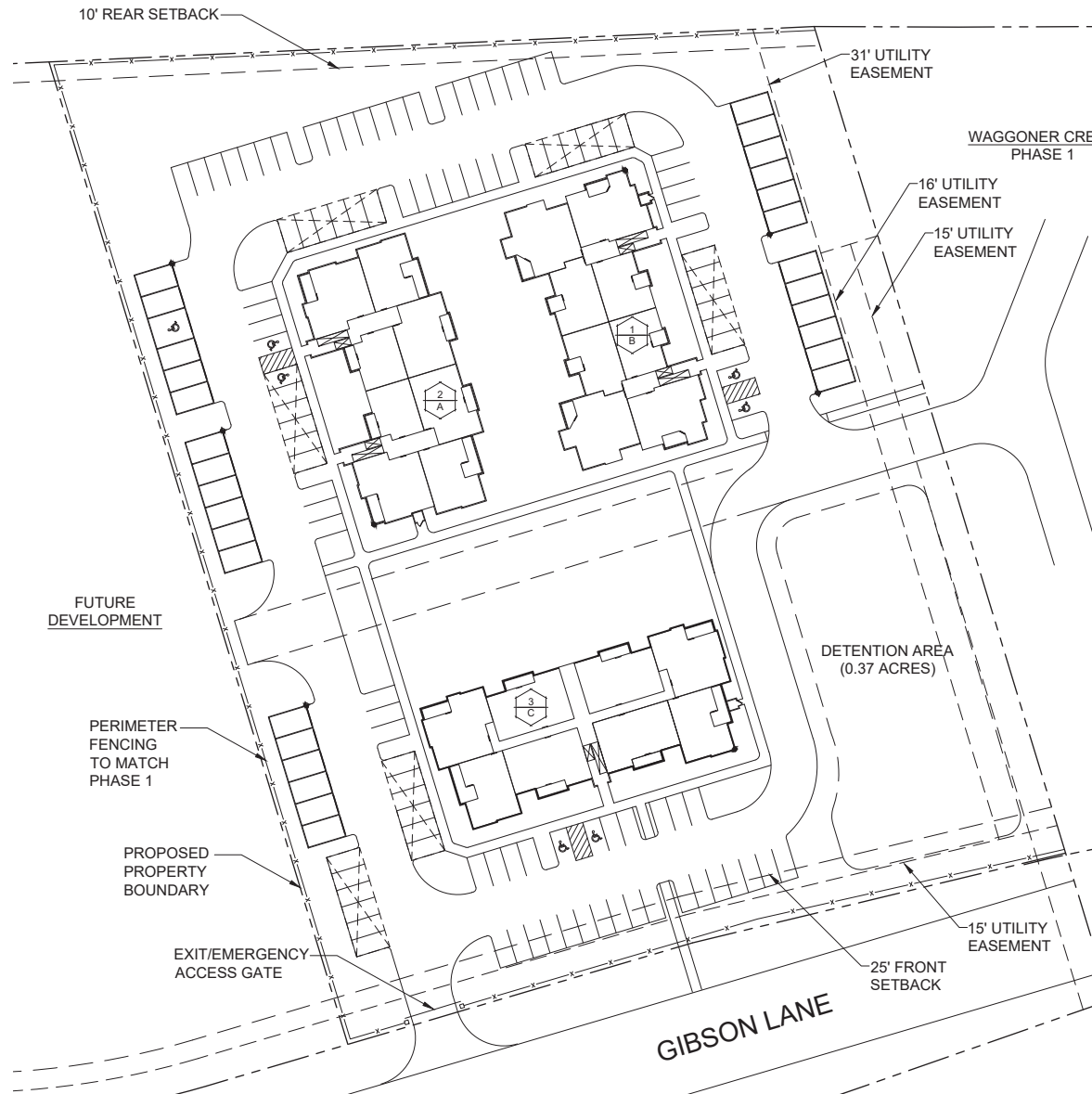


Attachment: 2021-014 ATTH 01 (Maps) (2445 : 2021-014 ORD rezoning 6210 Gibson Ln)

SITE DATA				
AREA	4.35	ACRES		
DENSITY	16.6	UNITS/ACRE		
PARKING PROVIDED				
SURFACE	73	SPACES		
CARPORT	36	SPACES		
GARAGE	30	SPACES		
TOTAL	139	SPACES		
PARKING RATIO	1.93	SPACES/UNIT		
UNIT TABULATION				
UNIT TYPE	AREA (S.F.)	# OF UNITS	PERCENTAGE	TOTAL AREA (S.F.)
A1	760	6	8.33	4,560
A2	794	6	8.33	4,764
A3	800	12	16.66	9,600
A4	815	6	8.33	4,890
B1	978	6	8.33	5,868
B2	1,052	12	16.66	12,624
B3	1,080	6	8.33	6,480
B4	1,105	6	8.33	6,630
C1	1,273	12	16.70	15,276
TOTAL A UNITS		30	41.65	
TOTAL B UNITS		30	41.65	
TOTAL C UNITS		12	16.70	
	AVERAGE			
TOTAL	981.83	72	100	70,692

BUILDING TYPE 'A'
3-STORYBUILDING TYPE 'B'
3-STORYBUILDING TYPE 'C'
3-STORYDETACHED HC GARAGE
6-BAYSDETACHED GARAGE
6-BAYSCARPORT
6-BAYS

NOTE: PHASE 2 WILL SHARE CLUBHOUSE, TRASH COMPACTOR, AND OTHER AMENITIES WITH THE EXISTING PHASE 1.



01

SCHEMATIC SITE PLAN

SCALE: 1" = 60'-0"



Attachment: 2021-014 ATTH 02 (Proposed Site Plan) (2445 : 2021-014 ORD rezoning 6210 Gibson Ln)



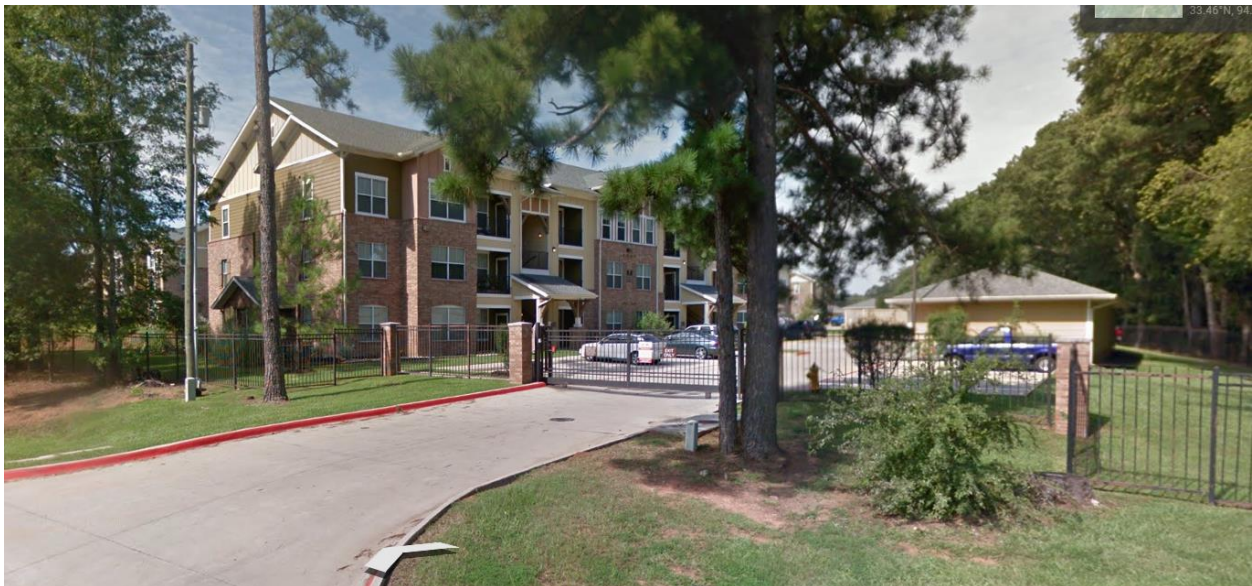
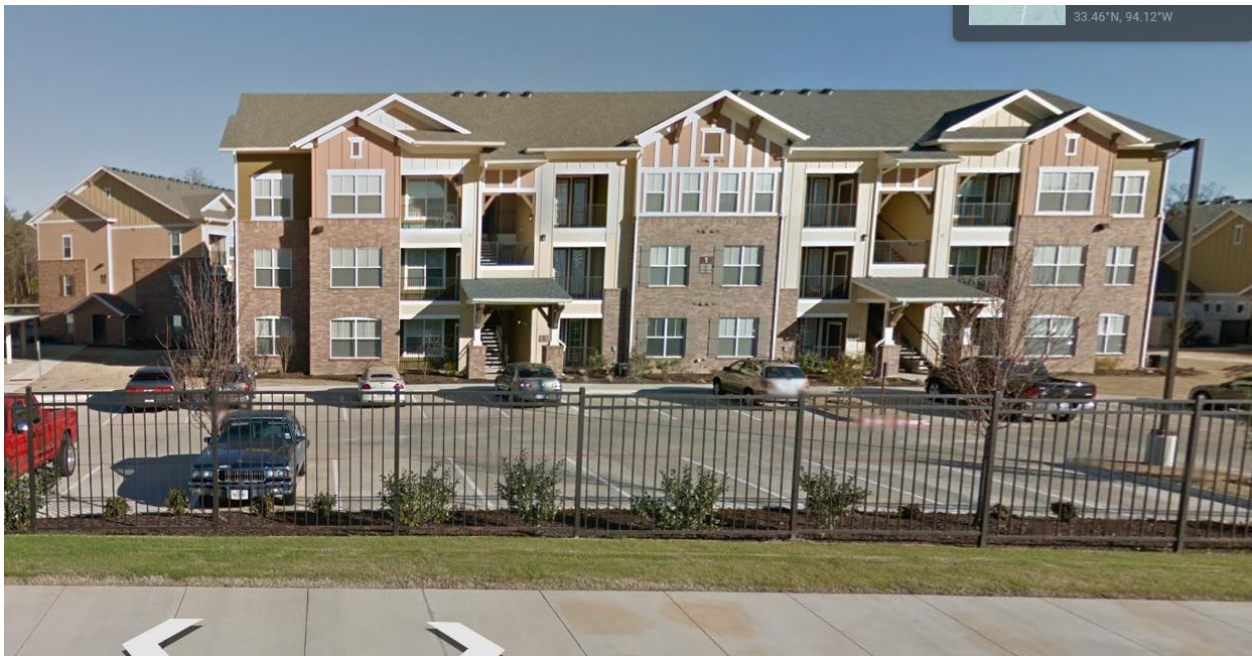
TRIVEST - WAGGONER PHASE 2
TEXARKANA, TEXAS

10/27/2020

A1.0

SITE PLAN

Copyright © 2020



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 3/16/2021 4:51 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2021-015 granting a Specific Use Permit to allow the location of
a mini-storage facility on a 1.19-acre tract of land (being tract 9B) in the M. E.
P. & P. RWY CO. HRS, A-435, located at 1609 North Robison Road. Robert
Subject: Barwick, owner.

Briefing: 3/22/2021 **Public Hearing:** 4/12/2021 **Council Vote:** 4/12/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Robert Barwick, owner, for a Specific Use Permit to allow the location of a mini-storage facility in an existing building on a 1.19-acre tract of land (being Tract 9B) in the M. E. P. & P. RWY CO. HRS, A-435, located at 1609 North Robison Road. The current zoning is General Retail. The prior use was a locksmith business.

The adjacent zoning is General Retail to the north, General Retail and Commercial to the south and Single Family-2 to the east and west. The adjacent land use is a convenience store to the south, Housing Authority to the north, residential to the east, and vacant land to the west.

A Specific Use Permit is required per Ordinance to locate a mini-storage facility in the General Retail zoning district. The owner is proposing to create 10' x 15' individual storage units inside the existing building.

Staff recommends for approval of this request.

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

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

Potential Options:

- Approve
- Deny

Fiscal Implications:

Not Applicable

Staff Recommendation:

Staff recommends approval of this request.

City of Texarkana, Texas

Advisory Board/Committee Review:

Planning & Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommend for approval.

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-015 ORD granting SUP at 1609 N Robison Rd (DOCX)
- b. 2021-015 EXH 'A' Legal Description(PDF)
- c. 2021-015 ATTH 01 (Maps) (PDF)
- d. 2021-015 ATTH 02 (Floorplan) (PDF)
- e. 2021-015 ATTH 03 (Google Earth Image) (PDF)
- f. 2021-015 Goals & Perspectives (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	03/18/2021 10:49 AM		
City Manager	Jennifer Evans	City Manager Review Completed	03/18/2021
10:49 AM			
City Council	Vicky Coopwood	Meeting	Pending 03/22/2021
6:00 PM			

Meeting History

ORDINANCE NO. 2021-015

S-736

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-736 TO ALLOW THE LOCATION OF A MINI-STORAGE FACILITY ON A 1.19-ACRE TRACT OF LAND (BEING TRACT 9B) IN THE M. E. P. & P. RWY CO. HRS, A-435, LOCATED AT 1609 NORTH ROBISON ROAD, 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 to grant a **Specific Use Permit** to allow the location of a **mini-storage facility on a 1.19-acre tract of land (being Tract 9B) in the M. E. P. & P. RWY CO. HRS, A-435 (Exhibit 'A'), located at 1609 North Robison Road**, 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 have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a mini-storage facility** 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 to grant **Specific Use Permit Numbered S-736** for the location of a **mini-storage facility on a 1.19-acre tract of land (being Tract 9B) in the M. E. P. & P. RWY CO. HRS, A-435 (Exhibit 'A'), located at 1609 North Robison Road**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2021-015 ORD granting SUP at 1609 N Robison Rd (2446 : 2021-015 ORD SUP 1609 Robison Rd)

SECTION 2: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

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

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

PASSED AND APPROVED in Regular Council Session on this the **12th day of April, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

2021-015 EXH 'A'

1607A Robison Rd.

WARRANTY DEED

Date: May 29th, 2001

Grantor: LOE'S AUTO PARTS OF TEXARKANA, INC.

Grantor's Mailing Address (including county):
401 N. E. Front Street
DeKalb, Bowie County, Texas 75559Filed For Record In :
Bowie County, Texas
Velma Moore
County Clerk
On: May 30, 2001 at 10:27AMGrantee: THE LOE FAMILY PARTNERSHIP, an undivided 51% interest, and
JO C. BARNES, an undivided 49% interest.Grantee's Mailing Address (including county):
401 N. E. Front Street
DeKalb, Bowie County, Texas 75559

Consideration:

Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, paid by
Grantee, herein named, the receipt and sufficiency of which is hereby acknowledged by
Grantor.

Property (including any improvements):

TRACT ONE:All that certain tract or parcel of land in Bowie County, Texas, same being a part of the
M.E.P.&P. RAILWAY CO. SURVEY, Abstract No. 435, and described by metes and
bounds as follows, to-wit: BEGINNING at a point 296.3 feet South of the Northeast corner
of said Survey No. 435;

THENCE running South, 77.6 feet to a stake for corner;

THENCE West, 434.3 feet, a stake for corner;

THENCE North, 77.6 feet to a stake for corner;

THENCE East, 434.3 feet to a stake for corner and the POINT OF BEGINNING, containing
one (1) acre of land, more or less.SAVE AND EXCEPT, HOWEVER, approximately the East ten feet (E. 10') of said tract
now within the right-of-way of Robinson Road, and described in Cause No. 032979 in the
District Court of Bowie County, Texas, styled: THE CITY OF TEXARKANA, TEXAS vs.
LOY W. SPARKMAN, et al, further described in Judgment recorded in Volume 594, Page
430, Deed Records, Bowie County, Texas.The above described property and this instrument are subject to Easement dated May 15,
1964, executed by Loy W. Sparkman and wife, Willie Mae Sparkman, to Southwestern
Electric Power Co., recorded in Volume 439, Page 293, Deed Records of Bowie County,
Texas.

6625 Vol 3467 Page 230

Certification:

True and Correct Copy of Original on
File in: Bowie County, Texas Clerks Office

Attachment: 2021-015 EXH 'A' Legal Description (2446 : 2021-015 ORD SUP 1609 Robison Rd)

2021-015 EXH 'A'

TRACT TWO:

All that certain tract or parcel of land situated in the M.E.P. & P. RAILWAY SURVEY, A-435, a part of a certain 1.00 acre tract described in a Deed dated March 18, 1905, to M. D. Tilson, of record in Volume 44, Page 379, of the Deed Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe for corner at the Southwest Corner of said 1.00 acre tract; THENCE South 89 deg. 59 min. 38 sec. East, with the South line of said 1.00 acre tract, 432.01 feet to an iron pipe for corner on the West right-of-way line of Robinson Road, said point being in a curve to the right;

THENCE Northerly, with said right-of-way line, same being the arc of a curve having a radius of 11,499.16 feet thru a central angle of 00 deg. 13 min. 02 sec. for a distance of 43.61 feet to an iron pipe for corner, said point being in the South line of a certain 1.00 acre tract of land conveyed to Roy W. Sparkman and wife, Willie May Sparkman, by Deed of record in Volume 255, Page 348, of the Deed Records of Bowie County, Texas;

THENCE South 89 deg. 50 min. 00 sec. West, with the South line of said Sparkman 1.00 acre tract, 432.15 feet to an iron pipe for corner in the West line of Tilson 1.00 acre tract;

THENCE South 00 deg. 46 min. 14 sec. East, with the West line of said Tilson 1.00 acre tract, 42.31 feet to the POINT OF BEGINNING, and containing 0.426 acres of land, more or less.

Existing Liens(s) (including recording information):

None

Other Reservations from Exceptions to Conveyance and Warranty:

Any and all other easements, rights-of-way, and prescriptive rights, whether of record or not; any and all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; any and all rights of adjoining owners in any party walls and/or fences situated on a common boundary; any and all discrepancies, conflicts, or shortages in area or boundary lines; and any and all encroachments or overlapping of improvements.

Grantor, for the consideration and subject to the reservations from and exceptions to conveyances and warranty, grants, sells, and conveys to Grantee the property, together with all and singular the rights and appurtenances thereto in any wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the reservations from and exceptions to conveyance and warranty.

This Deed is made and executed in place of and in substitution for a Warranty Deed with Vendor's Lien from Grantor to Grantees made and executed as of December 26, 1994, which has been lost and this instrument is intended to be effective retroactively as of the said date of the said lost instrument.

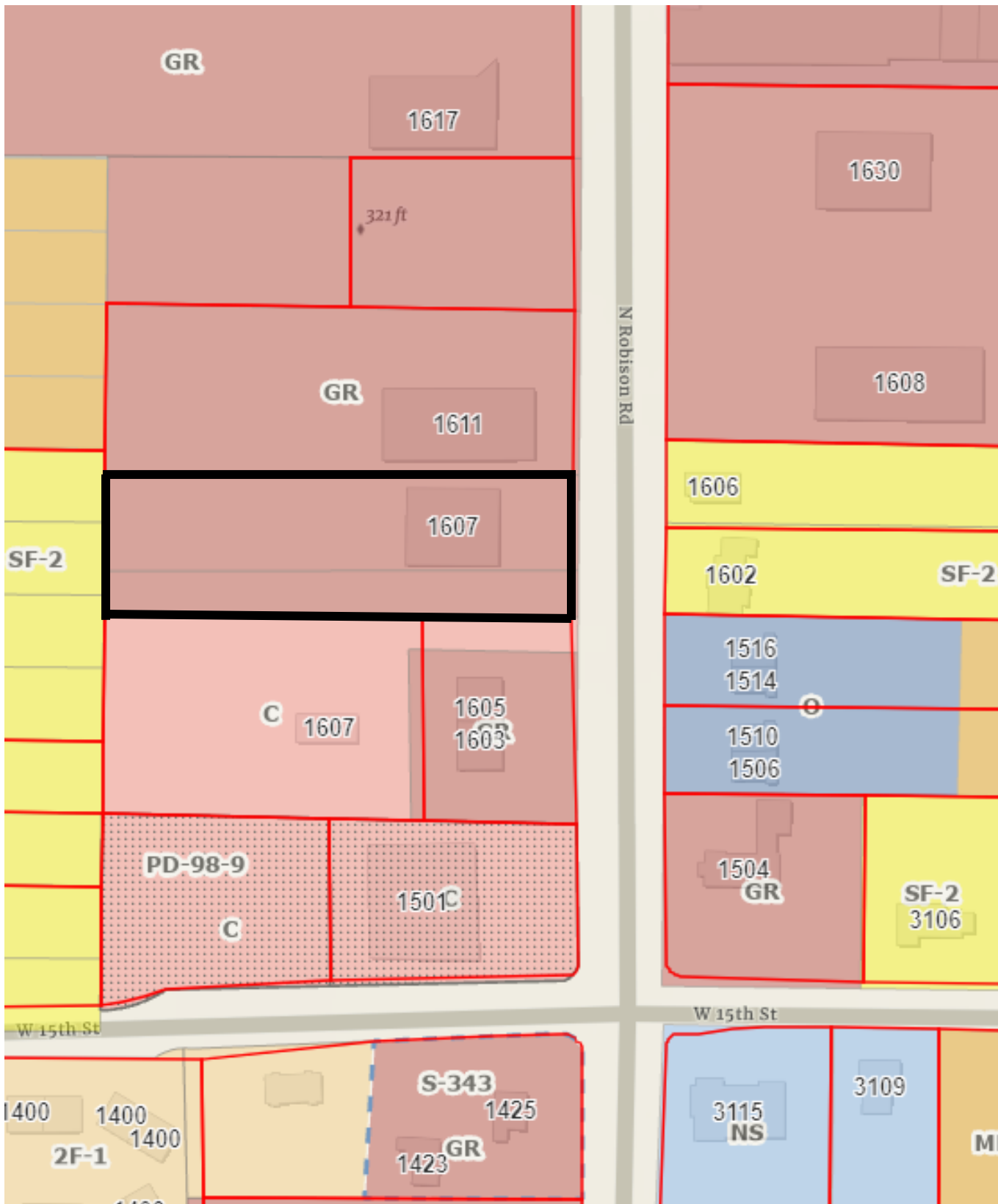
6625 # Vol 3467 Page 231

2

Certification:
True and Correct Copy of Original on
File in: Bowie County, Texas Clerks Office

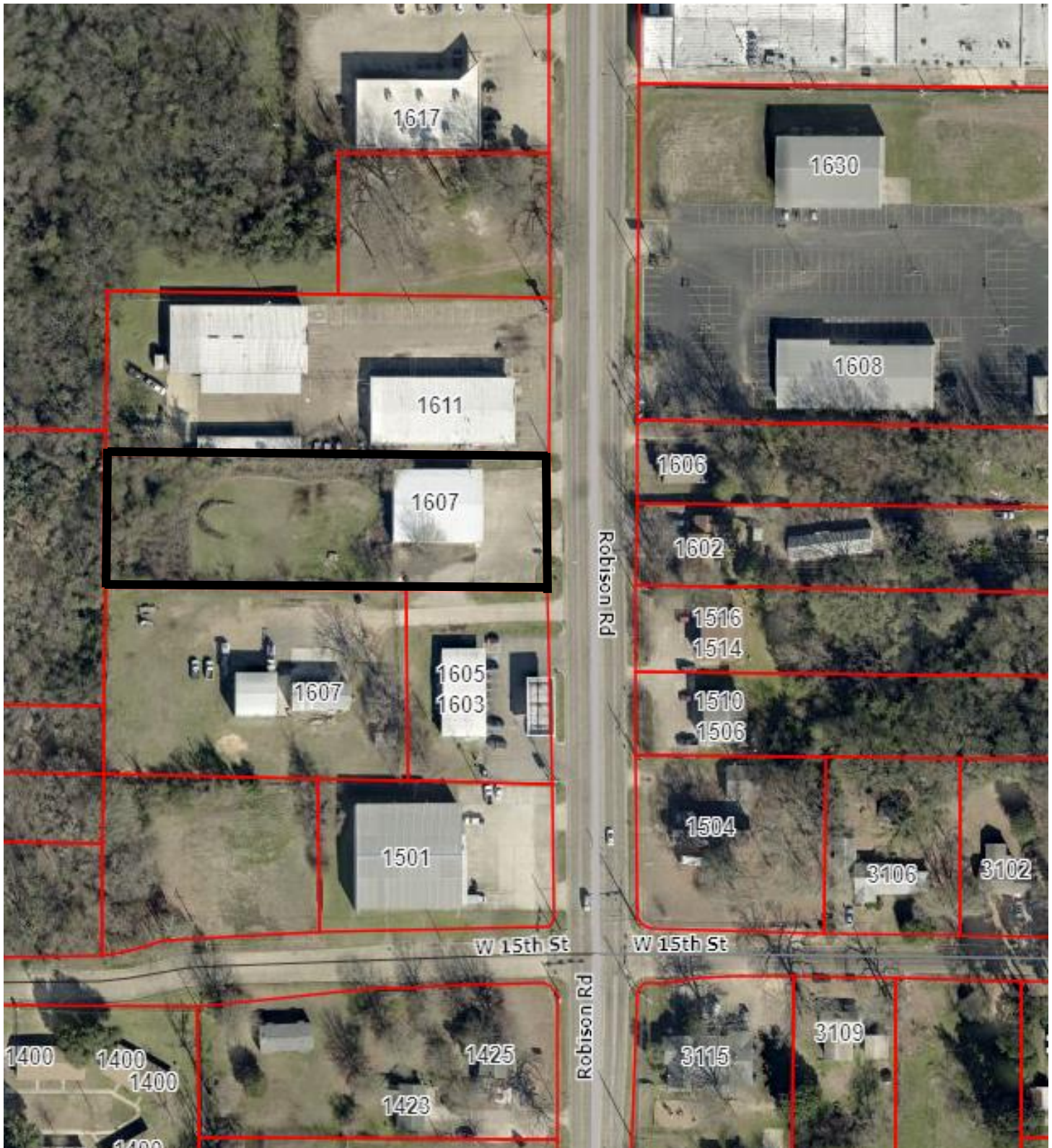
Attachment: 2021-015 EXH 'A' Legal Description (2446 : 2021-015 ORD SUP 1609 Robinson Rd)

1609 (1607) N Robison Rd

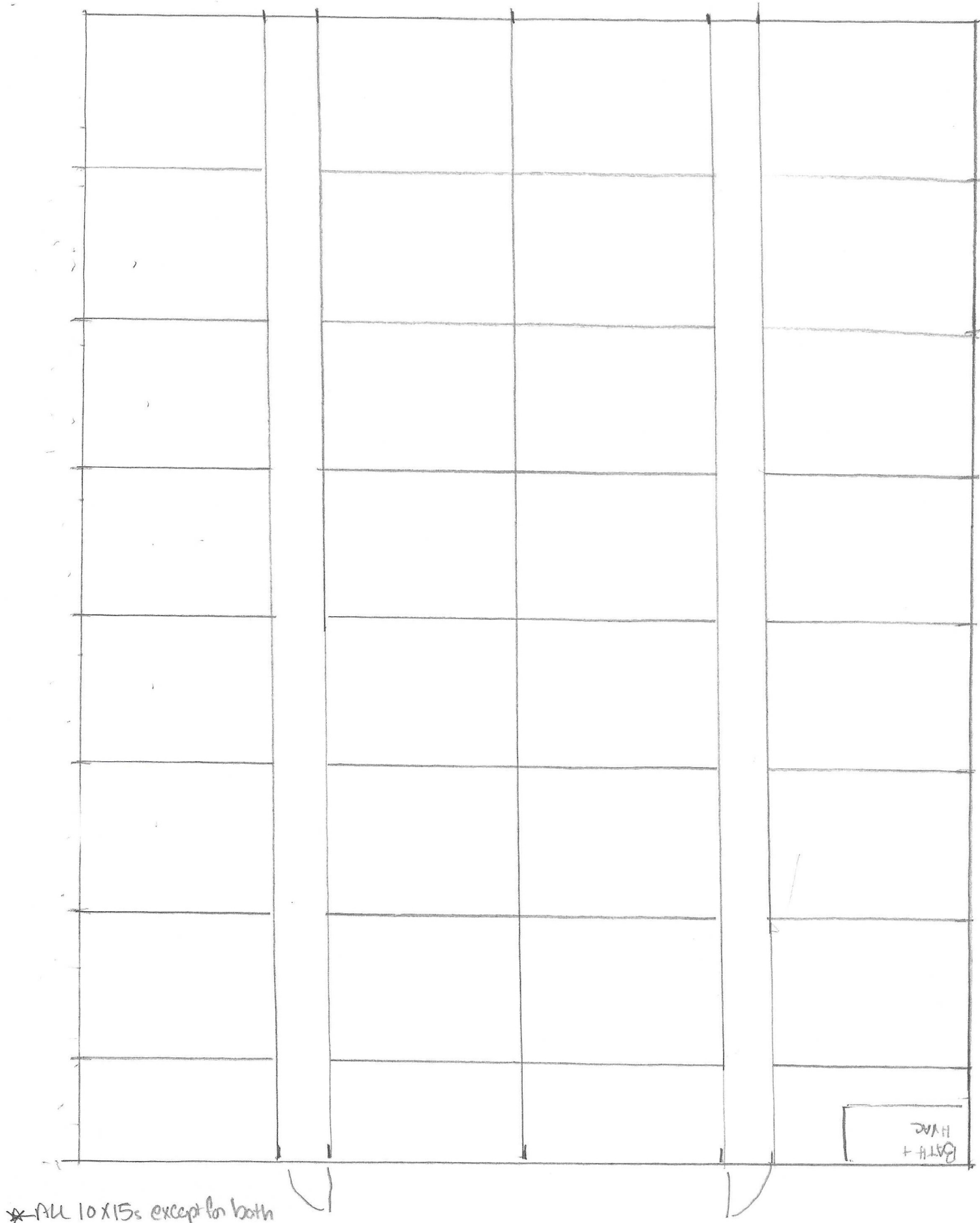


Attachment: 2021-015 ATTH 01 (Maps) (2446 : 2021-015 ORD SUP 1609 Robison Rd)

1609 (1607) N Robison Rd



Attachment: 2021-015 ATTH 01 (Maps) (2446 : 2021-015 ORD SUP 1609 Robison Rd)



Attachment: 2021-015 ATTH 02 (Floorplan) (2446 : 2021-015 ORD SUP 1609 Robison Rd)

2021-015 ATTH 03

Google Earth Image



Attachment: 2021-015 ATTH 03 (Google Earth Image) (2446 : 2021-015 ORD SUP 1609 Robison Rd)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/18/2021 10:56 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2021-016 amending PD-02-13 (GR) for site plan approval to
allow the construction of 10 apartment units on Lots 8 and 9, Block 6,
Richmond Development Fifth Subdivision, located in the 3400 block of Brooke
Place. Brandon Taylor, 2B Builders, owner. Kayla Wood, MTG Engineers &
Subject: Surveyors, agent.

Briefing: 3/22/2021 **Public Hearing:** 4/12/2021 **Council Vote:** 4/12/2021

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Amendment to PD-02-13(GR): This is a request for site plan approval by Brandon Taylor, 2B Builders, owner and Kayla Wood, MTG Engineers and Surveyors, agent, on Lots 8 and 9, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block of Brooke Place, for the purpose of constructing 10 apartment units (Phase 1). This property is currently vacant land.

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

The site plan consists of the following:

1. Ten two-story one bedroom, 1 ½ bath apartment units. (See photo, elevations, and floor plan).
2. Façade will be hardie board siding, brick, and concrete with rock columns.
3. Access will be from Brooke Place.
4. 2 parking spaces per unit which includes a 1 car garage.
5. Screened dumpster site.
6. 48 sq. ft. monument style sign to be located near the apartment entrance off Brooke Place. No CEVMS.

Staff recommends for approval of the site plan.

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

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

Potential Options:

City of Texarkana, Texas

- Approve
- Deny

Fiscal Implications:

Not Applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning & Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommend for approval.

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2021-016 ORD Amendment to PD-02-13(GR) for site plan approval (DOCX)
- b. 2021-016 EXH 'A' (Site plan)(PDF)
- c. 2021-016 ATTH 01 (Maps) (PDF)
- d. 2021-016 ATTH 02 (Floorplan) (PDF)
- e. 2021-016 ATTH 03 (Elevation) (PDF)
- f. 2021-016 Goals & Perspectives (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	03/18/2021 10:49 AM		
City Manager	Jennifer Evans	City Manager Review Completed	03/18/2021
10:50 AM			
City Council	Vicky Coopwood	Meeting	Pending 03/22/2021
6:00 PM			

Meeting History

ORDINANCE NO. 2021-016

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-02-13(GR) FOR SITE PLAN APPROVAL TO ALLOW THE LOCATION OF TEN APARTMENT UNITS ON LOTS 8 AND 9, BLOCK 6, RICHMOND DEVELOPMENT FIFTH SUBDIVISION, LOCATED IN THE 3400 BLOCK OF BROOKE PLACE IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting the approval of a **site plan (Exhibit A)** to **allow the location of ten apartment units on Lots 8 and 9, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block of Brooke Place** in the City of Texarkana, Bowie County, Texas; and

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

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

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of this amendment, have given the requisite notices by publication and otherwise, and have afforded and held full and fair hearings to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously by a vote of five (5) to zero (0) to recommend approval of the petition for a site plan (Exhibit ‘A’)** to the City Council of the City of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that the approval of the site plan for the above described property is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the site plan (**Exhibit ‘A’**) to allow **the location of ten apartment units on Lots 8 and 9, Block 6, Richmond Development Fifth Subdivision, located in the 3400 block**

of Brooke Place in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-02-13(GR).

SECTION 2: PD-02-13(GR) is hereby amended by approval of the site plan (**Exhibit ‘A’**), incorporated herein by reference for all purposes, and includes the following:

1. Ten two-story one bedroom, 1 ½ bath apartment units.
2. Façade will be hardie board siding, brick, and concrete with rock columns.
3. Access will be from Brooke Place.
4. 2 parking spaces per unit which includes a 1 car garage.
5. Screened dumpster site.
6. 48 sq. ft. monument style sign to be located near the apartment entrance off Brooke Place. No CEVMS.

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

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

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

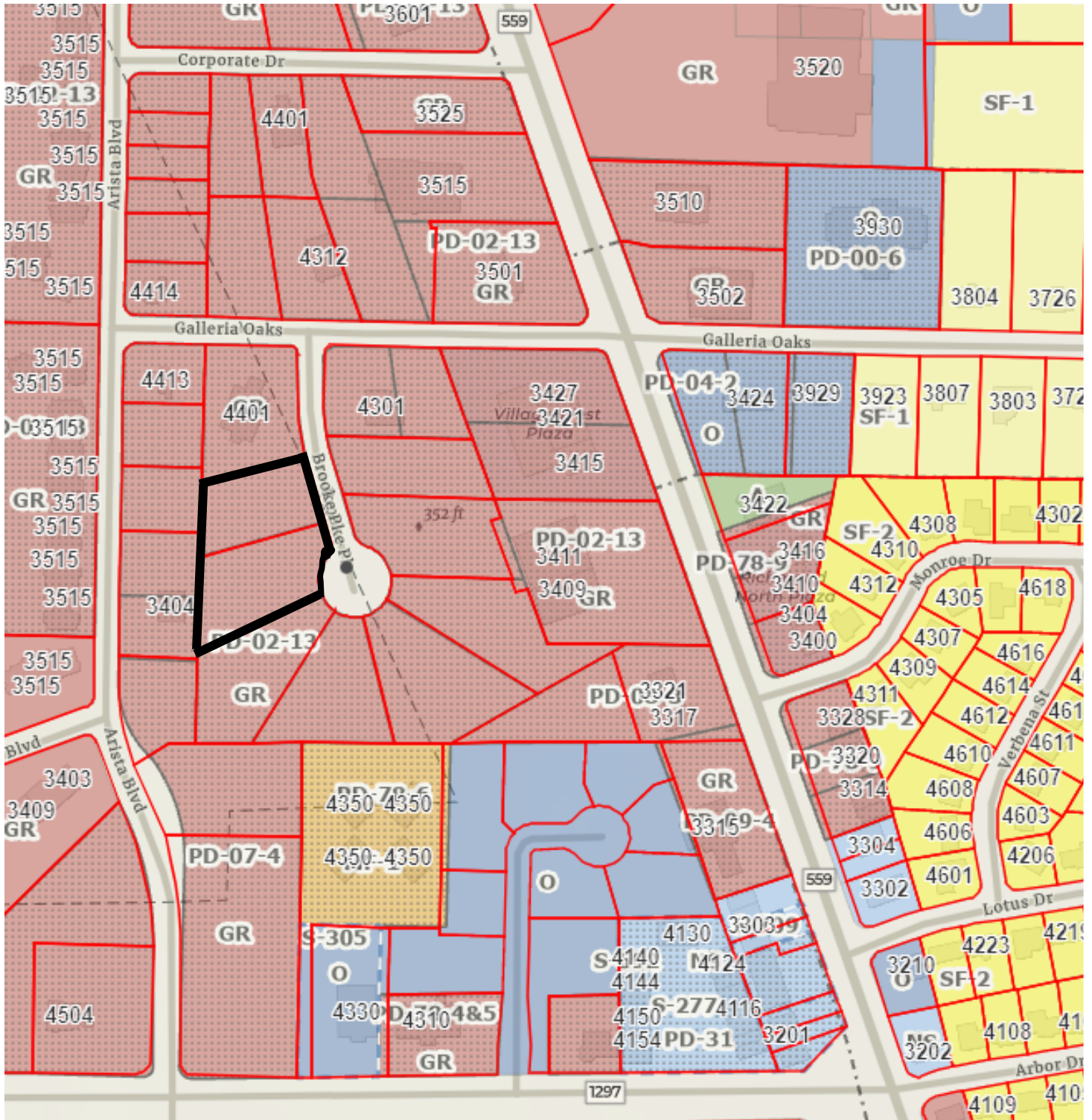
PASSED AND APPROVED in Regular Council Session on this the **12th day of April, 2021.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

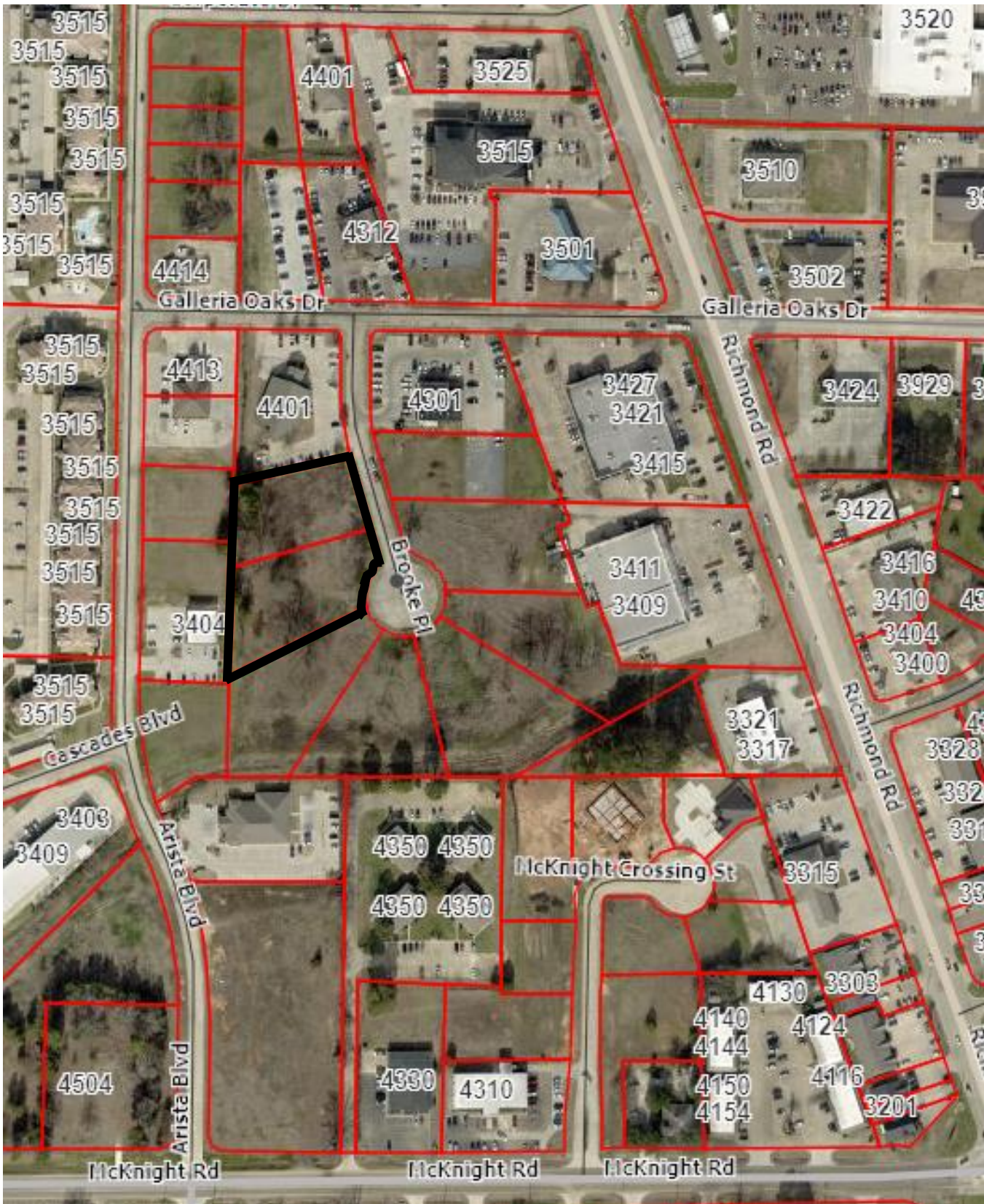
BOB BRUGGEMAN, MAYOR

3400 Block Brooke Place

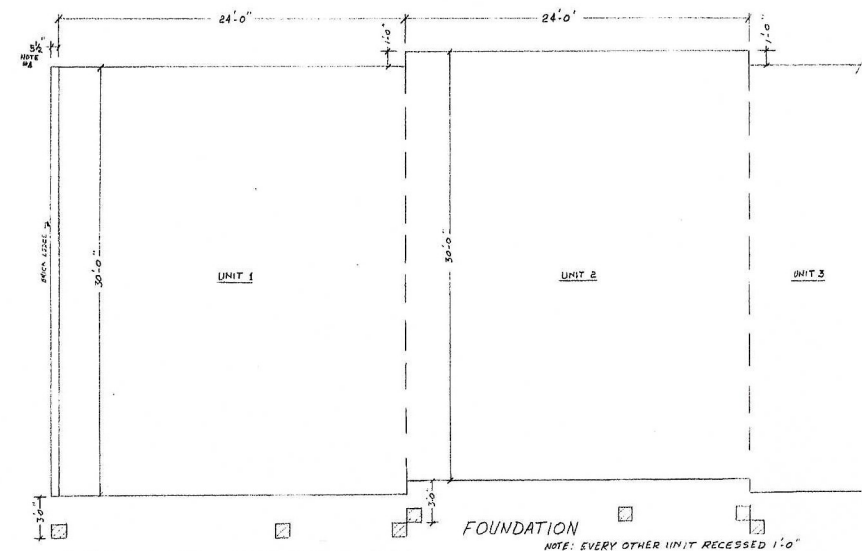
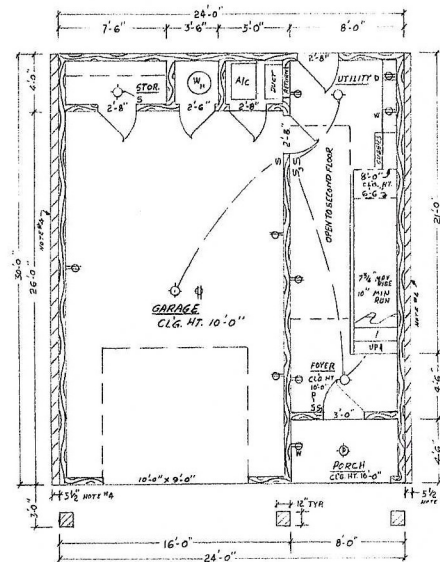
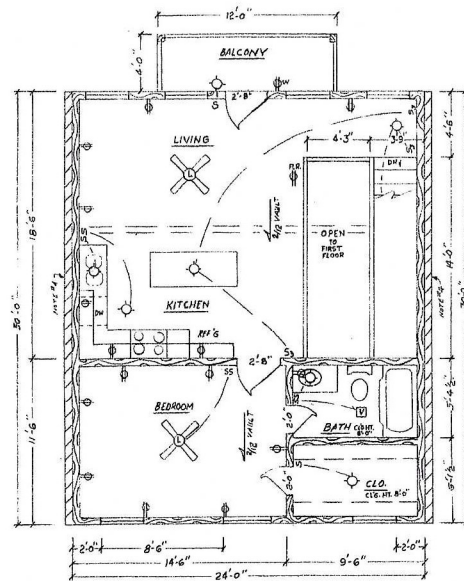
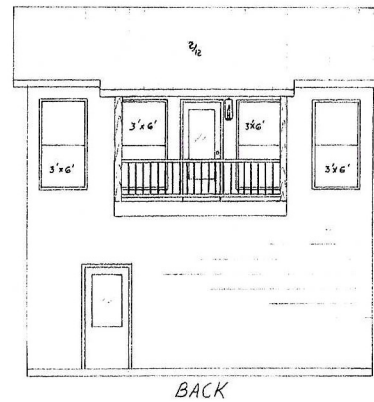
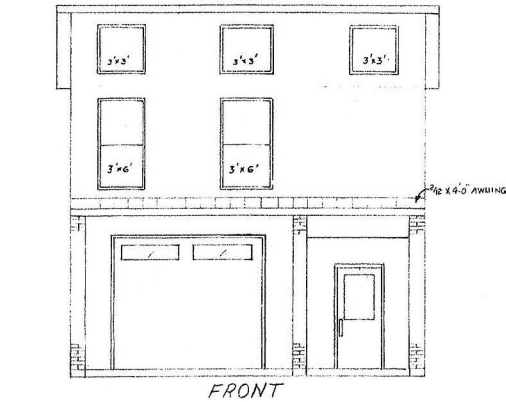


Attachment: 2021-016 ATTH 01 (Maps) (2447 : 2021-016 ORD amending PD-02-13 site plan 3400 blk of Brooke Pl)

3400 Block Brooke Place



Attachment: 2021-016 ATTH 01 (Maps) (2447 : 2021-016 ORD amending PD-02-13 site plan 3400 blk of Brooke Pl)



- NOTES**
1. 2X4X16\"/>

2 STORY, 3 BEDROOM APARTMENT
 2 B BUILDERS
 TEXARKANA, USA

FLOOR 1
 SCALE
 DATE:
 SHEET



Attachment: 2021-016 ATTH 03 (Elevation) (2447 : 2021-016 ORD amending PD-02-13 site plan 3400 blk of Brooke Pl)

City of Texarkana, Texas

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Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other: