CITY OF TEXARKANA

CITY COUNCIL

MINUTES ● APRIL 25, 2016

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

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

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

City Staff: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Charlie Bassett, Kyle Dooley, J.D. Phillips, Sherry Jackson Hawkins, Kristin Peeples, Sharon Moore, Robby Robertson, Lisa Thompson, Karey Parker, Rea Donna Jones, David Orr, and Jerry Sparks.

Legal Counsel: Jeff Lewis

II. INVOCATION AND PLEDGE BY COUNCIL MEMBER JEAN MATLOCK

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, May 9, 2016 at 6:00 p.m.
Monday, May 23, 2016 at 6:00 p.m.
Monday, June 13, 2016 at 6:00 p.m.
Monday, June 27, 2016 at 6:00 p.m.

Parks & Recreation Events:

April 30th	Community Yard Sale & Electronics Recycling Day	Spring Lake Park
May 5th	Senior Day Festival	Spring Lake Park
May 7th	Alzheimer's Alliance Wine Festival	Spring Lake Park
May 19th	Movies in the Park - "Goosebumps"	Spring Lake Park

May 26th	Movies in the Park - "Inside Out" ***All movies will start at 7:45 p.m.***	Spring Lake Park

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

Farmer's Market Opening Soon:

This year's market will open on Saturday, May 14th and run through Saturday, August 13th. Shopping days are Tuesday, Thursday and Saturday from 7:00 a.m. - 12:00 noon or until sold out. The market is located at 305 Texas Boulevard.

Upcoming Neighborhood Meetings:

Rosehill - Thursday, April 28th from 6:00 p.m. - 8:00 p.m. at Pecan Ridge, 2210 West 15th Street

Highland Park - Thursday, May 5th from 6:00 p.m. - 8:00 p.m. at Collins Senior Center, 3000 Texas Boulevard

Beverly - Thursday, May 12th from 6:00 p.m. - 8:00 p.m. at Texarkana College, Levi Hall in BCT Building, 2500 Robison Road

Mayor Bruggeman, on behalf of the City Council and staff, expressed "Well Wishes" to Chief Financial Officer Charlie Bassett for his retirement after 15 years of outstanding city service. Mr. Bassett stated that he has truly enjoyed working for the city along with the great staff. Mr. Bassett's retirement reception will be held on Wednesday, April 27th at 3:00 p.m. on the second floor at City Hall. Mayor Bruggeman also congratulated Kristin Peeples, Mr. Bassett's successor, as the incoming Chief Financial Officer. Ms. Peeples will begin her new position effective May 1st.

Mayor Bruggeman wished Council Member Ray a "Happy (belated) Birthday" as she had her birthday over the weekend.

Mayor Bruggeman introduced two current exchange students in the FLEX (Future Leaders EXchange) program from Texas High School, Mane Yeganyan from Armenia and Yue Zuo from China. The Mayor gave them both a city lapel pin. Each student expressed thanks for being chosen to participate in the FLEX program and is enjoying her stay in Texarkana.

Appointments to Boards & Commissions

Mayor Bruggeman recommended Ben King for re-appointment to the TexAmericas Board of Directors.

1. Motion to make appoinments/re-appointments to Boards and Commissions.

(6:22 p.m.)

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

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

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

Caleb Pittman addressed council and asked for the time when the rental registration ordinance workshop would be held.

Ruth Bassham addressed council and asked how she could get notified of the date and time for the rental registration ordinance workshop because she does not live in Texarkana.

Brian Henry addressed council and asked how citizens are notified when the council makes policy decisions.

City Manager Whitson, demonstrated on the city's website, how citizens can sign-up to receive email notification of posted agendas for upcoming council meetings.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:36 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Josh Davis, Ward 6
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Davis
ABSENT:	Paddock
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on April 11, 2016 at 6:00 PM.

Action Items - None

VI. FIRST BRIEFINGS

1. Resolution No. 2016-048 authorizing the City Manager to enter into a contract with Gregg Orr Auto Collection for funding drainage improvements between Walton Drive and the South access road of Interstate 30 (1002 Walton Drive) in an amount not to exceed THREE HUNDRED SEVENTY THOUSAND NINE HUNDRED ELEVEN DOLLARS AND SEVENTEEN CENTS ($370,911.17).

   Public Hearing: May 9, 2016
   Second Briefing: May 23, 2016
   Council Vote: June 13, 2016

   Jerry Sparks briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/9/2016 6:00 PM**

2. Resolution No. 2016-050 authorizing the City Manager to accept the bid and enter into a contract with RBIS, LLC for the McKnight Road water and sewer relocations in amount not to exceed NINETY-THREE THOUSAND NINE HUNDRED SIXTY-TWO DOLLARS AND FIFTY CENTS ($93,962.50).

   Public Hearing: May 9, 2016
   Second Briefing: May 23, 2016
   Council Vote: June 13, 2016

   J.D. Phillips briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/9/2016 6:00 PM**

3. Resolution No. 2016-051 authorizing the City Manager to write-off uncollectible accounts receivable.

   Public Hearing: May 9, 2016
   Second Briefing: May 23, 2016
   Council Vote: June 13, 2016

   Charlie Bassett briefed this item. Council Member Davis suggested that staff exhaust every possible avenue available to recoup some of the uncollectible accounts receivable before council makes the decision whether or not to write it off. City Manager Whitson explained that the majority of the uncollectible dollar amount is tied to weed lots and that the city is very limited in authority to collect mowing fees for weed lots because of statutory restrictions. Jeff Lewis offered council a couple of options to consider.

RESULT:	**MOVED FORWARD**	**Next: 5/9/2016 6:00 PM**

4. Ordinance No. 2016-052 rezoning Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive. Single Family-2 to Planned Development-Office. Alan Schimming, owner.

Public Hearing: May 9, 2016
Second Briefing: May 23, 2016
Council Vote: June 13, 2016

David Orr briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/9/2016 6:00 PM**

5. Ordinance No. 2016-053 amending PD-16-2(O) for site plan approval on Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive. Alan Schimming, owner.

Public Hearing: May 9, 2016
Second Briefing: May 23, 2016
Council Vote: June 13, 2016

David Orr briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 5/9/2016 6:00 PM**

6. Resolution No. 2016-054 establishing a General Fund Balance Policy.

Public Hearing: May 9, 2016
Second Briefing: May 23, 2016
Council Vote: June 13, 2016

Charlie Bassett briefed this item. City Manager Whitson made additional comments.

RESULT:	**MOVED FORWARD**	**Next: 5/9/2016 6:00 PM**

VII. PUBLIC HEARINGS

1. Resolution No. 2015-139 authorizing the City Manager to enter into a Water Supply Contract with TexAmericas Center and two (2) tri-party agreements - Assignment, Assumption and Novation of Water Supply Contract; Non-Potable Water Agreement - with TexAmericas Center and Riverbend Water Resources District.

Public Hearing: April 25, 2016
Second Briefing:
Council Vote: April 25, 2016

There were no public comments made at this hearing.
(7:24 p.m.)

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

2. Motion to move Resolution No. 2016-043 up for council vote.

(7:26 p.m.)

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

3. Resolution No. 2016-043 inviting Texarkana, Arkansas Board of Directors to participate in a Joint City Matters Committee.

Public Hearing:	April 25, 2016
Second Briefing:	May 9, 2016
Council Vote:	May 23, 2016

There were no public comments made at this hearing.
(7:26 p.m.)

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

4. Motion to move Resolution No. 2016-045 up for council vote.

(7:28 p.m.)

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

5. Resolution No. 2016-045 authorizing the City Manager to accept a bid to furnish and install one Industrial Closed Circuit Fluid Cooling Tower in an amount not to exceed SEVENTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS ($79,975).

   Public Hearing: April 25, 2016
   Second Briefing: May 9, 2016
   Council Vote: May 23, 2016

   There were no public comments made at this hearing.
   (7:28 p.m.)

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

6. Motion to move Ordinance No. 2016-046 up for council vote.

   (7:29 p.m.)

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

7. Ordinance No. 2016-046 amending the Code of Ordinances of the City of Texarkana, Texas, to delete Section 105-181 Health Care Facilities.

   Public Hearing: April 25, 2016
   Second Briefing: May 9, 2016
   Council Vote: May 23, 2016

   There were no public comments made at this hearing. The City Council adopted the amended version of Ordinance No. 2016-046.
   (7:31 p.m.)

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

8. Resolution No. 2016-047 authorizing the City Manager to enter into a contract with Martin Marietta to supply concrete materials used in the construction and maintenance of streets, alleys, bridges and storm drains.

Public Hearing: April 25, 2016
Second Briefing:
Council Vote: April 25, 2016

There were no public comments made at this hearing.
(7:32 p.m.)

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

VIII. SECOND BRIEFING WITH UPDATES - NONE

IX. SECOND BRIEFING WITHOUT UPDATES

1. Ordinance No. 2016-029 amending Chapter 140 entitled "Zoning" of the Code of Ordinances of the City of Texarkana, Texas, by amending regulations for Changeable Electronic Variable Message Signs (CEVMS) pertaining to sign size, nonconforming signs, damaged signs and definitions.

Public Hearing: April 11, 2016
Second Briefing: April 25, 2016
Council Vote: May 9, 2016

RESULT:	**MOVED FORWARD**	**Next: 5/9/2016 6:00 PM**

2. Ordinance No. 2016-030 amending Chapter 140 entitled "Zoning" of the Code of Ordinances of the City of Texarkana, Texas, by amending regulations for Changeable Electronic Variable Message Signs (CEVMS) pertaining to prohibiting CEVMS along certain corridors.

Public Hearing: April 11, 2016
Second Briefing: April 25, 2016
Council Vote: May 9, 2016

RESULT:	**MOVED FORWARD**	**Next: 5/9/2016 6:00 PM**

3. Ordinance No. 2016-040 amending Chapter 140, Article V, Sec. 106, Historical Designation of the Code of Ordinances of the City of Texarkana, Texas.

Public Hearing: April 11, 2016
Second Briefing: April 25, 2016
Council Vote: May 9, 2016

RESULT:	**MOVED FORWARD**	**Next: 5/9/2016 6:00 PM**

X. ITEMS FOR DISCUSSION

Staff Updates

City Manager Whitson said he attended the Airport Strategic Planning kick-off meeting held on April 19th. The committee adopted a mission statement, a vision statement, reviewed capital items and discussed future funding of the airport. It was agreed that legislative outreach is necessary to help obtain more DOT project funding for the airport.

Council Member Davis asked Mr. Whitson if he had the opportunity to convey to airport staff that the city would be interested in looking at the airport's financials and contracts. Mr. Whitson responded that he did not, at that time, because he had already spoken to the new director about the financial statements and therefore would follow-up with the request.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Matlock said she does not all ways receive email responses from staff when she brings issues to the city. City Manager Whitson responded that normally staff will respond to a council member when the issue has been resolved or if the issue will be significantly delayed. Staff tries to follow-up on every council member's requests and responds to the entire city council by email.

Council Member Matlock said apparently she is not receiving all the email responses and that something could be wrong with her email account. Mr. Whitson said the IT Department would be happy to check her device to see if the returned emails may be going to a spam folder in her inbox.

2. City Staff

Staff had no comments.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:41 p.m.)

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

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

CITY OF TEXARKANA

CITY COUNCIL

MINUTES ● APRIL 11, 2016

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

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	5:57 PM
Jean H. Matlock	Ward 1	Present	5:57 PM
Willie Ray	Ward 2	Present	5:57 PM
Tina Veal-Gooch	Ward 3	Present	5:57 PM
Brian Matthews	Ward 4	Present	5:57 PM
Christy P. Paddock	Ward 5	Present	5:57 PM
Josh Davis	Ward 6	Present	5:57 PM

Staff Present: City Manager John Whitson, Jennifer Evans, Charlie Bassett, Shirley Jaster, Lynn Henry, Kerry Parker, Dusty Henslee, Sharon Moore, Debbie Burk, Joel Cooley, Sherry Jackson Hawkins, J.D. Phillips, Daphnea Ryan, Rea Donna Jones, and Jerry Sparks.

Legal Counsel: Jeff Lewis

II. INVOCATION AND PLEDGE BY COUNCIL MEMBER DR. BRIAN MATTHEWS

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, April 25, 2016 at 6:00 p.m.
Monday, May 9, 2016 at 6:00 p.m.
Monday, May 23, 2016 at 6:00 p.m.
Monday, June 13, 2016 at 6:00 p.m.

Parks & Recreation Events:

April 15th - 17th	Rob Buck Memorial Tournament	Spring Lake Park
April 30th	Community Yard Sale & Electronics Recycling Day	Spring Lake Park

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

Upcoming Neighborhood Meetings:

Rosehill - Thursday, April 28th from 6:00 p.m. - 8:00 p.m. at Pecan Ridge, 2210 West 15th Street

Highland Park - Thursday, May 5th from 6:00 p.m. - 8:00 p.m. at Collins Senior Center, 3000 Texas Boulevard

Beverly - Thursday, May 12th from 6:00 p.m. - 8:00 p.m. at Texarkana College, Levi Hall in BCT Building, 2500 Robison Road

Mayor Bruggeman announced that this week is National Library Week - April 10 through April 16. He had the privilege of reading a story to students in Ms. Sullivan's class at Dunbar Early Education Center.

Mayor Bruggeman thanked Texarkana Chamber of Commerce President Mike Malone for his attendance at the meeting.

Presentations

Mayor Bruggeman introduced and welcomed Director Mark Mellinger of the Texarkana Regional Airport. Mr. Mellinger detailed some of his personal and educational background and shared proposed strategies for future development of the airport. He also informed council that the Airport Board has scheduled a Strategic Planning meeting for Tuesday, April 19th at 6:30 p.m. The meeting will be held in the airport conference room.

Appointments to Boards & Commissions

1. Motion to make appointments/reappointments to boards and commissions.

   Council Member Veal-Gooch recommended the reappointment of Steve Thompson to the Historic Landmark Preservation Committee.

   (6:18 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Ray, Veal-Gooch, Matthews, Paddock, Davis
EXCUSED:	Bruggeman

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

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

Michael Yarberry addressed council concerning 2015 sales tax revenue from beer and wine sales.

Hart Mason, on behalf of Verizon Wireless and J. Mark Hodges, told council that he was available to answer any questions regarding Ordinance No. 2016-021 under consideration for council vote at this meeting.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:26 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on March 28, 2016 at 6:00 PM.

2. Resolution No. 2016-036 approving the fiscal year 2017 budget calendar.

   Public Hearing:
   Second Briefing:
   Council Vote: April 11, 2016

Action Items

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

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

(6:28 p.m.)

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

VI. FIRST BRIEFINGS

1. Resolution No. 2016-043 inviting Texarkana, Arkansas Board of Directors to participate in a Joint City Matters Committee.

   Public Hearing: April 25, 2016
   Second Briefing: May 9, 2016
   Council Vote: May 23, 2016

   City Manager Whitson briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 4/25/2016 6:00 PM**

2. Resolution No. 2016-045 authorizing the City Manager to accept a bid to furnish and install one Industrial Closed Circuit Fluid Cooling Tower in an amount not to exceed SEVENTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS ($79,975).

   Public Hearing: April 25, 2016
   Second Briefing: May 9, 2016
   Council Vote: May 23, 2016

   J.D. Phillips briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 4/25/2016 6:00 PM**

3. Ordinance No. 2016-046 amending the Code of Ordinances of the City of Texarkana, Texas, to delete Section 105-181 Health Care Facilities.

   Public Hearing: April 25, 2016
   Second Briefing: May 9, 2016
   Council Vote: May 23, 2016

   Lynn Henry briefed this item.

RESULT:	**MOVED FORWARD**	**Next: 4/25/2016 6:00 PM**

4. Resolution No. 2016-047 authorizing the City Manager to enter into a contract with Martin Marietta to supply concrete materials used in the construction and maintenance of streets, alleys, bridges and storm drains.

   Public Hearing: April 25, 2016
   Second Briefing:
   Council Vote: April 25, 2016

   Sharon Moore briefed this item.

RESULT:	MOVED FORWARD	Next: 4/25/2016 6:00 PM

VII. PUBLIC HEARINGS

1. Ordinance No. 2016-029 amending Chapter 140 entitled "Zoning" of the Code of Ordinances of the City of Texarkana, Texas, by amending regulations for Changeable Electronic Variable Message Signs (CEVMS) pertaining to sign size, nonconforming signs, damaged signs and definitions.

   Public Hearing: April 11, 2016
   Second Briefing: April 25, 2016
   Council Vote: May 9, 2016

   There were no public comments made at this hearing.

RESULT:	MOVED FORWARD	Next: 4/25/2016 6:00 PM

2. Ordinance No. 2016-030 amending Chapter 140 entitled "Zoning" of the Code of Ordinances of the City of Texarkana, Texas, by amending regulations for Changeable Electronic Variable Message Signs (CEVMS) pertaining to prohibiting CEVMS along certain corridors.

   Public Hearing: April 11, 2016
   Second Briefing: April 25, 2016
   Council Vote: May 9, 2016

   There were no public comments made at this hearing.

RESULT:	MOVED FORWARD	Next: 4/25/2016 6:00 PM

3. Ordinance No. 2016-031 amending the Code of Ordinances of the City of Texarkana, Texas, by establishing minimum housing standards for all dwelling units.

   Public Hearing: April 11, 2016
   Second Briefing: April 25, 2016
   Council Vote: May 9, 2016

   There were no public comments made at this hearing.

RESULT:	MOVED FORWARD	Next: 4/25/2016 6:00 PM

4. Ordinance No. 2016-032 requiring property owners to register rental property through dwelling unit permits requiring inspections and establishing a permit fee.

Public Hearing: April 11, 2016
Second Briefing: April 25, 2016
Council Vote: May 9, 2016

There were no public comments made at this hearing.

RESULT:	**MOVED FORWARD**	**Next: 4/25/2016 6:00 PM**

5. Motion to move Ordinance No. 2016-033 up for council vote.

(6:41 p.m.)

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

6. Ordinance No. 2016-033 amending PD-00-5(GR) for revision to site plan to allow new signage on Lots 12-15 & 8A, Block 2, Galleria Oaks #1, Parcel 3, Replat #2, located at 5502 Medical Parkway. Max Alley Investment, LLC, owner. Trey Ayers, Effective Signs, agent.

Public Hearing: April 11, 2016
Second Briefing: April 25, 2016
Council Vote: May 9, 2016

There were no public comments made at this hearing.
(6:42 p.m.)

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

7. Motion to move Ordinance No. 2016-034 up for council vote.

(6:43 p.m.)

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

8. Ordinance No. 2016-034 amending PD-79-5(GR) for revision to site plan to allow additional signage on a certain 9.75 acre tract of land in the George Brinlee HRS, A-18, located at 4317 McKnight Road. The Oaks Assisted Living Facility, owner. Billy White, Whatley Signs, agent.

   Public Hearing: April 11, 2016
   Second Briefing: April 25, 2015
   Council Vote: May 9, 2016

   There were no public comments made at this hearing.
   (6:44 p.m.)

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

9. Motion to move Ordinance No. 2016-035 up for council vote.

   (6:45 p.m.)

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

10. Ordinance No. 2016-035 rezoning a 332.73' x 140' strip of land being a part of an 8.47 acre tract in the George Brinlee HRS, A-18, located in the 5200 block of North Kings Highway. Single Family-3 to Planned Unit Residential. Jay Strickland, owner. MTG Engineering, agent.

    Public Hearing: April 11, 2016
    Second Briefing: April 25, 2016
    Council Vote: May 9, 2016

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

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

11. Motion to move Resolution No. 2016-037 up for council vote.

(6:47 p.m.)

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

12. Resolution No. 2016-037 authorizing staff to proceed with necessary work to demolish neighborhood specific substandard structures.

Public Hearing: April 11, 2016
Second Briefing: April 25, 2016
Council Vote: May 9, 2016

There were no public comments made at this hearing.
(6:47 p.m.)

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

13. Motion to move Resolution No. 2016-038 up for council vote.

(6:50 p.m.)

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

14. Resolution No. 2016-038 authorizing the City Manager to purchase the building and property located at 808 Olive Street, Texarkana, Texas in an amount not to exceed One Hundred Thirty Thousand and No/100 Dollars ($130,000.00).

Public Hearing: April 11, 2016
Second Briefing: April 25, 2018
Council Vote: May 9, 2016

There were no public comments made at this hearing.
(6:50 p.m.)

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

15. Motion to move Resolution No. 2016-039 up for council vote.

(7:05 p.m.)

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Brian Matthews, Ward 4
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Matthews, Paddock, Davis
NAYS:	Veal-Gooch
EXCUSED:	Bruggeman

16. Resolution No. 2016-039 authorizing the City Manager to enter into an agreement with Halff & Associates for Comprehensive Planning Services.

Public Hearing: April 11, 2016
Second Briefing: April 25, 2016
Council Vote: May 9, 2016

Daphnea Ryan introduced Mr. Rick Leisner, of Halff Associates, Inc. Mr. Leisner presented a PowerPoint presentation to council outlining the scope of work for the proposed planning agreement.
(7:06 p.m.)

RESULT:	**ADOPTED [5 TO 1]**
MOVER:	Brian Matthews, Ward 4
SECONDER:	Willie Ray, Ward 2
AYES:	Matlock, Ray, Matthews, Paddock, Davis
NAYS:	Veal-Gooch
EXCUSED:	Bruggeman

17. Ordinance No. 2016-040 amending Chapter 140, Article V, Sec. 106, Historical Designation of the Code of Ordinances of the City of Texarkana, Texas.

Public Hearing: April 11, 2016
Second Briefing: April 25, 2016
Council Vote: May 9, 2016

There were no public comments made at this hearing.

RESULT:	**MOVED FORWARD**	**Next: 4/25/2016 6:00 PM**

VIII. SECOND BRIEFING WITH UPDATES - NONE

IX. SECOND BRIEFING WITHOUT UPDATES - NONE

X. ITEMS FOR DISCUSSION

Staff Updates

City Manager Whitson said he appreciated the council's effort in keeping items moving forward and asked if they would start planning in their schedules time for an upcoming strategic planning retreat.

City Manager Whitson said that he just received the news that Texarkana Arkansas City Manager Dr. Kenny Haskin's father passed away last week.

XI. ADMINISTRATIVE COMMENTS

1. City Council

Mayor Bruggeman expressed condolences for the passing of Dr. Haskin's father.

Council Member Dr. Matthews passed along condolences also to Dr. Haskin and his family. Council Member Dr. Matthews gave commendation to Dr. Haskin for also being honored as a recipient of the Distinguished Gentleman's Award presented by the Alpha Phi Alpha Fraternity on April 2nd.

2. City Staff

Staff had no comments for council.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:10 p.m.)

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

Minutes Acceptance: Minutes of Apr 11, 2016 6:00 PM (Consent Items)

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

City of Texarkana, Texas

Version: C

Briefing Sheet

Update Date: 4/22/2016 12:57 PM

Lead Department: Economic Development **Action Officer:** Jerry Sparks, Economic Developer

Subject: Resolution No. 2016-048 authorizing the City Manager to enter into a contract with Gregg Orr Auto Collection for funding drainage improvements between Walton Drive and the South access road of Interstate 30 (1002 Walton Drive) in an amount not to exceed THREE HUNDRED SEVENTY THOUSAND NINE HUNDRED ELEVEN DOLLARS AND SEVENTEEN CENTS ($370,911.17).

Briefing: 5/9/2016	**Public Hearing:** 5/9/2016	**Second Briefing:** May 23, 2016	**Council Vote:** 6/13/2016

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

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

West Walton Drive & Pavilion Project
1002 Walton Drive

- The project was one of the first included in the TIRZ #1 Project List. The project recognized the need to correct a drainage issue to increase the development potential of the property.
- The initial amount of $100,000 was the estimated cost of open-channel drainage.
- The amended project will use box culverts to control the drainage and improve channelization.
- Using the owner's estimate of costs, Public Works calculated the portion of the estimated cost in the same manner used for earlier project for drainage improvements located near Richill Drive & St. Michael Drive and on Gibson. Public Works recommended an amount not to exceed $370,911.17
- The project will improve channelization that is needed to line up with city's drainage under Walton Drive.

Potential Options:

- Approve TIRZ board recommendation
- Deny amendment to TIRZ Project List

Fiscal Implications:

The project would authorize the City Manager to enter into a reimbursement agreement for an amount not to exceed $370,911.17 from the TIRZ #1.

Staff Recommendation:

City of Texarkana, Texas

Staff recommends approval.

Advisory Board/Committee Review:

Tax Increment Reinvestment Zone Board

Board/Committee Recommendation:

April 15, 2016
TIRZ Board recommends approval

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

a. 2016-048 RES Authorizing reimbursement agreement (PDF)
b. 2016-048 ATTH 1 Summary (PDF)
c. 2016-048 ATTH 3 ORR CDJ-TIRZ Request Estimate with City comments-3-30-16 (PDF)
d. 2016-048 ATTH 4 TIRZ Agenda packet (PDF)
e. 2016-048 ATTH 5-Aerial view (PDF)
f. 2016-048 ATTH 2 ORR Analysis Apr 2016.xlsx (PDF)

Staff Coordination

Economic Development	Jerry Sparks	Department Head Review	Completed	04/15/2016 12:59 PM
Finance Department	Charlie Bassett	Review	Completed	04/20/2016 1:18 PM
Planning and Community Development	David Orr	Review	Completed	04/20/2016 2:35 PM
Finance Department	Kristin Peeples	Review	Completed	04/21/2016 1:22 PM
Assistant City Manager	Shirley Jaster	Assistant City Manager Review	Completed	04/22/2016 9:07 AM
Public Information Officer	Lisa Thompson	PIO Review	Completed	04/22/2016 9:53 AM
City Manager	John Whitson	City Manager Review	Completed	04/22/2016 10:55 AM
City Council	Jennifer Evans	Meeting	Completed	04/25/2016 6:00 PM

Meeting History

RESOLUTION NO. 2016-048

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE GREGG ORR AUTO COLLECTION FOR THE FUNDING OF DRAINAGE IMPROVEMENTS BETWEEN WALTON DRIVE AND INTERSTATE 30 SOUTH ACCESS ROAD (1002 WALTON DRIVE); APPROVING AN AMENDMENT TO THE APPROVED PROJECT LIST OF THE TAX INCREMENT REINVESTMENT ZONE #1; AND APPROVING THE REIMBURSEMENT OF THE APPROVED CONSTRUCTION COSTS USING FUNDS FROM THE TAX INCREMENT REINVESTMENT ZONE #1 FUND IN AN AMOUNT NOT TO EXCEED THREE HUNDRED SEVENTY THOUSAND NINE HUNDRED ELEVEN DOLLARS AND 17 CENTS ($370,911.17); AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the Tax Increment Reinvestment Zone #1 Board has recommended an amendment to the Public Infrastructure Project list for Tax Increment Reinvestment Zone #1 to include an amount not to exceed THREE HUNDRED SEVENTY THOUSAND NINE HUNDRED ELEVEN DOLLARS AND 17 CENTS ($370,911.17) for drainage improvements between the South Access Road of Interstate 30 and Walton Drive; and

WHEREAS, the TIRZ Board has recommended this proposed project for drainage improvement be considered for funding; and

WHEREAS, the City Council recognizes the need for funding for this proposed drainage improvement project through reimbursement of approved construction costs using funds generated from the Tax Increment Reinvestment Fund #1; and

WHEREAS, the City Council believes this to be in the best interest of the citizens and the safety of the community.

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

SECTION 1: That the Public Infrastructure Project list for Tax Increment Reinvestment Zone #1 is amended to include an amount not to exceed THREE HUNDRED SEVENTY THOUSAND NINE HUNDRED ELEVEN DOLLARS AND 17 CENTS ($370,911.17) for drainage improvements between the South Access Road of Interstate 30 and Walton Drive;

SECTION 2: That the City Manager be and is hereby authorized to enter into a contract with Orr CDJR or the Gregg Orr Auto Collection for an amount not to exceed THREE HUNDRED SEVENTY THOUSAND NINE HUNDRED ELEVEN DOLLARS AND 17 CENTS ($370,911.17) for drainage improvement between the South Access Road of Interstate 30 and Walton Drive (1002 Walton Drive).

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

PASSED AND APPROVED in Regular Council Session on this the **13th day of June, 2016.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2016-048 RES Authorizing reimbursement agreement [Revision 3] (1468 : 2016-048 RES amending the Approved Project List for

City of Texarkana
Economic Development

West Walton Drive & Pavilion Project
(1002 Walton Drive)

- The project was one of the first included in the TIRZ #1 Project List. The project recognized the need to correct a drainage issue to increase the development potential of the property.
- The initial amount of $100,000 was the estimated cost of open-channel drainage. That open-channel drainage would have been on a property line. This proposed project would combine two pieces of property.
- The amended project will use box culverts to control the drainage and improve channelization.
- Using the owner's estimate of costs, Public Works calculated the portion of the estimated cost in the same manner used for earlier project for drainage improvements located near Richill Drive & St. Michael Drive and on Gibson.
- The project will improve channelization that is needed to line up with city's drainage under Walton Drive.

Cell: 903-278-0102 *jerry.sparks@txkusa.org*

Attachment: 2016-048 ATTH 1 Summary (1468 : 2016-048 RES amending the Approved Project List for TIRZ#1 and authorizing neogtiated

Gregg Orr Auto
Chrysler Jeep Dodge

Storm Drain Estimate
3-2-16

stub outs along Walton, but not for stub outs along TxDOT frontage road

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL	
~~1~~	~~1~~	~~LS~~	~~Mobilization~~	~~$8,100.00~~	~~$8,100.00~~	
2	4.3	STA	Right of Way Preparation	$1,600.00	$6,880.00	
3	148	LF	Reinforced Box Culvert (7'x3')	$855.00	$126,540.00	
4	282.57	LF	Reinforced Box Culvert (2-5'x4')	$660.00	$186,496.20	
5	1	EA	Junction Box	$20,000.00	$20,000.00	
6	~~24~~ 12	LF	18" Stub-outs	$58.00	~~$1,392.00~~	$696.00
~~7~~	~~2~~	~~EA~~	~~18" Safety End Treatments~~	~~$520.00~~	~~$1,040.00~~	
8	2	EA	Ty M Inlets	$5,000.00	$10,000.00	
~~9~~	~~24~~	~~LF~~	~~24" Plugged Stub-outs~~	~~$70.00~~	~~$1,680.00~~	

For site/private drainage, cost should be on developer.

Subtotal		~~$362,128.20~~	$349,916.20
Engineering (6%)		~~$21,727.69~~	$20,994.97
Construction Management (7%)		~~$25,348.97~~	
Contingency (10%)		~~$36,212.82~~	
Total		~~**$445,417.69**~~	$370,911.17

This is a lump sum budget number not to exceed, City will need an itemized pay estimate showing actual cost for final payment approval.

Revised budget that includes items to pay for with TIRZ funds

AGENDA
Tax Increment Reinvestment Zone Advisory Board for Zone 1
Municipal Building-2nd Floor
220 Texas Blvd. (West 3rd Street and Texas Blvd)
Texarkana, Texas
April 15, 2016
Noon

An Open Meeting for Zone 1 will be held concerning the following subject:

1. Call to Order, Roll Call, Establishment of Quorum (Kelly Mitchell)
2. Public Comments (limited to 5 minutes)
3. Presentation on an amendment to the TIRZ #1 Project List (Staff) (requires vote)
    a. Amend amount on item on TIRZ #1 Approved Project List:
        i. W Walton Drive & Pavilion drainage project increased from $100,000 to $370,911.17
4. Updated Project List
5. Questions & Answers
6. Adjournment

Posted this ___ day of April 2016 at 4:00 p.m.

_____
Jennifer Evans
City Secretary

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

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

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

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

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

Attachment: 2016-048 ATTH 4 TIRZ Agenda packet (1468 : 2016-048 RES amending the Approved Project List for TIRZ#1 and authorizing

City of Texarkana
Economic Development

220 Texas Blvd
PO Box 1967
Texarkana, TX 75504

Phone: (903) 798-1715
Web: www.txkusa.org

West Walton Drive & Pavilion Project

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Cell: 903-278-0102

jerry.sparks@txkusa.org

Attachment: 2016-048 ATTH 4 TIRZ Agenda packet (1468 : 2016-048 RES amending the Approved Project List for TIRZ#1 and authorizing

City of Texarkana - Bowie County

Tax Increment Reinvestment Zone

Walton Drive & Pavilion Pkwy Drainage

FYE 30-Sep	Incremental Taxable Assessed Value	City of Texarkana Tax Rate	Bowie County Tax Rate	Total Operating Tax Rates	Gross Property Tax Contribution	Incremental Sales Tax	Total Incremental Revenue	
2016						$ -	-	
2017	$ 6,000,000	0.6699	0.399	1.07	$ -		-	
2018	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2019	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2020	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2021	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2022	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2023	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2024	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	**$ 448,988.40**
2025	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2026	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2027	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2028	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2029	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2030	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2031	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2032	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2033	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2034	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
2035	$ 6,000,000	0.6699	0.399	1.07	$ 64,141		$ 64,141.20	
					$ 1,154,542	$ -	$ 1,154,542	

Gregg Orr Auto
Chrysler Jeep Dodge

Storm Drain Estimate
3-2-16

City will pay for stub outs along Walton, but not for stub outs along TxDOT frontage road

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Construction Management (7%)		~~$25,348.97~~	
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Total		~~**$445,417.69**~~	$370,911.17

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Revised budget that includes items to pay for with TIRZ funds

The Gregg Orr AUTO COLLECTION

Acura BMW Buick Cadillac Chevrolet Chrysler Dodge GMC Honda
Infiniti Jeep Kia Mazda Mercedes Porsche Ram Toyota
Pre-Owned Super Centers Classic Car Wash Classic Luxury Limo Service

Exceeding Expectations Everyday

March 18, 2016

Jerry Sparks
Economic Developer
City of Texarkana
P O Box 1967
220 Texas Blvd (75501)
Texarkana TX 75504-1967
Cell: 903.278.0102

Re: TIRZ #1 Project List

Dear Mr. Sparks:

Per discussions held on March 2, 2016, we request the addition of Orr CDJR Drainage Improvements to the TIRZ #1 Project List.

Orr CDJR Drainage Improvements would consist of connection of box culvert from Interstate 30 to Walton Drive.

The estimated Construction Budget for the project is $450,000.00.

Orr CDJR Proposed site development will cost approximately 6.2 million minus the TIRZ project request. Additionally, the development will bring an additional 35 employees to the Texarkana Market.

If you have any questions or need additional information, please contact Kayla Wood, P.E. at 903-838-8533.

Sincerely,

Gregg Orr, Owner

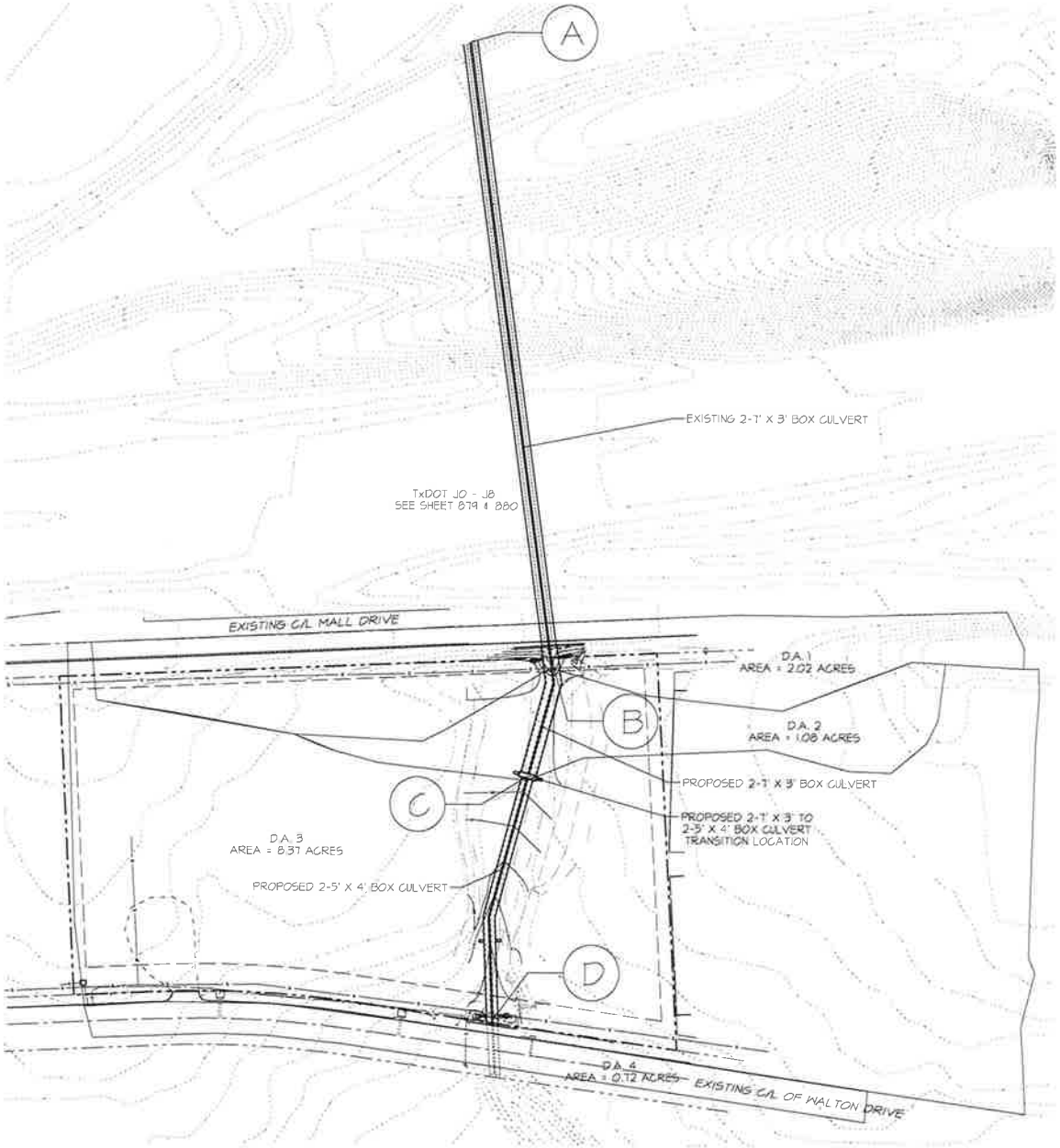
Classic Auto Park
4333 Mall Drive
Texarkana, TX 75503
Phone: 903-223-4333

Classic Car Wash & Lube Center
4211 Mall Drive
Texarkana, TX 75503
Phone: 903-334-9274

Classic Kia
4411 N. State Line Ave.
Texarkana, TX 75503
Phone: 903-793-4623

Classic Chevrolet
941 N. Constitution Ave.
Ashdown, AR 71832
Phone: 877-215-5333

Attachment: 2016-048 ATTH 4 TIRZ Agenda packet (1468 : 2016-048 RES amending the Approved Project List for TIRZ#1 and authorizing



GENERAL DRAINAGE NOTES

1. FLOWS FROM D.A. 1, D.A. 2, D.A. 3 & D.A. 4 ARE BASED UPON EXISTING SITE CONDITIONS.
2. FLOWS FOR SUB OUTS IN PROPOSED CULVERT ARE ACCOUNTED FOR IN D.A. 1, D.A. 2, & D.A. 3 AND ARE ADDED TO THE CULVERT AT THERE RESPECTIVE INFLOW LOCATIONS.
3. DOWNSTEAM CONDITION CHANGES HAVE NOT BEEN EVALUATED FOR PROPOSED SITE DEVELOPMENT AT THIS TIME

HYDROW (STORM DRAIN DESIGN) Version 3.03, Jan. 25, 2002
Run @ 3/1/2016 9:40:42 AM

PROJECT NAME: Greg ORR Auto
JOB NUMBER:
PROJECT DESCRIPTION:
DESIGN FREQUENCY: 25 Years
ANALYSIS FREQUENCY: 100 Years
MEASUREMENT UNITS: ENGLISH

OUTPUT FOR DESIGN FREQUENCY of: 25 Years

Runoff Computation for Design Frequency

ID	C Value (Paved)	Area (Paved)	Tc (Paved)	Tc Used (min)	Intensity (in/hr)	Supply Q (cfs)	Total Q (cfs)
J0	0.35	0.00	10.00	10.00	0.00	252.00	252.00
V1	0.35	0.00	10.00	10.00	0.00	0.00	0.00
J	0.35	0.00	10.00	10.00	0.00	25.500	25.500
J1	0.96	0.00	7.50	10.00	0.00	14.200	14.200
J2	0.35	0.00	2.50	10.00	0.00	12.500	12.500
J3	0.35	0.00	10.00	10.00	0.00	13.900	13.900
J4	0.96	0.00	10.00	10.00	0.00	0.00	0.00
J5	0.96	0.00	10.00	10.00	0.00	3.200	3.200
J6	0.96	0.00	10.00	10.00	0.00	24.600	24.600
J7	0.96	0.00	10.00	10.00	0.00	0.00	0.00
J8	0.96	0.00	10.00	10.00	0.00	11.430	11.430
J10	0.96	0.00	10.00	10.00	0.00	1.628	1.628
J11	0.96	0.00	10.00	10.00	0.00	50.863	50.863
J12	0.96	0.00	10.00	10.00	0.00	1.584	1.584
DA-1	0.96	3.02	10.00	10.00	8.81	0.000	4.252
	0.95	2.70	Pavement				
	0.35	1.41	Undeveloped				
DA-2	0.644	1.08	10.00	10.00	8.81	0.000	6.110
	0.96	0.52	Pavement				
	0.35	0.56	Undeveloped				
DA-3	0.554	8.31	10.00	10.00	8.81	0.000	41.06
	0.96	2.80	Pavement				
	0.35	5.51	Undeveloped				
DA-4	0.96	0.72	10.00	10.00	8.81	0.000	6.34
	0.96	0.72	Pavement				

Cumulative Junction Discharge Computations

Node ID	Type	C-Value	Dr Area (Paved)	Tc (Paved)	Intensity (in/hr)	Supply Q (cfs)	Additional Q (cfs)	Total Q (cfs)
J0	Inlet	0.000	0.00	0.00	0.00	252.00	0.00	252.00
V1	Inlet	0.000	0.00	0.00	8.81	211.60	0.00	211.60
J	Inlet	0.000	0.00	0.00	8.81	29.80	0.00	29.80
J1	Inlet	0.000	0.00	0.00	8.81	104.00	0.00	104.00
J2	Inlet	0.000	0.00	0.00	8.81	98.00	0.00	98.00
J3	Inlet	0.000	0.00	0.00	8.81	102.00	0.00	102.00
J4	Inlet	0.000	0.00	0.00	8.81	103.00	0.00	103.00
J5	Inlet	0.000	0.00	0.00	8.81	347.00	0.00	347.00
J6	Inlet	0.000	0.00	0.00	8.81	347.00	0.00	347.00
J7	Inlet	0.000	0.00	0.00	8.81	347.00	0.00	347.00
J8	Inlet	0.000	0.00	0.00	8.81	194.24	0.00	194.24
J10	Inlet	0.000	0.00	0.00	8.81	364.84	0.00	364.84
J11	Inlet	0.000	0.00	0.00	8.81	417.92	0.00	417.92
J12	Inlet	0.000	0.00	0.00	8.81	425.536	0.00	425.536
DA1	Desc	0.000	0.00	0.00	8.81	425.536	0.00	425.536

Conveyance Configuration Data

Run#	Node ID (S)	Node ID (D)	Invert Elev (S) (ft)	Invert Elev (D) (ft)	Shape *	Span (ft)	Rise (ft)	Length (ft)	Slope (%)	n_value
1	J0	V1	329.24	329.14	Box 2	1.00	3.00	104.00	.125	0.012
2	V1	J	329.14	329.00	Box 2	1.00	3.00	56.85	0.42	0.012
3	J	J1	329.00	328.75	Box 2	1.00	3.00	104.0	0.43	0.012
4	J1	J2	328.75	328.63	Box 2	1.00	3.00	100.9	0.42	0.012
5	J2	J3	328.63	328.51	Box 2	1.00	3.00	101.0	0.20	0.012
6	J3	J4	328.51	328.50	Box 2	1.00	3.00	102.0	0.01	0.012
7	J4	J5	328.50	328.34	Box 2	1.00	3.00	98.0	0.17	0.012
8	J5	J6	328.34	328.19	Box 2	1.00	3.00	98.61	0.61	0.012
9	J6	J7	328.19	328.04	Box 2	1.00	3.00	97.97	0.61	0.012
10	J7	J8	328.04	327.89	Box 2	1.00	3.00	97.97	0.61	0.012
11	J8	J10	326.83	326.64	Box 2	1.00	3.00	31.00	0.61	0.012
12	J10	J11	326.64	326.16	Box 2	1.00	3.00	98.00	0.49	0.013
13	J11	J12	326.16	326.04	Box 2	1.00	3.00	98.00	0.12	0.013
14	J12	J0	326.04	325.94	Box 2	3.00	4.00	34.00	0.29	0.013
15	J0	J1	325.94	325.24	Box 2	3.00	4.00	34.00	2.06	0.10
16	J1	J2	325.24	325.04	Box 2	3.00	4.00	34.00	0.59	0.013
17	J2	J3	325.04	324.84	Box 2	3.00	4.00	34.00	0.59	0.013

Cumulative Hydraulic Computations, Tailwater = 0.000 (ft)

Run#	Node ID	Invert Elev (ft)	Depth (ft)	Velocity (fps)	Q (cfs)	Capacity (cfs)	Time (min)
1	J0	329.24	0.320	1.20	252.00	629.42	0.000
2	V1	329.14	0.320	1.12	211.60	560.25	0.000
3	J	329.00	0.295	1.06	29.80	244.64	0.000
4	J1	328.75	0.295	1.06	104.00	244.64	0.000
5	J2	328.63	0.300	1.06	98.00	247.68	0.000
6	J3	328.51	0.300	1.06	102.00	247.68	0.000
7	J4	328.50	0.300	1.12	103.00	247.68	0.000
8	J5	328.34	0.300	1.12	347.00	247.68	0.000
9	J6	328.19	0.300	1.12	347.00	247.68	0.000
10	J7	328.04	0.300	1.12	347.00	247.68	0.000
11	J8	327.89	0.300	1.12	194.24	247.68	0.000
12	J10	326.83	0.300	1.12	364.84	247.68	0.000
13	J11	326.64	0.300	1.12	417.92	247.68	0.000
14	J12	326.16	0.300	1.12	425.536	247.68	0.000
15	J0	325.94	0.320	1.20	252.00	629.42	0.000
16	J1	325.24	0.320	1.12	211.60	560.25	0.000
17	J2	325.04	0.320	1.12	29.80	560.25	0.000
18	J3	324.84	0.320	1.12	104.00	560.25	0.000
19	J4	324.24	0.320	1.12	98.00	560.25	0.000
20	J5	324.04	0.320	1.12	102.00	560.25	0.000
21	J6	323.84	0.320	1.12	103.00	560.25	0.000
22	J7	323.24	0.320	1.12	347.00	560.25	0.000
23	J8	323.04	0.320	1.12	347.00	560.25	0.000
24	J10	322.84	0.320	1.12	347.00	560.25	0.000
25	J11	322.24	0.320	1.12	194.24	560.25	0.000
26	J12	322.04	0.320	1.12	364.84	560.25	0.000
27	J0	321.84	0.320	1.12	417.92	560.25	0.000
28	J1	321.24	0.320	1.12	425.536	560.25	0.000
29	J2	321.04	0.320	1.12	425.536	560.25	0.000

OUTPUT FOR ANALYSIS FREQUENCY of: 100 Years

Runoff Computation for Analysis Frequency

ID	C Value (Paved)	Area (Paved)	Tc (Paved)	Tc Used (min)	Intensity (in/hr)	Supply Q (cfs)	Total Q (cfs)
J0	0.35	0.00	10.00	10.00	0.00	252.00	252.00
V1	0.35	0.00	10.00	10.00	0.00	0.00	0.00
J	0.35	0.00	10.00	10.00	0.00	25.500	25.500
J1	0.96	0.00	7.50	10.00	0.00	14.200	14.200
J2	0.35	0.00	2.50	10.00	0.00	12.500	12.500
J3	0.35	0.00	10.00	10.00	0.00	13.900	13.900
J4	0.96	0.00	10.00	10.00	0.00	0.00	0.00
J5	0.96	0.00	10.00	10.00	0.00	3.200	3.200
J6	0.96	0.00	10.00	10.00	0.00	24.600	24.600
J7	0.96	0.00	10.00	10.00	0.00	0.00	0.00
J8	0.96	0.00	10.00	10.00	0.00	11.430	11.430
J10	0.96	0.00	10.00	10.00	0.00	1.628	1.628
J11	0.96	0.00	10.00	10.00	0.00	50.863	50.863
J12	0.96	0.00	10.00	10.00	0.00	1.584	1.584
DA1	0.96	3.02	10.00	10.00	10.41	0.000	11.438
	0.95	2.70	Pavement				
	0.35	1.41	Undeveloped				
DA-2	0.644	1.08	10.00	10.00	10.41	0.000	7.628
	0.96	0.52	Pavement				
	0.35	0.56	Undeveloped				
DA-3	0.554	8.31	10.00	10.00	10.41	0.000	50.863
	0.96	2.80	Pavement				
	0.35	5.51	Undeveloped				
DA-4	0.96	0.72	10.00	10.00	10.41	0.000	1.584
	0.96	0.72	Pavement				

Cumulative Junction Discharge Computations

Node ID	Type	C-Value	Dr Area (Paved)	Tc (Paved)	Intensity (in/hr)	Supply Q (cfs)	Additional Q (cfs)	Total Q (cfs)
J0	Inlet	0.000	0.00	0.00	0.00	252.00	0.00	252.00
V1	Inlet	0.000	0.00	0.00	0.41	211.60	0.00	211.60
J	Inlet	0.000	0.00	0.00	0.41	29.80	0.00	29.80
J1	Inlet	0.000	0.00	0.00	0.41	104.00	0.00	104.00
J2	Inlet	0.000	0.00	0.00	0.41	98.00	0.00	98.00
J3	Inlet	0.000	0.00	0.00	0.41	102.00	0.00	102.00
J4	Inlet	0.000	0.00	0.00	0.41	103.00	0.00	103.00
J5	Inlet	0.000	0.00	0.00	0.41	347.00	0.00	347.00
J6	Inlet	0.000	0.00	0.00	0.41	347.00	0.00	347.00
J7	Inlet	0.000	0.00	0.00	0.41	347.00	0.00	347.00
J8	Inlet	0.000	0.00	0.00	0.41	194.24	0.00	194.24
J10	Inlet	0.000	0.00	0.00	0.41	364.84	0.00	364.84
J11	Inlet	0.000	0.00	0.00	0.41	417.92	0.00	417.92
J12	Inlet	0.000	0.00	0.00	0.41	425.536	0.00	425.536
DA1	Desc	0.000	0.00	0.00	0.41	425.536	0.00	425.536

Conveyance Configuration Data

Run#	Node ID (S)	Node ID (D)	Invert Elev (S) (ft)	Invert Elev (D) (ft)	Shape *	Span (ft)	Rise (ft)	Length (ft)	Slope (%)	n_value
1	J0	V1	329.24	329.14	Box 2	1.00	3.00	104.00	.125	0.012
2	V1	J	329.14	329.00	Box 2	1.00	3.00	56.85	0.42	0.012
3	J	J1	329.00	328.75	Box 2	1.00	3.00	104.0	0.43	0.012
4	J1	J2	328.75	328.63	Box 2	1.00	3.00	100.9	0.42	0.012
5	J2	J3	328.63	328.51	Box 2	1.00	3.00	101.0	0.20	0.012
6	J3	J4	328.51	328.50	Box 2	1.00	3.00	102.0	0.01	0.012
7	J4	J5	328.50	328.34	Box 2	1.00	3.00	98.0	0.17	0.012
8	J5	J6	328.34	328.19	Box 2	1.00	3.00	98.61	0.61	0.012
9	J6	J7	328.19	328.04	Box 2	1.00	3.00	97.97	0.61	0.012
10	J7	J8	328.04	327.89	Box 2	1.00	3.00	97.97	0.61	0.012
11	J8	J10	326.83	326.64	Box 2	1.00	3.00	31.00	0.61	0.012
12	J10	J11	326.64	326.16	Box 2	1.00	3.00	98.00	0.49	0.013
13	J11	J12	326.16	326.04	Box 2	1.00	3.00	98.00	0.12	0.013
14	J12	J0	326.04	325.94	Box 2	3.00	4.00	34.00	0.29	0.013
15	J0	J1	325.94	325.24	Box 2	3.00	4.00	34.00	2.06	0.10
16	J1	J2	325.24	325.04	Box 2	3.00	4.00	34.00	0.59	0.013
17	J2	J3	325.04	324.84	Box 2	3.00	4.00	34.00	0.59	0.013

Cumulative Hydraulic Computations, Tailwater = 0.000 (ft)

Run#	Node ID	Invert Elev (ft)	Depth (ft)	Velocity (fps)	Q (cfs)	Capacity (cfs)	Time (min)
1	J0	329.24	0.320	1.20	252.00	629.42	0.000
2	V1	329.14	0.320	1.12	211.60	560.25	0.000
3	J	329.00	0.295	1.06	29.80	244.64	0.000
4	J1	328.75	0.295	1.06	104.00	244.64	0.000
5	J2	328.63	0.300	1.06	98.00	247.68	0.000
6	J3	328.51	0.300	1.06	102.00	247.68	0.000
7	J4	328.50	0.300	1.12	103.00	247.68	0.000
8	J5	328.34	0.300	1.12	347.00	247.68	0.000
9	J6	328.19	0.300	1.12	347.00	247.68	0.000
10	J7	328.04	0.300	1.12	347.00	247.68	0.000
11	J8	327.89	0.300	1.12	194.24	247.68	0.000
12	J10	326.83	0.300	1.12	364.84	247.68	0.000
13	J11	326.64	0.300	1.12	417.92	247.68	0.000
14	J12	326.16	0.300	1.12	425.536	247.68	0.000
15	J0	325.94	0.320	1.20	252.00	629.42	0.000
16	J1	325.24	0.320	1.12	211.60	560.25	0.000
17	J2	325.04	0.320	1.12	29.80	560.25	0.000
18	J3	324.84	0.320	1.12	104.00	560.25	0.000
19	J4	324.24	0.320	1.12	98.00	560.25	0.000
20	J5	324.04	0.320	1.12	102.00	560.25	0.000
21	J6	323.84	0.320	1.12	103.00	560.25	0.000
22	J7	323.24	0.320	1.12	347.00	560.25	0.000
23	J8	323.04	0.320	1.12	347.00	560.25	0.000
24	J10	322.84	0.320	1.12	347.00	560.25	0.000
25	J11	322.24	0.320	1.12	194.24	560.25	0.000
26	J12	322.04	0.320	1.12	364.84	560.25	0.000
27	J0	321.84	0.320	1.12	417.92	560.25	0.000
28	J1	321.24	0.320	1.12	425.536	560.25	0.000
29	J2	321.04	0.320	1.12	425.536	560.25	0.000

* Upper critical flow

WARNING, TAILWATER DEPTH WAS LOW!

Running Messages for current project:

Runoff Frequency of: 25 Years
Tailwater set to uniform depth & elevation = 313.347(L)
Run# 5 insufficient capacity

Runoff Frequency of: 100 Years
Tailwater set to uniform depth & elevation = 313.347(L)
Run# 5 insufficient capacity

Greg ORR Auto Drainage Analysis - Additional Runoff

Drainage Area ID	Description	Composite C Value (existing)	Area (acres)	Q_{10} (cfs)	Q_{25} (cfs)	Q_{100} (cfs)
D.A. 1	Area in south end of Interstate Frontage road, Location B	0.50	2.02	9.23	10.19	11.44
D.A. 2	Area that leaves the intersection of I-20 & Walton Dr, Location C	0.44	1.08	5.17	6.16	7.63
D.A. 3	Area leading to existing 2-1'x4' between Walton Dr, Location D	0.55	8.37	41.06	46.48	50.84
D.A. 4	Area leading to existing 2-1'x4' on outlet of Walton Dr, Location D	0.96	0.72	6.34	6.72	7.58

Greg ORR Auto Drainage Analysis - Comparison Locations

Location ID	Description	Supplied TxDOT Flow (cfs)	Calculated Additional Flow (cfs)	Slope (%)	Total Flow* (cfs)	Culvert Capacity (cfs)	2006 TxDOT Headwater Elevation	Proposed Headwater Elevation with Improvements
A	Entrance of existing 2-1'x3' reinforced box culvert at W. Michael Dr	212.00	0	0.00%	212.00	349.12	324.98	324.98
B	End of existing 2-1'x3' reinforced box culvert at Mall Dr	347.80	11.44	0.10%	359.24	377.98	325.85	325.85
C	Junction of proposed 2-1'x3' reinforced box culvert	347.80	7.63	0.17%	366.71	490.84	N/A	330.94
D	End of proposed 2-5'x4' reinforced box culvert at Walton Dr	347.80	58.86	0.17%	473.23	490.84	N/A	311.71

* Flows assumed to be equal, TxDOT data from year of 2006, Jan. 25, 2002

** Flows assumed to be equal for modeling purposes

BLEDSOE ARCHITECTS
735 ROBINHOOD STREET
SHREVEPORT, LA 71106
PHONE: (318) 219-2295
FAX: (318) 219-2296

GRAPHIC SCALE 1"=50'
0 50

LEGEND

- PROPERTY LINE
- CURB AND GUTTER
- EDGE OF PAVEMENT
- OVERHEAD POWER LINE
- WATER MAIN
- SANITARY SEWER MAIN
- EXISTING CONTOUR
- POWER POLE
- WATER VALVE
- CLEAN OUT
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- FIRE HYDRANT
- LIGHT POLE
- TELEPHONE JUNCTION BOX
- ELECTRIC JUNCTION BOX
- GUY WIRE
- SIGN
- TREE
- A COMPARISON LOCATION

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DRAINAGE AREA MAP

JOB NO. XXXXX

REVISIONS:

22 FEB 2016

SHEET

6.1.d

Attachment: 2016-048 ATTH 4 TIRZ Agenda packet (1468 : 2016-048 RES amending the Approved Project List for TIRZ#1 and authorizing

WinStorm (STORM DRAIN DESIGN)

Version 3.05, Jan. 25, 2002
Run @ 5/10/2006 7:59:06 PM

PROJECT NAME : IH30
JOB NUMBER : 022652
PROJECT DESCRIPTION : CL 2277+48

OUTPUT FOR DESIGN FREQUENCY of: 100 Years

Cumulative Junction Discharge Computations

Node I.D.	Node Type	Weighted C-Value	Cumulat. Dr.Area (acres)	Cumulat. Tc (min)	Intens. (in/hr)	User Supply Q cfs)	Additional Q in Node (cfs)	Total Disch. (cfs)
2	JnctBx	0.000	0.00	0.00	0.00	0.000	64.90	64.900
J1	JnctBx	0.000	0.00	10.00	0.00	0.000	71.70	71.700
J2	JnctBx	0.000	0.00	10.00	0.00	0.000	71.70	71.700
J3	JnctBx	0.000	0.00	10.00	0.00	0.000	105.40	105.400
1	JnctBx	0.000	0.00	0.00	0.00	0.000	6.80	6.800
3A	JnctBx	0.000	0.00	0.00	0.00	0.000	13.80	13.800
3B	JnctBx	0.000	0.00	10.00	0.00	0.000	27.60	27.600
J5	JnctBx	0.000	0.00	10.00	0.00	0.000	33.70	33.700
J4	JnctBx	0.000	0.00	10.00	0.00	0.000	33.70	33.700
4	JnctBx	0.000	0.00	0.00	0.00	0.000	3.10	3.100
3	JnctBx	0.000	0.00	10.00	0.00	0.000	6.10	6.100
OUT	OutIt	0.000	0.00	10.00	0.00	0.000	105.40	105.400

Conveyance Configuration Data

Run#	Node I.D. US	Node I.D. DS	Flowline Elev. US (ft)	Flowline Elev. DS (ft)	Shape #	Span (ft)	Rise (ft)	Length (ft)	Slope (%)	n value
1	2	J1	306.60	303.96	Box 1	4.00	2.00	260.53	1.01	0.012
2	J1	J2	303.96	303.89	Box 1	4.00	2.00	9.06	0.77	0.012
3	J2	J3	303.89	302.23	Box 1	4.00	2.00	207.74	0.80	0.012
4	J3	OUT	302.23	301.96	Box 1	4.00	2.00	32.98	0.82	0.012
5	3A	3B	305.64	303.66	Circ 1	0.00	2.00	250.91	0.79	0.012
6	3B	J5	303.66	303.31	Circ 1	0.00	2.00	30.81	1.14	0.012
7	J5	J4	303.56	302.89	Circ 1	0.00	2.25	216.56	0.31	0.012
8	J4	J3	302.89	302.23	Circ 1	0.00	2.25	214.00	0.31	0.012
9	4	3	327.75	327.70	Circ 1	0.00	1.50	72.00	0.07	0.012
10	3	J5	327.70	303.56	Circ 1	0.00	1.50	160.93	15.17	0.012
11	1	J1	305.24	303.96	Circ 1	0.00	2.00	12.00	10.73	0.012

Conveyance Hydraulic Computations. Tailwater = 0.000 (ft)

Run#	Hydraulic Gradeline US Elev (ft)	Hydraulic Gradeline DS Elev (ft)	Fr. Slope (%)	Depth Unif. (ft)	Depth Actual (ft)	Velocity Unif. (f/s)	Velocity Actual (f/s)	Q (cfs)	Cap (cfs)	Junc Loss (ft)
1*	309.26	307.34	0.737	1.45	2.00	11.17	8.11	64.90	76.11	0.000
2	307.34	307.25	0.899	1.73	2.00	10.34	8.96	71.70	66.45	0.000
3	307.25	305.39	0.899	1.70	2.00	10.52	8.96	71.70	67.58	0.000
4	305.39	304.74	1.944	2.00	2.00	13.18	13.18	105.40	68.41	0.000
5*	310.91	310.12	0.317	1.16	2.00	7.33	4.39	13.80	21.77	0.000
6*	310.12	309.73	1.268	1.78	2.00	9.34	8.79	27.60	26.13	0.000
7	309.73	307.54	1.009	2.25	2.25	8.48	8.48	33.70	18.66	0.000
8	307.54	305.39	1.009	2.25	2.25	8.48	8.48	33.70	18.64	0.000
9	329.06	328.65	0.074	1.31	1.31	1.89	1.89	3.10	3.00	0.000
10*	328.65	309.73	0.287	0.38	1.50	17.61	3.45	6.10	44.33	0.000
11*	307.34	307.34	0.077	0.39	2.00	15.56	2.16	6.80	80.28	0.000

END

* Super critical flow.

Tailwater set to uniform depth elevation = 303.96(ft)

WinStorm (STORM DRAIN DESIGN)

Version 3.05, Jan. 25, 2002
Run @ 4/21/2006 10:16:27 AM

PROJECT NAME : IH 30
JOB NUMBER : 022652
PROJECT DESCRIPTION : 2302+00

OUTPUT FOR DESIGN FREQUENCY of: 10 Years

Cumulative Junction Discharge Computations

Node I.D.	Node Type	Weighted C-Value	Cumulat. Dr.Area (acres)	Cumulat. Tc (min)	Intens. (in/hr)	User Supply Q cfs)	Additional Q in Node (cfs)	Total Disch. (cfs)
J0	JnctBx	0.000	0.00	0.00	0.00	0.000	141.40	141.400
V1	JnctBx	0.000	0.00	10.00	0.00	0.000	141.40	141.400
J1	JnctBx	0.000	0.00	10.00	0.00	0.000	155.60	155.600
J2	JnctBx	0.000	0.00	10.00	0.00	0.000	163.60	163.600
J3	JnctBx	0.000	0.00	10.00	0.00	0.000	170.70	170.700
J4	JnctBx	0.000	0.00	10.00	0.00	0.000	178.50	178.500
J5	JnctBx	0.000	0.00	10.00	0.00	0.000	178.50	178.500
J6	JnctBx	0.000	0.00	10.00	0.00	0.000	181.40	181.400
J7	JnctBx	0.000	0.00	10.00	0.00	0.000	195.20	195.200
J8	JnctBx	0.000	0.00	10.00	0.00	0.000	195.20	195.200
1	JnctBx	0.000	0.00	0.00	0.00	0.000	14.20	14.200
2	JnctBx	0.000	0.00	0.00	0.00	0.000	8.00	8.000
3	JnctBx	0.000	0.00	0.00	0.00	0.000	7.10	7.100
4	JnctBx	0.000	0.00	0.00	0.00	0.000	7.80	7.800
5	JnctBx	0.000	0.00	0.00	0.00	0.000	4.80	4.800
6	JnctBx	0.000	0.00	0.00	0.00	0.000	9.00	9.000
OUT	OutIt	0.000	0.00	10.00	0.00	0.000	195.20	195.200

Conveyance Configuration Data

Run#	Node I.D. US	Node I.D. DS	Flowline Elev. US (ft)	Flowline Elev. DS (ft)	Shape #	Span (ft)	Rise (ft)	Length (ft)	Slope (%)	n value
16	J0	V1	323.14	321.74	Box 2	7.00	3.00	104.00	1.35	0.012
17	V1	J1	321.74	321.50	Box 2	7.00	3.00	56.83	0.42	0.012
18	J1	J2	321.50	321.05	Box 2	7.00	3.00	104.12	0.43	0.012
19	J2	J3	321.05	320.63	Box 2	7.00	3.00	100.91	0.42	0.012
20	J3	J4	320.63	320.57	Box 2	7.00	3.00	30.57	0.20	0.012
21	J4	J5	320.57	320.50	Box 2	7.00	3.00	18.82	0.37	0.012
22	J5	J6	320.50	320.05	Box 2	7.00	3.00	66.67	0.67	0.012
23	J6	J7	320.05	319.25	Box 2	7.00	3.00	119.00	0.67	0.012
24	J7	J8	319.25	318.83	Box 2	7.00	3.00	62.68	0.67	0.012
25	J8	OUT	318.83	318.69	Box 2	7.00	3.00	29.20	0.48	0.012
26	1	J1	322.78	321.50	Circ 1	0.00	2.00	274.74	0.47	0.012
27	2	J2	321.81	321.05	Circ 1	0.00	2.00	342.78	0.22	0.012
28	3	J3	320.75	320.63	Circ 1	0.00	2.00	20.00	0.60	0.012
29	4	J4	322.45	320.57	Circ 1	0.00	2.00	40.43	4.66	0.012
30	5	J7	319.57	319.25	Circ 1	0.00	2.00	20.43	1.57	0.012
31	6	J7	319.57	319.25	Circ 1	0.00	2.00	20.00	1.60	0.012

Conveyance Hydraulic Computations. Tailwater = 0.000 (ft)

Run#	Hydraulic Gradeline US Elev (ft)	Hydraulic Gradeline DS Elev (ft)	Fr. Slope (%)	Depth Unif. (ft)	Depth Actual (ft)	Velocity Unif. (f/s)	Velocity Actual (f/s)	Q (cfs)	Cap (cfs)	Junc Loss (ft)
16*	324.08	323.06	0.069	0.88	1.32	11.42	7.67	141.40	623.42	0.000
17*	323.06	322.89	0.069	1.30	1.39	7.76	7.29	141.40	349.17	0.000
18*	322.89	322.65	0.084	1.38	1.60	8.04	6.97	155.60	353.23	0.000
19*	322.65	322.55	0.093	1.45	1.92	8.04	6.08	163.60	346.64	0.000
20	322.55	322.24	0.101	1.92	1.92	6.34	6.34	170.70	238.04	0.000
21*	322.16	322.09	0.110	1.59	1.59	8.00	8.00	178.50	327.68	0.000
22*	321.82	321.39	0.110	1.30	1.34	9.80	9.52	178.50	441.43	0.000
23*	321.39	320.70	0.114	1.31	1.45	9.87	8.96	181.40	440.54	0.000
24*	320.70	320.38	0.132	1.38	1.55	10.08	9.01	195.20	439.82	0.000
25*	320.38	320.24	0.132	1.55	1.55	9.01	9.01	195.20	372.04	0.000
26	324.19	322.89	0.336	1.41	1.41	6.02	6.02	14.20	16.73	0.000
27	323.09	322.65	0.107	1.22	1.60	3.99	2.98	8.00	11.54	0.000
28*	322.56	322.55	0.084	0.84	1.92	5.64	2.29	7.10	18.99	0.000
29*	323.03	322.16	0.101	0.52	1.59	12.06	2.91	7.80	52.88	0.000
30*	320.70	320.70	0.038	0.54	1.45	7.10	1.97	4.80	30.68	0.000
31*	320.72	320.70	0.135	0.74	1.45	8.54	3.70	9.00	31.01	0.000

END

* Super critical flow.

Tailwater set to uniform depth elevation = 320.24(ft)

STATE OF TEXAS
RYAN TRAVIS MILAKOVICH
92828
LICENSED
PROFESSIONAL ENGINEER

5-11-06

Carter=Burgess

Texas Department of Transportation
© 2006

HYDRAULIC CALCULATIONS

WINSTORM

SHEET 11 OF 27

DESIGN RTM	STA.	FEDERAL AID PROJECT NO.		HIGHWAY NO.
CHECK RTM	6			IH30, etc
GRAPHICS MEM	STATE	DISTRICT	COUNTY	SHEET NO.
	TEXAS	ATLANTA	BOWIE	879
CHECK DFN	CONTROL	SECTION	JOB	
	0610, etc	07, etc	085, etc	

Packet Pg. 33

6.1.d

WinStorm (STORM DRAIN DESIGN)

Version 3.05, Jan. 25, 2002
Run @ 4/21/2006 10:17:58 AM

PROJECT NAME : IH 30
JOB NUMBER : 022652
PROJECT DESCRIPTION : 2302+00

OUTPUT FOR DESIGN FREQUENCY of: 50 Years

Cumulative Junction Discharge Computations

Node I.D.	Node Type	Weighted C-Value	Cumulat. Dr.Area (acres)	Cumulat. Tc (min)	Intens. (in/hr)	User Supply Q cfs)	Additional Q in Node (cfs)	Total Disch. (cfs)
J0	JnctBx	0.000	0.00	0.00	0.00	0.000	215.50	215.500
V1	JnctBx	0.000	0.00	10.00	0.00	0.000	215.50	215.500
J1	JnctBx	0.000	0.00	10.00	0.00	0.000	237.00	237.000
J2	JnctBx	0.000	0.00	10.00	0.00	0.000	249.10	249.100
J3	JnctBx	0.000	0.00	10.00	0.00	0.000	259.80	259.800
J4	JnctBx	0.000	0.00	10.00	0.00	0.000	271.60	271.600
J5	JnctBx	0.000	0.00	10.00	0.00	0.000	271.60	271.600
J6	JnctBx	0.000	0.00	10.00	0.00	0.000	276.00	276.000
J7	JnctBx	0.000	0.00	10.00	0.00	0.000	296.90	296.900
J8	JnctBx	0.000	0.00	10.00	0.00	0.000	296.90	296.900
1	JnctBx	0.000	0.00	0.00	0.00	0.000	21.50	21.500
2	JnctBx	0.000	0.00	0.00	0.00	0.000	12.10	12.100
3	JnctBx	0.000	0.00	0.00	0.00	0.000	10.70	10.700
4	JnctBx	0.000	0.00	0.00	0.00	0.000	11.80	11.800
5	JnctBx	0.000	0.00	0.00	0.00	0.000	7.30	7.300
6	JnctBx	0.000	0.00	0.00	0.00	0.000	13.60	13.600
OUT	Outlt	0.000	0.00	10.00	0.00	0.000	296.90	296.900

Conveyance Configuration Data

Run#	Node I.D. US	Node I.D. DS	Flowline Elev. US (ft)	Flowline Elev. DS (ft)	Shape #	Span (ft)	Rise (ft)	Length (ft)	Slope (%)	n value
16	J0	V1	323.14	321.74	Box 2	7.00	3.00	104.00	1.35	0.012
17	V1	J1	321.74	321.50	Box 2	7.00	3.00	56.83	0.42	0.012
18	J1	J2	321.50	321.05	Box 2	7.00	3.00	104.12	0.43	0.012
19	J2	J3	321.05	320.63	Box 2	7.00	3.00	100.91	0.42	0.012
20	J3	J4	320.63	320.57	Box 2	7.00	3.00	30.57	0.20	0.012
21	J4	J5	320.57	320.50	Box 2	7.00	3.00	18.82	0.37	0.012
22	J5	J6	320.50	320.05	Box 2	7.00	3.00	66.67	0.67	0.012
23	J6	J7	320.05	319.25	Box 2	7.00	3.00	119.00	0.67	0.012
24	J7	J8	319.25	318.83	Box 2	7.00	3.00	62.68	0.67	0.012
25	J8	OUT	318.83	318.69	Box 2	7.00	3.00	29.20	0.48	0.012
26	1	J1	322.78	321.50	Circ 1	0.00	2.00	274.74	0.47	0.012
27	2	J2	321.81	321.05	Circ 1	0.00	2.00	342.78	0.22	0.012
28	3	J3	320.75	320.63	Circ 1	0.00	2.00	20.00	0.60	0.012
29	4	J4	322.45	320.57	Circ 1	0.00	2.00	40.43	4.66	0.012
30	5	J7	319.57	319.25	Circ 1	0.00	2.00	20.43	1.57	0.012
31	6	J7	319.57	319.25	Circ 1	0.00	2.00	20.00	1.60	0.012

Conveyance Hydraulic Computations. Tailwater = 0.000 (ft)

Run#	Hydraulic Gradeline US Elev (ft)	Hydraulic Gradeline DS Elev (ft)	Fr.Slope (%)	Depth Unif. (ft)	Depth Actual (ft)	Velocity Unif. (f/s)	Velocity Actual (f/s)	Q (cfs)	Cap (cfs)	Junc Loss (ft)
16*	324.42	323.77	0.161	1.17	2.03	13.14	7.60	215.50	623.42	0.000
17*	323.77	323.67	0.161	1.73	2.17	8.88	7.08	215.50	349.17	0.000
18*	323.67	323.47	0.195	1.83	2.42	9.26	6.99	237.00	353.23	0.000
19*	323.47	323.26	0.215	1.92	2.63	9.26	6.78	249.10	346.64	0.000
20	323.26	322.77	0.234	2.63	2.63	7.07	7.07	259.80	238.04	0.000
21*	322.70	322.63	0.256	2.13	2.13	9.10	9.10	271.60	327.68	0.000
22*	322.27	321.85	0.256	1.73	1.80	11.19	10.76	271.60	441.43	0.000
23*	321.85	321.20	0.264	1.76	1.95	11.22	10.12	276.00	440.54	0.000
24*	321.20	320.89	0.305	1.85	2.06	11.45	10.28	296.90	439.82	0.000
25*	320.89	320.75	0.305	2.06	2.06	10.28	10.28	296.90	372.04	0.000
26	325.79	323.67	0.769	2.00	2.00	6.84	6.84	21.50	16.73	0.000
27	324.31	323.47	0.244	1.75	2.00	4.15	3.85	12.10	11.54	0.000
28*	323.29	323.26	0.191	1.08	2.00	6.20	3.41	10.70	18.99	0.000
29*	323.68	322.70	0.232	0.64	2.00	13.57	3.76	11.80	52.88	0.000
30*	321.22	321.20	0.089	0.66	1.95	8.01	2.34	7.30	30.68	0.000
31*	321.26	321.20	0.308	0.93	1.95	9.56	4.36	13.60	31.01	0.000

=END=

* Super critical flow.

Tailwater set to uniform depth elevation = 320.75(ft)

WinStorm (STORM DRAIN DESIGN)

Version 3.05, Jan. 25, 2002
Run @ 4/21/2006 10:19:14 AM

PROJECT NAME : IH 30
JOB NUMBER : 022652
PROJECT DESCRIPTION : 2302+00

OUTPUT FOR DESIGN FREQUENCY of: 100 Years

Cumulative Junction Discharge Computations

Node I.D.	Node Type	Weighted C-Value	Cumulat. Dr.Area (acres)	Cumulat. Tc (min)	Intens. (in/hr)	User Supply Q cfs)	Additional Q in Node (cfs)	Total Disch. (cfs)
J0	JnctBx	0.000	0.00	0.00	0.00	0.000	252.10	252.100
V1	JnctBx	0.000	0.00	10.00	0.00	0.000	252.10	252.100
J1	JnctBx	0.000	0.00	10.00	0.00	0.000	277.40	277.400
J2	JnctBx	0.000	0.00	10.00	0.00	0.000	291.60	291.600
J3	JnctBx	0.000	0.00	10.00	0.00	0.000	304.10	304.100
J4	JnctBx	0.000	0.00	10.00	0.00	0.000	318.00	318.000
J5	JnctBx	0.000	0.00	10.00	0.00	0.000	318.00	318.000
J6	JnctBx	0.000	0.00	10.00	0.00	0.000	323.20	323.200
J7	JnctBx	0.000	0.00	10.00	0.00	0.000	347.80	347.800
J8	JnctBx	0.000	0.00	10.00	0.00	0.000	347.80	347.800
1	JnctBx	0.000	0.00	0.00	0.00	0.000	25.30	25.300
2	JnctBx	0.000	0.00	0.00	0.00	0.000	14.20	14.200
3	JnctBx	0.000	0.00	0.00	0.00	0.000	12.50	12.500
4	JnctBx	0.000	0.00	0.00	0.00	0.000	13.90	13.900
5	JnctBx	0.000	0.00	0.00	0.00	0.000	8.60	8.600
6	JnctBx	0.000	0.00	0.00	0.00	0.000	16.00	16.000
OUT	Outlt	0.000	0.00	10.00	0.00	0.000	347.80	347.800

Conveyance Configuration Data

Run#	Node I.D. US	Node I.D. DS	Flowline Elev. US (ft)	Flowline Elev. DS (ft)	Shape #	Span (ft)	Rise (ft)	Length (ft)	Slope (%)	n value
16	J0	V1	323.14	321.74	Box 2	7.00	3.00	104.00	1.35	0.012
17	V1	J1	321.74	321.50	Box 2	7.00	3.00	56.83	0.42	0.012
18	J1	J2	321.50	321.05	Box 2	7.00	3.00	104.12	0.43	0.012
19	J2	J3	321.05	320.63	Box 2	7.00	3.00	100.91	0.42	0.012
20	J3	J4	320.63	320.57	Box 2	7.00	3.00	30.57	0.20	0.012
21	J4	J5	320.57	320.50	Box 2	7.00	3.00	18.82	0.37	0.012
22	J5	J6	320.50	320.05	Box 2	7.00	3.00	66.67	0.67	0.012
23	J6	J7	320.05	319.25	Box 2	7.00	3.00	119.00	0.67	0.012
24	J7	J8	319.25	318.83	Box 2	7.00	3.00	62.68	0.67	0.012
25	J8	OUT	318.83	318.69	Box 2	7.00	3.00	29.20	0.48	0.012
26	1	J1	322.78	321.50	Circ 1	0.00	2.00	274.74	0.47	0.012
27	2	J2	321.81	321.05	Circ 1	0.00	2.00	342.78	0.22	0.012
28	3	J3	320.75	320.63	Circ 1	0.00	2.00	20.00	0.60	0.012
29	4	J4	322.45	320.57	Circ 1	0.00	2.00	40.43	4.66	0.012
30	5	J7	319.57	319.25	Circ 1	0.00	2.00	20.43	1.57	0.012
31	6	J7	319.57	319.25	Circ 1	0.00	2.00	20.00	1.60	0.012

Conveyance Hydraulic Computations. Tailwater = 0.000 (ft)

Run#	Hydraulic Gradeline US Elev (ft)	Hydraulic Gradeline DS Elev (ft)	Fr.Slope (%)	Depth Unif. (ft)	Depth Actual (ft)	Velocity Unif. (f/s)	Velocity Actual (f/s)	Q (cfs)	Cap (cfs)	Junc Loss (ft)
16*	324.59	324.24	0.220	1.30	2.50	13.84	7.21	252.10	623.42	0.000
17*	324.24	324.11	0.220	1.92	2.61	9.37	6.90	252.10	349.17	0.000
18*	324.11	323.83	0.267	2.06	2.78	9.61	7.12	277.40	353.23	0.000
19*	323.83	323.54	0.295	2.16	2.91	9.66	7.17	291.60	346.64	0.000
20	323.54	323.02	0.320	2.91	2.91	7.47	7.47	304.10	238.04	0.000
21*	322.96	322.89	0.350	2.39	2.39	9.50	9.50	318.00	327.68	0.000
22*	322.48	322.07	0.350	1.92	2.02	11.82	11.24	318.00	441.43	0.000
23*	322.07	321.44	0.362	1.95	2.19	11.87	10.55	323.20	440.54	0.000
24*	321.44	321.15	0.419	2.06	2.32	12.05	10.70	347.80	439.82	0.000
25*	321.15	321.01	0.419	2.32	2.32	10.71	10.71	347.80	372.04	0.000
26	327.04	324.11	1.065	2.00	2.00	8.05	8.05	25.30	16.73	0.000
27	324.98	323.83	0.336	2.00	2.00	4.52	4.52	14.20	11.54	0.000
28*	323.59	323.54	0.260	1.19	2.00	6.43	3.98	12.50	18.99	0.000
29*	323.79	322.96	0.322	0.70	2.00	14.18	4.42	13.90	52.88	0.000
30*	321.46	321.44	0.123	0.72	2.00	8.37	2.74	8.60	30.68	0.000
31*	321.52	321.44	0.426	1.02	2.00	9.94	5.09	16.00	31.01	0.000

=END=

* Super critical flow.

Tailwater set to uniform depth elevation = 321.01(ft)

STATE OF TEXAS
RYAN TRAVIS MILAKOVICH
92828
LICENSED
PROFESSIONAL ENGINEER
5-11-06

Carter=Burgess

Texas Department of Transportation
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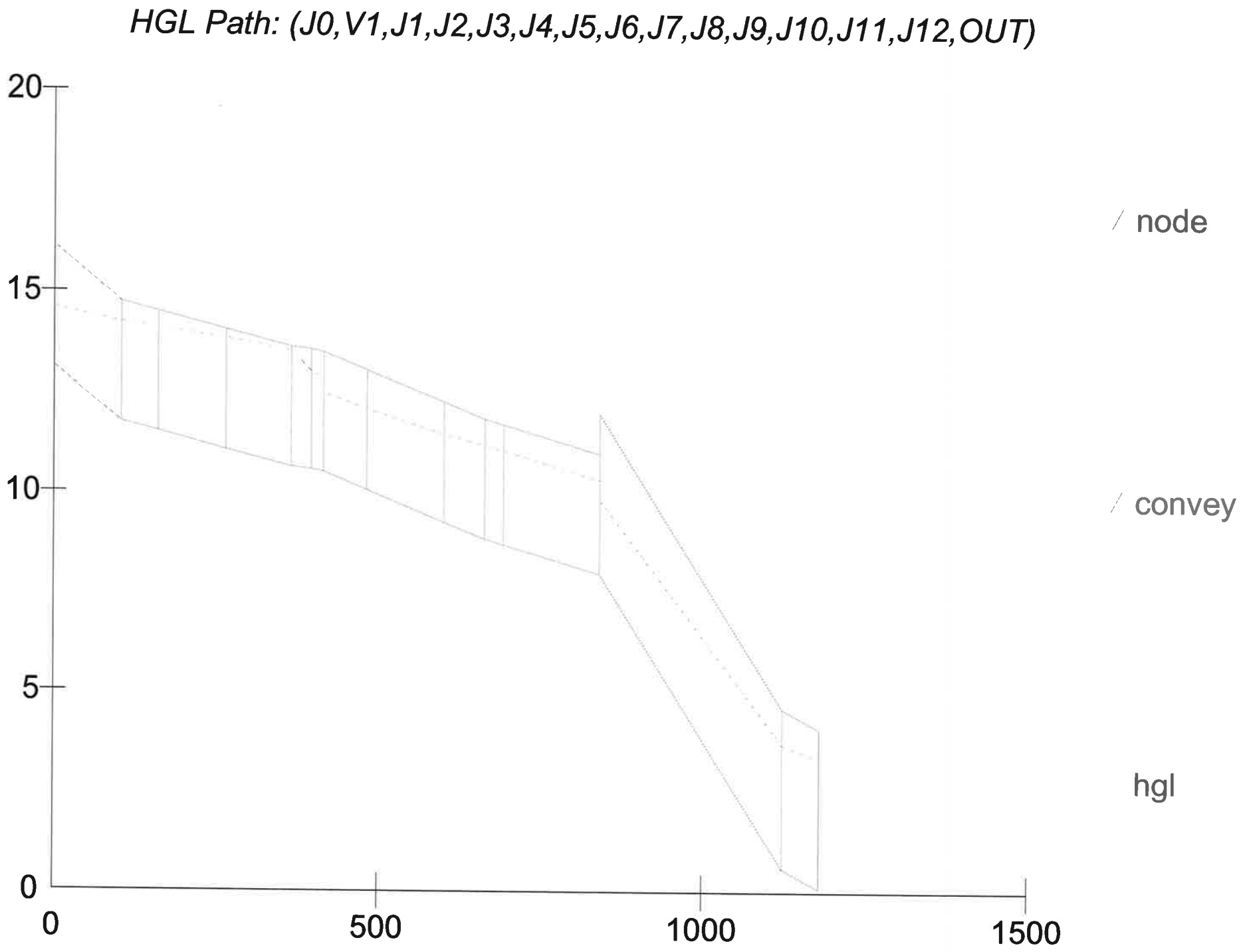
HYDRAULIC CALCULATIONS

WINSTORM

SHEET 12 OF 27

DESIGN RTM	FED. RD. DIV. 6	FEDERAL AID PROJECT NO.		HIGHWAY NO. IH30, etc
CHECK RTM	STATE	DISTRICT	COUNTY	SHEET NO.
GRAPHICS MEM	TEXAS	ATLANTA	BOWIE	880
CHECK DFN	CONTROL 0610, etc	SECTION 07, etc	JOB 085, etc	



Attachment: 2016-048 ATTH 4 TIRZ Agenda packet (1468 : 2016-048 RES amending the Approved Project List for TIRZ#1 and authorizing

Gregg Orr Auto
Chrysler Jeep Dodge

Storm Drain Estimate
3-2-16

ITEM NO.	QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
1	1	LS	Mobilization	$8,100.00	$8,100.00
2	4.3	STA	Right of Way Preparation	$1,600.00	$6,880.00
3	148	LF	Reinforced Box Culvert (7'x3')	$855.00	$126,540.00
4	282.57	LF	Reinforced Box Culvert (2-5'x4')	$660.00	$186,496.20
5	1	EA	Junction Box	$20,000.00	$20,000.00
6	24	LF	18" Stub-outs	$58.00	$1,392.00
7	2	EA	18" Safety End Treatments	$520.00	$1,040.00
8	2	EA	Ty M Inlets	$5,000.00	$10,000.00
9	24	LF	24" Plugged Stub-outs	$70.00	$1,680.00

Subtotal		$362,128.20
Engineering (6%)		$21,727.69
Construction Management (7%)		$25,348.97
Contingency (10%)		$36,212.82
Total		**$445,417.69**

TEC INC.
TATUM EXCAVATING COMPANY
TEXARKANA, TEXAS
www.tatumexcavating.com

Budgetary- **PROPOSAL**

Tatum Excavating Company, Inc.
2416 South Lake Drive
Texarkana, Texas 75501
(903) 792-3971 (P) – (903) 792-4593 (F)

Date: 3/2/2016

MTG Engineers and Surveyors
Attn: Kayla Wood, P.E.
Phone: 903-838-8533
E-Mail: kwood@mtgengineers.com

Job Name: **Orr Chrysler, Jeep Dodge- Drainage Improvements**
Job Location: **Texarkana, TX**

We propose to furnish labor, equipment & material to accomplish the following scope of work:

Item No.	Description	Quantity	Unit	Unit Price	Total
1	MOBILIZATION	1.00	LS	$8,100.00	$8,100.00
2	RIGHT OF WAY PREP	4.30	STA	$1,600.00	$6,880.00
3	RBC 7'X3' (DOUBLE)	148.00	LF	$855.00	$126,540.00
4	RBC 5'X4'(DOUBLE)	283.00	LF	$660.00	$186,780.00
5	JUNCTION BOX	1.00	EA	$22,275.00	$22,275.00
6	18" STUB OUTS	24.00	LF	$58.00	$1,392.00
7	18" SET	4.00	EA	$740.00	$2,960.00
8	24" PLUGGED STUBOUTS	24.00	LF	$70.00	$1,680.00
Grand Total:					**$356,607.00**

Exclusions:

- Undercutting and/or remediation of unsuitable or saturated soil materials below plan subgrade elevations or those specified
- Removal of debris left from demolition contractor
- Fine grading or hand raking of topsoil
- Soil modifications to on-site materials, imported topsoil, Lime, or Cement stabilization
- Relocation, abandonment or removal of existing utilities *(electrical, water lines, sewer lines, etc.)*
- Rim elevation adjustment to existing manholes, water valves, etc.
- Structural excavation or backfill *(grade beams, footings, leave outs, tilt panel walls, retaining walls, stem walls, etc.)*
- Storm water pollution prevention plan *(creation and maintenance)*
- Well or septic tank removal or closure
- Utility disconnects *(water, sewer, gas, electric, etc.)*
- Seeding, sodding, landscaping or slope stabilization
- Repair of finished site grades damaged by others
- Removal of spoils generated by others *(i.e. footing spoils, utility spoils, etc.)*
- Soil Testing

Attachment: 2016-048 ATTH 4 TIRZ Agenda packet (1468 : 2016-048 RES amending the Approved Project List for TIRZ#1 and authorizing

TEC INC.
TATUM EXCAVATING COMPANY
TEXARKANA, TEXAS
www.tatumexcavating.com

Budgetary- **PROPOSAL**

Tatum Excavating Company, Inc.
2416 South Lake Drive
Texarkana, Texas 75501
(903) 792-3971 (P) – (903) 792-4593 (F)

Payment to be made as follows:
Due upon approved monthly pay estimates.
All material is guaranteed to be as specified. All work is to be completed in a workmanlike manner, according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements are contingent upon strikes, accidents, or delays beyond our control. Owner is to carry fire, tornado, and other necessary insurance. Our workers are fully covered by workmen's compensation insurance.

Note: We reserve the right to withdraw this proposal if not accepted within 30 calendar days.

TEC, Inc. Authorized Signature: _____ / 3/2/2016

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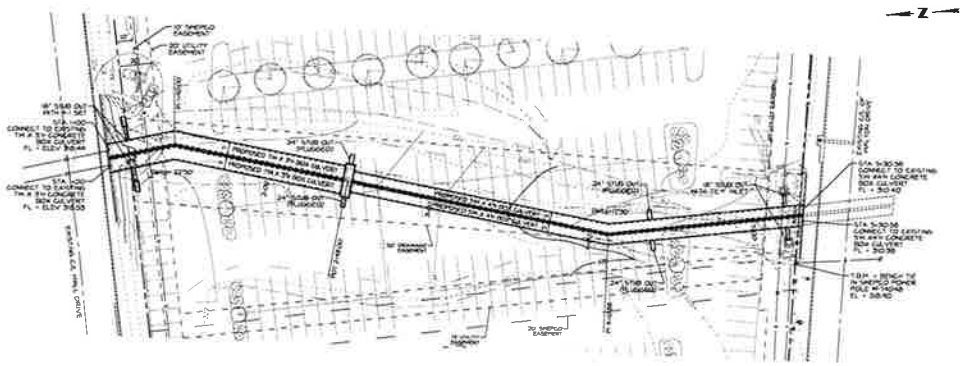
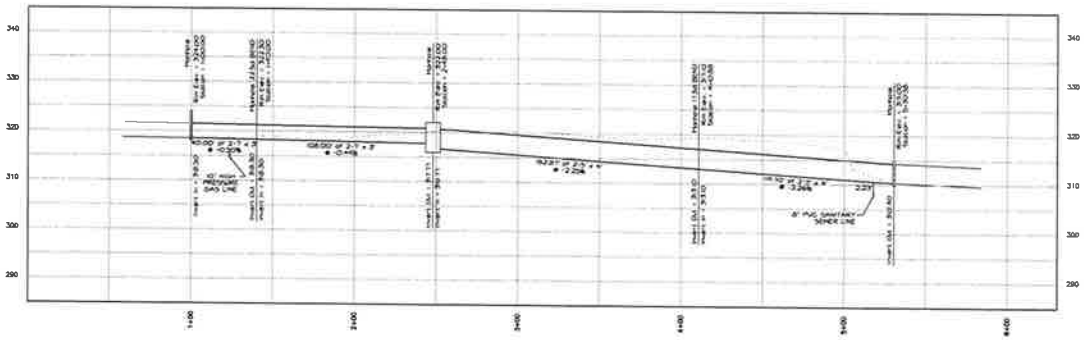
Attachment: 2016-048 ATTH 4 TIRZ Agenda packet (1468 : 2016-048 RES amending the Approved Project List for TIRZ#1 and authorizing



PLAN VIEW
Scale: 1" = 30'



PROFILE VIEW
Horizontal Scale: 1" = 30'
Vertical Scale: 1" = 10'

LEGEND

- PROPERTY LINE
- CURB AND GUTTER
- EDGE OF PAVEMENT
- OVERHEAD POWER LINE
- WATER MAIN
- SANITARY SEWER MAIN
- EXISTING CONTOUR 347
- POWER POLE
- WATER VALVE
- CLEAN OUT
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- FIRE HYDRANT
- LIGHT POLE
- TELEPHONE JUNCTION BOX
- ELECTRIC JUNCTION BOX
- GUY WIRE
- SIGN
- TREE

GENERAL NOTES

1. VEGETATION, DEBRIS, AND TOPSOIL CONTAINING ORGANIC MATERIALS SHOULD BE CLEARED AND GRUBBED FROM THE ENTIRE SITE AT THE BEGINNING OF EARTHWORK.
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FAX: (318) 219-2298

MTG Engineers
5400 SUNDERLAND RD. | P.O. BOX 3186
SHREVEPORT, LOUISIANA 71133
P 903.839.5033 | F 903.832.4100
www.mtgengineers.com
TBPE FIRM NO. F-1386 TBPLS FIRM NO. 128

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NEW DEALERSHIP FOR
ORR CHRYSLER DODGE JEEP
Walton Drive
Texarkana, Texas

DITCH IMPROVEMENTS

JOB NO. XXXXX

REVISIONS:

22 FEB 2016

SHEET

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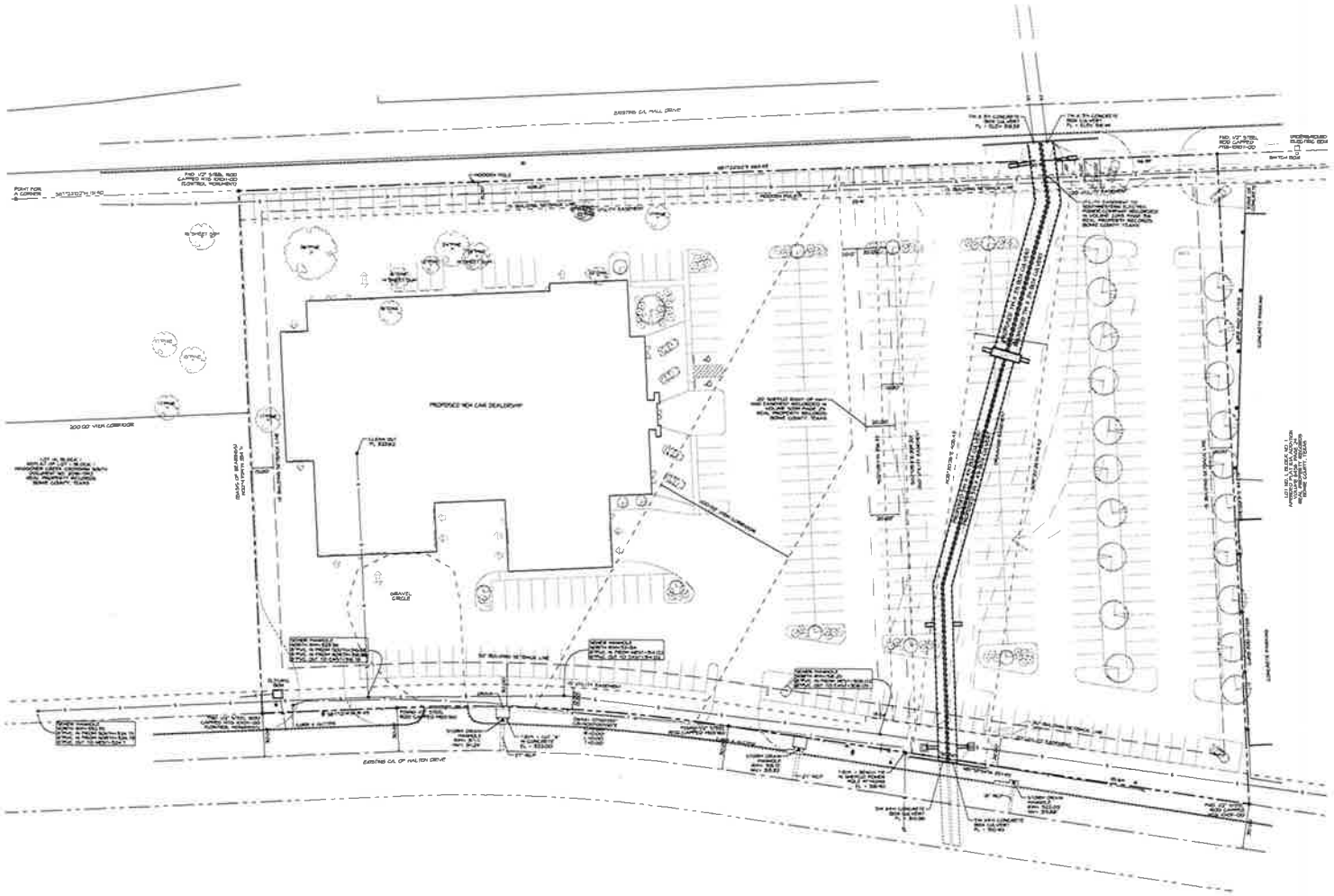

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730 ROBINWOOD STREET
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PHONE: (318) 219-2293
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NEW DEALERSHIP FOR
ORR CHRYSLER DODGE JEEP
Walton Drive
Texarkana, Texas

SITE PLAN

MTG Engineers & Consultants

JOB NO. XXXXX

REVISIONS:

22 FEB 2016

SHEET

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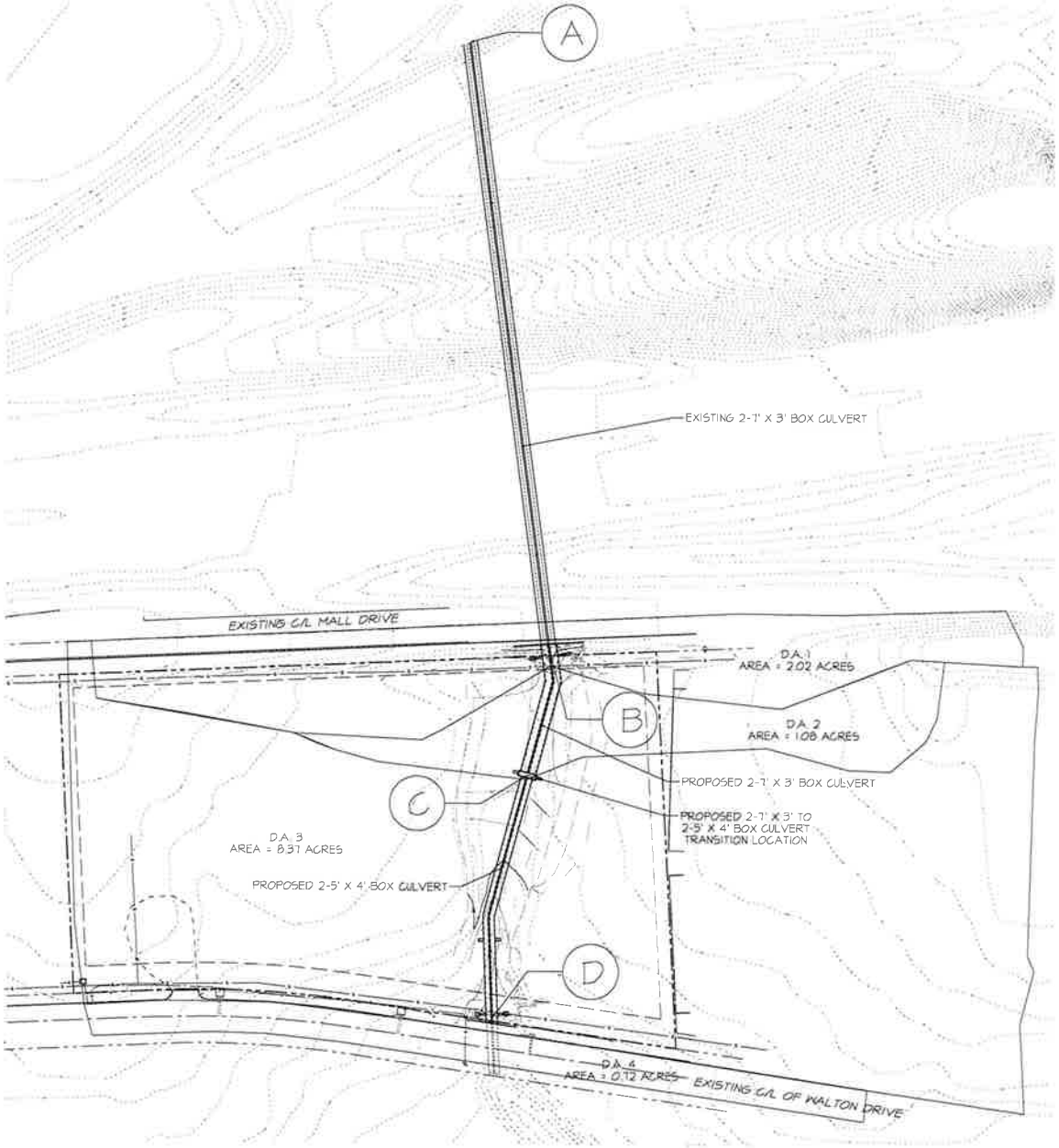

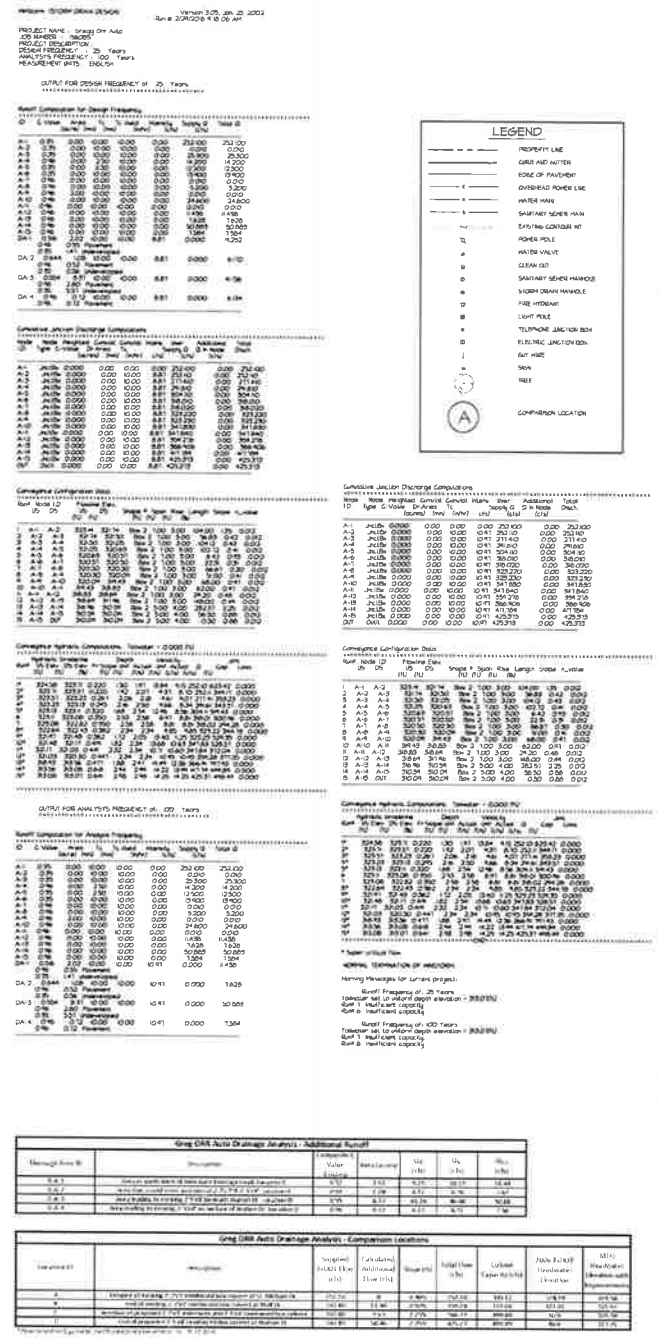

LEGEND

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DRAINAGE AREA MAP

MTG Engineers & Consultants
5900 SUNNYDALE BLVD. P.O. BOX 3186
SUNNYDALE, TEXAS 75149
P 903.830.9539 F 903.832.4100
www.mtgengineers.com
TBPE FIRM REGISTRATION NO. 125

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JOB NO. XXXXX

REVISIONS:

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Date: 3/2/2016

MTG Engineers and Surveyors
Attn: Kayla Wood, P.E.
Phone: 903-838-8533
E-Mail: kwood@mtgengineers.com

Job Name: **Orr Chrysler, Jeep Dodge- Drainage Improvements**
Job Location: **Texarkana, TX**

We propose to furnish labor, equipment & material to accomplish the following scope of work:

Item No.	Description	Quantity	Unit	Unit Price	Total
1	MOBILIZATION	1.00	LS	$8,100.00	$8,100.00
2	RIGHT OF WAY PREP	4.30	STA	$1,600.00	$6,880.00
3	RBC 7'X3' (DOUBLE)	148.00	LF	$855.00	$126,540.00
4	RBC 5'X4'(DOUBLE)	283.00	LF	$660.00	$186,780.00
5	JUNCTION BOX	1.00	EA	$22,275.00	$22,275.00
6	18" STUB OUTS	24.00	LF	$58.00	$1,392.00
7	18" SET	4.00	EA	$740.00	$2,960.00
8	24" PLUGGED STUBOUTS	24.00	LF	$70.00	$1,680.00
Grand Total:					**$356,607.00**

Exclusions:

- Undercutting and/or remediation of unsuitable or saturated soil materials below plan subgrade elevations or those specified
- Removal of debris left from demolition contractor
- Fine grading or hand raking of topsoil
- Soil modifications to on-site materials, imported topsoil, Lime, or Cement stabilization
- Relocation, abandonment or removal of existing utilities *(electrical, water lines, sewer lines, etc.)*
- Rim elevation adjustment to existing manholes, water valves, etc.
- Structural excavation or backfill *(grade beams, footings, leave outs, tilt panel walls, retaining walls, stem walls, etc.)*
- Storm water pollution prevention plan *(creation and maintenance)*
- Well or septic tank removal or closure
- Utility disconnects *(water, sewer, gas, electric, etc.)*
- Seeding, sodding, landscaping or slope stabilization
- Repair of finished site grades damaged by others
- Removal of spoils generated by others *(i.e. footing spoils, utility spoils, etc.)*
- Soil Testing

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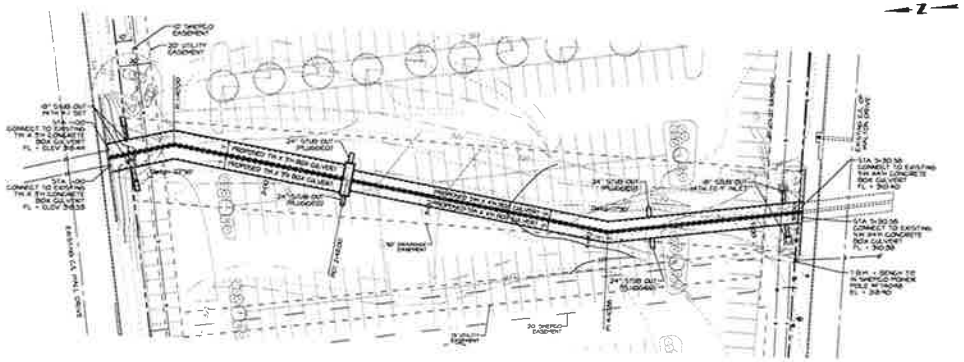

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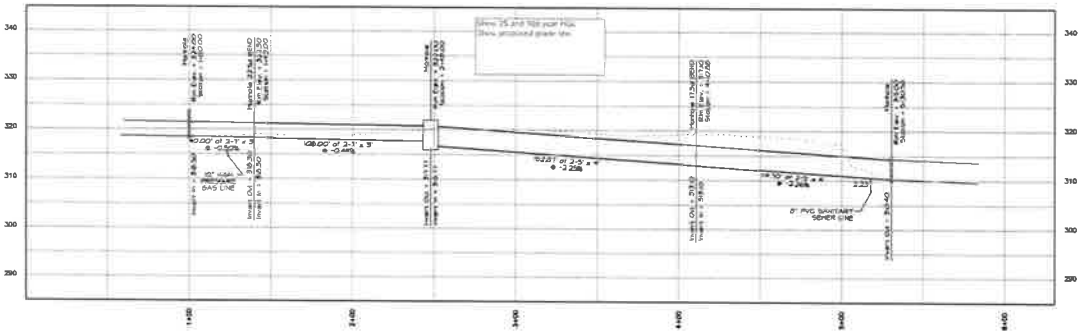

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P 903.838.8333 F 903.832.4100
TBPE FIRM NO. F-3154 TBPLS FIRM NO. 10125

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REVISIONS

22 FEB 2016

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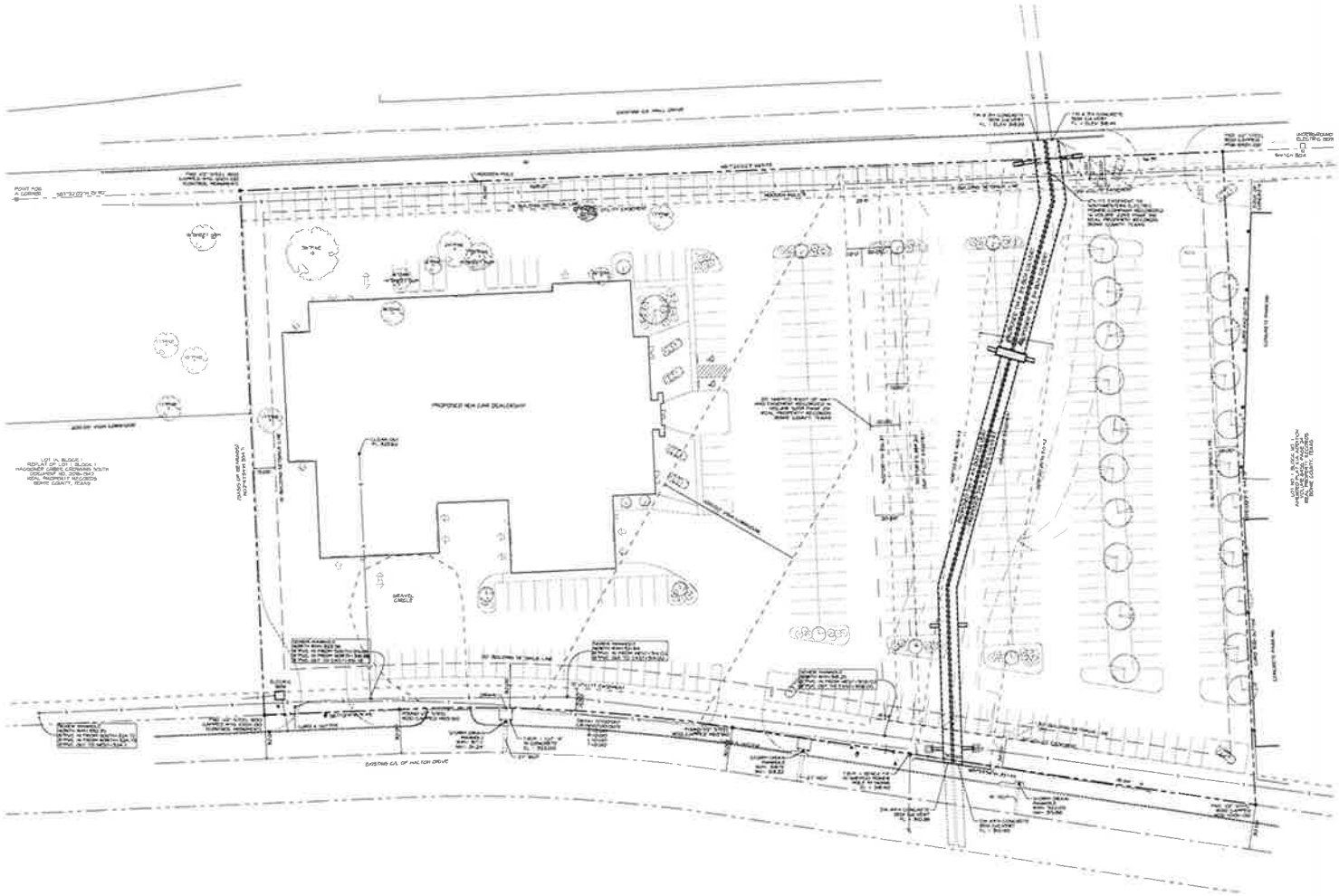

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SITE PLAN

MTG engineers & surveyors

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REVISIONS:

22 FEB 2016

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Packet Pg. 45

6.1.d

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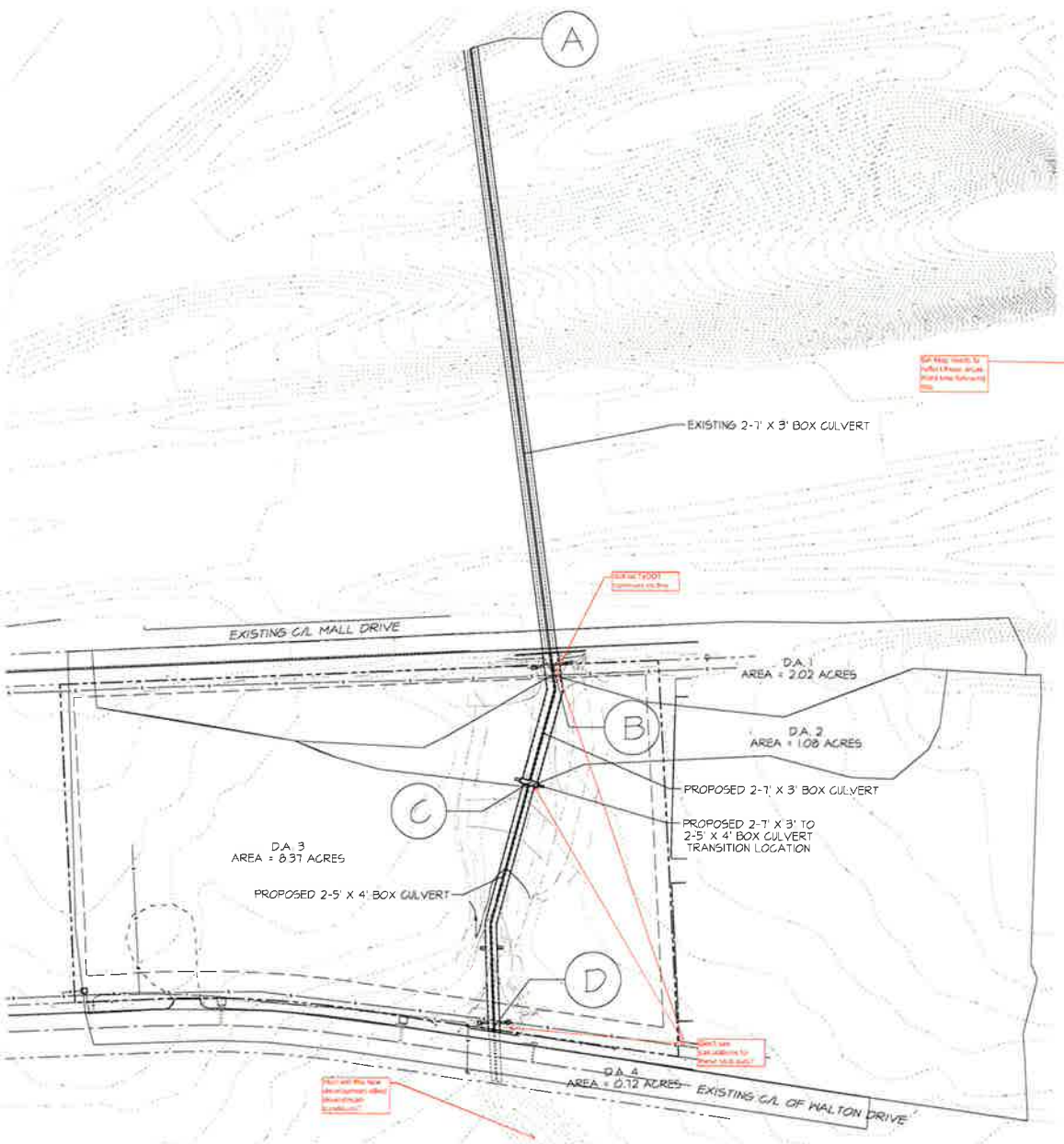

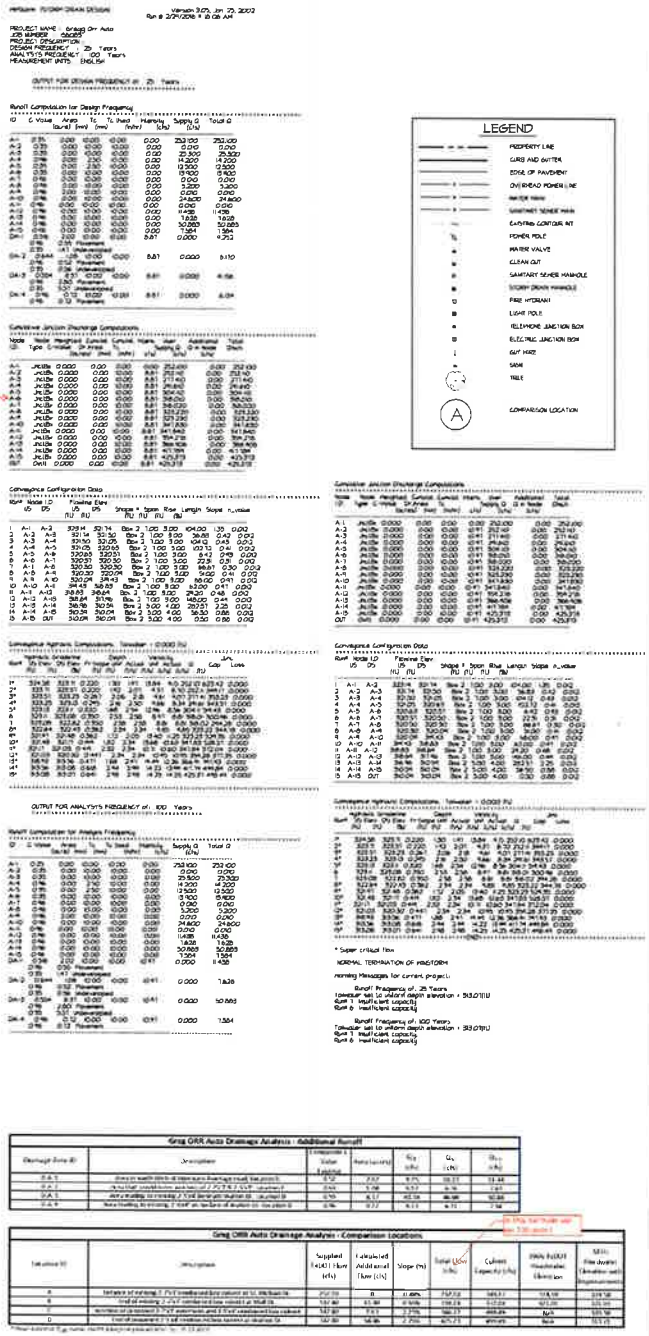

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DRAINAGE AREA MAP

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5430 SPENCERVILLE RD. P.O. BOX 3196
TEXARKANA, TEXAS 75501
P 903.838.8733 F 903.832.4100
TBPE F-8044 NO. F-3044 ASBL NO. 125
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REVISIONS

22 FEB 2016

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Packet Pg. 46

Fund 116 - TIRZ #1 Future Projection

	2016	2017	2018	2019	2020	2021
Beginning Fund Balance	483,038.83	1,026,062.62	1,578,062.91	2,132,746.78	2,692,424.50	3,262,414.51
Ending Fund Balance	1,026,062.62	1,578,062.91	2,132,746.78	2,692,424.50	3,262,414.51	3,712,430.85
2012 TIRZ Bond available balance	$ 1,671,385.22	62,597.22	62,597.22	62,597.22	62,597.22	62,597.22
AVAILABLE FUNDING	**2,697,447.84**	**1,640,660.13**	**2,195,344.00**	**2,755,021.72**	**3,325,011.73**	**3,775,028.07**
Projected Obligations:						
2016-Caldera East reimbursement	1,000,000.00					
2016-Linear Park	508,788.00					
Ending available funds (2016)	**1,188,659.84**					

$2M remaining

	project #		Approved for Project List	Completed & Funded	2012 Bond Funding Approved ($3.8M)	2012 Bond Funds Expended	2016 Potential Expenditure	Status
1	Approved for bond/ unallocated	W Walton Dr & Pavilion drainage	$ 100,000		$ 100,000		$ 100,000	Potential FY16 start; requires Council action; budget amendment
2		Extension of South University	$ 500,000					No project start date
3	57072	Cowhorn Creek Linear Park	$ 1,000,000		$ 650,000	$ 107,773		Adjusted estimate
							$ 508,788	Projected expenditures
4	57076	Gibson Extension to FM 989 & feeder streets to Gibson	$ 9,000,000					
		Phase 1 approved @ $3M					$ 1,000,000	Projected-Phase 1 @ $3M approved; may require Council OK for bond expenditure
5		Parking Garage @ University w/drainage	$ 2,000,000					No project start date
6	57075	Backage Road: Summerhill to Mall Drive	$ 1,000,000	$ 1,002,885	$ 1,000,000	$ 1,002,885		Complete 2015; legal fees $32K
7		Proposed Site Improvements to Gibson & University	$ 2,000,000					No project start date
8	57071	Park Development & Improvement-University Drive	$ 800,000	$800,000	$800,000	$800,000		Completed
9	57076	Approved stormwater improvements Gibson Lane & possible water/sewer relocation	$ 212,000	$211,750	$211,750	$217,957		Completed; legal fees $6.2K
10	Approved for bond/ unallocated	Proposed drainage improvements St. Michael Drive & Richill Drive	$ 406,000		$ 406,000			No project start date; possible FY17
11		*Proposed extension of Pavilion Pkwy*	*$ 2,500,000*					*Added to list Jan 2016; Potential FY16*
12		*Extension of Bringle Lake Trail*	*$ 213,000*					*Added to list Jan 2016*
		TOTAL	$ 19,731,000	$2,014,635	$3,167,750	$2,128,615	$ 1,608,788	

Texarkana Water Utility - GIS

City of Texarkana - Bowie County

Tax Increment Reinvestment Zone

Walton Drive & Pavilion Pkwy Drainage

FYE 30-Sep	Incremental Taxable Assessed Value	City of Texarkana Tax Rate	Bowie County Tax Rate	Total Operating Tax Rates	Gross Property Tax Contribution	Total Incremental Revenue	*Closed Drainage Project*	*Open Channel Cost + Maintenance (Gen Fund)*
2016								
2017	$ 6,000,000	0.669293	0.399	1.07	$ 64,104		*$ 370,911*	*$100,000*
2018	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58	*$ 306,807*	*$110,000*
2019	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58	*$ 242,704*	*$120,000*
2020	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58	*$ 178,600*	*$130,000*
2021	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58	*$ 114,497*	*$140,000*
2022	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58	*$ 50,393*	*$150,000*
2023	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58	*$ (13,710)*	*$160,000*
2024	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$170,000*
2025	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$180,000*
2026	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$190,000*
2027	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$200,000*
2028	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$210,000*
2029	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$220,000*
2030	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$230,000*
2031	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$240,000*
2032	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$250,000*
2033	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$260,000*
2034	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$270,000*
2035	$ 6,000,000	0.669293	0.399	1.07	$ 64,104	$ 64,103.58		*$280,000*
					$ 1,217,968	$ 1,217,968		

Attachment: 2016-048 ATTH 2 ORR Analysis Apr 2016.xlsx (1468 : 2016-048 RES amending the Approved

City of Texarkana, Texas

Version: F

Briefing Sheet

Update Date: 4/22/2016 10:46 AM

Lead Department: Water Utilities **Action Officer:** Pam White,

Subject: Resolution No. 2016-050 authorizing the City Manager to accept the bid and enter into a contract with RBIS, LLC for the McKnight Road water and sewer relocations in amount not to exceed NINETY-THREE THOUSAND NINE HUNDRED SIXTY-TWO DOLLARS AND FIFTY CENTS ($93,962.50).

Briefing: 5/9/2016	**Public Hearing:** 5/9/2016	**Second Briefing:** May 23, 2016	**Council Vote:** 6/13/2016

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Bids were received Tuesday, April 12, 2016 for the McKnight Road – Water & Sewer Relocations. Three (3) contractors picked up bid packages for the project and two (2) contractors bid on the project. RBIS, LLC of Texarkana, Arkansas was the apparent low bidder with a low bid of $93,962.50. This project consists of installing one hundred thirteen feet (113’) of eight inch (8”) PVC Certa-Lok Water Pipe, one hundred eight feet (108’) of sixteen inch (16”) steel casing, twenty three feet (23’) of twelve inch (12”) steel casing, two (2) fire hydrants, eight (8) water services, and three (3) sewer services. RBIS, LLC has successfully completed several jobs for the Utility including South Wake Village Road Sewer Extension, Oats & Preston Water Main Extensions, and the East Street Water & Sewer Relocations.

Potential Options:

- None

Fiscal Implications:

TxDot is adding a turn lane to McKnight Road from Richmond Road to Pleasant Grove Road where there currently isn’t one. This project will relocate the water and sewer located in their Right-of-Way that will be in the way of the proposed construction. TxDot did not notify the Utility until December, 2015 of their proposed improvements. Therefore funds were not budgeted for this project. However, funds are available from the Texas Infrastructure Fund for completion of this project.

Staff Recommendation:

Utility staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2016-050 RES McKnight Road (PDF)
b. 2016-050 ATTH01 Bid Tabulation (PDF)
c. 2016-050 ATTH02 Bid Tabulation (PDF)
d. 2016-050 Goals & Perspectives (PDF)

Staff Coordination

Water Utilities	JD Phillips	Department Head Review	Completed	04/13/2016 4:30 PM
Water Utilities	Jim Cornelius	Review	Completed	04/14/2016 7:43 AM
Public Information Officer	Lisa Thompson	PIO Review	Completed	04/14/2016 7:57 AM
City Manager	John Whitson	City Manager Review	Completed	04/14/2016 9:38 AM
City Council	Jennifer Evans	Meeting	Completed	04/25/2016 6:00 PM

Meeting History

RESOLUTION NO. 2016-050

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH RBIS, LLC OF TEXARKANA, ARKANSAS, IN AN AMOUNT NOT TO EXCEED NINETY THREE THOUSAND NINE HUNDRED SIXTY TWO AND 50/100 DOLLARS ($93,962.50) FOR THE MCKNIGHT ROAD WATER AND SEWER RELOCATIONS

WHEREAS, on April 12, 2016, two (2) bids were received by Texarkana Water Utilities for the McKnight Road – Water & Sewer Relocations Project which will relocate existing water and sewer mains/services due to the proposed widening of McKnight Road to add a turn lane from Richmond Road to Pleasant Grove Road; and

WHEREAS, the project will consist of installing approximately one hundred thirteen feet (113') of eight inch (8") PVC Certa-Lok Water Pipe, one hundred eight feet (108') of sixteen inch (16") steel casing, twenty three feet (23') of twelve inch (12") steel casing, two fire hydrants, eight water services, and three sewer services and related appurtenances; and

WHEREAS, the lowest and best bid by a responsible vendor for this project was submitted by RBIS, LLC of Texarkana, Arkansas, a copy of which is attached hereto as 2016-050 ATTH01, in an amount not to exceed NINETY THREE THOUSAND NINE HUNDRED SIXTY TWO AND 50/100 DOLLARS ($93,962.50); and

WHEREAS, funds currently budgeted in the Texarkana Water Utilities 2015-2016 Budget in the Texas Infrastructure Fund are available in the amount of NINETY THREE THOUSAND NINE HUNDRED SIXTY TWO AND 50/100 DOLLARS ($93,962.50)

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

SECTION 1: That the lowest and best bid by a responsible vendor, submitted by RBIS, LLC of Texarkana, Arkansas, a copy of which is attached hereto as 2016-050 ATTH01, be and is hereby approved in an amount not to exceed NINETY THREE THOUSAND NINE HUNDRED SIXTY TWO AND 50/100 DOLLARS ($93,962.50) for the installation of approximately one hundred thirteen feet (113') of eight inch (8") PVC Certa-Lok Water Pipe, one hundred eight feet (108') of sixteen inch (16") steel casing, twenty three feet (23') of twelve inch (12") steel casing, two fire hydrants, eight water services, and three sewer services and related appurtenances for the McKnight Road – Water & Sewer Relocations Project.

SECTION 2: That the City Manager be and is authorized to contract with RBIS, LLC of Texarkana, Arkansas for the above-described services.

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

Attachment: 2016-050 RES McKnight Road (1470 : 2016-050 RES McKnight Road Water and Sewer Relocations)

PASSED AND APPROVED in Council Session on this the 13th day of June, 2016.

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2016-050 RES McKnight Road (1470 : 2016-050 RES McKnight Road Water and Sewer Relocations)

Bid Tabulation

McKnight Road
Water & Sewer Relocations

2:00 P.M. Tuesday, April 12, 2016

		Base Bid
1.	RBIS, LLC Texarkana, Arkansas	$93,962.50
2.	Belt Construction Texarkana, Texas	No Bid
3.	Stone Construction Texarkana, Texas	$114,765.00

Time First Bid Opened: 2:00 P.M

Number of Bidders: 2

Apparent Low Bidder: RBIS, LLC

Attachment: 2016-050 ATTH01 Bid Tabulation (1470 : 2016-050 RES McKnight Road Water and Sewer Relocations)

Bid Tabulation
MCKNIGHT ROAD
WATER SEWER RELOCATIONS

Project No. 62-000-135111-T121629
APRIL 12, 2016 @ 2:00

BASE BID:							
				Rorie Stone Construction		***RBIS, LLC***	
				Texarkana, TX		*Texarkana, TX.*	
Item	**Quantity**	**Unit**	**Description**	**Amount**	**Total**	**Amount**	**Total**
1	1	LS	Mobilization, Bonds, and Submittals	$20,550.00	$20,550.00	$5,175.00	$5,175.00
2	93	LF	8" PVC Certa-Lok Water Pipe Inside Casing	$30.00	$2,790.00	$34.00	$3,162.00
3	20	LF	8" PVC Certa-Lok Water Pipe by Open Cut	$45.00	$900.00	$42.00	$840.00
4	1	EA	12" x 8" Tapping Sleeve and Valve	$4,100.00	$4,100.00	$3,108.00	$3,108.00
5	1	EA	8" x 8" Tapping Sleeve and Valve	$3,800.00	$3,800.00	$2,752.00	$2,752.00
6	2	EA	6" Gate Valve	$2,500.00	$5,000.00	$1,190.00	$2,380.00
7	43	LF	16" x 0.375" Steel Casing by Open Cut	$130.00	$5,590.00	$77.00	$3,311.00
8	65	LF	16" x 0.375" Steel Casing by Bore	$150.00	$9,750.00	$145.00	$9,425.00
9	23	LF	12" x 0.375" Steel Casing by Open Cut	$135.00	$3,105.00	$145.00	$3,335.00
10	1	EA	Connect New 16" Steel Casing to Existing 15" Steel Casing	$750.00	$750.00	$690.00	$690.00
11	2	EA	Connect New 12" Steel Casing to Existing 12" Steel Casing	$600.00	$1,200.00	$690.00	$1,380.00
12	2	EA	New Fire Hydrant Assembly	$4,000.00	$8,000.00	$5,002.00	$10,004.00
13	3	EA	5/8" Long Service Water Meter Assembly	$1,500.00	$4,500.00	$2,015.00	$6,045.00
14	3	EA	1" Long Service Water Meter Assembly	$1,600.00	$4,800.00	$2,015.00	$6,045.00
15	2	EA	2" Short Service Water Meter Assembly	$4,500.00	$9,000.00	$2,760.00	$5,520.00
16	4	EA	Cut, Plug, & Abandon Existing 8" Water Main/Casing	$1,000.00	$4,000.00	$1,552.00	$6,208.00
17	1	EA	Remove Existing Valves	$2,000.00	$2,000.00	$1,150.00	$1,150.00
18	2	EA	Remove Existing Fire Hydrant & Valve Assemblies	$2,000.00	$4,000.00	$230.00	$460.00
19	8	EA	Remove Existing Water Meter Assemblies	$300.00	$2,400.00	$260.00	$2,080.00
20	165	LF	4" PVC Schedule 40 Sewer Service by Open Cut	$20.00	$3,300.00	$14.50	$2,392.50
21	120	LF	4" PVC Schedule 40 Sewer Service Pipe by Bore	$34.00	$4,080.00	$43.00	$5,160.00
22	3	EA	Connect New 4" Sewer Service to Existing 4" Sewer Service	$200.00	$600.00	$288.00	$864.00
23	3	EA	Connect New 4" Sewer Service to Existing 4" Sewer Main	$300.00	$900.00	$288.00	$864.00
24	12	EA	Cut, Plug, & Abandon Existing 4" Sewer Services	$200.00	$2,400.00	$316.00	$3,792.00
25	500	SF	6" Reinforced Concrete Cap	$6.00	$3,000.00	$11.50	$5,750.00
26	1	LS	Labor & Materials to Clean & Test Sewer Mains	$500.00	$500.00	$1,495.00	$1,495.00
27	1	LS	Trench Protection	$1,000.00	$1,000.00	$115.00	$115.00
28	1	LS	Seeding	$1,750.00	$1,750.00	$345.00	$345.00
29	1	LS	Erosion Control Measures	$1,000.00	$1,000.00	$115.00	$115.00
			TOTAL BASE BID		**$114,765.00**		**$93,962.50**

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: 2016-050 Goals & Perspectives (1470 : 2016-050 RES McKnight Road Water and Sewer Relocations)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 4/26/2016 3:54 PM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,

Subject: Resolution No. 2016-051 authorizing the City Manager to write-off uncollectible accounts receivable.

Briefing:	5/9/2016	**Public Hearing:**	5/9/2016	**Second Briefing:**	May 23, 2016	**Council Vote:**	6/13/2016

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

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

In October 2011 the City went live with its new financial software, Springbrook. At the time, the best option for charges related to weed lot mowing and demolition services was to record them on the accounts receivable module in Springbrook. Receivables were recorded by the department in charge when the service was performed and revenue was recorded at the time the billing was generated. After invoices were sent to customers, some were returned with bad addresses and many others were simply not paid. Liens were recorded on uncollectible accounts with the hope of collecting payment if the property was ever sold. Even though liens were recorded, balances were left on the accounts receivable module and no additional collection efforts were made. At each fiscal year-end, journal entries were made to reserve any receivables older than one year old. This resulted in balances over one year old being expensed off through the financial statements, but not written off of the accounts receivable system. The accumulated accounts receivable balance that is over 120 days old as of March 31, 2016 totals $1,579,943.83. The City believes that it has made every reasonable effort to collect these outstanding accounts, through the application of normal collection procedures, with the final procedure of recording a lien on the property. In August of 2015 the City purchased the license for My Gov software. Beginning with the 2016 mowing season, billing related to weed lot mowing and demolition will be processed through this system. This system offers a more conservative approach in that revenue is not recognized until a payment has been made by the customer, instead of when an invoice is generated. In addition, this new software provides a more automated invoicing and collection process for charges related to weed lot mowing and demolition of substandard properties, and results in a more efficient close out of uncollectible accounts. While staff does not anticipate that the new system will increase collections associated with these services, it will allow for more accurate recording of revenue for accounting purposes.

Potential Options:

- Approve or Deny

Fiscal Implications:

City of Texarkana, Texas

Elimination of uncollectible balances from the accounts receivable module

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

a. 2016-051 RES Accounts Receivable Write Off (PDF)
b. 2016-051 ATTH 01 Processing Weed Lot and Demolition Through My Gov (PDF)
c. 2016-051 EXH 'A' Past Due Aging Report Recap as of 03.31.16 (PDF)
d. 2015-051 Goals & Perspectives (PDF)
e. 2016-051 EXH 'A' Past Due Aging Report Recap as of 03.31.16.xlsx (PDF)
f. 2016-051 EXH 'A' Past Due Aging Report Recap as of 03.31.16.xlsx (PDF)

Staff Coordination

Finance Department	Charlie Bassett	Department Head Review	Completed	04/14/2016 11:16 AM
Finance Department	Kristin Peeples	Review	Completed	04/14/2016 11:17 AM
Assistant City Manager	Shirley Jaster	Assistant City Manager Review	Completed	04/14/2016 11:24 AM
Public Information Officer	Lisa Thompson	PIO Review	Completed	04/14/2016 11:34 AM
City Manager	John Whitson	City Manager Review	Completed	04/18/2016 8:42 AM
City Council	Jennifer Evans	Meeting	Completed	04/25/2016 6:00 PM

Meeting History

RESOLUTION NO. 2016 - 051

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO WRITE-OFF ACCOUNTS RECEIVABLE IN THE AMOUNT OF $1,579,943.83 ; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, revenue was previously recorded on the general ledger at the time the service was billed, and accounts receivable invoices were prepared and mailed to customers; and

WHEREAS, all available staff resources have been applied toward the collection of such receivables; and

WHEREAS, the process previously in place has resulted in a large balance of uncollected accounts; and

WHEREAS, a new process is now in place to record revenue at the time of collection instead of billing; and

WHEREAS, this new process removes past due balances from the system immediately following completion of all collection procedures and the filing of a lien.

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

SECTION 1: That the City Manager is hereby authorized to direct the write-off of past due and uncollectible receivables in the amount of $1,579,943.83 as detailed in **Exhibit 'A'** attached.

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

PASSED AND APPROVED in Regular Council Session on this the **13th day of June, 2016**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2016-051 RES Accounts Receivable Write Off [Revision 1] (1471 : 2016-051 RES accounts receivable write-off)

Processing Weed Lot and Demolition Billing Through My Gov Software

April 25, 2016

Attachment: 2016-051 ATTH 01 Processing Weed Lot and Demolition Through My Gov (1471 : 2016-051

Springbrook Software

- In October of 2011 the City went live with its new financial software, Springbrook
- At the time, the best option for charges related to weed lot mowing and demolition services was to record them on the accounts receivable module in Springbrook
- Receivables were recorded when the service was performed and revenue was recorded at the time the billing was generated
- While this process was our best option at the time, the City is now using a software that provides a more efficient and conservative method of recording charges for weed lot mowing and demolition

Attachment: 2016-051 ATTH 01 Processing Weed Lot and Demolition Through My Gov (1471 : 2016-051

Former Process of Billing Weed Lots and Demolition Through Accounts Receivable Module in Springbrook

Mowing/ Demolition Performed

- Mowing or demolition services performed
- Information sent to appropriate department for billing

Mowing/Demo Service Billed to Customer

- Invoice stating service performed and date of service is generated and mailed to the customer
- Amount billed includes the cost of the actual service performed plus an administrative fee
- Responsibility for this process has resided in various departments over the years

General Ledger Effect

- Receivables for Weed Lots and Demolition were recorded on an accrual basis
- Revenue was recognized on the general ledger at the time the receivable was billed, not when payment was received

Attachment: 2016-051 ATTH 01 Processing Weed Lot and Demolition Through My Gov (1471 : 2016-051

Former Process of Billing Weed Lots and Demolition Through Accounts Receivable Module in Springbrook (Continued)

Lien filed on property

- Some invoices would come back as mail returned
- Customers that could be successfully located often did not make payment
- Liens were recorded with the hope of receiving payment if the property was ever sold

Audit Entries Recorded

- At each fiscal year-end, journal entries were made to reserve any receivables older than one year old
- Debit to Bad Debt Expense
- Credit to Reserve for Accounts Receivable
- Old outstanding balances were expensed off through the financial statements, but not written off of the Accounts Receivable system

End Result

- Approximately $1,600,000 in old outstanding receivables related to weed lot and demolition have built up on the Accounts Receivable system over the years
- Of this amount, approximately $1,300,000 have already been expensed off through the financial statements, but have not been removed from the Accounts Receivable system
- Follow up on unpaid balances was difficult due to the manual process of recordkeeping

Attachment: 2016-051 ATTH 01 Processing Weed Lot and Demolition Through My Gov (1471 : 2016-051

My Gov Software

- In August of 2015, the City purchased the license for My Gov software
- Beginning with the 2016 mowing season, billing related to weed lot mowing and demolition will be processed through this system
- This system offers a more conservative approach
- Revenue is not recognized until a payment has been made by the customer, instead of when an invoice is generated

Attachment: 2016-051 ATTH 01 Processing Weed Lot and Demolition Through My Gov (1471 : 2016-051

New Process of Billing Weed Lots and Demolition Through My Gov

Mowing/ Demolition Performed

- Contractor is notified of need by the Public Works department and service is performed
- Contractor takes photographs before and after and attaches these electronically to the open case file
- Attachment of before and after photos notifies Public Works that the process is complete and the case is moved forward to the invoicing step

Mowing/Demo Service Billed to Customer

- Invoice stating service performed and date of service is generated and mailed to the customer by the Public Works department
- Amount billed includes the cost of the actual service performed plus an administrative fee

General Ledger Effect

- Nothing is recorded on the general ledger until payment is actually received from the customer
- Revenue is recorded on a cash basis rather than an accrual basis as previously done

Attachment: 2016-051 ATTH 01 Processing Weed Lot and Demolition Through My Gov (1471 : 2016-051

New Process of Billing Weed Lots and Demolition Through My Gov (Continued)

Past Due Notification

- The system sends a reminder to let Finance know when these billings are 30, 60, and 90 days past due
- A letter is sent by Finance to the customer after 30, 60, and 90 days notifying them that their payment is past due

Liens Recorded

- After 120 days, the system notifies the Public Works department that a payment has not been received and a lien needs to be filed
- Once the lien is filed, the case is closed in My Gov

End Result

- The system automatically notifies each responsible department when it is time to take the next step in the process
- Liens will be filed on a more timely basis
- Past Due notices will be mailed on a more timely basis
- Attaching of electronic files offers better recordkeeping to support liens
- Revenue is not recorded on the general ledger until it is actually received

Accounts Receivable Aging Report Recap

3/31/2016

	Total	Available Credits	Under 30 Days	30 - 60 Days	60 - 90 Days	90-120 Days	Over 120 Days
Weed Lot	1,346,601.88	-	31,234.49	-	-	1,000.00	1,314,367.39
Demolition	232,032.48	-	10,854.77	46,686.53	-	27,150.82	147,340.36
Bowie County	659,567.11	-	6,245.42	-	-	-	653,321.69
Bowie Central Appraisal	131,279.72	-	14,997.28	-	-	-	116,282.44
Other	217,198.37	-	208,168.72	5,875.55	380.96	819.50	1,953.64
Total Receivables	2,586,679.56	-	271,500.68	52,562.08	380.96	28,970.32	2,233,265.52

Attachment: 2016-051 ATTH 01 Processing Weed Lot and Demolition Through My Gov (1471 : 2016-051

Proposal For Write-Off	
3/31/2016	
Total Receivable Balance as of 3/31/16	2,586,679.56
Under 30 Days	(271,500.68)
30-60 Days	(52,562.08)
60- 90 Days	(380.96)
90-120 Days	(28,970.32)
Bowie County	(653,321.69)
Receivables over 120 days and proposed for write-off	**1,579,943.83**
Weed lot receivables over 120 days	1,395,019.61
Demolition receivables over 120 days	182,970.58
Other receivables over 120 days	1,953.64
Receivables over 120 days and proposed for write-off	**1,579,943.83**

Attachment: 2016-051 ATTH 01 Processing Weed Lot and Demolition Through My Gov (1471 : 2016-051

Accounts Receivable Aging Report Recap

3/31/2016

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Bowie Central Appraisal	131,279.72	-	14,997.28	-	-	-	116,282.44
Other	217,198.37	-	208,168.72	5,875.55	380.96	819.50	1,953.64
Total Receivables	**2,586,679.56**	**-**	**271,500.68**	**52,562.08**	**380.96**	**28,970.32**	**2,233,265.52**

Proposal For Write-Off

3/31/2016

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Receivables over 120 days and proposed for write-off	**1,579,943.83**

Weed lot receivables over 120 days	1,395,019.61
Demolition receivables over 120 days	182,970.58
Other receivables over 120 days	1953.64
Receivables over 120 days and proposed for write-off	**1,579,943.83**

Attachment: 2016-051 EXH 'A' Past Due Aging Report Recap as of 03.31.16 (1471 : 2016-051 RES

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:	High

Other Potential Impacts:

More accurate receivable balance due to timely write off of uncollectible accounts

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: 2015-051 Goals & Perspectives (1471 : 2016-051 RES accounts receivable write-off)

Accounts Receivable Aging Report Recap

3/31/2016

	Total	Available Credits	Under 30 Days	30 - 60 Days	60 - 90 Days	90-120 Days	Over 120 Days
Weed Lot	1,346,601.88	-	31,234.49	-	-	1,000.00	1,314,367.39
Demolition	232,032.48	-	10,854.77	46,686.53	-	27,150.82	147,340.36
Bowie County	659,567.11	-	6,245.42	-	-	-	653,321.69
Bowie Central Appraisal	131,279.72	-	14,997.28	-	-	-	116,282.44
Other	217,198.37	-	208,168.72	5,875.55	380.96	819.50	1,953.64
Total Receivables	**2,586,679.56**	**-**	**271,500.68**	**52,562.08**	**380.96**	**28,970.32**	**2,233,265.52**

Proposal For Write-Off

3/31/2016

Total Receivable Balance as of 3/31/16	2,586,679.56
Under 30 Days	(271,500.68)
30-60 Days	(52,562.08)
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Weed lot receivables over 120 days	1,395,019.61
Demolition receivables over 120 days	182,970.58
Other receivables over 120 days	1953.64
Receivables over 120 days and proposed for write-off	**1,579,943.83**

Attachment: 2016-051 EXH 'A' Past Due Aging Report Recap as of 03.31.16.xlsx (1471 : 2016-051 RES

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 4/14/2016 1:37 PM

Lead Department:	Planning and Community Development	**Action Officer:**	Debbie Burk,
Subject:	Ordinance No. 2016-052 rezoning Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive. Single Family-2 to Planned Development-Office. Alan Schimming, owner.		

Briefing:	5/9/2016	**Public Hearing:**	5/9/2016	**Second Briefing:**	May 23, 2016	**Council Vote:**	6/13/2016

Item Schedule

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

Updates/History of Briefing:

Not applicable.

Executive Summary and Background Information:

Z-16-6: This is a request by Alan Schimming, owner, to rezone Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive from Single Family-2 to Office. The proposal is for general office use. This property is currently vacant undeveloped land.

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

The Comprehensive Plan has designated this as an Office/Institutional area. This area (Christus Drive, Cowhorn Creek Road and Moores Lane) is developing mostly with low impact office type uses with the Planned Development designation. There is currently Office zoning and Planned Development-Neighborhood Service zoning (Silver Spoon Restaurant) to the north of these three lots along the east side of Christus Drive.

The owner. Mr. Schimming, has provided staff with a copy of the Restrictive Rights and Covenants for this subdivision that stipulate that an Architectural Control Committee will review and approve any plans for this area. See attached copy of these covenants.

There is concern that this Architectural Control Committee may not address certain issues. Staff would ask that fencing be required along the rear property line where it abuts to single family zoning and residences. An alley runs behind the existing residences that provides access to the garages of the residences fronting on Heatherwood Drive. Since this alley is public right-of-way, the Zoning Ordinance stipulates that fencing is not required. Also, if the proposed structure(s) faces Christus Drive, Changeable Electronic Variable Messaging Signs (CEVMS) are not prohibited along this corridor.

At the Planning and Zoning Commission meeting, Mr. Schimming agreed to amend his application to include the Planned Development designation.

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Staff recommends that a Planned Development designation be placed on this property with the following stipulations:

1. A screening device be required along the entire length of the rear (east) property line that is adjacent to the single family residential neighborhood.
2. CEVMS not be allowed.
3. Prohibit the following uses: duplex, townhouse or multiple family housing. (Staff is suggesting these uses be prohibited due to the Comprehensive Plan designating Christus Drive as an office/institutional corridor. Also, these uses were prohibited in a previous Planned Development Ordinance for the Silver Spoon Restaurant)

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval to Planned Development-Office with the following stipulations:

1. Require a screening device along the entire length of the rear (east) property line.
2. Prohibit the following uses: duplex, townhouse and multiple family housing.
3. Allow a monument style sign not to exceed 48 square feet in size. No CEVMS.
4. Re-plat lots prior to construction.

Advisory Board/Committee Meeting Date and Minutes:

April 4, 2016

Attachments

a. 2016-052 ORD rezoning NE corner of Galleria Oaks and Christus Dr. (PDF)
b. 2016-052 ORD ATTH 01 Maps (PDF)
c. 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (PDF)
d. Goals & Perspectives (PDF)

Staff Coordination

Planning and Community Development	Daphnea Ryan	Department Head Review Completed 04/14/2016 1:59 PM

City of Texarkana, Texas

Assistant City Manager	Shirley Jaster	Assistant City Manager Review	Completed	04/15/2016 10:16 AM
Public Information Officer	Lisa Thompson	PIO Review	Completed	04/15/2016 10:18 AM
City Manager	John Whitson	City Manager Review	Completed	04/18/2016 8:45 AM
City Council	Jennifer Evans	Meeting	Completed	04/25/2016 6:00 PM

Meeting History

Z-16-6

ORDINANCE NO. 2016-052

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 15, 16 & 17, BLOCK 2, COWHORN PLAZA II SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF GALLERIA OAKS DRIVE AND CHRISTUS DRIVE IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-2 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 Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Office;** and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas **voted five (5) to zero (0) to recommend the application for rezoning** from **Single Family-2 to Planned Development-Office** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Single Family-2 to Planned Development-Office;** 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 S**ingle Family-2 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:

Attachment: 2016-052 ORD rezoning NE corner of Galleria Oaks and Christus Dr. [Revision 1] (1472 : 2016-052 ORD rezoning NE corner of

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 Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Planned Development-Office.**

SECTION 2: That the following stipulations are hereby imposed and made a part of this Planned Development Ordinance:

1. Require a screening device along the entire length of the rear (east) property line.
2. Prohibit the following uses: duplex, townhouse and multiple family housing.
3. Allow a monument style sign not to exceed 48 square feet in size. No CEVMS.
4. Re-plat lots prior to construction.

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.

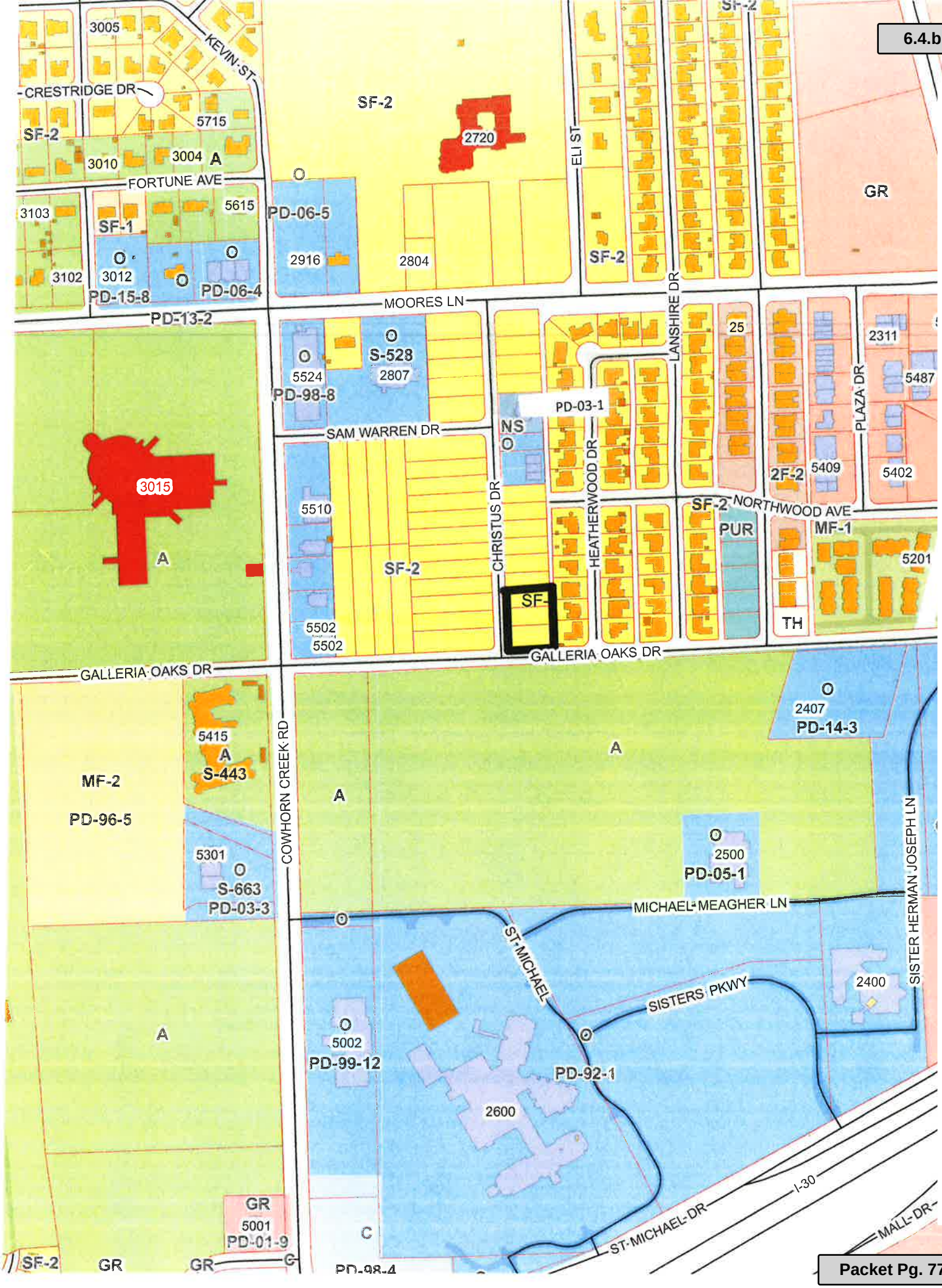
SECTION 5: That this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **13th day of June, 2016.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR



Attachment: 2016-052 ORD ATTH 01 Maps (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus Dr.)

Attachment: 2016-052 ORD ATTH 01 Maps (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus Dr.)

DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR COWHORN PLAZA II

STATE OF TEXAS)
) KNOW ALL MEN BY THESE PRESENTS
COUNTY OF BOWIE)

Preamble

This Declaration of Covenants, Conditions, and Restrictions is made on December 20th, 2001, at Texarkana, Texas, by Aven C. Williamson, (referred to as "Declarant", also referred to as "Developer"), whose mailing address is P. O. Box 5751, Texarkana, Texas 75505.

Recitals

1. Declarant is the owner of the property hereinafter described, being 22.147 acres of land, more or less, in the J. M. Goff Headright Survey, A-244, Bowie County, Texas, and having made and dedicated such Subdivision for the protection and benefit of all subsequent owners of any portion of the property hereinafter described, the map and plat of **COWHORN PLAZA II**, a **Subdivision of Texarkana, Bowie County, Texas** now appearing of record in Volume 3605, Pages 244-270, Deed Records, Bowie County, Texas, does hereby covenant and agree that the covenants and restrictions hereinafter set forth shall run with each and every part of the land herein described and shall be binding upon the Declarant and upon all purchasers of any part thereof, their respective successors, heirs and assigns, and upon any person or persons who may use or occupy any part of the hereinafter described land for any purpose.

The property herein referred to is more particularly described as follows:

All that certain tract or parcel of land situated in the J.M. Goffe Headright Survey A-244, Bowie County, Texas, being a portion of Lot No. 3 of the Subdivision of said Goffe Headright Survey, subject tract being a portion of a certain 19.408 acre tract of land conveyed from Lawrence A. Crutcher, to Aven C. Williamson, by deed dated March 16, 1999, of record in Volume 3029, page 253, Real Property Records, Bowie County, Texas, all of a certain 1.342 acre tract of land conveyed from Austin L. Whiteside, to Aven C. Williamson, by deed dated March 17, 1999, of record in Volume 3029, page 248, Real Property Records, Bowie County, Texas and all of a certain 1.854 acre tract of land conveyed from Francine Ethridge Huckabee, to Aven C. Williamson, by deed dated May 20, 1999, of record in Volume 3064, page 141, Real Property Records, Bowie County, Texas, being more particularly described by metes and bounds as follows:
COMMENCING at an axle found at the Southeast corner of said Goffe Headright Survey;
THENCE: N 89\127 43' W, 1642.46 feet to a 1/2" iron pin found at the Southeast corner of the above referenced 19.408 acre tract, said point being the Southwest corner of Northwood Revised Addition, a subdivision of a part pf the J.M. Goffee Headright Survey A-244, and Section 11, of the

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

M.E.P.& P Railway Company Survey A-428, Bowie County, Texas, according to the plat thereof recorded in Volume 532, page 456, Plat Records, Bowie County, Texas, said point being on the South line of said Lot No. 3;
THENCE: N 00\127 01' 06" W, with the East line of said 19.408 acre tract, same being the West line of said Northwood Revised Addition, 30.00 feet to a 1/2" iron pin set at the POINT OF BEGINNING for the herein described tract of land;
THENCE: N 89\127 15' 05" W, 30.00 North of and Parallel to the South line of said 19.408 acre tract, 796.00 feet to a 1/2" iron pin set for corner on the West line of said 19.408 acre tract, said point being on the East line of Block No. 1 of Cowhorn Plaza Subdivision, a part of the J.M. Goffe Headright Survey A-244, Bowie County, Texas, according to the plat thereof recorded in Volume 2939, page 318, Real Property Records, Bowie County, Texas;
THENCE: N 00\127 14' 42" E, with the West line of said 19.408 acre tract, same being the East line of said Block No. 1 of Cowhorn Plaza Subdivision, 1054.42 feet to a 1/2" iron pin found for corner at the Southwest corner of a certain tract of land conveyed to Mark Smithers by deed of record in Volume 2024, page 187, Real Property Records, Bowie County, Texas;
THENCE: S 89\127 33' 23" E, with the South line of said Smithers Tract, 132.50 feet to a 1/2" iron pin found at the Southwest corner of said Smithers Tract;
THENCE: N 00\127 26' 38" E, with the East line of said Smithers tract, 186.00 feet to a 1/2" iron pin found at the Northeast corner of said Smithers tract, said point being the upper Northwest corner of said 19.408 acre tract, said point also being in the South Right of Way line Farm to Market Road No. 2240 (Moores Lane);
THENCE: S 89\127 33' 22" E, with the North line of said 19.408 acre tract, same being the South Right of Way line of said Farm to Market Road No. 2240, at 132.50 feet past the Northwest corner of the above referenced 1.854 acre Huckabee tract and continuing at 332.50 feet past its Northeast corner, same being the Northwest corner of the above referenced 1.342 acre Whiteside Tract and continuing at 477.30 feet past its Northeast corner and continuing in all a total distance of 657.11 feet to a 1" iron pin found at the Northeast corner of said 19.408 acre tract, said point being the Northwest corner of said Northwood Revised Subdivision;
THENCE: S 00\127 01' 06" E, with the East line of said 19.408 acre tract, same being the West line of said Northwood Revised Subdivision, 1244.69 feet to the PLACE OF BEGINNING and containing 22.056 acres of land more or less.

2. The Declarant has devised a general plan for the entire Property as a whole, with specific provisions for particular parts and parcels of the Property. This general plan provides a common scheme of development designed to protect and safeguard the Property over a long period.

3. This general plan will benefit the Property in general, the parcels and lots that constitute the Property, the Declarant, and each successive owner of an interest in the Property.

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4. Therefore, in accordance with both the doctrines of restrictive covenant and implied equitable servitude, the Declarant desires to restrict the Property according to these covenants, conditions, and restrictions in furtherance of this general development plan.

NOW, THEREFORE, it is declared that all of the Property shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions.

ARTICLE I

DEFINITIONS

Unless the context otherwise specifies or requires, the following words and phrases when used in this Declaration shall have the meanings hereinafter specified.:

1.01 Architectural Committee. "Architectural Committee" shall mean the committee created pursuant to this Declaration and having the authority and responsibility delegated thereto by this Declaration.

1.02 Beneficiary. "Beneficiary" shall mean a mortgagee under a mortgage or a beneficiary under a deed of trust.

1.03 City Restrictions. "City Restrictions" shall mean the requirements of the City of Texarkana, Texas, applicable to the Property.

1.04 Developer. "Developer" shall mean Aven C. Williamson, his duly authorized representatives, or his successors or assigns; provided that any assignment of the rights of Aven C. Williamson, as Developer, must be expressly set forth in writing and the mere conveyance of a portion of Developer's Property without written assignment of the rights of Developer shall not be sufficient to constitute an assignment of the rights of Developer hereunder. The tem Developer shall not include the Owners other than Developer or any other person or legal entity which consents to its real property being included under this Declaration, or which assigns to Developer the right to impose the terms, conditions and restrictions of this Declaration on its real property.

1.05 Developer's Property. "Developer's Property" shall mean those portions of the Property that are from time to time owned by Developer.

1.06 Declaration. "Declaration" shall mean this instrument, and as it may be hereafter amended from time to time.

1.07 Improvement. "Improvement" or "improvements" shall mean every structure and all appurtenances thereto of every type and kind, including but not limited to buildings, outbuildings, patios, garages, storage buildings, fences, screening walls, retaining walls, stairs,

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decks, landscaping, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, exterior air conditioning equipment, water softener fixtures or equipment, and poles, pumps, wells, tanks, reservoirs, pipes, lines, meters, antennas, towers and other facilities used in connection with water, sewer, gas, electric, telephone, regular or cable television, or other utilities.

1.08 Lot. "Lot" or "Lots" shall mean any unit or units of land within the Property.

1.09 Mortgage. "Mortgage" shall mean any mortgage or deed of trust on any portion of the Property given to secure the payment of a debt.

1.10 Owner(s). "Owner(s)" shall mean the person or entity including Developer, holding a fee simple interest of record in all or any portion of the Property or a condominium unit constructed on the Property, but shall not include the Beneficiary of a Mortgage.

1.11 Person. "Person" shall mean an individual or entity having the legal right to hold title to real property.

1.12 Plans and Specifications. "Plans and Specifications" shall mean any and all documents designed to guide or control the construction or erection of any Improvement, including but not limited to those indicating size, shape, configuration, materials, site plans, excavation and grading plans, foundation plans, drainage plans, landscaping and fencing plans, elevation drawings, floor plans, specifications for all building products and construction techniques, samples of exterior colors, plans for utility services, and all other documentation or information relevant to such Improvement.

1.13 Plat. "Plat" shall mean the recorded plat of Cowhorn Plaza II, a Subdivision of Texarkana, Bowie County, Texas, as approved by the City of Texarkana, Texas, and recorded in the Plat Records of Bowie County, Texas.

1.14 Property. "Property" shall mean the land described on Exhibit "A" attached hereto, together with all land hereafter added thereto in accordance with the provisions hereof.

1.15 Record, Recorded, and Recordation "Record, Recorded and Recordation" shall mean, with respect to any document, the recordation of such document in the office of the County Clerk of Bowie County, Texas.

1.16 Subdivision. "Subdivision" shall mean any parcel of the Property which has been shown on a final subdivision plan, recorded in the Plat Records of Bowie County, Texas.

1.17 Supplemental Declaration. "Supplemental Declaration" shall mean any declaration of covenants, conditions, and restrictions which may be hereafter recorded by Developer, subject to all of the terms and restrictions of this Declaration and not in conflict herewith.

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17160	3605	255

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1.18 Cowhorn Plaza II Restrictions. "Cowhorn Plaza II Restrictions" shall mean this Declaration, together with any and all Supplemental Declarations as either may be amended from time to time.

ARTICLE II

DEVELOPMENT AND ANNEXATION OF LAND

2.01 Development by Developer. Developer may divide or subdivide the Developer's Property into several areas and develop some of the Developer's Property. It is contemplated that the Property will be developed pursuant to a master concept plan, which may, from time to time, be amended or modified, in which the development of the Property and restrictions upon each portion thereof will benefit each other's portion and the whole thereof. As each area of Developer's Property is developed or dedicated, Developer may record one or more Supplemental Declarations and designate the use, classification, and such additional covenants, conditions, and restrictions as Developer may deem appropriate for that area. Any Supplemental Declaration may, but need not, provide for the establishment of an association to be comprised of Owners within the area subject thereto. Any Supplemental Declaration may provide its own example, by a specified vote of only the Owners of some of the Property within the area subject thereto. All lands, Improvements and uses in each area so developed shall be subject to both this Declaration and the Supplemental Declaration, if any, for that area.

2.02 Annexation. Developer, and other Persons with Developer's written consent, may at any time, and from time to time, add additional land to the Property. Upon the recording of a notice of addition of land containing the provisions set forth below in this Section 2.02 (which notice may be contained within any Supplemental Declaration affecting such land), the covenants, conditions an restrictions contained in this Declaration shall apply to the added land, and the rights, privileges, duties and liabilities of the Persons subject to this Declaration shall be the same with respect to the added land as with respect to the lands originally covered by this Declaration. The notice of addition of land referred to herein above shall contain the following provisions:

(A) A reference to this Declaration, which reference shall state the date of recordation hereof and the book and page numbers wherein this Declaration is recorded;

(B) A statement that the provisions of this Declaration shall apply to the added land as set forth herein;

(C) A legal description of the added land, and

(D) Developer's written consent if the land being added is not owned by Developer. As part of such written consent, Developer may agree with Person who owns such land as to the terms and conditions upon which Developer will exercise its rights and duties, as

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Developer under this Declaration, with respect to such added lands. Such terms and conditions may provide for joint exercise by Developer and the Owner of such lands, as to such added lands, of Developer's rights and duties.

ARTICLE III

BUILDING AND USE RESTRICTIONS

Except as otherwise provided herein, all of the Property shall be owned, held, encumbered, leased, used, occupied and enjoyed subject to the following specific and general limitations and restrictions:

3.01 Business and Commercial use. The use of the Property, unless specifically authorized to the contrary herein, shall be restricted to the following business and commercial activities:

(A) Office, commercial and financial related activities.

(B) Business services or any other commercial use.

(C) Storage and warehousing.

(D) Wholesale distribution.

(E) Manufacturing or processing where conducted as follows:

(1) All operations shall be within a fully-enclosed building; and

(2) All activities shall be conducted in such a way as to comply with the applicable performance standards.

(F) Health related facilities.

(G) Restaurants.

(H) Retail.

3.02 Prohibited uses. No part of the Property may be used for any of the following:

(A) Industrial uses.

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(B) Entertainment or recreational uses, including, but not limited to: bowling alley, skating rink, theater, health spas, studios, gyms, or clubs, massage parlor, pool or billiard hall, bingo hall, and cardrooms or any other form of gambling activity

(C) So long as the Owner of Lot Number One (1) in Block Number One (1) operates a funeral home, the remaining property within the subdivision will be restricted so as to prohibit another funeral home entity or activity, including the sale of "pre-need" burial plans or policies, except with the written consent of the Owner of Lot Number One(1).

3.03 Antennas. No exterior radio or television antenna, aerial, or receiving dish shall be erected or maintained without the prior written approval of the Architectural Committee. If approval is granted, said devices shall be located where the Architectural Committee determines and said devices shall comply with all City of Texarkana standards. Approval by the Architectural Committee may be withheld for any reason.

3.04 Insurance Rates. Nothing shall be done or kept on any of the Property or any Lot which would increase the rate of insurance on any other Lot or any Improvements constructed upon any other Lot, nor shall anything be done or kept on the Property or any Lot which would result in the cancellation of insurance on any other Lot, any Improvements constructed upon any other Lot, or which would be in violation of any law.

3.05 Signs. No sign of any kind shall be displayed to the public view without the prior written approval of the Architectural Committee, except for signs which are part of Developer's overall marketing plan for the Property. The design of all signs must be submitted to the Architectural Committee for approval prior to fabrication and installation. All signs must be maintained in a clean and professional manner. The Architectural Committee may permit signs of any type advertising a portion of the Property for sale or lease and it may set standards for the same. In granting approval of a sign, the Architectural Committee may specify the materials to be used, the location of the proposed sign, height and size, purpose, shape, lettering, landscaping, and the type of lighting to be used in illuminating the sign.

3.06 Rubbish and Debris. No rubbish or debris of any kind (including weeds, brush, or material of any nature deemed to be rubbish or debris by the Architectural Committee) shall be placed or permitted to accumulate upon the Property and no odors shall be permitted to arise therefrom, so as to render any such Property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other Property or to its occupants. The Architectural Committee shall determine what constitutes rubbish, debris, or odors and what conditions render any portion of the Property unsanitary, unsightly, offensive or detrimental to any other Property or to its occupants, and the decision of the Architectural Committee shall be final and binding on all parties. Refuse, garbage and trash shall be kept at all times in a covered container and any such container shall be kept within an enclosed structure or appropriately screened from view.

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3.07 Noise. No exterior speakers, horns, whistles, bells or other sound devices (other than security devices used exclusively for security purposes) shall be located, used or placed on any of the Property without the prior written approval of the Architectural Committee. No noise or other nuisance shall be permitted to exist or operate upon any of the Property so as to be offensive or detrimental to any other Property or to its occupants.

3.08 Construction of Improvements. No Improvements shall hereafter be constructed upon any of the Property without the prior written approval of the Architectural Committee. The positioning of all Improvements upon Lots within the Property is hereby expressly made subject to Architectural Committee review and approval. The Architectural Committee reserves the right to determine the precise location of the Improvement on the Lot. The Architectural Committee may, but shall not be required to, prevent or allow the construction of a proposed Improvement based upon the effect it will have upon the view from any particular portion of the Property or the effect the location of the Improvement will have on other portions of the Property. The Committee may consider the effect the Improvement will have on the Property as a whole, it being expressly understood that neither the Developer, the Architectural Committee, nor the members thereof, shall be liable to any Owner in monetary damages or otherwise due to the construction of any Improvement with the Property.

3.09 Repairs and Maintenance.

(A) All Improvements hereafter constructed upon any of the Property shall at all times be kept in good condition and repair and adequately painted or otherwise maintained by the Owner thereof. The opinion of the Architectural Committee as to condition shall be final.

(B) Owners and occupants (including leasees) of any part of the Property shall jointly and severally have the duty and responsibility, at their sole cost and expense, to keep that part of the Property so owned or occupied, and all areas adjacent to such Property which are within dedicated rights-of-way but not within an actual paved roadway, to the extent not maintained by the City of Texarkana, including buildings, Improvements and grounds in connection therewith, in a well-maintained, safe, clean and attractive condition at all times. Such maintenance shall include, but is not limited to the following which shall be performed in a timely manner:

1. Prompt removal of all litter, trash, refuse, and wastes.
2. Lawn mowing.
3. Tree and shrub pruning.
4. Watering.

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5. Keeping exterior lighting and mechanical facilities in working order.

6. Keeping lawn and landscaped areas alive, free of weeds and attractive.

7. Keeping parking areas, driveways and roads in good repair.

8. Complying with all government, health and police requirements.

9. Striping of parking areas and repainting of Improvements.

10. Repair of exterior damage, and wear and tear to Improvements.

3.10 Construction Standards.

(A) Construction, remodeling, or alteration of any Improvement on any portion of the Property or any Lot contained in the Property shall meet standards set forth in these Covenants and shall require prior written approval of the Architectural Committee as more specifically set forth herein. No consent, however, of the Architectural Committee need be obtained for changes that are strictly internal, and not visible from the exterior of any Improvement. Any Owner, occupant or lessee, in conjunction with a request for approval of any such construction, remodeling, or alteration shall submit to the Architectural Committee the following:

1. A detailed site plan.

2. Elevations showing all sides of the proposed Improvement.

3. A detailed landscape plan including a sprinkler system plan which specifies the species, size and number of all vegetation to the utilized in performing the landscaping.

4. A detailed description, including exterior finish colors, and roof materials, of all building materials to be utilized in the construction.

5. Detailed Plans and Specifications.

(B) All building exterior walls from grade to roof levels shall be faced and finished with brick, stone, stucco, marble, architectural concrete, glass, or with such other equal or better quality face materials as may be approved in writing by the Architectural Committee. No building shall have sheet or corrugated aluminum, iron, steel, or asbestos covering the exterior walls, without prior written approval of the Architectural Committee. Windows shall not be glazed or reglazed with mirrored or reflective glass without prior written approval of the Architectural Committee. All Improvements constructed within the Property shall be built in

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

place on the Lot, and the use of prefabricated materials shall be allowed only with the prior written approval of the Architectural Committee.

(C) Construction must conform to Plans and Specifications approved in writing by the Architectural Committee. Factors to be considered by the Architectural Committee may include but shall not be limited to, whether the Plans and Specifications meet the following criteria:

1. Provide adequate fire protections systems;

2. Provide for all underground utilities (public and private); and

3. Preserve the quality and atmosphere of the Property and do not detract from adjacent portions of the Property

(D) Approval by the Architectural Committee of any Plans and Specifications shall not be deemed to constitute any representation, warranty, or guarantee that the particular Plans and Specifications actually meet any or all of the foregoing criteria. Each commercial building, complex of buildings, or separate commercial business enterprise shall have a trash receptacle on the premises adequate to handle the trash and waste items generated, manufactured, or acquired thereon by such commercial activities. The sorting, handling, moving, storing, removing, and disposing of all such waste materials must be housed or screened in a manner approved in writing by the Architectural Committee. All facilities and plans for the disposal of wastes, other than by public sewage methods (such as shredding, compaction, incineration, reclamation, or chemical dissolution) must be approved in writing by the Architectural Committee.

(E) No excavation shall be made except in conjunction with an Improvement. When such Improvement is completed, all exposed openings shall be backfilled and graded.

(F) Once commenced, construction shall be diligently pursued to the end that it may not be left in a partly finished condition any longer than a reasonable time, which length of time shall be determined by the Architectural Committee.

3.11 Alteration or Removal of Improvements. Any construction, other than normal maintenance, which in any way alters the exterior appearance of any Improvement, or the removal of any Improvement shall be performed only with the prior written approval of the Architectural Committee.

3.12 Parking. Parking will not be permitted on any street or road, either public or private, or at any place other than paved parking spaces, and each Owner shall be responsible for compliance by the respective lessees, licensees, employees, guests, customers, business invites and visitors.

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

3.13 Landscaping. All open, unpaved space, including, but not limited to, front, side and rear building set-back areas, and all areas between the curb line and the property line, shall be planted and landscaped, and maintained as provided in section 3.08 hereof. A sprinkler system of approved design shall be installed in all landscaped areas. Landscaping in accordance with the approved Plans and Specifications must be completed within sixty (60) days following the occupancy or completion of any building, whichever occurs first. Such sixty (60) day period may be extended in writing by the Architectural Committee, acting in its sole good faith and discretion, in the event of delays caused by adverse weather conditions or other conditions beyond the reasonable control of the Owner requesting such extension.

3.14 Illumination. If exterior illumination is required or desired for any building or parking area, such exterior illumination shall be designed so as to shine only on the particular building or parking area for which such illumination has been approved by the Architectural Committee and shall not interfere with any adjoining portions of the Property; and such illumination shall not be installed without the prior written approval of the Architectural Committee as to the plan therefor.

3.15 Loading Docks and Other Areas. The location of loading docks and garbage areas shall be approved by the Architectural Committee.

3.16 Drainage. There shall be no interference with the established drainage patterns over any of the Property, except by Developer, unless adequate provision is made for property drainage and written approval by the Architectural Committee is obtained prior to any construction work or other activity which may cause such interference with established drainage patterns.

3.17 Hazardous Activities. No activities shall be conducted on the Property and no Improvements constructed on the Property which are or might be unsafe or hazardous to any person or property. Without limiting the generality of the foregoing, no firearms or fireworks shall be discharged upon the Property, and no open fire shall be lighted or permitted.

3.18 Temporary Structures. No tent, shack or other temporary building, Improvement, or structure shall be placed upon the Property, except that temporary structures necessary for storage for tools and equipment, and for office space for architects, builders, and foremen during actual construction may be maintained with the approval of the Architectural Committee, such approval to specify the nature, size, duration and location of such structure.

3.19 Mining and Drilling. No portion of the Property shall be used for the purpose of mining, quarrying, drilling, boring, or exploring for or removing water, oil, gas, or other hydrocarbons, minerals of any kind, rocks, stones, sand, gravel, aggregate, or earth, nor shall oil wells, tanks, tunnels, mineral excavations, or shafts be permitted upon or within any portion of the Property. No derrick or other structure designated for use in drilling for ore or natural gas shall be erected, maintained or permitted upon any portion of the Property.

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

3.20 Animals. No kennel or other facility for raising or boarding dogs, cats, poultry, livestock, or other animals for commercial purposes shall be kept on any part of the Property.

3.21 Unsightly Articles; Vehicles. No article deemed to be unsightly by the Architectural Committee shall be permitted to remain on any portion of the Property so as to be visible from adjoining property or public or private thoroughfares. Without limiting the generality of the foregoing, trailers, graders, trucks (other than pickups), boats, tractors, campers, wagons, buses and maintenance equipment shall be kept at all times, except when in actual use, in enclosed structures or screened from view and no repair or maintenance work shall be done on any of the foregoing, or on any automobile or pickup truck, motorcycle, or motor scooter (other than minor emergency repairs), except in enclosed garages or other structures. Service areas and storage areas shall be appropriately screened from view and no lumber, metals, bulk materials, scrap, refuse, or trash shall be kept, stored or allowed to accumulate on any portion of the Property except within enclosed structures or appropriately screened from view. Liquid propane, gas, oil, and other exterior tanks shall be kept within enclosed structures or permanently screened from view. Nothing in this provision shall prohibit customers, guests, or invitees from driving and parking any truck, bus, motor home, or other vehicle, including any trailer or camper attached thereto, for a period of not more than 48 hours on any of the designated driveways and parking spaces.

3.22 Mobile Homes, Travel Trailers and Recreational Vehicles. No mobile homes shall be parked or placed on any portion of the Property at any time, and no travel trailers, boats, or recreational vehicles shall be parked on or near any portion of the Property so as to be visible from adjoining property or public or private thoroughfares for more than 48 hours.

3.23 Fences. The construction of fences shall be restricted, and no fence shall be constructed on the Property without the prior written consent of the Architectural Committee. The Architectural Committee may, in its sole discretion, prohibit the construction of any proposed fence, or specify the materials of which any proposed fence must be constructed, or required that any proposed fence be screened by vegetation or otherwise screened so as not to be visible from other portions of the Property.

3.24 Screening. Storage areas, air conditioning and heating equipment, incinerators, storage tanks, trucks, roof objects (including, but not limited to fans, vents, cooling towers, skylights, air conditioning and heating equipment, and all roof mounted equipment which rises above the roof line), trash containers and maintenance facilities shall either be housed in closed buildings or otherwise completely screened from view at ground level from adjoining streets, buildings, and other Lots and Improvements thereon. Such screening shall include landscaping or permanent fences of solid materials located as far from property lines as reasonable possible and approved by the Architectural Committee in writing prior to construction.

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

ARTICLE IV

ARCHITECTURAL COMMITTEE

4.01 Architectural Control Committee. The Architectural Control Committee shall be composed of:

AVEN C. WILLIAMSON
JANE E. WILLIAMSON
BOBBY L. HOWELL

The Committee may designate a representative to act for it. In the event of the death or resignation of any member of the Committee, the remaining members shall have full authority to designate a successor. Neither the members of the Committee nor their designated representative shall be entitled to any compensation for services performed pursuant to this covenant. The Architectural Control Committee shall exist and remain with full power to act for a period of ten (10) years. The Committee may extend the life of the Committee for an additional ten-year period. Should all of the members of the Architectural Control Committee resign or fail to act or prevent it from performing its duties of establishing the covenants herein, then the record owners of a majority of the acreage in the subdivision shall have the power at any time, through a duly recorded written instrument, to re-establish that Committee by election to the Committee of three (3) members.

Enforcement shall be by proceeding at law or in equity by any member of the Architectural Control Committee, or any person or persons having a legal or equitable interest in any of the real property upon which these covenants attach against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

4.02 Approval of Plans and Specifications. The Architectural Control Committee must review and approve in writing all of the following projects on the Property:

(A) Construction of any building, fence, wall, or other structure.

(B) Any exterior addition, change, or alteration in any building, fence, wall, or other structure.

(C) Any landscaping or grading of any Lot or Lots.

4.03 Application for Approval. To obtain approval to do any of the work described in Paragraph 4.02, an Owner must submit an application to the Architectural Control Committee showing the plans and specifications for the proposed work. Such plans and specifications shall detail the nature, shape, height, materials, colors, and location of the proposed work.

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

4.04 Standard for Review. The Architectural Control Committee shall review applications for proposed work in order to (1) ensure conformity of the proposal with these covenants, conditions, and restrictions and (2) ensure harmony of external design in relation to surrounding structures and topography. An application can be rejected for providing insufficient information. The Committee shall have broad, discretionary authority to interpret and apply these standards. In rejecting an application, the Committee should detail the reason as for rejection and suggest how the applicant could remedy the deficiencies. Notwithstanding anything herein to the contrary, the Architectural Committee shall have the authority to waive any requirement or restriction, on a case by case basis.

4.05 Failure of Committee to Act. If the Architectural Control Committee fails either to approve or reject an application for proposed work within sixty (60) days after submission, then Committee approval shall not be required, and the applicant shall be deemed to have fully complied with this Article.

4.06 Exterior Maintenance. If an Owner of any Lot fails to maintain the premises in a neat and orderly manner, the Developer or the Architectural Control Committee shall have the right, through its agents and employees, to enter the Lot in order to repair, maintain, and restore the Lot, including landscaping, and the exterior of any buildings and other improvements located on the Lot, all at the expense of the Owner.

ARTICLE V

EASEMENTS

5.01 Existing Easements. Each and every contract, deed, conveyance or ground lease executed or to be executed by or on behalf of Developer conveying or leasing any part of the Property shall be made subject to all grants and dedications of easements and related rights heretofore made by Developer and Developer's predecessors in title. Each of said easements shall apply to an Owner's land only insofar as such easement is by its terms specifically applicable to such Owner's land

5.02 Changes and Additions. Developer reserves the right to make changes in and additions to the above easements for the purpose of most efficiently and economically installing utilities, streets, signs, landscaping and other improvements, and for such other purposes as Developer may deem to be in the common best interest of the Owners or to be necessary or advisable for the proper development of the Property as a business park. However, after the plat and plans of the roads which specifically affect an Owner's land are approved by the City of Texarkana are constructed and accepted by the City of Texarkana, Developer shall have no further rights under this section with respect to such land.

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

5.03 Title to Easements and Appurtenances Not Conveyed. Title to any portion of the Property conveyed by Developer by deed or other conveyance or made the subject of a ground lease shall not be held or construed in any event to include the title to any roadways or any drainage, water, gas, sewer, storm sewer, electric light, electric power, telegraph or telephone way, or any pipes, lines, poles, or conduits on or in any utility facility or appurtenances thereto, constructed by or under Developer or its agents through, along or upon such appurtenances the right to grant any additional easements of any municipality or other governmental agency or to any public service corporation or to any other party is hereby expressly reserved in developer.

ARTICLE VI

MISCELLANEOUS

6.01 Term. This Declaration, including all of the covenants, conditions and restrictions hereof, shall run until December 31, 2031, unless amended as herein provided. After December 31, 2031, this Declaration, including all such covenants, conditions and restrictions shall be automatically extended for successive periods of ten (10) years each, unless amended or extinguished by a written instrument executed by the Owners of at least three-fourths (3/4) of the total acreage of the Property then subject to this Declaration.

6.02 Amendment.

(A) By Developer. This Declaration may be amended by the Developer so long as Developer holds a majority of the land within the subdivision, or after that date if the Amendment is made to correct a typographical error. No amendment by Developer shall be effective until there has been recorded in the Real Property Records of Bowie County, Texas, an instrument executed and acknowledged by Developer and setting forth the amendment and certifying that the Developer had the requisite percentage of ownership.

(B) By Owners. In addition to the method set forth in Section 6.02 (A), this Declaration may be amended by the recording in the Real Property Records of Bowie County, Texas of an instrument executed and acknowledged , setting forth the amendment and certifying that such amendment has been approved by Owners owning at lease fifty-one percent (51%) of the land within the subdivision.

6.03 Notices. Unless otherwise provided herein, any notice permitted or required to be given by this Declaration shall be in writing and may be delivered either personally or by mail. If delivery is made by mail, it shall be deemed to have been delivered on the third (3rd) day (other than a Sunday or legal holiday) after a copy of the same has been deposited in the United States mail, postage prepaid, addressed to the Person at the Property address or the address given by such Person to the Architectural Committee for the purpose of service of notices. Such address may be changed from time to time by notice in writing given by such Person to the Architectural Committee.

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

6.04 Interpretation. The provisions of this Declaration shall be liberally construed to effectuate their purposes of creating a uniform plan for the development and operation of the Property and of promoting and effectuating the fundamental concepts of the Property. This Declaration shall be construed and governed under the laws of the State of Texas, and all obligations herein shall be performed in Bowie County, Texas.

6.05 Construction Activities. This Declaration shall not be construed so as to unreasonably interfere with or prevent normal construction activities during the construction of Improvements by an Owner (including Developer) upon any portion of the Property. Specifically, no such construction activities shall be deemed to constitute a nuisance or a violation of this Declaration by reason of similar activities, provided that such construction is pursued to completion with reasonable diligence, is in compliance with the provisions of this Declaration, and conforms to usual construction practices in the area. In the event of any dispute regarding such matters, a temporary waiver of the applicable provision, including but not limited to any provision prohibiting temporary waiver of the applicable provision and any provision prohibiting temporary structures, may be granted by the Architectural Committee, provided that such waiver shall be effective only for the reasonable period of such construction.

6.06 Exemption to Developer. Notwithstanding any provision in this Declaration to the contrary, neither Developer nor any of Developer's development activities shall in any way be subject to the control of or under the jurisdiction of the Architectural Committee. Without in any way limiting the generality of the preceding sentence, this Declaration shall not prevent or limit the right of Developer to excavate and grade, to construct and alter drainage patterns and facilities, to construct any and all other types of improvements, sales, and leasing offices and similar facilities, and to post signs incidental to construction, sales and leasing anywhere within the Property. Developer shall be subject to the control of and under the jurisdiction of the Architectural Committee if Developer, in the capacity of an Owner, elects to construct any permanent structures on any Lot or Lots contained in the Property.

6.07 Assignment by Developer Notwithstanding any provision in this Declaration to the contrary, Developer may, in writing, assign in whole or in part, any of his privileges, exemptions, rights, and duties under this Declaration to any other person and may permit the participation, in whole or in part, by any other person in any of its privileges, exemptions, rights and duties hereunder.

6.08 Enforcement and Non-waiver.

(A) Right of Enforcement. Except as otherwise provided herein, any Owner (at his own expense), Developer, and the Architectural Committee, shall each have the right to enforce all of the provisions of the Cowhorn Plaza II Restrictions. Such right of enforcement shall include both damages for and in injunctive relief against the breach of any such provisions.

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

(B) Violation of Cowhorn Plaza II Restrictions. Every act or omission whereby any provision of the Cowhorn Plaza II Restrictions is violated, in whole or in part, is hereby declared to be a nuisance and may be enjoined or abated by any Owner (at his own expense), Developer, or the Architectural Committee.

(C) Violation of Law. Any violation of any federal, state or local law, ordinance, or regulation pertaining to the ownership, occupancy, or use of any of the Property is hereby declared to be a violation of the Cowhorn Plaza II restrictions and subject to all of the enforcement procedures set forth in said restrictions.

(D) Non-waiver. The failure to enforce any provision of the Cowhorn Plaza II Restrictions at any time shall not constitute a waiver of the right thereafter to enforce any such provision or any other provision of said restrictions.

6.09 Construction.

(A) Restrictions Severable. The provisions of the Cowhorn Plaza II restrictions shall be deemed independent and severable, and the invalidity or partial invalidity of any provision or portion thereof shall not affect the validity or enforceability of any other provision.

(B) Singular Includes Plural. Unless the context requires a contrary construction, the singular shall include the plural and the singular; and the masculine, feminine, or neuter shall each include the masculine, feminine, and neuter.

(C) Captions. All captions and titles used in this Declaration are intended solely for convenience of reference and shall not enlarge, limit, or otherwise affect that which is set forth in any of the paragraphs, sections, or articles hereof.

6.10 Covenants Running with the Land. These easements, restrictions, covenants, and conditions are for the purpose of protecting the value and desirability of the property. Consequently, they shall run with the real property and shall be binding on all parties having any right, title, or interest in the property in whole or in part, and their heirs, successors, and assigns. These easements, covenants, conditions and restrictions shall be for the benefit of the Property, each Lot, and each Lot Owner.

EXECUTED this the 20th day of December, 2001.

DECLARANT/DEVELOPER:

AVEN C. WILLIAMSON

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

ACKNOWLEDGMENT

STATE OF TEXAS)
)
COUNTY OF BOWIE)

This instrument was acknowledged before me on the 20th day of December, 2001, by AVEN C. WILLIAMSON.

Sandra Talent
Notary Public, State of Texas

SANDRA TALENT
NOTARY PUBLIC
State of Texas
Commission Exp. 03-24-2002

Attachment: 2016-052 ORD ATTH 02 Restrictive Rights and Covenants (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA	No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

Attachment: Goals & Perspectives (1472 : 2016-052 ORD rezoning NE corner of Galleria Oaks & Christus Dr.)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 4/14/2016 3:00 PM

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,

Subject: Ordinance No. 2016-053 amending PD-16-2(O) for site plan approval on Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive. Alan Schimming, owner.

Briefing:	5/9/2016	**Public Hearing:**	5/9/2016	**Second Briefing:**	May 23, 2016	**Council Vote:**	6/13/2016

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

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

Amendment to PD-16-2(O): This is a request by Alan Schimming, owner, for site plan approval on Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive. The proposed use of the property is an office building.

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

The site plan presented shows the following:

1. A 3,000 square foot building with brick, stone, stucco, marble, concrete, glass or with such other equal or better quality face materials.
2. 23 parking spaces with one handicapped space.
3. A shared driveway entrance from Christus Drive. This drive will allow access to the property to the north.
4. A screening device along the east property line.

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Staff recommends for approval of the site plan with the following items shown as part of the site plan:

1. A 3,000 square foot building with brick, stone, stucco, marble, concrete, glass or with such other equal or better quality face materials.

2. 23 parking spaces with one handicapped space.
3. A shared driveway entrance from Christus Drive. This drive will allow access to the property to the north.
4. A screening device along the east property line.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval with the following items shown as part of the site plan:

1. A 3,000 square foot building with brick, stone, stucco, marble, concrete, glass or with such other equal or better quality face materials.
2. 23 parking spaces with one handicapped space.
3. A shared driveway entrance from Christus Drive. This drive will allow access to the property to the north.
4. A screening device along the east property line.
5. A monument style sign not to exceed 48 square feet in size at the southwest corner of the lot. No CEVMS allowed.

Advisory Board/Committee Meeting Date and Minutes:

April 4, 2016

Attachments

a. 2016-053 ORD amending PD-16-2 (PDF)
b. 2016-053 ORD EXH "A" Site Plan (PDF)
c. 2016-053 ORD ATTH 01 Aerial Site Plan (PDF)
d. 2016-053 ORD ATTH 02 Maps (PDF)
e. Goals & Perspectives (PDF)

Staff Coordination

Planning and Community Development	Daphnea Ryan	Department Head Review	Completed	04/14/2016 1:27 PM
Assistant City Manager Review	Shirley Jaster	Assistant City Manager	Completed	04/14/2016 1:48 PM
Public Information Officer	Lisa Thompson	PIO Review	Completed	04/14/2016 1:58 PM
City Manager	John Whitson	City Manager Review	Completed	04/18/2016 8:46 AM
City Council	Jennifer Evans	Meeting	Completed	04/25/2016 6:00 PM

Meeting History

ORDINANCE NO. 2016-053

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-16-2(O) FOR SITE PLAN APPROVAL ON LOTS 15, 16 & 17, BLOCK 2, COWHORN PLAZA II SUBDIVISION, LOCATED AT THE NORTHEAST CORNER OF GALLERIA OAKS DRIVE AND CHRISTUS DRIVE IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting the **approval of a site plan (Exhibit 'A')** on Lots 15, 16 & 17, Block 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive in the City of Texarkana, Bowie County, Texas; and

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

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

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that 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')** submitted to allow for the construction an office building on Lots 15, 16 & 17, Bock 2, Cowhorn Plaza II Subdivision, located at the northeast corner of Galleria Oaks Drive and Christus Drive in the City of Texarkana, Texas, Bowie County, Texas, be and is hereby approved and hereby amends PD-16-2(O).

Attachment: 2016-053 ORD amending PD-16-2 [Revision 1] (1473 : 2016-053 ORD amending PD-16-2 for site plan approval)

SECTION 2: That the following items are shown as part of the site plan and are hereby imposed and made a part of this Ordinance:

1. A 3,000 square foot building with brick, stone, stucco, marble, concrete, glass, or with such other equal or better quality face materials.
2. Twenty-three (23) parking spaces with one (1) handicapped space.
3. A shared driveway entrance from Christus Drive. This drive will allow access to the property to the north.
4. A screening device along the east property line.
5. A monument style sign not to exceed 48 square feet in size at the southwest corner of the lot. No CEVMS allowed.

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 **13th day of June, 2016.**

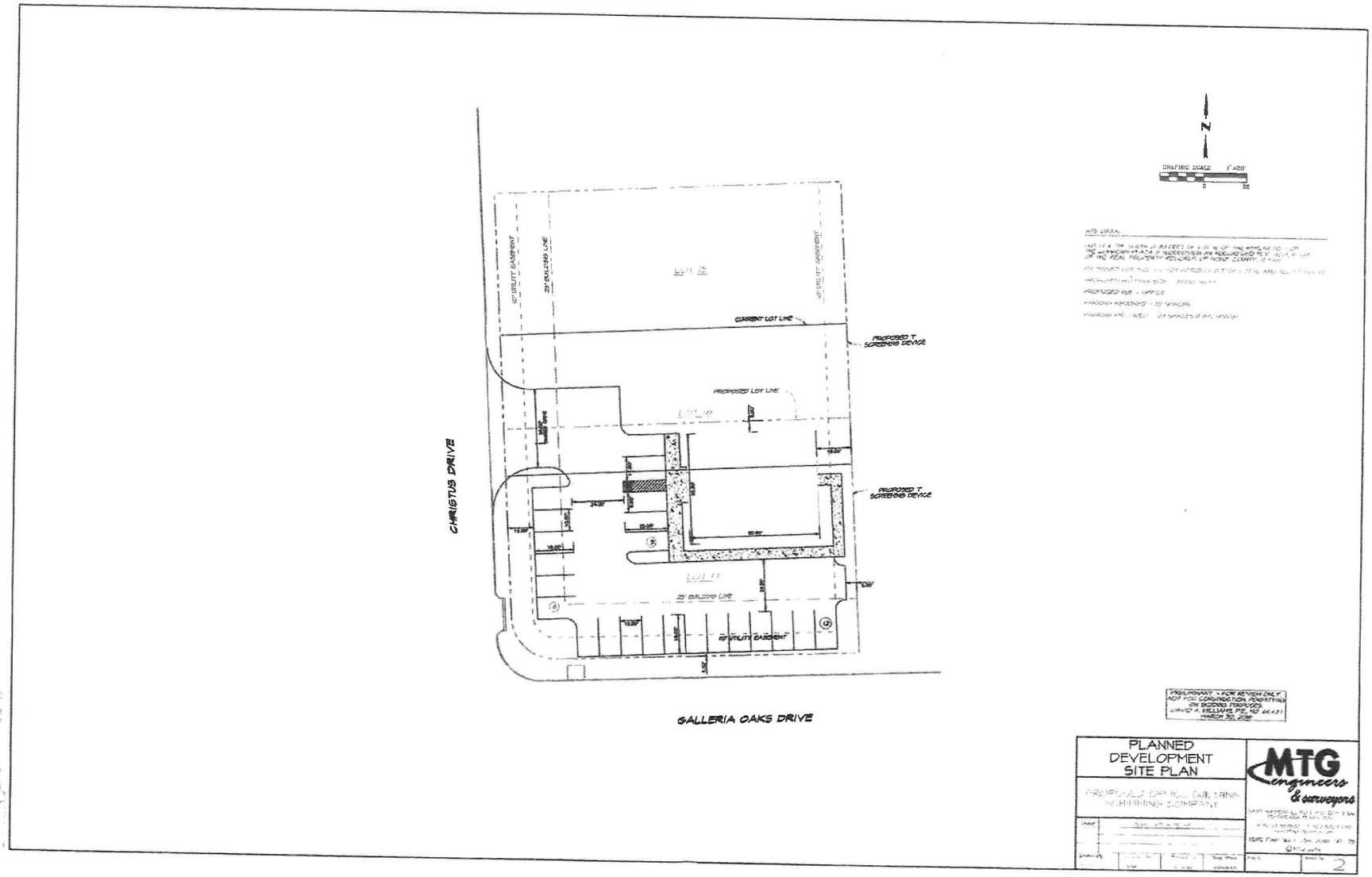
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2016-053 ORD amending PD-16-2 [Revision 1] (1473 : 2016-053 ORD amending PD-16-2 for site plan approval)

EXHIBIT 'A'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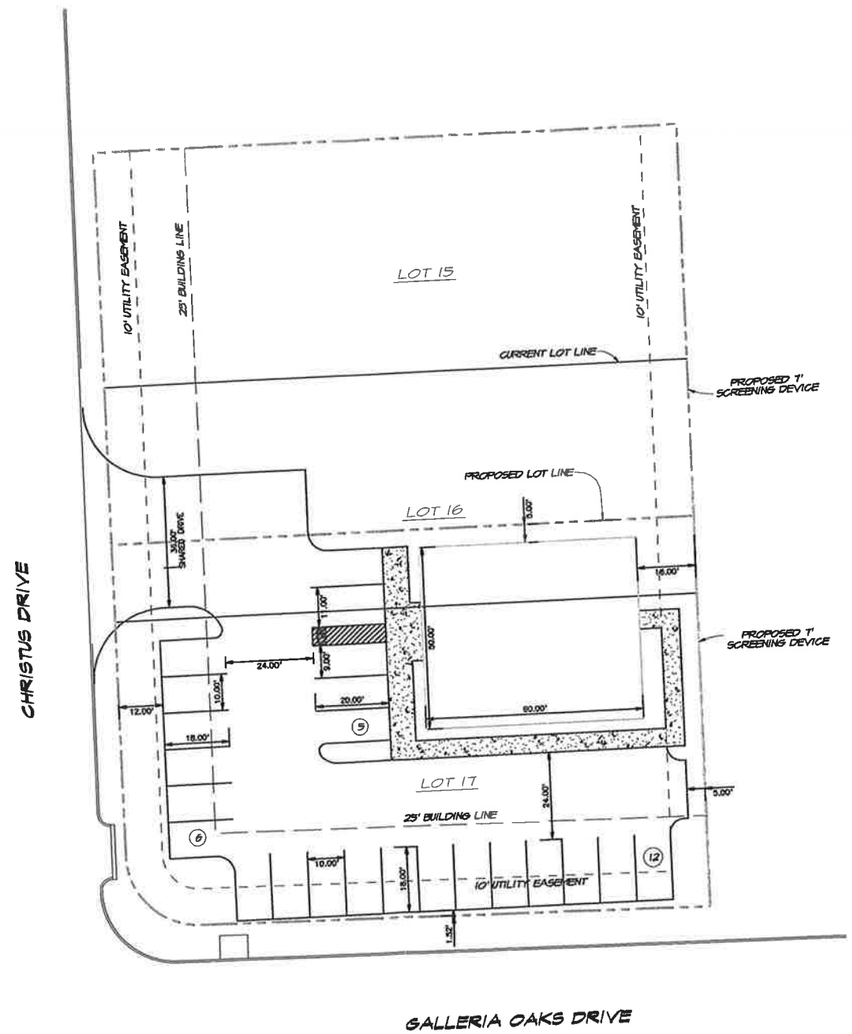
GRAPHIC SCALE
LOT 15
10' UTILITY EASEMENT
25' BUILDING LINE
CURRENT LOT LINE
PROPOSED T SCREENING DEVICE
PROPOSED LOT LINE
LOT 16
LOT 17
CHRISTUS DRIVE
GALLERIA OAKS DRIVE
PLANNED DEVELOPMENT SITE PLAN
MTG engineers & surveyors
2

EXHIBIT "A"



N

GRAPHIC SCALE 1"=20'
0 20

SITE DATA:

LOT 17 & THE SOUTH 21.30 FEET OF LOT 16 OF THE REPLAT NO. 1 OF THE COWHORN PLAZA II SUBDIVISION AS RECOREDED IN V. 4014, P. 124 OF THE REAL PROPERTY RECORDS OF BOWIE COUNTY, TEXAS

PROPOSED LOT SIZE = 0.429 AGRES (S 21.3' OF LOT 16 AND ALL OF LOT 17)

PROPOSED BUILDING SIZE = 3,000 SQ FT

PROPOSED USE = OFFICE

PARKING REQUIRED = 10 SPACES

PARKING PROVIDED = 23 SPACES (1 H/C SPACE)

PRELIMINARY - FOR REVIEW ONLY. NOT FOR CONSTRUCTION, PERMITTING OR BIDDING PURPOSES. DAVID A. WILLIAMS, P.E. NO. 66431 MARCH 30, 2016

PLANNED DEVELOPMENT SITE PLAN

PROPOSED OFFICE BUILDING
SCHIMMING COMPANY

Date	Revision/Description

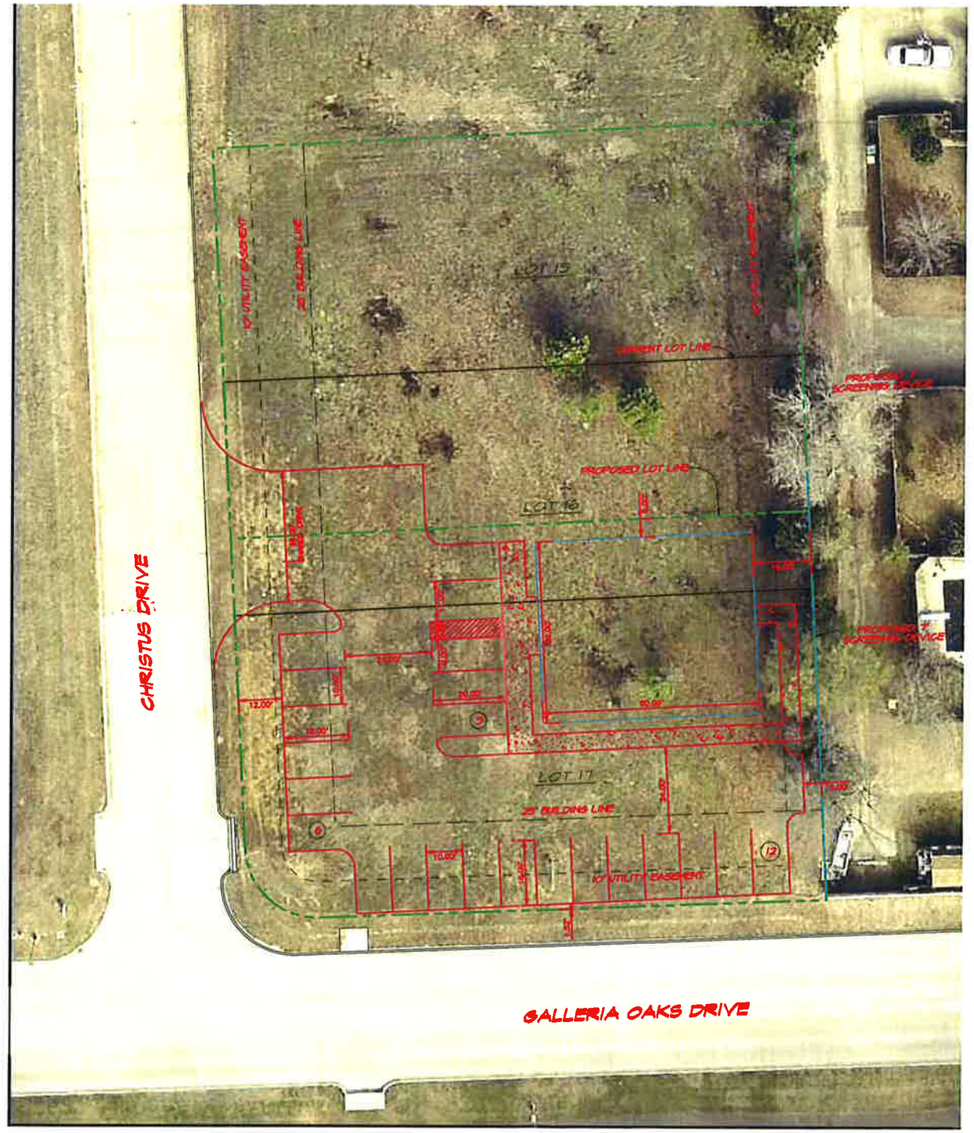
Drawn By	Checked By	Project No.	Dwg. Date
XXX.	XXX.	XXXXXX	XX/XX/XX

MTG engineers & surveyors
5430 SUMMERHILL RD. | P.O. BOX 3786
TEXARKANA TEXAS 75501
P 903.838.8533 | F 903.832.4100
www.mtgengineers.com
TBPE FIRM NO. F-354 | ASBL NO. 125
© MTG 2016

File No. | Sheet No. 2

X:\2016 Projects\2016 New Jobs\Alan Schimming\Concept_02.pro
Mon Apr 4, 2016 3:33PM

Attachment: 2016-053 ORD EXH "A" Site Plan [Revision 2] (1473 : 2016-053 ORD amending PD-16-2 for site plan approval)



N

GRAPHIC SCALE 1"=20'

0 20

SITE DATA:

LOT 17 & THE SOUTH 21.30 FEET OF LOT 16 OF THE REPLAT NO. 1 OF THE CAMHORN PLAZA II SUBDIVISION AS RECORDED IN V. 4014, P. 124 OF THE REAL PROPERTY RECORDS OF BOWIE COUNTY, TEXAS

PROPOSED LOT SIZE = 0.424 ACRES (S 21.3' OF LOT 16 AND ALL OF LOT 17)

PROPOSED BUILDING SIZE = 3,000 SQ FT

PROPOSED USE = OFFICE

PARKING REQUIRED = 10 SPACES

PARKING PROVIDED = 23 SPACES (1 H/C SPACE)

PRELIMINARY ~ FOR REVIEW ONLY. NOT FOR CONSTRUCTION, PERMITTING OR BIDDING PURPOSES.
DAVID A. WILLIAMS, P.E., NO. 66437
MARCH 30, 2016

PLANNED DEVELOPMENT SITE PLAN

PROPOSED OFFICE BUILDING
SCHIMMING COMPANY

Date	Revision/Description

Drawn By	Checked By	Project No.	Dwg. Date
XXX	XXX	XXXXXX	XX/XX/XX

MTG engineers & surveyors
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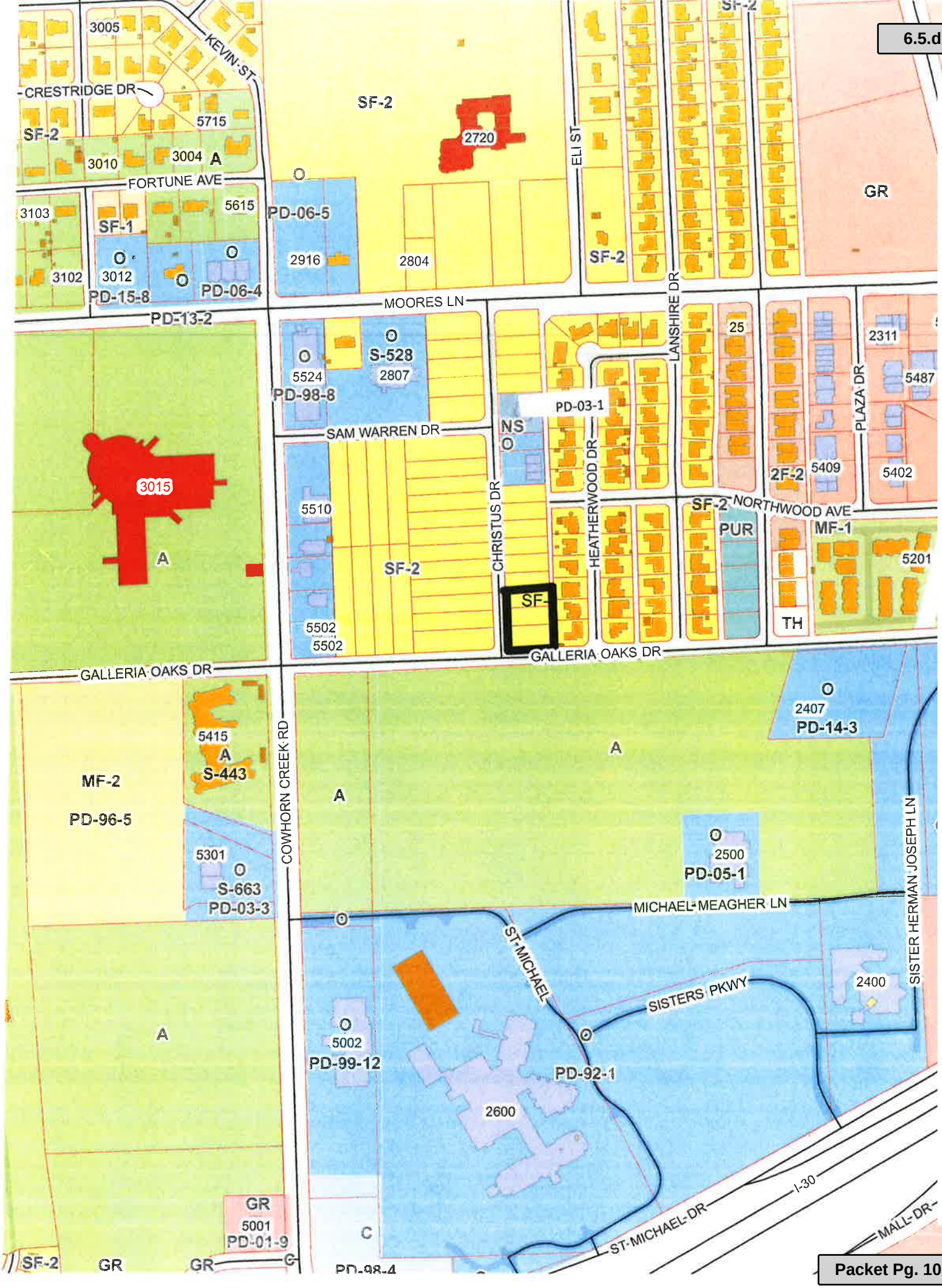
File No. | Sheet No. 2

X:\2016 Projects\2016 New Jobs\Allan Schimming\Concept_02.pro
Mon Apr 4, 2016 3:54PM

Attachment: 2016-053 ORD ATTH 01 Aerial Site Plan (1473 : 2016-053 ORD amending PD-16-2 for site plan approval)



Attachment: 2016-053 ORD ATTH 02 Maps (1473 : 2016-053 ORD amending PD-16-2 for site plan approval)

Attachment: 2016-053 ORD ATTH 02 Maps (1473 : 2016-053 ORD amending PD-16-2 for site plan approval)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA	No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

Attachment: Goals & Perspectives (1473 : 2016-053 ORD amending PD-16-2 for site plan approval)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 4/26/2016 3:56 PM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,

Subject: Resolution No. 2016-054 establishing a General Fund Balance Policy.

Briefing: 5/9/2016	**Public Hearing:** 5/9/2016	**Second Briefing:** May 23, 2016	**Council Vote:** 6/13/2016

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

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

For a number of years the City's general fund budget has been prepared using a minimum fund balance objective of not less than 10% of budgeted expenditures. The Government Finance Officers Association (GFOA) best practices recommend that all municipalities establish a fund balance policy based on the level of risk of unbudgeted expenditures in an operating cycle. GFOA provides an analysis tool that is intended to assist the City in identifying and assessing risks in eight different categories. Identified risks are then measured against the City's ability to mitigate these risks by means other than the use of fund balance. The final step in each category is to assign a score to the importance of risk retention through the use of reserves (fund balance). These categories include: vulnerability to extreme events and public safety concerns, revenue source stability, expenditure volatility, leverage, liquidity, dependency on other funds, growth, and capital projects. Other factors evaluated in the analysis include: impact of government size, budget practices, borrowing capacity, and the impact of commitments/assignments of fund balance, outsider perceptions, and political support. The result of this analysis for the City was a score of 24 as related to the following table:

Your Score	***Analytical Guidance***
8 - 16	You face minimal risk to retain through reserves. Consider a target equal to the GFOA minimum recommended reserve of 16.6% of revenues/expenditures.
17-24	You face a low to moderate level of risk to retain through reserves. Consider adopting a reserve target somewhat higher than the GFOA minimum (e.g. 17-25% of revenues/expenditures). Since risk is low, do not invest excessive analytical effort in determining an exact target amount. Consider a short, informal benchmarking study with peer agencies to provide guidance.

25-31	You face a moderate to high level of risk to retain through reserves. Consider adopting a target amount of reserves significantly higher than the GFOA recommended minimum (e.g., 26 - 35%). Consider a short, informal benchmarking survey as a starting point, but then analyze your most significant risk factors to make sure they are adequately covered by what the survey suggests is reasonable.
32 - 40	You face a high level of risk to retain through reserves. Consider adopting a much higher target than the GFOA minimum (e.g., greater than 35%). Consider performing a more in depth analysis of the risks you face to arrive at target level of reserved that provides sufficient coverage.

Based on this analysis, staff recommends a minimum unassigned general fund balance level of 25% of general fund expenditures.

City Manager: Upon review I directed that we propose a fund balance policy depicting a range of 25-35% versus a flat 25% as a minimum fund balance. I have experienced citizen expectations of tax rate reductions whenever the fund balance exceeds the minimum fund balance. A range works better because managing fund balance requires a significant amount of prediction involving a large number of revenue and expenditure categories of accounts. A range goal provides the local government entity the ability to work within a range and to not be expected to react quickly to annual changes in fund balance, especially since the fund balance is only calculated once annually.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Improve bond rating and allow for uses of additional fund balance on specific projects and/or activities

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

Not Applicable

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

a. 2016-054 RES General Fund Balance Policy(PDF)
b. 2016-054 EXH 'A' General Fund Balance Policy (PDF)
c. 2016-054 ATTH 01 GFOA Analysis Worksheet (PDF)
d. 2016-054 ATTH 02 General Fund Balance By Fiscal Year (PDF)
e. 2016-054 Goals & Perspectives (PDF)

City of Texarkana, Texas

Staff Coordination

Finance Department	Charlie Bassett	Department Head Review	Completed	04/20/2016 2:12 PM
Assistant City Manager Review	Completed	Shirley Jaster	Assistant City Manager	04/21/2016 8:39 AM
Public Information Officer	04/21/2016 8:44 AM	Lisa Thompson	PIO Review	Completed
City Manager	John Whitson	City Manager Review	Completed	04/21/2016 9:18 AM
City Council	Jennifer Evans	Meeting	Completed	04/25/2016 6:00 PM

Meeting History

RESOLUTION NO. 2016 - 054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ESTABLISH A GENERAL FUND BALANCE POLICY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City does not have a written general fund balance policy that has been approved by City Council; and

WHEREAS, the Government Finance Officers Association recommends that governments establish a formal policy on the level of unrestricted fund balance.

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

SECTION 1: That the policy document attached as **Exhibit 'A'** is approved as the City's formal general fund balance policy.

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

PASSED AND APPROVED in Regular Council Session on this the **13th day of June, 2016**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2016-054 RES General Fund Balance Policy [Revision 2] (1474 : 2016-054 RES General Fund Balance Policy)

EXHIBIT 'A'

City of Texarkana, Texas
General Fund Balance Policy

Purpose

The purpose of this policy is to establish a key element of the financial stability of the City by setting guidelines and parameters for fund balance. Unassigned fund balance is an important measure of economic stability. It is essential that the City maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances. This policy will ensure that the City maintains an adequate fund balance in the City's general fund for the purposes of:

- Providing sufficient cash flow for daily operations,
- Securing and maintaining a higher investment grade bond rating,
- Offsetting significant economic declines or revenue shortfalls,
- Providing funds to meet unforeseen emergency expenditures, and
- Demonstrating a commitment to long-term financial planning objectives.

Definitions

Fund Equity – A fund's equity is generally the difference between its assets and its liabilities.

Fund Balance – The fund equity of a governmental fund, which is required to be split into the following categories for reporting purposes:

1. **Non-Spendable Fund Balance** – includes amounts that are not in spendable form or are legally or contractually required to be maintained intact.
2. **Restricted Fund Balance** – includes amounts that can be spent only for the specific purposes stipulated by external resource providers either constitutionally or through enabling legislation.
3. **Committed fund balance** – includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Commitments may be changed or lifted only by the government taking the same formal action that imposed the constraint originally.
4. **Assigned fund balance** – comprises amounts intended to be used by the government for specific purposes. Intent can be expressed by the governing body of by an official or body to which the governing body delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be use for the purpose of that fund.
5. **Unassigned fund balance** – is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose.

Attachment: 2016-054 RES General Fund Balance Policy [Revision 2] (1474 : 2016-054 RES General Fund Balance Policy)

EXHIBIT 'A'

Policy

Committed Fund Balance

- The City Council is the City's highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Council at the City's Council meeting. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.

Assigned Fund Balance

- The City Council has authorized the City Manager as the official authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

Unassigned Fund Balance

It is the goal of the City to achieve and maintain an unassigned fund balance in the general fund in the range of 25% - 35% of general fund expenditures, exclusive of capital outlay and debt services expenditures. The City considers a balance of less than 25% to be cause for concern, barring unusual or deliberate circumstances.

The computation of the required fund balance will occur once a year, as follows:

- The computation will occur after the audit is presented to City Council. The fund balance as of September 30 of the audit year will be compared to the budgeted operating general fund expenditures for the fiscal year following the audit.

The Council may appropriate unassigned fund balances for emergency purposes, as deemed necessary, even if such use decreases the fund balance below the established minimum.

If unassigned fund balance falls below the goal or has a deficiency, the City will implement a plan to replenish the fund within one year or as soon as economic and budgetary conditions allow. The following budget strategies may be considered for implementation until fund balance has been replenished to an acceptable level:

- Reduction of expenditures to minimum levels, including, but not limited to:
  - Reduction in discretionary spending such as travel and training,
  - Implementation of a hiring freeze for non-essential positions.
- Increase revenues or pursue other funding sources
- Use operating surpluses available in other funds
- Designate a fixed amount or a percent of operating expenditures in the next budget
- Any combination of the above strategies or others presented for consideration by staff or City Council.

Should unassigned fund balance of the general fund exceed the 35% level, the City will consider using such fund balance surpluses for one-time expenditures that are nonrecurring in nature and which will not require additional future expense outlays for maintenance, additional staffing or other recurring expenditures.

Attachment: 2016-054 RES General Fund Balance Policy [Revision 2] (1474 : 2016-054 RES General Fund Balance Policy)

EXHIBIT ‘A’

Order of Expenditure of Funds

When multiple categories of fund balance are available for expenditure, the City will start with the most restricted category and spend those funds first before moving down to the next category with available funds.

Monitoring and Reporting

The Chief Financial Officer will be responsible for monitoring and reporting on the City’s general fund balance. The City Manager is directed to make recommendations to the Council on the use of general fund balance surpluses both as an element of the annual operating budget submission process and in the annual audit and financial statement preparation process.

Attachment: 2016-054 RES General Fund Balance Policy [Revision 2] (1474 : 2016-054 RES General Fund Balance Policy)

City of Texarkana, Texas

General Fund Balance Policy

Attachment: 2016-054 EXH 'A' General Fund Balance Policy [Revision 1] (1474 : 2016-054 RES General Fund Balance Policy)

Purpose

The purpose of this policy is to establish a key element of the financial stability of the City by setting guidelines and parameters for fund balance. Unassigned fund balance is an important measure of economic stability. It is essential that the City maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and other similar circumstances. This policy will ensure that the City maintains an adequate fund balance in the City's general fund for the purposes of:

- Providing sufficient cash flow for daily operations,
- Securing and maintaining a higher investment grade bond rating,
- Offsetting significant economic declines or revenue shortfalls,
- Providing funds to meet unforeseen emergency expenditures, and
- Demonstrating a commitment to long-term financial planning objectives.

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3. **Committed fund balance** – includes amounts that can be used only for the specific purposes determined by a formal action of the government's highest level of decision-making authority. Commitments may be changed or lifted only by the government taking the same formal action that imposed the constraint originally.
4. **Assigned fund balance** – comprises amounts intended to be used by the government for specific purposes. Intent can be expressed by the governing body of by an official or body to which the governing body delegates the authority. In governmental funds other than the general fund, assigned fund balance represents the amount that is not restricted or committed. This indicates that resources in other governmental funds are, at a minimum, intended to be use for the purpose of that fund.

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Policy

Committed Fund Balance

- The City Council is the City's highest level of decision-making authority and the formal action that is required to be taken to establish, modify, or rescind a fund balance commitment is a resolution approved by the Council at the City's Council meeting. The resolution must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period.

Assigned Fund Balance

- The City Council has authorized the City Manager as the official authorized to assign fund balance to a specific purpose as approved by this fund balance policy.

Unassigned Fund Balance

It is the goal of the City to achieve and maintain an unassigned fund balance in the general fund in the range of 25% - 35% of general fund expenditures, exclusive of capital outlay and debt services expenditures. The City considers a balance of less than 25% to be cause for concern, barring unusual or deliberate circumstances.

The computation of the required fund balance will occur once a year, as follows:

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The Council may appropriate unassigned fund balances for emergency purposes, as deemed necessary, even if such use decreases the fund balance below the established minimum.

If unassigned fund balance falls below the goal or has a deficiency, the City will implement a plan to replenish the fund within one year or as soon as economic and budgetary conditions allow. The following budget strategies may be considered for implementation until fund balance has been replenished to an acceptable level:

- Reduction of expenditures to minimum levels, including, but not limited to:
  - Reduction in discretionary spending such as travel and training,
  - Implementation of a hiring freeze for non-essential positions.
- Increase revenues or pursue other funding sources

Attachment: 2016-054 EXH 'A' General Fund Balance Policy [Revision 1] (1474 : 2016-054 RES General Fund Balance Policy)

- Use operating surpluses available in other funds
- Designate a fixed amount or a percent of operating expenditures in the next budget
- Any combination of the above strategies or others presented for consideration by staff or City Council.

Should unassigned fund balance of the general fund exceed the 35% level, the City will consider using such fund balance surpluses for one-time expenditures that are nonrecurring in nature and which will not require additional future expense outlays for maintenance, additional staffing or other recurring expenditures.

Order of Expenditure of Funds

When multiple categories of fund balance are available for expenditure, the City will start with the most restricted category and spend those funds first before moving down to the next category with available funds.

Monitoring and Reporting

The Chief Financial Officer will be responsible for monitoring and reporting on the City's general fund balance. The City Manager is directed to make recommendations to the Council on the use of general fund balance surpluses both as an element of the annual operating budget submission process and in the annual audit and financial statement preparation process.

Attachment: 2016-054 EXH 'A' General Fund Balance Policy [Revision 1] (1474 : 2016-054 RES General Fund Balance Policy)

Guiding Your Selection of a Fund Balance Target

Step 1. Determine your total score from the risk factors

24	Your total score from the risk factors (calculated if you entered a score in other sheets)

Step 2. Preliminary Analysis

Compare your score from Step 1 to the guidelines below.

Your Score	Analytical Guidance
8 - 16	You face minimal risk to retain through reserves. Consider a target equal to the GFOA minimum recommended reserve of 16.6% of revenues/expenditures.
17-24	You face a low to moderate level of risk to retain through reserves. Consider adopting a reserve target somewhat higher than the GFOA minimum (e.g. 17-25% of revenues/expenditures). Since risk is low, do not invest excessive analytical effort in determining an exact target amount. Consider a short, informal benchmarking study with peer agencies to provide guidance.
25-31	You face a moderate to high level of risk to retain through reserves. Consider adopting a target amount of reserves significantly higher than the GFOA recommended minimum (e.g., 26 - 35%). Consider a short, informal benchmarking survey as a starting point, but then analyze your most significant risk factors to make sure they are adequately covered by what the survey suggests is reasonable.
32 - 40	You face a high level of risk to retain through reserves. Consider adopting a much higher target than the GFOA minimum (e.g., greater than 35%). Consider performing a more indepth analysis of the risks you face to arrive at target level of reserved that provides sufficient coverage.

Step 3. Consider Impact of Government Size, Budget Practices, & Borrowing Capacity

For each driver pick which description best fits you and enter the appropriate number of points.

2	**Government Size**
+2	We are under 50,000 in population
0	We are between 50,000 and 300,000 in population
-4	We are over 300,000 in popultion
-3	**Budget Practices**
-3	The budget has a formal contingency beyond what is being considered for this reserve.
-2	The budget has informal contingencies beyond what is being considered for the reserve.
0	The budget is lean and has no contingencies in it.
-2	**Borrowing Capacity**
-3	We have excellent external and internal borrowing capacity, including a good rating, little existing debt, and political will to use it.
-2	We have some external and/or internal borrowing capacity and political will could be mobilized to use it.

Attachment: 2016-054 ATTH 01 GFOA Analysis Worksheet (1474 : 2016-054 RES General Fund Balance Policy)

0 We have little or no borrowing capacity.

Step 4. Consider Impact of Commitments/Assignments, Outsider Perceptions & Political Support
Place an "X" next to each statement that applies to you.

Commitments and Assignments

	We we have commitments or assignments that designate fund balance for uses other than retaining the types of risk described in this analysis. If so, these commitments/assignments should not be included in the total reserve used to reach your target.

Outisder Perceptions

	Rating agencies have given us a target level of reserve for getting a good rating. If so, use that target in place of or in addition to a benchmarking survey to provide guidance on starting point for your target.
X	The public is likely to question reserve levels as too high. If so, be sure to document your analysis findings in the other sheets.

Political Support

	The governing board places great weight on the policies of comparable jurisdictions. If so, conduct a benchmarking survey that includes governments the board preceives as relevant.
	The board places great weight on rating agency recommendations. If so, tie the reserve target recommendation to rating agency recommendations or standards.
	The board places great weight on GFOA recommendations. If so, use this analysis and GFOA's Best Practices to support your recommendation.

Step 5. Putting it All Together

A. Consider your adjusted risk score and re-consult the analytical guidance.

21 < Your adjusted risk score (risk score modified with results from Step 3)

B. Review results of Step 4.
Review each item you checked from Step 4 and add the advice to your analytical guidance.

C. Proceed with finalizing target
Proceed with setting a final reserve target based on analytical guidance.

General Fund Target= 25% of GF expenditures as a minimum.

Attachment: 2016-054 ATTH 01 GFOA Analysis Worksheet (1474 : 2016-054 RES General Fund Balance Policy)

General Fund Balance By Fiscal Year

	2011	2012	2013	2014	2015	Days
General Fund Expenditures and Net Other Financing Uses	27,963,968	26,634,604	28,596,959	30,741,724	30,315,351	
Unassigned Fund Balance	2,785,910	7,808,993	10,327,257	9,304,806	10,511,161	
Percentage	9.96%	29.32%	36.11%	30.27%	34.67%	
Number of Days	36.36	107.01	131.81	110.48	126.56	
Minimum Fund Balance Required Per Policy (25%)					7,578,837.75	91.25
Upper Fund Balance Allowed Per Policy (35%)					10,610,372.85	127.75
Over Minimum					2,932,323.25	
Under Maximum					99,211.85	

Attachment: 2016-054 ATTH 02 General Fund Balance By Fiscal Year [Revision 1] (1474 : 2016-054 RES

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Low

Other Potential Impacts:

Improve bond rating and allow for uses of additional fund balance on specific projects and/or activities

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: 2016-054 Goals & Perspectives (1474 : 2016-054 RES General Fund Balance Policy)

City of Texarkana, Texas

Version: G

Briefing Sheet

Update Date: 4/19/2016 1:55 PM

Lead Department: City Manager **Action Officer:** John Whitson, City Manager

Subject: Resolution No. 2015-139 authorizing the City Manager to enter into a Water Supply Contract with TexAmericas Center and two (2) tri-party agreements - Assignment, Assumption and Novation of Water Supply Contract; Non-Potable Water Agreement - with TexAmericas Center and Riverbend Water Resources District.

Briefing: 4/25/2016	**Public Hearing:** 4/25/2016	**Second Briefing:**	**Council Vote:** 4/25/2016

Item Schedule

Updates/History of Briefing:

This item was 1st Briefed on 23 NOV 15. TexAmericas and Riverbend Water Resources District both requested the item be delayed for public hearing and vote of the City Council in order to permit RWRD finalization of refunding of TexAmericas Utility Debt. The refunding has now been accomplished and the acquisition completed.

Executive Summary and Background Information:

TexAmericas Center is transferring its utilities operations to Riverbend Water Resources District. The City of Texarkana, Texas currently has water agreements with TexAmericas Center (see attachments 05-09). To complete the transfers and obtaining state approvals new agreements must be made involving the City of Texarkana, RWRD, and TexAmericas Center.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Approve the Resolution

Advisory Board/Committee Review:

NONE

City of Texarkana, Texas

Board/Committee Recommendation:
NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:
NOT APPLICABLE

Attachments

a. 2015-139 RES AUTHORIZING CITY MANAGER THREE PARTY WATER AGREEMENTS TAC RWRD (PDF)
b. 2015-139 ATTH 01 Tri-Party-Agreement-NonPotable (PDF)
c. 2015-139 ATTH 02 TAC-TXK Water Supply Contract (PDF)
d. 2015-139 ATTH 03 Assignment-Assumption-Novation-TXK-Water-Contract (PDF)
e. 2015-139 ATTH 04 Tri-Party-Agreement-Regarding-CCNs (jcl rev) (PDF)
f. 2015-139 ATTH 05 Economic Development Water System Transfer Contract 20110726 (PDF)
g. 2015-139 ATTH 06 TAC Bill of Sale 20120709 (PDF)
h. 2015-139 ATTH 07 Water Supply Contract TexAmericas 20110726 (PDF)
i. 2015-139 ATTH 08 TAC ED Water System Transfer Contract Amend 20120709 (PDF)
j. 2015-139 ATTH 09 TAC ED Water System Transfer Contract Amend 20120709 (PDF)
k. 2015-139 RES Authorizing City Manager Three Party Water Agreements TAC RWRD signed (PDF)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed	11/20/2015 3:16 PM
City Manager	John Whitson	City Manager Review	Completed	11/20/2015 3:16 PM
City Council	Vicky Coopwood	Meeting	Pending	11/28/2016 6:00 PM

Meeting History

11/23/15	City Council	MOVED FORWARD	Next: 04/25/16
12/14/15	City Council	POSTPONED	Next: 04/11/16

RESOLUTION NO. 2015-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH TEXAMERICAS CENTER AND RIVERBEND WATER RESOURCES DISTRICT FOR ASSIGNMENT OF THE TEXAMERICAS CENTER'S WATER SUPPLY CONTRACT TO RIVERBEND AND REGARDING NON-POTABLE WATER; AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW WATER SUPPLY CONTRACT WITH TEXAMERICAS CENTER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (TEXARKANA) and TexAmericas Center (TAC) have previously entered into that certain Water Supply Contract on or about July 28, 2011, which was subsequently amended by execution of that certain Amendment Number One to Water Supply Contract dated July 9, 2012 (hereinafter, the "TAC Water Contract"); and

WHEREAS, TAC and Riverbend Water Resources District (RIVERBEND) have entered into an agreement for purchase and sale of assets and assignment and assumption of liabilities (hereinafter, the "Purchase Agreement "), which prompts TAC to secure agreement from TEXARKANA to assign all of TAC's rights, duties, and obligations arising under the TAC Water Contract to RIVERBEND; and

WHEREAS, in connection with the Purchase Agreement and assignment of the TAC Water Contract, TEXARKANA, TAC, and RIVERBEND submit for agreement by their respective governing bodies a tri-party assignment for the TAC Water Contract, and a tri-party agreement relating to non-potable water; and

WHEREAS, to provide continuing water for TAC's operations, TEXARKANA and TAC submit for agreement by their respective governing bodies a new water supply contract.

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

SECTION 1: The City Council agrees to and approves the agreements appended to this Resolution: Assignment, Assumption and Novation of Water Supply Contract; Tri-Party Agreement Regarding Non-Potable Water; and Water Supply Contract (between TEXARKANA and TAC).

SECTION 2: The City Council authorizes the City Manager to sign and execute the agreements listed in Section 1.

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

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

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2015-139 RES AUTHORIZING CITY MANAGER THREE PARTY WATER AGREEMENTS TAC RWRD [Revision 2] (1415 : 2015-139

Attachment: 2015-139 ATTH 01 Tri-Party-Agreement-NonPotable [Revision 1] (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

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TRI-PARTY AGREEMENT REGARDING NON-POTABLE WATER

This *Tri-Party Agreement Non-Potable Water* is made by and between the City of Texarkana, Texas, a municipal corporation located in Bowie County, Texas (hereinafter called "TEXARKANA"), TexAmericas Center, a political subdivision of the State of Texas (hereinafter called "TAC") and Riverbend Water Resources District, a conservation and reclamation district of the State of Texas (hereinafter called "RIVERBEND"), and is effective as the date executed by the last party

WHEREAS, TEXARKANA, TAC & RIVERBEND have previously entered into various contracts and other agreements relating to the provision, sale and distribution of potable water on property now or previously owned by TAC, and on current and former Red River Army Depot and Lone Star Army Ammunition Plant properties now or previously owned by the United States of America (or any constituent department or agency thereof) located in Bowie County, Texas (collectively called the "Properties");

WHEREAS, the parties hereto wish to commit to writing their agreements relating to the acquisition, development, provision, sale and distribution of non-potable (also known as "raw") water for industrial and commercial purposes (hereinafter called "Raw Water") by TAC;

NOW, WHEREFORE, PREMISES CONSIDERED, NOTWITHSTANDING ANY PRIOR AGREEMENTS BETWEEN ANY OR ALL OF THEM TO THE CONTRARY, TAC, RIVERBEND, AND TEXARKANA hereby agree as follows, to-wit:

1.
    a. Subject to the limitations set forth in subsection (b) of this Section 1, TAC has and shall continue to have the unrestricted right for itself and others to seek and develop sources and infrastructure for the capture, acquisition, development, transport, distribution, sale and/or supply of Raw Water for industrial and commercial purposes and uses on the Properties, and on any other properties acquired by TAC in the future;

    b. In the event that TAC determines that it needs (either for itself or for potential future prospects, grantees or assignees) Raw Water in quantities greater than or in a timeframe sooner than those specified in Section 23.12 of that certain *Agreement for Purchase and Sale of Assets* between TAC and RIVERBEND dated May 26, 2015, TAC may exercise its rights under subparagraph (a) of this section.

2. All parties hereby agree that they will not:

    a. Object to or otherwise seek to prevent or inhibit TAC from exercising any right set forth in section 1 above;

    b. Object to or otherwise seek to prevent or inhibit TAC from selling and/or providing Raw Water for industrial and commercial purposes

uses on the Properties, and on any other properties acquired by TAC in the future, including, but not limited to, exercising any exclusivity rights granted under any current or future Certificates of Convenience and Necessity;

IN WITNESS WHEREOF, TAC, as duly authorized by its board of directors, has caused this agreement to be executed by its Executive Director and CEO; RIVERBEND as duly authorized by its board of directors, has caused this agreement to be executed by its Executive Director, and TEXARKANA, as duly authorized by its City Council, has caused this agreement to be executed by its City Manager and attested by its City Secretary.

TEXAMERICAS CENTER

BY: _____
Scott Norton
Executive Director/CEO

Date: _____

Approved as to form:

_____
Phillip W. Jordan
JORDAN LAW FIRM, L.L.P.
Retained Legal Counsel

RIVERBEND WATER RESOURCES DISTRICT

BY: _____
Elizabeth A. Fazio Hale, J.D., LL.M.
Executive Director/CEO

Date: _____

Approved as to form:

_____
C. David Glass
SMITH WEBER, L.L.P.
Retained Legal Counsel

THE CITY OF TEXARKANA, TEXAS

BY: _____
John A. Whitson, ICMA-CM
City Manager

Date: _____

Approved as to form:

_____
Jeffery C. Lewis
ATCHLEY, RUSSELL, WALDROP &
HLAVINKA, LLP
City Attorney

Attest:

BY: _____
Jennifer Evans, CAP
City Secretary

Attachment: 2015-139 ATTH 01 Tri-Party-Agreement-NonPotable [Revision 1] (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

WATER SUPPLY CONTRACT

This Water Supply Contract (hereinafter, "Contract") is entered into between the City of Texarkana, Texas (hereinafter, "Texarkana") and TexAmericas Center (hereinafter, "Purchaser").

WHEREAS, Texarkana is fully empowered to enter into contracts with other governmental entities and political subdivisions for the purpose of selling water for municipal, domestic, industrial and other useful purposes permitted by law and upon such terms and for such time as the parties may agree; and

WHEREAS, Texarkana owns a municipal water treatment and supply system (hereinafter referred to as the "System") capable of providing an adequate water supply as agreed herein; and

WHEREAS, the Purchaser, a political subdivision of the State of Texas, as the political subdivision of the State of Texas responsible for the redevelopment of approximately 8,867 acres of property formerly known as the Lone Star Army Ammunition Plant, requires access to potable water for its own use for redevelopment of the property, including potable water from the TAC-East Water System purchased by Texarkana from Purchaser, and desires to enter into a contractual arrangement with Texarkana for water from said System; and

NOW THEREFORE, pursuant to Chapter 791 of the Texas Government Code, and in consideration of the premises and the mutual promises, covenants and agreements contained herein, Texarkana and Purchaser hereby agree as follows:

1. Texarkana agrees:

1.1 To ~~reserve capacity in the potable water system so as to~~ furnish the Purchaser ~~at the points of delivery hereinafter specified~~ during the term of this Contract and any renewal or extensions thereof~~,~~ potable treated water as may be required by the Purchaser. ~~not to exceed _____ million gallons per month. Water shall be taken at a rate not to exceed ___,000 gallons per hour (gph) nor shall water exceed _____ gallons usage on any calendar day.~~ For Purchaser's properties which do not currently have meters, meters shall be installed and paid for in accordance with existing Texarkana policies for its water customers. Texarkana shall provide water to all Purchaser locations at the rate as specified in Section 3 of this Contract. Water delivered under this Contract shall be of the same quality as that distributed by Texarkana to its other customers on this System. If in the future, a larger quantity of water is desired by the Purchaser, any improvements required shall be at the expense of the Purchaser or if such quantity of water is voluntarily available from another purchaser with reserved capacity in the drinking water system, then agreed upon capacity may be transferred to Purchaser upon completion of appropriate contract amendments that include but are not limited to changes in payment under Section 3, below.

1.2 To provide potable treated surface water meeting all applicable Texas and Federal regulations. Except as provided in this section, Texarkana makes no warranty, expressed or implied, regarding the quality or delivery pressure of the water, including the implied warranties of merchantability and fitness for a particular purpose. To the extent permitted

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by law, Purchaser hereby releases and discharges Texarkana from any and all fines, demands, judgments, liabilities or claims arising by reason of or in connection with the delivery of water which meets the requirements of this Section 1.2.

1.3 To allow the Purchaser to use existing connections to Texarkana's system to receive the quantities of water specified in this Contract. Said connections, including all monitoring, control, transmission, metering, telemetry and attendant facilities are recognized as the property of Texarkana, except all backflow prevention facilities shall remain the property and responsibility of the Purchaser. Purchaser specifically agrees to install at Purchaser's expense such additional backflow prevention devices acceptable to Texarkana and meeting any applicable Texas Commission on Environmental Quality (TCEQ) rules and regulations at the points of delivery, as may be required for additional connections to the System by Purchaser for Purchaser's own use.

1.4 To furnish the Purchaser, not later than the 15th day of the month following water usage, with an itemized statement of the amount of water furnished the Purchaser and the charges for such during the preceding month. The quantity of water for which Purchaser shall be billed shall be based upon the reading of the meters located at each of Purchaser's serviced premises, except under conditions set out in ¶ 1.5. The unit of measure for water delivered hereunder shall be 1000 gallons of water, U.S. Standard Liquid Measure, rounded to the nearest 100 gallons. The monthly billing statement to Purchaser shall issue from Texarkana Water Utilities.

1.5 To maintain and calibrate (or arrange for calibration of) its metering equipment as often as it considers necessary or such time as Purchaser may show reasonable evidence of error. Upon any test, the percentage of any inaccuracy thereof --- if found to be in excess of two percent (2%) registration thereof --- shall be corrected for a period extending back to the time such inaccuracy began, if such time is ascertainable; and if such time is not ascertainable, then for a period extending back one-half of the time elapsed since the last date of calibration, but in no event further back than a period of six (6) months. In the event Purchaser has provided no check meter with reference thereto and if for any reason any master meter is out of service or out of repair so that the amount of water delivered cannot be ascertained or computed from the reading thereof, the water delivered during the period such meter is out of service or out of repair shall be determined by Texarkana from the best available information, by correcting the error if the percentage of error is ascertainable by calibration tests or mathematical calculations, or by estimating the quantity of water by the deliveries made during preceding periods under similar conditions when the meter was registering accurately, or from pump records of Texarkana and other customers on the same supply line.

1.6 Upon the Purchaser's request, in an effort to ensure regulatory compliance with water quality standards, to provide the Purchaser with Texarkana's sampling, laboratory analysis and reporting data in connection with Texarkana's water treatment plant and Texarkana's transmission main up to the point of delivery.

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Attachment: 2015-139 ATTH 02 TAC-TXK Water Supply Contract [Revision 1] (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

2. The Purchaser agrees:

2.1 For water delivered in accordance with the rates set forth in Section 3 of this Contract, to make monthly payments to Texarkana not later than thirty (30) days from the date of receipt of the invoice/billing. Purchaser's monthly payment shall be tendered to Texarkana Water Utilities.

2.2 That should Purchaser fail to make any payments as required under this Contract, interest on such amounts shall be due and owing to Purchaser and shall accrue at the rate determined pursuant to Section 2251.025 of the Texas Government Code from the date such payment becomes due until paid in full with interest as herein specified.

2.3 That while Purchaser may at any time seek additional water sources, it agrees to pay the minimum payment as provided in ¶ 2.1 and Section 3 of this Contract each month throughout the contract term.

2.4 That Texarkana is hereby authorized to enter onto any Purchaser's properties, whether held in fee simple or by easement, upon reasonable notice and within normal business hours, wherein there is reasonable need to operate and / or maintain Texarkana's lines and facilities located on Purchaser's properties, whether for the present system or for any mutually agreed upon future facilities (such operation and maintenance shall be provided by Texarkana on its lines and facilities up to and including the meter located at the point of delivery, except as otherwise stated).

2.5 That Purchaser shall at all times have the right to records and audits of all costs for water treatment and delivery, and shall have the right to discuss with Texarkana its concerns or opposition to rate increases as well as a right to appeal such increase to the City Council of Texarkana, Texas, after discussion with Texarkana's City Manager. Nothing in this section prevents the Purchaser from making appeal directly to the Texas Commission on Environmental Quality or its successor as allowed by law.

3. Purchaser's Monthly Payment

3.1 Purchaser's monthly payment shall be based upon the actual gallons used as determined by regular monthly readings of meters located at each of Purchaser's serviced premises, and any such premises subsequently added to the System by Purchaser for Purchaser's own use.

3.2 Purchaser's rate for water shall be either the rate calculated from the City's system production costs for water from Lake Wright Patman or the lowest corresponding rate charged by Texarkana to other municipalities or conservation and reclamation districts contracting with Texarkana, whichever is less.

4. It is further mutually agreed between Texarkana and the Purchaser:

4.1 *Point of Delivery*. The exact Point of Delivery of water to Purchaser shall be at meters installed by Purchaser at its various serviced properties. Purchaser's currently serviced property are more particularly described on Exhibit "A", which is attached hereto and incorporated herein for all purposes.

4.2 *Force Majeure*. As used herein, the term "force majeure" as employed herein shall mean acts of God, strikes, lock-outs, or other industrial disturbances, acts of public enemy, orders or actions of any kind of the Government of the United States or the State of Texas, or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, wash-outs, breakage or accident to dams, machinery, pipelines, or canals or other structures of machinery, partial or entire failure of water supply and inability on the part of Texarkana to deliver water hereunder, or of Purchaser to receive water, on account of any other cause not reasonably within the control of the party claiming such liability.

4.2.1 If, for any reason of "force majeure", either of the parties hereto shall be rendered unable wholly or in part to carry out its obligation under this agreement, other than the obligation of Purchaser to make the payments required under the terms this Contract, then if such party shall give notice and full particulars of such reasons in writing to the other party within a reasonable time after the occurrence of the event, or cause relied on, the obligation of the party giving such notice, so far as it is affected by such "force majeure", shall be suspended during the continuance of the inability than claimed, but for no longer period, and any such parties shall endeavor to remove or overcome such inability with all reasonable dispatch. It is understood and agreed that the settlement of strikes and lock-outs shall be entirely within the discretion of the party having the difficulty, and that the above requirement that any force majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts by acceding to the demands of the opposing parties when such settlement is unfavorable to it in the judgment of the party having the difficulty. No failure of Texarkana to meet any obligation by reason of force majeure shall relieve Purchaser from its obligations to make payments required under the terms of this Contract.

4.2.2 No damages shall be recoverable from Texarkana by reason of the suspension of delivery of water due to any of the causes above-mentioned. If Texarkana's ability to deliver water to Purchaser is affected by any of such causes, Texarkana shall promptly notify Purchaser, in writing, giving the particulars as soon as practicable after the occurrence of the cause or causes for such interruption.

4.2.3 It is expressly recognized by Purchaser that Texarkana may be compelled to make necessary alterations, perform maintenance, make repairs or construct extensions of new or additional water transporting or treatment facilities from time to time during the life of this Contract and any suspension of delivery to Purchaser due to such operation shall not be cause for claim of damage against Texarkana provided all reasonable effort is used by Texarkana to provide Purchaser with water in accordance with this Contract. In such case Texarkana

shall give Purchaser at least forty-eight (48) hours notice or as much advance notice as may be practicable of the suspension of delivery and of the estimated duration thereof.

4.2.4 That this Contract is subject to such rules, regulations, or laws as may be applicable to similar agreements in this State and Texarkana and Purchaser will collaborate in obtaining such permits, certificates, or the like as may be required to comply herewith.

~~4.2.5 That Purchaser shall not enter into any contracts for the wholesale supply or resale of potable water supplied by Texarkana to any other entity or agency, or provide wholesale service outside its territorial boundary or certificate of convenience and necessity (CCN) without first having received approval, in writing, from Texarkana, and such approval will not be unreasonably withheld. However, Purchaser may provide retail service to current and future customers located inside or outside of Purchaser's territorial boundary and to Red River Army Depot. Nothing in this section will prohibit Purchaser from exercising its full authority under the laws of the State of Texas as they currently exist or shall in the future be amended.~~

4.2.5~~6~~ That in the event of any occurrence rendering the Purchaser incapable of performing under this Contract, any successor of the Purchaser, whether the result of legal process, assignment or otherwise, shall succeed to the rights of the Purchaser hereunder.

4.2.6~~7~~ That Texarkana is not responsible or liable for delivering a greater quantity of water to all combined customers than the capacity of the distribution main at the time of the execution of this Contract.

4.2.7~~8~~ In the event any sales or use taxes, or taxes of any similar nature are hereafter imposed upon the gathering, taking, sale, use or consumption of the water received by Purchaser under this Contract, the amount of such taxes shall be borne by Purchaser, in addition to all other charges; and whenever Texarkana shall be required to pay, collect, or remit any such taxes on water received by Purchaser, then Purchaser shall promptly reimburse Texarkana for payment of such taxes.

4.2.8~~9~~ In the event of an extended shortage of water or the supply of water available to Texarkana is otherwise diminished over any extended period of time, the supply of water to Purchaser shall be reduced or diminished in the same ratio or proportion as the supply to other wholesale customers on the system is reduced or diminished.

5. Term and Termination

5.1 The initial term of this Contract shall begin on the date of Closing of the purchase and sale of Purchaser's existing wet utilities systems by Riverbend Water Resources District,

Attachment: 2015-139 ATTH 02 TAC-TXK Water Supply Contract [Revision 1] (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

and shall run for a~~-~~ term of ten (10) years. Thereafter, this Contract may be renewed or extended for such term, or terms, as may be agreed upon by Texarkana and Purchaser.

5.2 This Contract may also be terminated by mutual agreement of the parties.

5.3 This Contract may also be terminated by Purchaser upon written notice of termination to Texarkana of one year prior to the effective date of termination.

5.4 Subject to Section 6, below, this Contract may be terminated by one party upon breach or failure of the other party to perform any of its obligations under this Contract, such failure not being cured by the breaching party within ninety (90) days following receipt of the non-breaching party's intent to terminate the Contract.

6. **Dispute Resolution**

If a dispute arises between the parties relating to the rights, duties, or obligations arising out of this agreement, the parties agree to meet informally in a good faith effort to negotiate a resolution of the dispute prior to the initiation of any litigation. The parties may, but are not obligated to, bring into said negotiations a neutral third party, or may refer the matter to formal mediation to assist in resolving the dispute. At all times during such dispute resolution efforts, the parties shall continue to perform their respective obligations under this Contract. Jurisdiction and venue for any litigation arising out of this Contract shall be in the District Court of Bowie County, Texas.

7. **General Provisions**

7.1 *No Third Party Beneficiaries*. Nothing herein should be construed to benefit any person or entity not a signatory to this Contract.

7.2 *Governing Law*. This Contract shall be governed exclusively by the laws of the State of Texas.

7.3 *Construction*. In construing this Contract, none of the parties hereto shall have any term or provision, or any uncertainty or ambiguity as to any provisions herein, construed against such party solely by reason of such party having drafted the same.

7.4 *Independent Contractors*. The parties to this Contract are independent contractors. No party shall exercise control over either the performance of any other party or the employees of any other party; and no party shall be deemed to be the agent, employee, or representative of any other party.

7.5 *Effective Date*. This Contract becomes effective upon the date of Closing of the purchase and sale of Purchaser's existing wet utilities systems by Riverbend Water Resources District.~~.~~

7.6 *Notices*. Unless otherwise specified in this Contract, any notice required or document to be provided under this Contract shall be given by hand delivery or by U.S. Mail to the following persons:

Attachment: 2015-139 ATTH 02 TAC-TXK Water Supply Contract [Revision 1] (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

- for Texarkana, its City Manager, 220 Texas Blvd., Texarkana, Texas 75501
- for Purchaser, its Executive Director, 107 Chapel Lane, New Boston, TX 75570

7.7 *Amendment*. Any amendment to this Contract must be in writing.

7.8 *Severability*. Should any portion of this agreement be determined or declared to be invalid, illegal, or unenforceable for any reason, the remaining portions hereof shall remain in full force and effect as though the invalid, illegal or unenforceable portions were not contained herein.

7.9 *Assignment*. This Agreement and/or the rights and obligations of the parties may not be assigned by either party without the written consent of the other party which consent shall not be unreasonably withheld.

7.10 *Binding Effect*. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

7.11 *Prior Agreements*. This Agreement, together with that certain *Economic Development Water System Transfer Contract* dated effective July 28, 2011, which was subsequently amended by that certain *Amendment Number One to Economic Development Water System Transfer Contract* dated effective July 9, 2012, and ~~that certain *Tri-Party Agreement Regarding Certificates Of Convenience And Necessity On TAC East Property between Texarkana, Purchaser and Riverbend Water Resources District* and~~ that certain *Tri-Party Agreement Regarding Non-Potable Water* –constitutes the entire understanding of the parties relating to the provision of water to Purchaser on Purchaser's properties located on the TAC-EAST campus.

IN WITNESS WHEREOF, Texarkana, as properly authorized by its City Council, has caused this Contract to be executed by its City Manager and attested by its City Secretary, and Purchaser, as properly authorized by its governing board, has caused this Contract to be executed by its Executive Director.

Attachment: 2015-139 ATTH 02 TAC-TXK Water Supply Contract [Revision 1] (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

IT IS AGREED:

Purchaser,
TexAmericas Center

_____
Scott Norton, Executive Director

Approved as to Form:

_____
Raymond W. Jordan
Jordan Law Firm, L.L.P.
Retained Legal Counsel

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Attachment: 2015-139 ATTH 02 TAC-TXK Water Supply Contract [Revision 1] (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

The City of Texarkana, Texas

Attest

_____
John A. Whitson, ICMA-CM
City Manager

_____
Jennifer Evans, CAP
City Secretary

Approved as to Form:

_____
Jeffery C. Lewis
City Attorney

Attachment: 2015-139 ATTH 02 TAC-TXK Water Supply Contract [Revision 1] (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

Attachment: 2015-139 ATTH 03 Assignment-Assumption-Novation-TXK-Water-Contract [Revision 1] (1415 : 2015-139 RES authorizing CM to

Assignment, Assumption and Novation
of Water Supply Contract

This Assignment, Assumption and Novation of Water Supply Contract is made by and between the City of Texarkana, Texas, a municipal corporation located in Bowie County, Texas (hereinafter called "TEXARKANA"), TexAmericas Center, a political subdivision of the State of Texas (hereinafter called "TAC") and Riverbend Water Resources District, a conservation and reclamation district of the State of Texas (hereinafter called "RIVERBEND"), and is effective as of the ___ day of April __, 2016.

WHEREAS, TAC and Riverbend have entered into that certain *Agreement for Purchase and Sale of Assets and Assignment and Assumption of Liabilities* dated effective May 26, 2015 (hereinafter called the "Purchase Agreement ");

WHEREAS, TAC and TEXARKANA have previously entered into that certain *Water Supply Contract* on or about July 28, 2011, which was subsequently amended by execution of that certain *Amendment Number One to Water Supply Contract* dated July 9, 2012 (hereinafter called the "TAC Water Contract");

WHEREAS, from and after the effective date hereof, TAC wishes to assign all of its rights, duties, and obligations arising under the TAC Water Contract to RIVERBEND and RIVERBEND wishes to accept said assignment and assume all of TAC's rights, duties and obligations arising thereunder on or after the effective date hereof;

WHEREAS, TEXARKANA wishes to consent to the above-described assignment and assumption between TAC and RIVERBEND, and further wishes to novate and release TAC from further liability under the TAC Water Contract from and after the effective date hereof;

NOW, WHEREFORE, PREMISES CONSIDERED, TAC, RIVERBEND, AND TEXARKANA hereby agree as follows, to-wit:

1) TAC hereby assigns all of its rights, duties, obligations arising under the TAC Water Contract from and after the effective date hereof to RIVERBEND;

2) RIVERBEND hereby assumes and agrees to keep and perform all of TAC's rights, duties and obligations arising under the TAC Water Contract from and after the effective date hereof;

3) TEXARKANA hereby consents to the above-described assignment and assumption, and hereby novates, releases and discharges TAC from further liability under the TAC Water Contract from and after the effective date hereof. TEXARKANA shall look solely to RIVERBEND for the performance of all obligations arising thereunder from and after the effective date hereof.

4) All proceeds and benefits derived from and liabilities arising under the TAC Water Contract for periods prior to the effective date hereof shall remain the responsibility of TAC and TEXARKANA, respectfully.

IN WITNESS WHEREOF, TAC, as duly authorized by its board of directors, has caused this agreement to be executed by its Executive Director and CEO; RIVERBEND as duly authorized by its board of directors, has caused this agreement to be executed by its Executive Director, and TEXARKANA, as duly authorized by its City Council, has caused this agreement to be executed by its City Manager and attested by its City Secretary.

TEXAMERICAS CENTER

BY: _____
Scott Norton
Executive Director/CEO

Date: _____

Approved as to form:

_____
Phillip W. Jordan
JORDAN LAW FIRM, L.L.P.
Retained Legal Counsel

RIVERBEND WATER RESOURCES DISTRICT

BY: _____
Elizabeth A. Fazio Hale, J.D., LL.M.
Executive Director/CEO

Date: _____

Approved as to form:

_____
C. David Glass
SMITH WEBER, L.L.P.
Retained Legal Counsel

THE CITY OF TEXARKANA, TEXAS

BY: _____
John A. Whitson, ICMA-CM
City Manager

Date: _____

Approved as to form:

_____
Jeffery C. Lewis
ATCHLEY, RUSSELL, WALDROP &
HLAVINKA, LLP
City Attorney

Attest:

BY: _____
Jennifer Evans, CAP
City Secretary

Attachment: 2015-139 ATTH 03 Assignment-Assumption-Novation-TXK-Water-Contract [Revision 1] (1415 : 2015-139 RES authorizing CM to

Attachment: 2015-139 ATTH 04 Tri-Party-Agreement-Regarding-CCNs (jcl rev) (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

TRI-PARTY AGREEMENT REGARDING CERTIFICATES OF CONVENIENCE AND NECESSITY ON TAC-EAST PROPERTY

This *Tri-Party Agreement Regarding Certificates Of Convenience And Necessity On Tac-East Property* is made by and between the City of Texarkana, Texas, a municipal corporation located in Bowie County, Texas (hereinafter called "TEXARKANA"), TexAmericas Center, a political subdivision of the State of Texas (hereinafter called "TAC") and Riverbend Water Resources District, a conservation and reclamation district of the State of Texas (hereinafter called "RIVERBEND"), and is effective as of the ____ day of _____, 2015.

WHEREAS, TAC and Riverbend have entered into that certain *Agreement for Purchase and Sale of Assets and Assignment and Assumption of Liabilities* dated effective May 26, 2015 (hereinafter called the "Purchase Agreement ");

WHEREAS, TAC and TEXARKANA have previously entered into that certain *Economic Development Water System Transfer Contract* dated effective July 28, 2011, which was subsequently amended by that certain *Amendment Number One to Economic Development Water System Transfer Contract* dated effective July 9, 2012 (hereinafter collectively referred to as the "TAC-EAST EDC");

WHEREAS, TAC presently holds that certain Certificate of Convenience and Necessity numbered 13210, issued by the Texas Commission on Environmental Quality, for the provision of potable water service on property owned by TAC located on the current and former Red River Army Depot and portions of the former Lone Star Army Ammunition Plant, each located in Bowie County, Texas (hereinafter called the "Water CCN");

WHEREAS, TAC presently holds that certain Certificate of Convenience and Necessity numbered 21067, issued by the Texas Commission on Environmental Quality, for the provision of sewer utility service on property owned by TAC located on the current and former Red River Army Depot and portions of the former Lone Star Army Ammunition Plant, each located in Bowie County, Texas (hereinafter called the "Sewer CCN") (said Water CCN and Sewer CCN are collectively referred to herein as the "CCNs");

WHEREAS, incident to the transfers contemplated by the Purchase Agreement, TAC and RIVERBEND have filed applications to transfer the Water CCN and the Sewer CCN to RIVERBEND;

WHEREAS, pursuant to the TAC-EAST EDC, the CCN for water service on the property commonly known as TAC-East, being those portions of the former Lone Star Army Ammunition Plant now owned by TAC, should have been transferred on the

records of the Texas Commission on Environmental Quality to TEXARKANA previously, but said transfer was never completed on the record;

WHEREAS, in order to avoid unnecessary delays in the closing of the transactions contemplated by the Purchase Agreement, the parties wish to set forth their agreements regarding the Water CCN and the Sewer CCN;

NOW, WHEREFORE, PREMISES CONSIDERED, TAC, RIVERBEND, AND TEXARKANA hereby agree as follows, to-wit:

1. No party to this Agreement shall directly or indirectly file any objection to the transfer of the Water CCN or the Sewer CCN from TAC to RIVERBEND as described in the applications currently pending before the Texas Public Utility Commission, and no party shall file any request for a hearing on said applications, or otherwise seek to or take any action to prevent or delay the transfer of said CCNs to RIVERBEND;

2. Within five business days following receipt of the official notice from the Texas Public Utility Commission that the Water CCN has been transferred to RIVERBEND, RIVERBEND and TEXARKANA shall file all necessary applications to transfer or issue to TEXARKANA a Certificate of Convenience and Necessity for the provision of potable water on the TAC-East property, as contemplated by the TAC-EAST EDC, and shall pursue said transfer/assignment/granting to completion using each of their best efforts.

3. No party to this Agreement shall directly or indirectly file any objection to the applications described in the preceding section 2, or otherwise seek to prevent or take any action to prevent or delay the issuance of a water Certificate of Convenience and Necessity to TEXARKANA for the TAC-EAST property.

4. All parties shall cooperate with each other to give effect to the above-stated actions, and shall execute and deliver, as appropriate, all applications, forms, documents, and other items necessary to give effect to the provisions of this Agreement.

IN WITNESS WHEREOF, TAC, as duly authorized by its board of directors, has caused this agreement to be executed by its Executive Director and CEO; RIVERBEND as duly authorized by its board of directors, has caused this agreement to be executed by its Executive Director, and TEXARKANA, as duly authorized by its City Council, has caused this agreement to be executed by its City Manager and attested by its City Secretary.

TEXAMERICAS CENTER

BY: _____
Scott Norton
Executive Director & CEO

Approved as to form:

_____
Phillip W. Jordan
JORDAN LAW FIRM, L.L.P.
Retained Legal Counsel

RIVERBEND WATER RESOURCES DISTRICT

BY: _____

Executive Director

Approved as to form:

_____
C. David Glass
SMITH WEBER, L.L.P.
Retained Legal Counsel

THE CITY OF TEXARKANA, TEXAS

BY: _____
John A Whitson ICMA-CM
City Manager

Approved as to form:

_____
Jeffery C. Lewis
ATCHLEY, RUSSEL, WALDROP &
HLAVINKA, LLP
City Attorney

Attest:

BY: _____
Jennifer Evans
City Secretary

Attachment: 2015-139 ATTH 04 Tri-Party-Agreement-Regarding-CCNs (jcl rev) (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water

Attachment: 2015-139 ATTH 05 Economic Development Water System Transfer Contract 20110726 (1415 : 2015-139 RES authorizing CM to

ECONOMIC DEVELOPMENT
WATER SYSTEM TRANSFER CONTRACT

This Contract is entered into between the City of Texarkana, Texas ("Texarkana"), and TexAmericas Center ("TAC").

RECITALS

WHEREAS, Texarkana is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004, and having full power of local self-government not inconsistent with the Texas Constitution, Texas general laws, or the municipal charter, and is fully empowered to enter into contracts with other governmental entities and political subdivisions for the ownership and operation of water works, water distribution, and water supply systems and for the purpose of selling water for municipal, domestic, industrial and other useful purposes permitted by law and upon such terms and for such time as the parties may agree; and

WHEREAS, TAC (formerly known as Red River Redevelopment Authority) is a special district and political subdivision of the State of Texas operating pursuant to Chapter 3503 of the Texas Special District Local Laws Code; and

WHEREAS, on or about September 30, 2010, TAC acquired from the United States of America a tract containing approximately 8,867 acres more particularly described in that certain Deed Without Warranty dated September 1, 2010 recorded in Volume 5898 at Page 1 of the Real Property Records of Bowie County, Texas (the "Property"); and

WHEREAS, as a portion of the acquisition of the above-referenced Property, TAC acquired the water distribution system for that portion of the former Lone Star Army Ammunition Plant located West of Central Avenue and located upon the Property described in the above-referenced Deed; and

WHEREAS, TAC is charged by the Texas Legislature with the responsibility and has been given the authority to redevelop the Property for the purpose of economic development and job creation; and

WHEREAS, Texarkana and TAC, through their authorized representatives, signed a "Letter of Intent" dated September 28, 2010, which addressed, among other things, the mutual intent of both parties to negotiate an agreement for a direct interconnection between Texarkana's water system and the water distribution system located upon the Property in connection with negotiating a water supply contract to assist TAC in providing competitively-priced water to its largest customer, Red River Army Depot, and to ensure that abundant supplies of water are made available to support TAC's economic development objectives and its tenants and landowners; and

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WHEREAS, Texarkana and TAC are of the opinion that the economic development of the Property is of vital importance to the economic growth of the region, and that they should cooperatively work for the economic development of the Property by implementing a direct interconnection between Texarkana's water system and the water distribution system located upon the Property, in addition to Texarkana acquiring, owning, and operating the water distribution system upon the Property, and TAC developing the Property, including development of the Property's road infrastructure and wastewater treatment facilities.

NOW, THEREFORE, pursuant to Chapter 791 of the Texas Government Code and in consideration of the premises and the mutual promises, covenants, and agreements contained herein, Texarkana and TAC hereby contract as follows:

ARTICLE ONE
WATER SYSTEM TRANSFER

1.1 *TAC-East Water System Transfer*. TAC agrees to transfer to Texarkana, and Texarkana agrees to accept the transfer from TAC, of the water distribution system located upon the Property consisting of all water pipes greater than 10 inches in size; all meters, pumps, valves and accessories attached thereto; and all service laterals that serve existing customers up to the point of the property line of that customer or to a meter or appurtenance that establishes the point of service to that property (the "TAC-East Water System"). Within 90 days after transfer, the parties shall prepare a system map and inventory that memorializes the final assets subject to this transfer along with the definitive easement rights thereto.

1.1.1 The parties agree that the TAC-East Water System is valued at approximately $849,702.00.

1.1.2 The transfer of the TAC-East Water System shall be conveyed by TAC to Texarkana in a Bill of Sale without warranty and all parts of the system shall be transferred in their "AS IS" condition; provided, however, that Texarkana's acquisition of the "as-is" risk of the TAC-East Water System's condition shall not extend to the following:

(a) pre-existing environmental conditions;
(b) obligations of TAC to others unless expressly assigned to or otherwise assumed by Texarkana with the consent of the City Council of Texarkana; and
(c) the presence of functioning subsurface structures used by TAC.

1.1.3 TAC shall also convey to Texarkana easements having a width of fifteen (15) feet on each side of the center line of the existing water lines, thirty (30) feet total, transferred pursuant to § 1.1 of this Contract. Texarkana agrees that it will repair to a like-kind condition any damage to roads, culverts, or other structures caused by either its access to such easements, or its repair, maintenance, or replacement

of the water lines in such easements, or adding of additional water lines located in such easements.

1.1.4 As part of the transfer of the TAC-East Water System, TAC shall cause to be transferred to Texarkana by assignment or other means any TAC customer accounts for those customers receiving water from the TAC-East Water System (excluding the U.S. Army / Red River Army Depot), so that such customers become Texarkana customers and Texarkana assumes responsibility for providing potable water under separate water supply contracts to such customers.

1.2 *Consideration and Payments*. As consideration for the conveyance of the TAC-East Water System and related facilities and as consideration for the right to use the easements and the roads within the TAC property, Texarkana agrees to the following:

1.2.1 For a period of no more than twenty (20) years, or until the dissolution of TAC, or until the value of the TAC-East Water System set forth in § 1.1.1 has been paid, whichever occurs first, Texarkana shall pay to TAC $0.03 per 1,000 gallons of water delivered by Texarkana to its customers on the TAC-East Water System (excluding the U.S. Army / Red River Army Depot).

1.2.2 Payments shall be made on a quarterly basis and tendered to TAC not later than the 90th day following the quarter in which water was delivered to TAC-East Water System customers.

1.2.3 TAC agrees that all monies paid by Texarkana under §1.2 and subsections shall be deposited in a separate TAC escrow or trust fund, specifically designated and used solely for economic development.

1.3 *True-Up*. Upon receipt and review of audited financials, the parties shall review data of water delivered to TAC-East Water System customers and calculate a true-up of payments made under §1.2 for the twelve-month period following the conveyances described in §1.1 ("Payment Year"), and for each successive Payment Year.

1.3.1 If, during any Payment Year, the aggregate amount paid by Texarkana exceeds $42,485.00 (the "ceiling aggregate"), then the overage is credited to Texarkana and applied to the following Payment Year.

1.3.2 If, during any Payment Year, the aggregate amount paid by Texarkana is less than the ceiling aggregate, no further monies are due from Texarkana to TAC for that Payment Year.

1.3.3 If, at any time, the total payments made by Texarkana to TAC exceed the value of the TAC-East Water System set forth in § 1.1.1, then TAC shall refund such excess to Texarkana, and Texarkana shall not owe TAC any additional payments.

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1.3.4 If, at the end of the twenty-year period referenced in §1.2.1, the total payments made by Texarkana to TAC are less than the value of the TAC-East Water System set forth in § 1.1.1, then Texarkana shall not owe TAC any additional payments.

1.4 *Timing of Conveyances and Payments*. The conveyances and transfers described in §1.1 and its subsections, together with the beginning of the first twelve-month period for payments described in §1.2.1, shall coincide with the date that Texarkana begins supplying water to TAC pursuant to that certain "Water Supply Contract" between Texarkana and TAC.

ARTICLE TWO
WATER SUPPLY INTERCONNECT

2.1 *Water Supply Interconnect*. Subject to § 2.2, below, TAC shall construct an interconnect between the System and Texarkana's water line adjacent to U.S. Highway 82 (the "Interconnect"). The Interconnect shall consist of the improvements identified in the attached Exhibit A estimate of construction costs (exclusive of the 250,000 elevated storage facility).

2.1.1 *Construction Cost*. The construction cost for the Interconnect shall be paid by Texarkana providing the sum of $250,000.00 in economic development funds, and TAC providing the remainder of the construction cost from its available funds and /or a DEAAG assistance grant (the parties acknowledging that TAC requires a local match from Texarkana in order to secure a DEAAG assistance grant).

2.1.2 *Transfer of Title*. Title to the Interconnect shall be transferred to Texarkana upon the date that Texarkana begins supplying water to TAC through the Interconnect pursuant to that certain "Water Supply Contract" between Texarkana and TAC. At such time, TAC shall additionally convey to Texarkana easements for the construction and continued maintenance of the Interconnect.

2.2 *Alternative Water Supply Interconnect*. If, within sixty (60) days of signing this Contract, Texarkana has a firm commitment from Day & Zimmerman to acquire certain assets which would provide for an alternative interconnection and obviate the need for construction of the Interconnect, then § 2.1 and its subsections shall be suspended for a period not to exceed ninety (90) days from the signing of this Contract in order for Texarkana to negotiate and finalize such acquisition. However, if, within sixty (60) days of signing this Contract, Texarkana does not have a firm commitment from Day & Zimmerman to acquire certain assets which would provide for an alternative interconnection and obviate the need for construction of the Interconnect, then § 2.1 and its subsections shall be in full force and effect.

ARTICLE THREE
AUTHORIZATION FOR FUTURE NEGOTIATIONS

Attachment: 2015-139 ATTH 05 Economic Development Water System Transfer Contract 20110726 (1415 : 2015-139 RES authorizing CM to

3.1 *TAC Central Water System Negotiations*. The parties acknowledge that in addition to the TAC-East Water System, TAC presently owns and operates a potable water production and distribution system which draws water from Caney Lake and Elliott Lake, both located upon Red River Army Depot, and a water treatment plant located at Caney Lake (the "TAC Central Water System"), which presently serves Red River Army Depot, the TexAmericas Center – Central Campus, and others. By signing this Contract, Texarkana and TAC authorize their designated representatives to explore the feasibility – and, if feasible, to begin negotiations – of Texarkana acquiring the TAC Central Water System, which would necessarily include an amendment and modification of TAC's agreement with the Department of the Army such that the Red River Army Depot would become a direct water purchasing customer of Texarkana. TAC agrees to provide assistance to Texarkana in negotiating the terms of the amendment and/or modification of TAC's agreement with the Department of the Army given TAC's expertise and knowledge in operating the system and having previously negotiated amendments and changes to said contract.

3.2 *No Effect on Other Provisions or Water Supply Contract*. If Texarkana does not acquire the TAC Central Water System, such shall not void or invalidate Articles One, Two, and Four of this Contract, nor shall it affect the Water Supply Contract between Texarkana and TAC.

ARTICLE FOUR
MISCELLANEOUS PROVISIONS

4.1 This Agreement shall be governed exclusively by the laws of the State of Texas and, where applicable, the laws of the United States of America.

4.2 In construing this Agreement, neither of the parties hereto shall have any term or provision, or any uncertainty or ambiguity as to any provisions herein, construed against such party solely by reason of such party having drafted the same.

4.3 The parties to this Contract are independent contractors. No party shall exercise control over either the performance of the other party or the employees of any other party; and no party shall be deemed to be the agent, employee or representative of any other party.

4.4 Unless otherwise specified in this agreement, any notice required or document to be provided under this agreement shall be given by hand delivery or United States Mail to the following:

City of Texarkana, Texas
Attn: City Manager
220 Texas Boulevard
Texarkana, Texas 75501

TexAmericas Center
Attn: Executive Director
107 Chapel Lane
New Boston, Texas 75570

4.5 Should any portion of this agreement be determined or declared to be invalid, illegal, or unenforceable for any reason, the remaining portions hereof shall remain in full force and effect as though the invalid, illegal or unenforceable portions were not contained herein.

4.6 This Agreement may be amended only by a written document signed by duly authorized representatives of the parties hereto.

4.7 This Agreement and/or the rights and obligations of the parties may not be assigned by either party without the written consent of the other party which consent shall not be unreasonably withheld.

4.8 If a dispute arises between the parties relating to the rights, duties, or obligations arising out of this agreement, the parties agree to meet informally in a good faith effort to negotiate a resolution of the dispute prior to the initiation of any litigation. The parties may, but are not obligated to, bring into said negotiations a neutral third party, or may refer the matter to formal mediation to assist in resolving the dispute. Jurisdiction and venue for any litigation arising out of this agreement shall be in the District Court of Bowie County, Texas. Each party shall pay its own cost and expenses, including attorney's fees, incurred during any facet of dispute resolution prior to litigation. The prevailing party in any litigation, as determined by the Judge of the presiding court, is entitled to recover reasonable attorney's fees and court and other costs incurred in the litigation.

4.9 This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns.

4.10 This Agreement shall be effective upon the date of the last of the parties to execute the same.

Attachment: 2015-139 ATTH 05 Economic Development Water System Transfer Contract 20110726 (1415 : 2015-139 RES authorizing CM to

CITY OF TEXARKANA, TEXAS

By: _____
F. Larry Sullivan, Ed.D.
City Manager

ATTEST:

_____
Kerry Meredith, City Secretary

Date: 7/28/2011

APPROVED AS TO FORM:

_____
Jo Thomason
Jeffery C. Lewis
ATCHLEY, RUSSELL, WALDROP & HLAVINKA, LLP
Retained Legal Counsel

TEXAMERICAS CENTER

By: _____
William V. Cork,
Executive Director/CEO

Date: 7/26/11

APPROVED AS TO FORM:

_____
Raymond W. Jordan,
JORDAN LAW FIRM, L.L.P.
Retained Legal Counsel

Attachment: 2015-139 ATTH 05 Economic Development Water System Transfer Contract 20110726 (1415 : 2015-139 RES authorizing CM to

Attachment: 2015-139 ATTH 06 TAC Bill of Sale 20120709 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water Agreement with

PREPARED IN THE OFFICE OF:
JORDAN LAW FIRM, L.L.P.
#4 Woodmont Crossing
Texarkana, Texas 75503

NOTICE OF CONFIDENTIALITY RIGHTS:
IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OF THE FOLLOWING INFORMATION FROM THIS INSTRUMENT BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS:
YOUR SOCIAL SECURITY NUMBER OR
YOUR DRIVER'S LICENSE NUMBER

BILL OF SALE

Date: July ____, 2012

Seller: TexAmericas Center (formerly Red River Redevelopment Authority) acting by and through William V. Cork, its duly authorized Executive Director

Seller's Mailing Address (including county): 107 Chapel Lane
New Boston, Bowie County, Texas

Buyer: City of Texarkana, Texas, acting by and through F. Larry Sullivan, its duly authorized City Manager

Buyer's Mailing Address (including county): Texarkana Municipal Building
West 3rd and Texas Boulevard
Texarkana, Texas 75501

Consideration: Ten and No/100 Dollars ($10.00) and other good and valuable consideration as more particularly set forth in that certain Economic Development Water System Transfer Contract by and between the City of Texarkana, Texas and TexAmericas Center dated July 28, 2011 as more particularly set forth in Sections 1.2 and 1.3 of said Economic Development Water System Transfer Contract.

Personal Property: The TAC-East Water System and the Water Supply Interconnect connecting the TAC-East Water System to the City of Texarkana's water line adjacent to U.S. Highway 82,

Bowie County, Texas, all as more particularly described in Exhibit "A" attached hereto and incorporated herein for all purposes.

For value received, Seller sells and delivers the personal property to Buyer and warrants and agrees to defend title to the personal property to Buyer and Buyer's successors against all lawful claims, by, through, or under Seller but not otherwise.

WITH THE EXCEPTION OF THE WARRANTIES OF TITLE, INCLUDING THE WARRANTY THAT NO LIENS EXIST ON THE PROPERTY, SELLER HAS MADE NO AFFIRMATION OF FACT OR PROMISE RELATING TO THE PROPERTY THAT HAS BECOME ANY BASIS OF THIS BARGAIN, AND FURTHER, SELLER HAS MADE NO AFFIRMATION OF FACT OR PROMISE RELATING TO THE PROPERTY THAT IT WOULD CONFIRM TO ANY SUCH AFFIRMATION OR PROMISE. SELLER DISCLAIMS ANY WARRANTY OF FITNESS FOR ANY PARTICULAR PURPOSE WHATEVER WITH RESPECT TO THE PROPERTY. THE PROPERTY IS SOLD ON AN "AS IS" BASIS EXCEPT THAT THE CITY OF TEXARKANA, TEXAS ACCEPTS NO RESPONSIBILITY FOR THE FOLLOWING:

a. Preexisting environmental conditions;
b. Obligations of TexAmericas Center to others unless expressly assigned to or otherwise assumed by the City of Texarkana, Texas, with the consent of the City Council of Texarkana, Texas; and
c. The presence of functioning subsurface structures used by TexAmericas Center.

When the context requires, singular nouns and pronouns include the plural.

TEXAMERCIAS CENTER

By: _____
William V. Cork, Executive Director/CEO

ACCEPTED:

CITY OF TEXARKANA, TEXAS

By: _____
Name: F. Larry Sullivan, Ed.D.
Title: City Manager

Attachment: 2015-139 ATTH 06 TAC Bill of Sale 20120709 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water Agreement with

Attachment: 2015-139 ATTH 06 TAC Bill of Sale 20120709 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water Agreement with

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF BOWIE

This instrument was acknowledged before me this 27th day of June, 2012, by William V. Cork, Executive Director/CEO of TexAmericas Center, a political subdivision of the State of Texas.

SHERRI L. SMITH NOTARY PUBLIC STATE OF TEXAS EXPIRES 02-27-2016

Sherri L. Smith
Notary Public, State of Texas

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF BOWIE

This instrument was acknowledged before me this 12th day of July, 2012, by F. Larry Sullivan, as the City Manager of the City of Texarkana, Texas.

NOTARY PUBLIC STATE OF TEXAS
DANA K JAGGERS
My Commission Expires
February 5, 2016

Dana K. Jaggers
Notary Public, State of Texas

Attachment: 2015-139 ATTH 06 TAC Bill of Sale 20120709 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party Water Agreement with

EXHIBIT "A"
TO
BILL OF SALE

TEXAMERICAS CENTER TO CITY OF TEXARKANA, TEXAS

PERSONAL PROPERTY:

A. TAC-East Water System. The Water Distribution System located upon that certain tract of approximately 8,867 acres more particularly described in that certain Deed Without Warranty dated September 1, 2010, by and between the United States of America and Red River Redevelopment Authority which is recorded in Volume 5898, Page 1 of the Real Property Records of Bowie County, Texas, to the extent said system consists of water pipes 10 inches and greater in size together with all meters, pumps, valves and accessories attached thereto, and all service laterals which serve existing customers as of the date of this Bill of Sale including TexAmericas Center properties requiring water service, up to the point of service of the customers property which point of service shall be the current meter or other appurtenance establishing the demarcation between the customer's service line and the system's service lateral line. The system includes but is not limited to approximately 26,420 linear feet of 16 inch main and 27,302 linear feet of 12 inch main. The 12 inch meter station, and one 4 inch meter station, shall remain the property of TexAmericas Center. This conveyance does not include meters owned by Day and Zimmermann Lone Star, LLC which may be attached to the system.

B. Water Supply Interconnect. The interconnecting line, including all mains, gate valves, meters, pumps, meter stations, pump stations, pump building, booster stations, ground storage tanks, and accessories attached thereto installed upon property of TexAmericas Center for the purpose of connecting the TAC-East Water System to the City of Texarkana, Texas water line which is located adjacent to U.S. Highway 82 North of the TAC-East Property, including but not limited to the itemized component parts described in Exhibit "A-1" attached hereto and incorporated herein for all purposes.

C. Within ninety (90) days after the date of this document, the parties shall prepare a system map and inventory that memorializes the complete list of assets transferred and identifies the location of said assets.

Attachment: 2015-139 ATTH 07 Water Supply Contract TexAmericas 20110726 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party

WATER SUPPLY CONTRACT

This Water Supply Contract (hereinafter, "Contract") is entered into between the City of Texarkana, Texas (hereinafter, "Texarkana") and TexAmericas Center (hereinafter, "Purchaser").

WHEREAS, Texarkana is fully empowered to enter into contracts with other governmental entities and political subdivisions for the purpose of selling water for municipal, domestic, industrial and other useful purposes permitted by law and upon such terms and for such time as the parties may agree; and

WHEREAS, Texarkana owns a municipal water treatment and supply system (hereinafter referred to as the "System") capable of providing an adequate water supply as agreed herein; and

WHEREAS, the Purchaser, a political subdivision of the State of Texas, has a need for such water supply and desires to enter into a contractual arrangement with Texarkana for water from said System; and

WHEREAS, Texarkana and Purchaser, through their authorized representatives, signed a "Letter of Intent" dated September 28, 2010, which addressed, among other things, the mutual intent of both parties to negotiate a water supply contract to assist Purchaser in providing competitively-priced water to its largest customer, Red River Army Depot, and to ensure that abundant supplies of water are made available to support Purchaser's economic development objectives and its tenants and landowners.

NOW THEREFORE, pursuant to Chapter 791 of the Texas Government Code, and in consideration of the premises and the mutual promises, covenants and agreements contained herein, Texarkana and Purchaser hereby agree as follows:

1. Texarkana agrees:

1.1 To reserve capacity in the System so as to furnish the Purchaser at the point of delivery hereinafter specified during the term of this Contract and any renewal or extensions thereof, potable treated water as may be required by the Purchaser to fulfill its obligation to provide water to Red River Army Depot under that certain Solicitation, Offer and Award, Contract NO DAAE32-02-D-008 dated May 14, 2002 (Army Contract) and to provide water to the retail water customers of Purchaser as of the date hereof and in the future during the term of this Agreement (the initial reserve capacity to be required by Purchaser is estimated at 300,000,000 gallons annually. Texarkana further agrees to reserve capacity in the System to be able to supply to Purchaser, if required by Red River Army Depot, an annual allocation of 25,000 acre-feet of water for Red River Army Depot's water requirements from the Texarkana, Texas, municipal water system. Water delivered under this Contract shall be of the same quality as that distributed by Texarkana to its other customers on this System. If in the future, a larger quantity of water is desired by the Purchaser, any improvements required shall be at the expense of the Purchaser or if such quantity of water is voluntarily available from another purchaser with reserved capacity in the drinking water system, then agreed upon capacity may be transferred to Purchaser upon completion of appropriate contract amendments that include but are not

limited to changes in payment under Section 3, below.

1.2 To provide treated surface water meeting all applicable Texas and Federal regulations, in such volumes, pressures and rates of flow that will enable Purchaser to fulfill its obligations to Red River Army Depot pursuant to the terms of the Army Contract as provided in Sections C.3.5 and C.3.5.1 of said contract.

1.3 To allow the Purchaser to use existing connections, with certain upgrades stated herein including backflow devices and Supervisory Control and Data Acquisition (SCADA) equipment, to Texarkana's system to receive the quantities of water specified in this Contract. Said connections, including all monitoring, control, transmission, metering, telemetry and attendant facilities are recognized as the property of Texarkana, except all backflow prevention facilities shall remain the property and responsibility of the Purchaser. Purchaser specifically agrees to install at Purchaser's expense backflow prevention devices and telemetry equipment acceptable to Texarkana and meeting any applicable Texas Commission on Environmental Quality (TCEQ) rules and regulations at the point of delivery.

1.4 To furnish the Purchaser, not later than the 15th day of the month following water usage, with an itemized statement of the amount of water furnished the Purchaser and the charges for such during the preceding month. The quantity of water for which Purchaser shall be billed shall be based upon the reading of the master meter of Texarkana except under conditions set out in ¶ 1.5. The unit of measure for water delivered hereunder shall be 1,000 gallons of water, U.S. Standard Liquid Measure, rounded to the nearest 1,000 gallons. The monthly billing statement to Purchaser shall issue from the Chief Financial Officer of Texarkana.

1.5 To maintain and calibrate (or arrange for calibration of) its metering equipment as often as it considers necessary or such time as Purchaser may show reasonable evidence of error. Upon any test, the percentage of any inaccuracy thereof --- if found to be in excess of two percent (2%) registration thereof --- shall be corrected for a period extending back to the time such inaccuracy began, if such time is ascertainable; and if such time is not ascertainable, then for a period extending back one-half of the time elapsed since the last date of calibration, but in no event further back than a period of six (6) months. In the event Purchaser has provided no check meter with reference thereto and if for any reason any master meter is out of service or out of repair so that the amount of water delivered cannot be ascertained or computed from the reading thereof, the water delivered during the period such meter is out of service or out of repair shall be determined by Texarkana from the best available information, by correcting the error if the percentage of error is ascertainable by calibration tests or mathematical calculations, or by estimating the quantity of water by the deliveries made during preceding periods under similar conditions when the meter was registering accurately, or from pump records of Texarkana and other customers on the same supply line.

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1.6 Upon the Purchaser's request, in an effort to ensure regulatory compliance with water quality standards, to provide the Purchaser with Texarkana's sampling, laboratory analysis and reporting data in connection with Texarkana's water treatment plant and Texarkana's transmission main up to the point of delivery.

2. The Purchaser agrees:

2.1 For water delivered in accordance with the rates set forth in Section 3 of this Contract, to make monthly payments to Texarkana not later than thirty (30) days from the date of receipt of the invoice/billing. Purchaser's monthly payment shall be tendered to Texarkana's Chief Financial Officer.

2.2 That should Purchaser fail to make any payments as required under this Contract, interest on such amounts shall be due and owing to Purchaser and shall accrue at the rate determined pursuant to Section 2251.025 of the Texas Government Code from the date such payment becomes due until paid in full with interest as herein specified.

2.3 That while Purchaser may at any time seek additional water sources, it agrees to pay the minimum payment as provided in ¶ 2.1 and Section 3 of this Contract each month throughout the contract term.

2.4 That Texarkana is hereby authorized to enter onto any Purchaser's properties, whether held in fee simple or by easement, upon reasonable notice and within normal business hours, wherein there is reasonable need to operate and / or maintain Texarkana's lines and facilities located on Purchaser's properties, whether for the present system or for any mutually agreed upon future facilities (such operation and maintenance shall be provided by Texarkana on its lines and facilities up to and including the meter located at the point of delivery, except as otherwise stated).

2.5 That its meter shall be of the type required by Texarkana. Purchaser shall pay all costs of meter replacement at a frequency not greater than that of once every ten (10) years. Said costs shall be in addition to rates and fees as provided in ¶ 2.1 and Section 3 of this Contract

2.6 To fix and collect such rates and charges as required, in combination with any other funds legally available and reasonably assured of the purpose, to make possible the prompt payment of all expenses of operating and maintaining its water system and all payments as required under this Contract.

2.7 That control and monitoring facilities by telemetry are a necessary part of the connection facilities in the form of SCADA equipment. The Purchaser agrees to install at the point of delivery, at its sole expense, SCADA equipment approved by Texarkana. Such equipment to be compatible with Texarkana's current SCADA system.

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2.8 That all payments to be made hereunder shall constitute "operating expenses" of its waterworks system with the effect that the obligation to make such payments from its waterworks system revenues under this Contract shall be an operating expense as defined by Chapter 1502 of the Texas Government Code.

2.9 That backflow devices to protect Texarkana's system are a necessary part of the connection facilities and agrees to install, test and maintain such facilities as necessary and required by state or local codes or statutes, but in no case shall maintenance and inspections be performed less than annually. Purchaser shall supply all records of such maintenance and inspections on an annual basis to Texarkana. Texarkana is hereby authorized to enter onto any of Purchaser's properties with prior notice and during normal business hours, whether held in fee simple or by easement, necessary to verify maintenance and inspection of backflow prevention. Purchaser agrees that during the term of this Contract, should the existing backflow measures be inadequate to meet the State's standards, to bring the backflow measures up to the State's standards at Purchaser's sole expense. As an alternative to backflow prevention devices, the Purchaser may install an "air gap" system at the primary intake to separate Texarkana's water supply from the Purchaser's water supply. Any "air gap" system installed by the Purchaser shall meet the approval of Texarkana.

2.10 That Purchaser shall at all times have the right to records and audits of all costs for water treatment and delivery, and shall have the right to discuss with Texarkana its concerns or opposition to rate increases as well as a right to appeal such increase to the City Council of Texarkana, Texas, after discussion with Texarkana's City Manager. Nothing in this section prevents the Purchaser from making appeal directly to the Texas Commission on Environmental Quality or its successor as allowed by law.

3. Purchaser's Monthly Payment

3.1 *First Year of Term.* During the first year of the Contract term, Purchaser's monthly payment shall be set at the current year's potable water rate which is established using the City's system budgeted production costs for water from Lake Wright Patman and total budgeted gallons, and shall be an averaged, fixed charge.

3.2 *Subsequent Years of Term.* Purchaser's monthly payment during subsequent years of the Contract term shall be determined in the following manner:

3.2.1 No later than August of each calendar year, the parties shall confer and compare budgeted total cost and usage to actual audited cost and usage (the "true-up" process). No later than November of each calendar year, the parties shall reach a consensus on the next year's monthly payment. To facilitate Purchaser's preparation of an annual budget, the potable water rate shall be an averaged, fixed monthly charge, computed on an annual basis.

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3.2.2 If, during the "true-up" process, it is determined that the past year's actual billing of the potable water rate:

3.2.2.1 exceeds the past year's usage, then, the determined overage shall be calculated to the nearest rounded dollar figure, computed on an annual basis; this amount will be pro-rated and applied to each monthly billing charge for the next year as a credit.

3.2.2.2 is less than the past year's usage, then, the determined shortfall shall be calculated to the nearest rounded dollar figure computed on an annual basis; this amount will be pro-rated and applied to each monthly billing charge for the next year as an additional charge.

3.2.3 If, during the "true-up" process, it is calculated that the actual, audited production cost is more or less than the budgeted cost projection for the current year, then the true cost as determined annually by independent audit shall be calculated and the overage or shortfall between actual, audited production cost and budgeted cost projection shall be credited or deducted, at the case may be, in whole dollars to the purchaser.

3.2.4 In the event Purchaser is in arrears in performing the payment obligations owed to Texarkana under this Contract, the amount as determined in the "true-up" process shall constitute only a floor or base rate, to which Texarkana may add an additional payment to liquidate the unpaid balance due and owing to Texarkana.

3.2.5 Any dispute arising during the "true-up" process or in establishing a monthly payment for subsequent years of the term shall be resolved pursuant to Section 6 of this Contract. Pending the resolution of any dispute, the potable water rate payment shall remain fixed at the parties' last agreed-upon rate.

3.3 In no event shall the potable water rate charged to Purchaser in any given budget cycle exceed either the rate calculated from the City's system production costs for water from Lake Wright Patman or the lowest corresponding rate charged by Texarkana to other municipalities contracting with Texarkana, whichever is less. Notwithstanding the above, the Parties acknowledge that any overages, credits, or liquidation payments as set forth in Section 3 above shall be included in determining the potable water rate to be charged, but are separate charges or credits derived from the "true-up" process.

4. It is further mutually agreed between Texarkana and the Purchaser:

4.1 *Point of Delivery*. The exact Point of Delivery of water to Purchaser shall be at a meter to be installed by Purchaser which will become operational upon either construction of a direct interconnection between Texarkana's water system and the Purchaser's water distribution system, or use of another interconnection. The location of the meter shall be determined by Purchaser in consultation with Texarkana.

Attachment: 2015-139 ATTH 07 Water Supply Contract TexAmericas 20110726 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party

4.2 *Force Majeure*. As used herein, the term "force majeure" as employed herein shall mean acts of God, strikes, lock-outs, or other industrial disturbances, acts of public enemy, orders or actions of any kind of the Government of the United States or the State of Texas, or any civil or military authority, insurrections, riots, epidemics, landslides, lightning, earthquakes, fires, hurricanes, storms, floods, wash-outs, breakage or accident to dams, machinery, pipelines, or canals or other structures of machinery, partial or entire failure of water supply and inability on the part of Texarkana to deliver water hereunder, or of Purchaser to receive water, on account of any other cause not reasonably within the control of the party claiming such liability.

4.2.1 If, for any reason of "force majeure", either of the parties hereto shall be rendered unable wholly or in part to carry out its obligation under this agreement, other than the obligation of Purchaser to make the payments required under the terms this Contract, then if such party shall give notice and full particulars of such reasons in writing to the other party within a reasonable time after the occurrence of the event, or cause relied on, the obligation of the party giving such notice, so far as it is affected by such "force majeure", shall be suspended during the continuance of the inability than claimed, but for no longer period, and any such parties shall endeavor to remove or overcome such inability with all reasonable dispatch. It is understood and agreed that the settlement of strikes and lock-outs shall be entirely within the discretion of the party having the difficulty, and that the above requirement that any force majeure shall be remedied with all reasonable dispatch shall not require the settlement of strikes and lockouts by acceding to the demands of the opposing parties when such settlement is unfavorable to it in the judgment of the party having the difficulty. No failure of Texarkana to meet any obligation by reason of force majeure shall relieve Purchaser from its obligations to make payments required under the terms of this Contract.

4.2.2 No damages shall be recoverable from Texarkana by reason of the suspension of delivery of water due to any of the causes above-mentioned. If Texarkana's ability to deliver water to Purchaser is affected by any of such causes, Texarkana shall promptly notify Purchaser, in writing, giving the particulars as soon as practicable after the occurrence of the cause or causes for such interruption.

4.2.3 It is expressly recognized by Purchaser that Texarkana may be compelled to make necessary alterations, perform maintenance, make repairs or construct extensions of new or additional water transporting or treatment facilities from time to time during the life of this Contract and any suspension of delivery to Purchaser due to such operation shall not be cause for claim of damage against Texarkana provided all reasonable effort is used by Texarkana to provide Purchaser with water in accordance with this Contract. In such case Texarkana shall give Purchaser at least forty-eight (48) hours notice or as much advance notice as may be practicable of the suspension of delivery and of the estimated duration thereof.

4.2.4 That this Contract is subject to such rules, regulations, or laws as may be

Attachment: 2015-139 ATTH 07 Water Supply Contract TexAmericas 20110726 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party

applicable to similar agreements in this State and Texarkana and Purchaser will collaborate in obtaining such permits, certificates, or the like as may be required to comply herewith.

4.2.5 That Purchaser shall not enter into any contracts for the wholesale supply or resale of water supplied by Texarkana to any other entity or agency or provide wholesale service outside its territorial boundary or certificate of convenience and necessity (CCN) without first having received approval, in writing, from Texarkana, and such approval will not be unreasonably withheld. However, Purchaser may provide retail service to current and future customers located inside or outside of Purchaser's territorial boundary and to Red River Army Depot. Nothing in this section will prohibit Purchaser from exercising its full authority under the laws of the State of Texas as they currently exist or shall in the future be amended.

4.2.6 That in the event of any occurrence rendering the Purchaser incapable of performing under this Contract, any successor of the Purchaser, whether the result of legal process, assignment or otherwise, shall succeed to the rights of the Purchaser hereunder.

4.2.7 That Texarkana is not responsible or liable for delivering a greater quantity of water to all combined customers than the capacity of the distribution main at the time of the execution of this Contract.

4.2.8 In the event any sales or use taxes, or taxes of any similar nature are hereafter imposed upon the gathering, taking, sale, use or consumption of the water received by Purchaser under this Contract, the amount of such taxes shall be borne by Purchaser, in addition to all other charges; and whenever Texarkana shall be required to pay, collect, or remit any such taxes on water received by Purchaser, then Purchaser shall promptly reimburse Texarkana for payment of such taxes.

4.2.9 In the event of an extended shortage of water or the supply of water available to Texarkana is otherwise diminished over any extended period of time, the supply of water to Purchaser shall be reduced or diminished in the same ratio or proportion as the supply to other wholesale customers on the system is reduced or diminished. It is specifically provided, however, that to the extent allowed by applicable law and subject to Texarkana's existing contractual commitments to others, Texarkana shall give priority to providing sufficient water to Purchaser to allow Purchaser to meet its obligations to Red River Army Depot as required by the Army Contract.

5. Term and Termination

5.1 The initial term of this Contract shall begin when the terms and conditions under Articles

Attachment: 2015-139 ATTH 07 Water Supply Contract TexAmericas 20110726 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party

One and Two under that certain Economic Development Water System Transfer Contract (executed concurrently with this Contract) have occurred or otherwise have been fulfilled. This Contract shall terminate on May 13, 2022, upon the termination of TAC's obligation under its existing contract with the U.S. Army / Red River Army Depot to provide potable water. Purchaser shall have the unilateral option to renew/extend the term in increments of 10 years, not to exceed a total contract term of 50 years provided that Red River Army Depot exercises its unilateral option to renew/extend the Army Contract as provide in Section C.19.3 thereof. Thereafter, this Contract may be renewed or extended for such term, or terms, as may be agreed upon by Texarkana and Purchaser.

5.2 This Contract may also be terminated by mutual agreement of the parties.

5.3 This Contract may also be terminated by Purchaser upon written notice of termination to Texarkana of one year prior to the effective date of termination.

5.4 Subject to Section 6, below, this Contract may be terminated by one party upon breach or failure of the other party to perform any of its obligations under this Contract, such failure not being cured by the breaching party within ninety (90) days following receipt of the non-breaching party's intent to terminate the Contract.

6. Dispute Resolution

If a dispute arises between the parties relating to the rights, duties, or obligations arising out of this agreement, the parties agree to meet informally in a good faith effort to negotiate a resolution of the dispute prior to the initiation of any litigation. The parties may, but are not obligated to, bring into said negotiations a neutral third party, or may refer the matter to formal mediation to assist in resolving the dispute. At all times during such dispute resolution efforts, the parties shall continue to perform their respective obligations under this Contract. Jurisdiction and venue for any litigation arising out of this Contract shall be in the District Court of Bowie County, Texas.

7. General Provisions

7.1 *No Third Party Beneficiaries*. Nothing herein should be construed to benefit any person or entity not a signatory to this Contract.

7.2 *Governing Law*. This Contract shall be governed exclusively by the laws of the State of Texas.

7.3 *Construction*. In construing this Contract, none of the parties hereto shall have any term or provision, or any uncertainty or ambiguity as to any provisions herein, construed against such party solely by reason of such party having drafted the same.

7.4 *Independent Contractors*. The parties to this Contract are independent contractors. No party shall exercise control over either the performance of any other party or the employees of any other party; and no party shall be deemed to be the agent, employee, or

Attachment: 2015-139 ATTH 07 Water Supply Contract TexAmericas 20110726 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party

representative of any other party.

7.5 *Effective Date*. This Contract becomes effective upon execution by the latter of the parties to execute this Agreement; provided, however, the actual purchase and sale of water shall commence upon completion of the connection of Purchaser's System to Texarkana's System.

7.6 *Notices*. Unless otherwise specified in this Contract, any notice required or document to be provided under this Contract shall be given by hand delivery or by U.S. Mail to the following persons:

- for Texarkana, its City Manager, 220 Texas Blvd., Texarkana, Texas 75501
- for Purchaser, its Executive Director, 107 Chapel Lane, New Boston, TX 75570

7.7 *Amendment*. Any amendment to this Contract must be in writing.

7.8 *Severability*. Should any portion of this agreement be determined or declared to be invalid, illegal, or unenforceable for any reason, the remaining portions hereof shall remain in full force and effect as though the invalid, illegal or unenforceable portions were not contained herein.

7.9 This Agreement and/or the rights and obligations of the parties may not be assigned by either party without the written consent of the other party which consent shall not be unreasonably withheld.

7.10 This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns

IN WITNESS WHEREOF, Texarkana, as properly authorized by its City Council, has caused this Contract to be executed by its City Manager and attested by its City Secretary, and Purchaser, as properly authorized by its governing board, has caused this Contract to be executed by its Executive Director.

Attachment: 2015-139 ATTH 07 Water Supply Contract TexAmericas 20110726 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party

IT IS AGREED:

Purchaser,
TexAmericas Center

William V. Cork
Executive Director/CEO

Approved as to Form:

Raymond W. Jordan
Jordan Law Firm, L.L.P.
Retained Legal Counsel

Attachment: 2015-139 ATTH 07 Water Supply Contract TexAmericas 20110726 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party

The City of Texarkana, Texas

F. Larry Sullivan, Ed. D.
City Manager

Attest

Kerry Meredith
City Secretary

Approved as to Form:

Jo Thomason
Jeffery C. Lewis
Atchley, Russell, Waldrop & Hlavinka, LLP
Retained Legal Counsel

Attachment: 2015-139 ATTH 07 Water Supply Contract TexAmericas 20110726 (1415 : 2015-139 RES authorizing CM to Enter into Tri-Party

Attachment: 2015-139 ATTH 08 TAC ED Water System Transfer Contract Amend 20120709 (1415 : 2015-139 RES authorizing CM to Enter into

AMENDMENT NUMBER ONE
TO
ECONOMIC DEVELOPMENT WATER SYSTEM TRANSFER CONTRACT

This Amendment Number One to Economic Development Water System Transfer Contract is by and between the City of Texarkana, Texas ("Texarkana"), and TexAmericas Center ("TAC") and is effective the date opposite the latter of the two parties to execute the same as indicated below.

RECITALS

WHEREAS, Texarkana and TAC entered into that certain Economic Development Water System Transfer Contract ("Contract") for transfer of the water supply and distribution system located upon property owned by TAC acquired from the United States of America by Deed dated September 1, 2010, recording in Volume 5898, Page 1 of the Real Property Records of Bowie County, Texas to Texarkana; and

WHEREAS, the parties anticipate transfer of the system within thirty (30) days after the date of this letter by Bill of Sale as provided in the Contract; and

WHEREAS, the parties desire to amend said Contract to incorporate new and modify existing terms as mutually agreed by the parties;

NOW, THEREFORE, in consideration of the premises and mutual promises, covenants, and agreements contained herein, Texarkana and TAC hereby amend the Contract as follows:

1. The Agreement is amended by adding a new subsection 1.5 to read as follows:

1.5 Transfer of Certificate of Convenience and Necessity. TAC shall transfer its Certificate of Convenience and Necessity to provide potable water to the TAC East property to Texarkana. Texarkana shall file the appropriate application for said transfer and process the same at its expense. TAC shall execute any and all documents necessary to consummate the transfer of the Certificate of Convenience and Necessity. The Assignment shall be filed within thirty (30) days after the date Texarkana begins supplying water to TAC pursuant to that certain Water Supply Contract between Texarkana and TAC.

2. The Contract is amended by adding a new Section 1.6 to read as follows:

1.6 Disconnection of the TAC-East Water System from Day & Zimmerman System. Upon transfer of the TAC-East Water System from TAC to Texarkana, and Texarkana begins supplying water to TAC pursuant to that certain Water Supply Contract, Texarkana shall

disconnect the TAC-East Water Supply System from its existing connection to the Day & Zimmerman Water System. The cost for such disconnect shall be paid by Texarkana.

3. The Contract is amended by adding a new Section 1.7 to read as follows:

1.7 Elliott Lake Water Connection. To facilitate supplying water to the U.S. Army Facilities located at Elliott Lake, TAC shall construct a new water supply line and meter for service to the Elliott Lake Facilities, which new lines shall connect to the existing 10 inch water supply line (the Maud line). Texarkana shall charge TAC, and TAC shall pay Texarkana for water delivered to the Elliott Lake Facilities at the same rate Texarkana charges TAC under the terms of that certain Water Supply Contract dated on or about July 28, 2011 reference to which is hereby made for said purpose.

4. The Contract is amended by adding a new Section 1.8 to read as follows:

1.8 Transition Issues. 120 days after the date of transfer of the TAC-East Water System, the parties shall implement a Transition Plan including but not limited to the following items:

A. TAC shall make the first contact giving notice to existing customers of the system of the transfer of ownership of the system and the plan for final billing by TAC and initial billing by Texarkana.

B. TAC and Texarkana shall jointly read customer meters on a specified date for purposes of determining the final billing to customers by TAC and the initiation of service to the customers by Texarkana.

C. TAC and Texarkana shall jointly work to locate existing service lines and laterals which will be active connections to the system. The parties shall jointly work to determine the location of said lines and prepare Computer Aided Drawings of the system, which maps when completed shall be the property of Texarkana. The expense of preparing the maps shall be paid by Texarkana.

5. The Contract is amended by adding a new Section 2.3 to read as follows:

2.3. Additional Water Supply Interconnect Construction and Costs. The design of the Interconnect has been revised at the request of Texarkana to include the construction at the Interconnect pump house of a bypass line and the installation of a flow meter. TAC shall construct the bypass line after approval of the plans and specifications for the same by Texarkana. TAC shall fund the construction of the bypass line for an amount not to exceed $15,390.00 in construction costs. Texarkana shall install and pay for the flow meter after

Attachment: 2015-139 ATTH 08 TAC ED Water System Transfer Contract Amend 20120709 (1415 : 2015-139 RES authorizing CM to Enter into

transfer of the system. TexAmericas Center shall credit the sum of $5,500.00 to the amount due to TexAmericas Center from Texarkana under Section 2.2.1 of the Contract leaving a net sum due from Texarkana of $244,500.00 payable upon transfer of the system.

6 The Contract shall remain in full force and effect as amended by this Amendment Number One.

IN WITNESS WHEREOF, Texarkana, as properly authorized by its City Council, has caused this Contract to be executed by its City Manager and attested by its City Secretary, and TAC, as properly authorized by its Governing Board, has caused this Contract to be executed by its Executive Director.

CITY OF TEXARKANA, TEXAS

By: _____
F. Larry Sullivan, Ed. D.
City Manager

ATTEST:

_____
Kerry Meredith, City Secretary

Date: 7-9-12

APPROVED AS TO FORM:

_____
Jeffery C. Lewis
Atchley, Russell, Waldrop & Hlavinka , L.L.P.,
Retained Legal Counsel

TEXAMERICAS CENTER

By: _____
William V. Cork,
Executive Director/CEO

Date: 6/26/12

APPROVED AS TO FORM:

_____
Raymond W. Jordan
Jordan Law Firm, L.L.P.,
Retained Legal Counsel

Attachment: 2015-139 ATTH 08 TAC ED Water System Transfer Contract Amend 20120709 (1415 : 2015-139 RES authorizing CM to Enter into

Attachment: 2015-139 ATTH 09 TAC ED Water System Transfer Contract Amend 20120709 (1415 : 2015-139 RES authorizing CM to Enter into

AMENDMENT NUMBER ONE
TO
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RECITALS

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WHEREAS, the parties anticipate transfer of the system within thirty (30) days after the date of this letter by Bill of Sale as provided in the Contract; and

WHEREAS, the parties desire to amend said Contract to incorporate new and modify existing terms as mutually agreed by the parties;

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Attachment: 2015-139 ATTH 09 TAC ED Water System Transfer Contract Amend 20120709 (1415 : 2015-139 RES authorizing CM to Enter into

transfer of the system. TexAmericas Center shall credit the sum of $5,500.00 to the amount due to TexAmericas Center from Texarkana under Section 2.2.1 of the Contract leaving a net sum due from Texarkana of $244,500.00 payable upon transfer of the system.

6 The Contract shall remain in full force and effect as amended by this Amendment Number One.

IN WITNESS WHEREOF, Texarkana, as properly authorized by its City Council, has caused this Contract to be executed by its City Manager and attested by its City Secretary, and TAC, as properly authorized by its Governing Board, has caused this Contract to be executed by its Executive Director.

CITY OF TEXARKANA, TEXAS

By: _____
F. Larry Sullivan, Ed. D.
City Manager

ATTEST:

_____
Kerry Meredith, City Secretary

Date: 7-9-12

APPROVED AS TO FORM:

_____
Jeffery C. Lewis
Atchley, Russell, Waldrop & Hlavinka , L.L.P.,
Retained Legal Counsel

TEXAMERICAS CENTER

By: _____
William V. Cork,
Executive Director/CEO

Date: 6/26/12

APPROVED AS TO FORM:

_____
Raymond W. Jordan
Jordan Law Firm, L.L.P.,
Retained Legal Counsel

Attachment: 2015-139 ATTH 09 TAC ED Water System Transfer Contract Amend 20120709 (1415 : 2015-139 RES authorizing CM to Enter into

RESOLUTION NO. 2015-139

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AGREEMENTS WITH TEXAMERICAS CENTER AND RIVERBEND WATER RESOURCES DISTRICT FOR ASSIGNMENT OF THE TEXAMERICAS CENTER'S WATER SUPPLY CONTRACT TO RIVERBEND AND REGARDING NON-POTABLE WATER; AUTHORIZING THE CITY MANAGER TO ENTER INTO A NEW WATER SUPPLY CONTRACT WITH TEXAMERICAS CENTER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (TEXARKANA) and TexAmericas Center (TAC) have previously entered into that certain Water Supply Contract on or about July 28, 2011, which was subsequently amended by execution of that certain Amendment Number One to Water Supply Contract dated July 9, 2012 (hereinafter, the "TAC Water Contract"); and

WHEREAS, TAC and Riverbend Water Resources District (RIVERBEND) have entered into an agreement for purchase and sale of assets and assignment and assumption of liabilities (hereinafter, the "Purchase Agreement "), which prompts TAC to secure agreement from TEXARKANA to assign all of TAC's rights, duties, and obligations arising under the TAC Water Contract to RIVERBEND; and

WHEREAS, in connection with the Purchase Agreement and assignment of the TAC Water Contract, TEXARKANA, TAC, and RIVERBEND submit for agreement by their respective governing bodies a tri-party assignment for the TAC Water Contract, and a tri-party agreement relating to non-potable water; and

WHEREAS, to provide continuing water for TAC's operations, TEXARKANA and TAC submit for agreement by their respective governing bodies a new water supply contract.

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

SECTION 1: The City Council agrees to and approves the agreements appended to this Resolution: Assignment, Assumption and Novation of Water Supply Contract; Tri-Party Agreement Regarding Non-Potable Water; and Water Supply Contract (between TEXARKANA and TAC).

SECTION 2: The City Council authorizes the City Manager to sign and execute the agreements listed in Section 1.

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

4:24 p.m.

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 4/6/2016 11:16 AM

Lead Department: City Manager **Action Officer:** John Whitson, City Manager

Subject: Resolution No. 2016-043 inviting Texarkana, Arkansas Board of Directors to participate in a Joint City Matters Committee.

Briefing: 4/25/2016	**Public Hearing:** 4/25/2016	**Second Briefing:** May 9, 2016	**Council Vote:** 5/23/2016

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Texarkana USA consists of two cities, Texarkana, Texas and Texarkana, Arkansas. The staffs of both cities coordinate certain actions that do or potentially impact or affect both cities. The cities share a number of joint operations such as Utilities, Bi-State Justice Center, Emergency Communications, Library, Airport, and Metropolitan Planning (MPO). They also cooperatively work together on animal control and transit services.

Often ideas and suggestions arise that give cause for both cities to consider joint efforts or at least notice of one's pending decisions.

During casual conversations over the past couple of years the idea of establishing a Joint Matters Committee of elected officials from both cities has been shared. The concept is for the Mayor and two other elected officials of each city be appointed to meet routinely and periodically to discuss matters of mutual and joint interests. These open meetings could be quarterly and would give staff the opportunity to brief the members on opportunistic matters of joint interest or matters as requested by the members.

Potential Options:

- Adopt the proposed resolution
- Amend and adopt the proposed resolution
- Deny the proposed resolution

Fiscal Implications:

None

Staff Recommendation:

Adopt the proposed resolution

Advisory Board/Committee Review:

City of Texarkana, Texas

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2016-043 RES Inviting Texarkana AR BOD to Participate in City Joint Matters Committee (PDF)
b. 2016-043 Goals & Perspectives (PDF)
c. 2016-043 RES Inviting Texarkana ARK BOD to Participate in a City Joint Matters Committee signed (PDF)

Staff Coordination

City Manager	John Whitson	Department Head Review	Completed	03/22/2016 3:42 PM
Finance Department	John Whitson	Finance Review	Skipped	03/22/2016 3:42 PM
Assistant City Manager	Shirley Jaster	Assistant City Manager Review	Completed	03/22/2016 4:38 PM
Public Information Officer	Lisa Thompson	PIO Review	Completed	03/22/2016 4:44 PM
City Manager	John Whitson	City Manager Review	Completed	03/24/2016 10:39 AM
City Council	Jennifer Evans	Meeting	Completed	04/11/2016 6:00 PM

Meeting History

04/11/16	City Council	MOVED FORWARD	Next: 04/25/16

RESOLUTION NO. 2016 - 043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, INVITING THE TEXARKANA, ARKANSAS BOARD OF DIRECTORS TO PARTICIPATE IN A JOINT CITY MATTERS COMMITTEE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of Texarkana, Texas is interested in establishing a formal governmental relationship with the Board of Directors of Texarkana, Arkansas; and

WHEREAS, it is important that the elected leadership of each city establish and maintain a clear line of communication with the elected leadership of the other city; and

WHEREAS, the two cities have a long history of sharing many services and providing support to each other; and

WHEREAS, the citizens of both cities use services of each city as they work, play, and live on both sides of the state line; and

WHEREAS, in order to foster the best of relationships the establishment of a formal organization such as a Joint City Matters Committee may serve as the conduit providing common ground for sharing and exploring ideas for the good of all citizens and businesses of both cities.

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

SECTION 1: The City Council of Texarkana, Texas, hereby invites the Texarkana, Arkansas Board of Directors to consider designating the Mayor and two other elected officials to meet routinely and periodically with the Mayor and two other elected officials of Texarkana, Texas, for the purpose of discussing and exploring matter of joint interests of the two cities.

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

PASSED AND APPROVED in Regular Council Session on this the **23rd day of May, 2016**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2016-043 Goals & Perspectives (1463 : 2016-043 RES inviting TXK AR to Participate in Joint City Matters Committee)

RESOLUTION NO. 2016 - 043

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, INVITING THE TEXARKANA, ARKANSAS BOARD OF DIRECTORS TO PARTICIPATE IN A JOINT CITY MATTERS COMMITTEE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of Texarkana, Texas is interested in establishing a formal governmental relationship with the Board of Directors of Texarkana, Arkansas; and

WHEREAS, it is important that the elected leadership of each city establish and maintain a clear line of communication with the elected leadership of the other city; and

WHEREAS, the two cities have a long history of sharing many services and providing support to each other; and

WHEREAS, the citizens of both cities use services of each city as they work, play, and live on both sides of the state line; and

WHEREAS, in order to foster the best of relationships the establishment of a formal organization such as a Joint City Matters Committee may serve as the conduit providing common ground for sharing and exploring ideas for the good of all citizens and businesses of both cities.

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

SECTION 1: The City Council of Texarkana, Texas, hereby invites the Texarkana, Arkansas Board of Directors to consider designating the Mayor and two other elected officials to meet routinely and periodically with the Mayor and two other elected officials of Texarkana, Texas, for the purpose of discussing and exploring matter of joint interests of the two cities.

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:26p.m.

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 4/15/2016 10:03 AM

Lead Department: Water Utilities **Action Officer:** Pam White,

Subject: Resolution No. 2016-045 authorizing the City Manager to accept a bid to furnish and install one Industrial Closed Circuit Fluid Cooling Tower in an amount not to exceed SEVENTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE DOLLARS ($79,975).

Briefing:	4/25/2016	**Public Hearing:**	4/25/2016	**Second Briefing:**	May 9, 2016	**Council Vote:**	5/23/2016

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Industrial Closed Circuit Fluid Cooling Tower is used in conjunction with a newer model Carrier 30HXC closed loop chiller to provide cooling of electrical equipment in various building control rooms as well as the laboratory at the South Regional Wastewater Treatment Facility. The two original plant chillers were recently replaced with one high efficiency Carrier model 30HXC chiller and the two original 1988 model Baltimore Air Coil (BAC) cooling towers have been utilized to provide cooling tower support for the new chiller. The two original BAC towers are reaching the end of their useful life, requiring very high repair and operation costs. The new BAC cooling tower will replace both of the original cooling towers and provide more efficient function and lower operational costs.

$97,882.00 was designated in the 2015-2016 TWU budget for the replacement of this equipment. Bids for the Industrial Closed Circuit Fluid Cooling Tower were advertised March 6, 2016 and March 13, 2016. The bid opening was March 22, 2016 at the TWU office at 801 Wood Street. There were four bids from three dealers. Three bids met specifications, with Carrier submitting the lowest bid of $79,975.00, for the purchase and installation of an Industrial Closed Circuit Fluid Cooling Tower, Model BAC FXV-0809B-36D-M.

Potential Options:

None

Fiscal Implications:

Funds were budgeted for this purchase in the 2015-2016 South Regional Wastewater Treatment Plant Depreciation Fund.

Staff Recommendation:

Texarkana Water Utilities staff recommends approval of this purchase.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

City of Texarkana, Texas

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2016-045 RES Cooling Tower (PDF)
b. 2016-045 RES ATTH01 Bid Sheet (PDF)
c. 2016-045 Goals & Perspectives (PDF)
d. 2016-045 RES Accepting bid for a Fluid Cooling Tower signed (PDF)

Staff Coordination

Water Utilities	JD Phillips	Department Head Review	Completed	03/31/2016 9:20 AM
Water Utilities	Jim Cornelius	Review	Completed	03/31/2016 9:26 AM
Public Information Officer	Lisa Thompson	PIO Review	Completed	03/31/2016 9:46 AM
City Manager	John Whitson	City Manager Review	Completed	04/05/2016 8:54 AM
City Council	Jennifer Evans	Meeting	Completed	04/11/2016 6:00 PM

Meeting History

04/11/16	City Council	MOVED FORWARD	Next: 04/25/16

RESOLUTION NO. 2016 - 045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH CARRIER OF SHREVEPORT, LOUISIANA, IN AN AMOUNT NOT TO EXCEED SEVENTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS ($79,975.00) TO FURNISH AND INSTALL ONE (1) INDUSTRIAL CLOSED CIRCUIT FLUID COOLING TOWER FOR THE SOUTH REGIONAL WASTEWATER TREATMENT FACILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 22, 2016, four (4) bids were received by Texarkana Water Utilities for an Industrial Closed Circuit Fluid Cooling Tower for the South Regional Wastewater Treatment Facility; and

WHEREAS, the new Baltimore Air Coil (BAC) cooling tower will replace two 1988 model BAC cooling towers, which are reaching the end of their useful life; and

WHEREAS, funds needed for the purchase of this equipment are available in the 2015-2016 South Regional Wastewater Treatment Plant Depreciation Fund and the Texarkana, Texas, portion of the purchase cost will be FIFTY THOUSAND THREE HUNDRED FORTY-FOUR AND 26/100 DOLLARS ($50,344.26).

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

SECTION 1: That the lowest and best bid by a responsible vendor, submitted by Carrier of Shreveport, Louisiana, a copy of which is attached hereto as **2016-045 ATTH01**, be and is hereby approved in an amount not to exceed SEVENTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 ($79,975.00) for the purchase and installation of one (1) Industrial Closed Circuit Fluid Cooling Tower for the South Regional Wastewater Treatment Facility.

SECTION 2: That the City Manager be and is authorized to contract with Carrier of Shreveport, Louisiana for the above described purchase at the purchase price of SEVENTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 ($79,975.00) with the Texarkana, Texas portion of the purchase cost being FIFTY THOUSAND THREE HUNDRED FORTY-FOUR AND 26/100 DOLLARS ($50,344.26).

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

PASSED AND APPROVED in Regular Council Session on this the 23rd **day of May, 2016**.

Attachment: 2016-045 RES Cooling Tower [Revision 1] (1465 : 2016-045 RES purchase one Industrial Closed Circuit Fluid Cooling Tower)

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2016-045 RES Cooling Tower [Revision 1] (1465 : 2016-045 RES purchase one Industrial Closed Circuit Fluid Cooling Tower)

Texarkana Water Utilities

Industrial Closed Circuit Fluid Cooling Tower

March 22, 2016

	Bidder	Make, Model	Bid Amount
1	Jack Tyler Construction 6112 Patterson Avenue Little Rock, Arkansas 72209	BAC	$83,697.00
2	Carrier 1520 N. Hearne Ave, Ste. 100 Shreveport LA. 71107	BAC FXV-0809B-36D-M	$79,975.00
3	Carrier 1520 N. Hearne Ave, Ste. 100 Shreveport LA. 71107	Marley	$82,305.00
4	Timberlake & Dickson 3520 W. Miller Rd. Suite 110, Garland Texas, 75041-6033	EVAPCO ESWB9-45K9	$48,735.00 (*Tower only no install)*

Attachment: 2016-045 RES ATTH01 Bid Sheet [Revision 1] (1465 : 2016-045 RES purchase one Industrial Closed Circuit Fluid Cooling Tower)

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: 2016-045 Goals & Perspectives (1465 : 2016-045 RES purchase one Industrial Closed Circuit Fluid Cooling Tower)

RESOLUTION NO. 2016 - 045

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ACCEPT THE BID AND ENTER INTO A CONTRACT WITH CARRIER OF SHREVEPORT, LOUISIANA, IN AN AMOUNT NOT TO EXCEED SEVENTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 DOLLARS ($79,975.00) TO FURNISH AND INSTALL ONE (1) INDUSTRIAL CLOSED CIRCUIT FLUID COOLING TOWER FOR THE SOUTH REGIONAL WASTEWATER TREATMENT FACILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on March 22, 2016, four (4) bids were received by Texarkana Water Utilities for an Industrial Closed Circuit Fluid Cooling Tower for the South Regional Wastewater Treatment Facility; and

WHEREAS, the new Baltimore Air Coil (BAC) cooling tower will replace two 1988 model BAC cooling towers, which are reaching the end of their useful life; and

WHEREAS, funds needed for the purchase of this equipment are available in the 2015-2016 South Regional Wastewater Treatment Plant Depreciation Fund and the Texarkana, Texas, portion of the purchase cost will be FIFTY THOUSAND THREE HUNDRED FORTY-FOUR AND 26/100 DOLLARS ($50,344.26).

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

SECTION 1: That the lowest and best bid by a responsible vendor, submitted by Carrier of Shreveport, Louisiana, a copy of which is attached hereto as **2016-045 ATTH01**, be and is hereby approved in an amount not to exceed SEVENTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 ($79,975.00) for the purchase and installation of one (1) Industrial Closed Circuit Fluid Cooling Tower for the South Regional Wastewater Treatment Facility.

SECTION 2: That the City Manager be and is authorized to contract with Carrier of Shreveport, Louisiana for the above described purchase at the purchase price of SEVENTY-NINE THOUSAND NINE HUNDRED SEVENTY-FIVE AND NO/100 ($79,975.00) with the Texarkana, Texas portion of the purchase cost being FIFTY THOUSAND THREE HUNDRED FORTY-FOUR AND 26/100 DOLLARS ($50,344.26).

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:28 p.m.

Attachment: 2016-045 RES Accepting bid for a Fluid Cooling Tower signed (1465 : 2016-045 RES purchase one Industrial Closed Circuit Fluid Cooling

2016-045 "ATTH 01"

Texarkana Water Utilities

Industrial Closed Circuit Fluid Cooling Tower

March 22, 2016

	Bidder	Make, Model	Bid Amount
1	Jack Tyler Construction 6112 Patterson Avenue Little Rock, Arkansas 72209	BAC	$83,697.00
2	Carrier 1520 N. Hearne Ave, Ste. 100 Shreveport LA. 71107	BAC FXV-0809B-36D-M	$79,975.00
3	Carrier 1520 N. Hearne Ave, Ste. 100 Shreveport LA. 71107	Marley	$82,305.00
4	Timberlake & Dickson 3520 W. Miller Rd. Suite 110, Garland Texas, 75041-6033	EVAPCO ESWB9-45K9	$48,735.00 (*Tower only no install)*

Attachment: 2016-045 RES Accepting bid for a Fluid Cooling Tower signed (1465 : 2016-045 RES purchase one Industrial Closed Circuit Fluid Cooling

City of Texarkana, Texas

Version: B

Briefing Sheet

Update Date: 4/20/2016 3:19 PM

Lead Department: Building Code Administration **Action Officer:** Lynn Henry,

Subject: Ordinance No. 2016-046 amending the Code of Ordinances of the City of Texarkana, Texas, to delete Section 105-181 Health Care Facilities.

Briefing: 4/25/2016	**Public Hearing:** 4/25/2016	**Second Briefing:** May 9, 2016	**Council Vote:** 5/23/2016

Item Schedule

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

Updates/History of Briefing:

Executive Summary and Background Information:

- At the request of a citizen this section was reviewed and determined that the National Electrical Code covers this sufficiently that his section in the ordinance is no longer required. The section to be deleted is as follows: **Sec. 105-181. - Health care facilities.**

In all health care facility buildings, electrical wiring shall be installed as follows:

(1) Internal wiring shall be installed in metallic raceways or in metallic piping;

(2) External wiring shall be installed in metallic or nonmetallic piping;

(3) Wiring in patient sleeping rooms in nursing homes or residential custodial care facilities shall be installed in metallic or nonmetallic piping.

Potential Options:

- Approve or deny this request.
-

Fiscal Implications:

Removes cost and time for Electrical Contractors.

Staff Recommendation:

The Inspection and Code Enforcement Department recommends approval.

Advisory Board/Committee Review:

Electrical Board.

City of Texarkana, Texas

Board/Committee Recommendation:

23 March 2016
The Electrical Board recommends approval.

Advisory Board/Committee Meeting Date and Minutes:

Electrical Board Minutes in ATTH 01

Attachments

a. 2016-046 ORD Deletion of Section 105-181 (PDF)
b. 2016-046 ORD ATTH 01 3-23-16 Electrical Board Minutes (PDF)
c. 2016-046 ORD Amending Code Section 105-181 Health Care Facilities (amended) signed (PDF)

Staff Coordination

Building Code Administration	Lynn Henry	Department Head Review	Completed	04/04/2016 9:34 AM
Municipal Prosecutor	Deborah Jones	Asst. City Attorney Review	Completed	04/04/2016 10:02 AM
Assistant City Manager	Shirley Jaster	Asst. City Manager Review	Completed	04/04/2016 1:32 PM
City Attorney	Jeffery C. Lewis	City Attorney Review	Completed	04/04/2016 1:26 PM
Assistant City Manager	Shirley Jaster	Assistant City Manager Review	Completed	04/04/2016 1:35 PM
Public Information Officer	Lisa Thompson	PIO Review	Completed	04/04/2016 1:39 PM
City Manager	John Whitson	City Manager Review	Completed	04/05/2016 9:53 AM
City Council	Jennifer Evans	Meeting	Completed	04/11/2016 6:00 PM

Meeting History

04/11/16	City Council	MOVED FORWARD	Next: 04/25/16

PUBLISH

ORDINANCE NO. 2016 – 046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 105, BUILDINGS AND CONSTRUCTION, ARTICLE III, ELECTRICAL CODE, OF THE LAND DEVELOPMENT CODE OF THE CITY OF TEXARKANA, TEXAS, BY REPEALING AND DELETING SECTION 105-181 HEALTH CARE FACILITIES; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Texas, through its Department of Health, and the National Electrical Code provide guidelines for electrical wiring of health care facilities, and

WHEREAS, the City's Land Development Code contains the following outdated section regulating electrical wiring in health care facility buildings:

Sec. 105-181. - Health Care Facilities.

In all health care facility buildings, electrical wiring shall be installed as follows:

(1) Internal wiring shall be installed in metallic raceways or in metallic piping;
(2) External wiring shall be installed in metallic or nonmetallic piping;
(3) Wiring in patient sleeping rooms in nursing homes or residential custodial care facilities shall be installed in metallic or nonmetallic piping.

WHEREAS, the City's Electrical Board and City staff recommend that this outdated section be repealed and deleted in its entirety.

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

SECTION 1: Chapter 105- Buildings and Construction, Article III - Electrical Code Section 105-181 Health Care Facilities of the Land Development Code of the City of Texarkana, Texas, is hereby repealed and deleted in its entirety.

SECTION 2: 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.

Attachment: 2016-046 ORD Deletion of Section 105-181 [Revision 2] (1467 : 2016-046 ORD deletion of Section 105-181)

PUBLISH

SECTION 4: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

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

PASSED AND APPROVED in Regular Council Session on this the **23rd day of May, 2016**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2016-046 ORD Deletion of Section 105-181 [Revision 2] (1467 : 2016-046 ORD deletion of Section 105-181)

MINUTES OF THE ELECTRICAL EXAMINING BOARD OF TEXARKANA, TX
1:00 PM
March 23, 2016

Members Present:

Vince Columbus
Derrell Nantze
Jason Lott
Dr. Brian Matthews
Derik Trowler

Non-voting Members Present:

Keith Lee

- **Meeting of the Electrical Examining Board was called to order by Mr. Derrell Nantze.**
- **Members were made familiar with the ordinance in question.**
- **Mr. Aaron Gaylor gave a presentation for amending or removing the ordinance.**
- **There was a discussion between the voting members to determine what changes if any were to be made to the ordinance.**
- **A motion was made by Mr. Derrell Nantze to call for a vote to recommend to the City Council for the city of Texarkana, Texas to amend ordinance number 105-181 to follow the guidelines set by Texas Dept. of Health. A second was made by Mr. Vince Columbus and the vote was unanimous in the affirmative.**
- **A motion was then made by Mr. Derrell Nantze to adjourn the meeting and a second was made by Mr. Vince Columbus. Vote was unanimous in the affirmative and the meeting was adjourned at 2:00.**

Derrell Nantze
Chairman – Electrical Examining Board

Attachment: 2016-046 ORD ATTH 01 3-23-16 Electrical Board Minutes (1467 : 2016-046 ORD deletion of Section 105-181)

PUBLISH

ORDINANCE NO. 2016 – 046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 105, BUILDINGS AND CONSTRUCTION, ARTICLE III, ELECTRICAL CODE, OF THE LAND DEVELOPMENT CODE OF THE CITY OF TEXARKANA, TEXAS, BY REPEALING AND DELETING SECTION 105-181 HEALTH CARE FACILITIES; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Texas, through its Department of Health, and the National Electrical Code provide guidelines for electrical wiring of health care facilities, and

WHEREAS, the City's Land Development Code contains the following outdated section regulating electrical wiring in health care facility buildings:

Sec. 105-181. - Health Care Facilities.

In all health care facility buildings, electrical wiring shall be installed as follows:

(1) Internal wiring shall be installed in metallic raceways or in metallic piping;
(2) External wiring shall be installed in metallic or nonmetallic piping;
(3) Wiring in patient sleeping rooms in nursing homes or residential custodial care facilities shall be installed in metallic or nonmetallic piping.

WHEREAS, the City's Electrical Board and City staff recommend that this outdated section be repealed and deleted in its entirety.

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

SECTION 1: Chapter 105- Buildings and Construction, Article III - Electrical Code Section 105-181 Health Care Facilities of the Land Development Code of the City of Texarkana, Texas, is hereby repealed and deleted in its entirety.

SECTION 2: 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.

Attachment: 2016-046 ORD Amending Code Section 105-181 Health Care Facilities (amended) signed (1467 : 2016-046 ORD deletion of Section 105-181)

PUBLISH

SECTION 4: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 5: This change in the Land Development Code shall apply to all building permits that have been issued as of the effective date of this ordinance.

SECTION 6: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:31 p.m.

Attachment: 2016-046 ORD Amending Code Section 105-181 Health Care Facilities (amended) signed (1467 : 2016-046 ORD deletion of Section 105-181)

City of Texarkana, Texas

Version: C

Briefing Sheet

Update Date: 4/20/2016 3:37 PM

Lead Department: Purchasing and Contracting **Action Officer:** Sharon Moore, Purchasing Manager

Subject: Resolution No. 2016-047 authorizing the City Manager to enter into a contract with Martin Marietta to supply concrete materials used in the construction and maintenance of streets, alleys, bridges and storm drains.

Briefing: 4/25/2016 **Public Hearing:** 4/25/2016 **Second Briefing:** **Council Vote:** 4/25/2016

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Annual contract for concrete materials used in the construction and maintenance of streets, alleys, bridges and storm drains.

Potential Options:

- None

Fiscal Implications:

Funds are allocated in the Street Department's maintenance materials budget 53306 and 53309.

Staff Recommendation:

Staff recommends award to the lowest most responsible bidder, Martin Marietta of Texarkana, Texas

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2016-047 EXH 'A' Bid Tab.xls (PDF)
b. 2016-047 RES contract authorizing CM for Concrete Materials (PDF)
c. 2016-047 Goals & Perspectives.doc (PDF)

City of Texarkana, Texas

d. 2016-047 RES Accepting bid for Concrete materials for streets, alleys, bridges, storm drains signed (PDF)

Staff Coordination

Purchasing and Contracting	Completed	Sharon Moore 03/29/2016 3:18 PM	Department Head Review	
Finance Department	Sharon Moore	Finance Review	Skipped	03/29/2016 2:41 PM
Finance Department	Charlie Bassett	Finance Review	Completed	04/04/2016 8:15 AM
Purchasing and Contracting	Skipped	Sharon Moore 03/29/2016 2:41 PM	Purchasing Review	
Finance Department	Kristin Peeples	Finance Review	Completed	04/03/2016 12:31 AM
Finance Department	Charlie Bassett	Finance Review	Completed	04/04/2016 8:16 AM
Assistant City Manager Review	Completed	Shirley Jaster 04/04/2016 8:26 AM	Assistant City Manager	
Public Information Officer	04/04/2016 8:42 AM	Lisa Thompson	PIO Review	Completed
City Manager	John Whitson	City Manager Review	Completed	04/05/2016 9:50 AM
City Council	Jennifer Evans	Meeting	Completed	04/11/2016 6:00 PM

Meeting History

04/11/16	City Council	MOVED FORWARD	Next: 04/25/16

EXHIBIT 'A'

Bid Tabulation
for
Concrete Contract

				Martin Marietta Texarkana, TX		Smith's Ready Mix Nashville, AR		New Boston Concrete Texarkana, TX	
Item #	**Description**	**Qty.**	**U/M**	**Unit Price**	**Total**	**Unit Price**	**Total**	**Unit Price**	**Total**
1	Class A Concrete	100	c.y.	$91.00	$9,100.00	$93.00	$9,300.00	$98.00	$9,800.00
2	Class C Concrete	2500	c.y.	$93.00	$232,500.00	$96.00	$240,000.00	$104.00	$260,000.00
3	K-Modified	150	c.y.	$107.00	$16,050.00	$115.00	$17,250.00	$140.00	$21,000.00
4	Type III Flowable Fill - Dry	500	c.y.	$77.00	$38,500.00	$77.53	$38,765.00	$92.00	$46,000.00
5	Type III Flowable Fill - Wet	500	c.y.	$77.00	$38,500.00	$77.53	$38,765.00	$94.00	$47,000.00
6	Dry Cement	140	ton	$160.00	$22,400.00	$170.00	$23,800.00	$225.00	$31,500.00
	Minimum load		c.y.	**3CY**		3CY		5CY	
	TOTAL				**$ 357,050.00**		**$ 367,880.00**		**$415,300.00**

Attachment: 2016-047 EXH 'A' Bid Tab.xls (1466 : 2016-047 RES concrete materials contract)

Attachment: 2016-047 RES contract authorizing CM for Concrete Materials [Revision 2] (1466 : 2016-047 RES concrete materials contract)

RESOLUTION NO. 2016 - 047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE (1) YEAR CONTRACT WITH FOUR (4) ADDITIONAL ONE (1) YEAR RENEWAL OPTIONS WITH MARTIN MARIETTA OF TEXARKANA, TEXAS, TO SUPPLY CONCRETE MATERIALS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas uses concrete materials throughout the year conducting maintenance operations for streets, sidewalks, and other infrastructure; and

WHEREAS, since these maintenance operations require various amounts of concrete materials on a varied schedule the City announced a request for bids for unit pricing of different materials to be purchased by the City as needed to support its annual maintenance program; and

WHEREAS, on March 2, 2016, three (3) bids were received with Martin Marietta of Texarkana, Texas, being the lowest and most responsible bid as summarized on the bid tab attached hereto as **Exhibit "A";** and

WHEREAS, the bidder met the specifications for a one (1) year contract with four (4) additional one (1) year renewal options; and

WHEREAS, funds are available for the FY 2015-16 budget in the Street Department budget.

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

SECTION 1: That the lowest most responsible bidder for concrete materials for the City of Texarkana, Texas is hereby declared to be Martin Marietta of Texarkana, Texas.

SECTION 2: That the City Manager be and is hereby authorized to enter into a one (1) year contract with four (4) additional one (1) year renewal options with Martin Marietta of Texarkana, Texas.

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

PASSED AND APPROVED in Regular Council Session on this the **23rd day of May, 2016**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2016-047 Goals & Perspectives.doc (1466 : 2016-047 RES concrete materials contract)

RESOLUTION NO. 2016 - 047

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A ONE (1) YEAR CONTRACT WITH FOUR (4) ADDITIONAL ONE (1) YEAR RENEWAL OPTIONS WITH MARTIN MARIETTA OF TEXARKANA, TEXAS, TO SUPPLY CONCRETE MATERIALS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas uses concrete materials throughout the year conducting maintenance operations for streets, sidewalks, and other infrastructure; and

WHEREAS, since these maintenance operations require various amounts of concrete materials on a varied schedule the City announced a request for bids for unit pricing of different materials to be purchased by the City as needed to support its annual maintenance program; and

WHEREAS, on March 2, 2016, three (3) bids were received with Martin Marietta of Texarkana, Texas, being the lowest and most responsible bid as summarized on the bid tab attached hereto as **Exhibit "A";** and

WHEREAS, the bidder met the specifications for a one (1) year contract with four (4) additional one (1) year renewal options; and

WHEREAS, funds are available for the FY 2015-16 budget in the Street Department budget.

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

SECTION 1: That the lowest most responsible bidder for concrete materials for the City of Texarkana, Texas is hereby declared to be Martin Marietta of Texarkana, Texas.

SECTION 2: That the City Manager be and is hereby authorized to enter into a one (1) year contract with four (4) additional one (1) year renewal options with Martin Marietta of Texarkana, Texas.

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

7:32 p.m.

Attachment: 2016-047 RES Accepting bid for Concrete materials for streets, alleys, bridges, storm drains signed (1466 : 2016-047 RES concrete materials

EXHIBIT 'A'

Bid Tabulation
for
Concrete Contract

				Martin Marietta Texarkana, TX		Smith's Ready Mix Nashville, AR		New Boston Concrete Texarkana, TX	
Item #	Description	Qty.	U/M	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Class A Concrete	100	c.y.	$91.00	$9,100.00	$93.00	$9,300.00	$98.00	$9,800.00
2	Class C Concrete	2500	c.y.	$93.00	$232,500.00	$96.00	$240,000.00	$104.00	$260,000.00
3	K-Modified	150	c.y.	$107.00	$16,050.00	$115.00	$17,250.00	$140.00	$21,000.00
4	Type III Flowable Fill - Dry	500	c.y.	$77.00	$38,500.00	$77.53	$38,765.00	$92.00	$46,000.00
5	Type III Flowable Fill - Wet	500	c.y.	$77.00	$38,500.00	$77.53	$38,765.00	$94.00	$47,000.00
6	Dry Cement	140	ton	$160.00	$22,400.00	$170.00	$23,800.00	$225.00	$31,500.00
	Minimum load		c.y.	3CY		3CY		5CY	
	TOTAL				$ 357,050.00		$ 367,880.00		$415,300.00

Attachment: 2016-047 RES Accepting bid for Concrete materials for streets, alleys, bridges, storm drains signed (1466 : 2016-047 RES concrete materials

City of Texarkana, Texas

Version: E

Briefing Sheet

Update Date: 3/22/2016 3:12 PM

Lead Department:	Planning and Community Development	**Action Officer:**	Debbie Burk,
Subject:	Ordinance No. 2016-029 amending Chapter 140 entitled "Zoning" of the Code of Ordinances of the City of Texarkana, Texas, by amending regulations for Changeable Electronic Variable Message Signs (CEVMS) pertaining to sign size, nonconforming signs, damaged signs and definitions.		

Briefing:	5/9/2016	**Public Hearing:**	4/11/2016	**Second Briefing:**	April 25, 2016	**Council Vote:**	5/9/2016

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

Updates/History of Briefing:

NA

Executive Summary and Background Information:

Through a series of public workshops and public hearings, the Planning and Zoning Commission and City Council have found it in the best interest of the City to amend regulations pertaining to Changeable Electronic Variable Message Signs (CEVMS).

Following are the highlights of the proposed changes for this Ordinance:

This ordinance sets CEVMS guidelines for institutional uses, reduces current CEVMS limits from 50 sq. ft. to 32 sq. ft. in General Retail zoning and above, establishes nonconforming CEVMS guidelines, established substantially damaged CEVMS guidelines and amends the institutional sign definition. *Please note that the current Specific Use Permit (SUP) for CEVMS is no longer referenced in the proposed ordinance.

CEVMS for Institutional Uses will be allowed in all zoning districts. CEVMS no larger than 24 sq. ft. in size will be allowed for Institutional uses in the Agriculture, SF-1, SF-2, SF-3, PUR, 2F-1, 2F-2, TH, MF-1, MF-2, Office and Neighborhood Services zoning districts. CEVMS in these zoning districts would be turned off from 10:00 p.m. to 7:00 a.m. Maximum overall sign ~~size~~ structure can be no larger than 70 square feet in size and 8 feet in height. If at any time the institutional use changes, the signage must conform to applicable zoning district regulations.

CEVMS for Institutional Uses will be allowed no larger than 32 square feet in size for all uses in the General Retail, Limited Commercial, Central Business, Commercial, Industrial-1, Industrial-2 and PD zoning districts. Maximum overall sign ~~size~~ structure can be no larger than 70 square feet in size and 8 feet in height. If at any time the institutional use changes, the signage must conform to applicable zoning district regulations.

CEVMS no larger than 32 square feet in size will be allowed for all uses in the General Retail, Limited Commercial, Central Business, Commercial, Industrial-1, Industrial-2 and PD zoning districts.

All CEVMS shall be measured by the square footage of the sign face and not by the overall sign structure unless otherwise stated in Ordinance.

(7) Nonconforming CEVMS

A nonconforming CEVMS shall be allowed to be continued and maintained at the existing location, when lawfully existing on the effective date of this ordinance, subject to the following conditions:

1. The face of the sign may be changed, but no change or alteration shall be made that would increase the non-conformity.

2. A nonconforming sign shall be removed if any of the following conditions applies:

a. The City may require removal of an on premise sign if the business, person, or activity that the sign originally identifies or advertises has ceased to operate on the premises or no longer has a valid Certificate of Occupancy. ~~for one (1) year. If the premise containing the sign or sign structure is leased, the sign or sign structure must be removed no later than two (2) years after the date the most recent tenant ceases to operate on the premises.~~ This section shall also apply to any sign structure containing no signage.

b. The City may require removal of a sign or sign structure if the Building Official determines it to be substandard under any applicable ordinances of the City of Texarkana, Texas to the extent that the sign becomes a hazard.

c. The City may require removal of a sign or sign structure if it becomes substantially damaged as defined by this ordinance. Replacement must conform to zoning regulations.

(8) Substantially Damaged CEVMS

Substantially Damaged CEVMS – any sign where the cost of repairing the sign is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location.

Amend Sign, Institutional Definition

Current definition "Sign, institutional, means an accessory sign for the identity of a school, church, hospital or similar public or quasi-public institution."

Proposed definition "Sign, institutional, to the means an accessory sign for the identity of a school, church, hospital, colleges, universities and civic center."

City of Texarkana, Texas

Potential Options:

None

Fiscal Implications:

NA

Staff Recommendation:

Staff recommends for approval of this Ordinance.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

March 16, 2016

Attachments

a. 2016-029 ATTH 01 Minutes from 2-1-16 joint workshop (PDF)
b. 2016-029 ORD amending Code of Ordinances pertaining to CEVMS size nonconforming etc (jcl rev) (DOCX)
c. 2016-029 Goals & Perspectives (PDF)

Staff Coordination

Planning and Community Development		David Orr	Department Head Review	
	Completed	03/21/2016 10:11 AM		
Assistant City Manager		Shirley Jaster	Assistant City Manager	
Review	Completed	03/21/2016 2:04 PM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	03/21/2016 2:13 PM			
City Manager	John Whitson	City Manager Review	Completed	03/22/2016
9:46 AM				
City Council	Jennifer Evans	Meeting	Completed	03/28/2016
6:00 PM				

Meeting History

03/28/16	City Council	MOVED FORWARD	Next: 04/11/16
04/11/16	City Council	MOVED FORWARD	Next: 04/25/16

MINUTES
JOINT SIGN WORKSHOP MEETING
CITY COUNCIL AND
PLANNING AND ZONING COMMISSION
CONFERENCE ROOM
2ND FLOOR, TEXAS MUNICIPAL BUILDING
220 TEXAS BOULEVARD, TEXARKANA, TEXAS
MONDAY, FEBRUARY 1, 2016
6:30 P.M.

The City Council and Planning and Zoning Commission of the City of Texarkana, Texas met in a sign workshop session, Monday, February 1, 2016 at 6:30 p.m. in the Conference Room in the Municipal Building, 220 Texas Boulevard, Texarkana, Texas with the following members present:

CITY COUNCIL MEMBERS ATTENDING:

Mayor Bob Bruggeman
Ms. Tina Veal-Gooch
Ms. Christy Paddock
Dr. Brian Matthews

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:

Ms. Diana Patterson Kinsey
Mr. Tom Coleman
Mr. Keith Garrett
Dr. Wanda Northam

ALSO ATTENDING:

Mr. John Whitson, City Manager
Mr. Jeff Lewis, City Attorney
Mr. David Orr, Director of Planning and Community Development
Ms. Jennifer Evans, City Secretary
Ms. Debbie Burk, Zoning Administrator

Ms. Diana Kinsey called the meeting to order at 6:30 p.m. She turned the meeting over to Mr. David Orr.

Mr. Orr stated that staff has provided City Council and Commission members with proposed changes and/or choices that are results of the sign workshop meetings that began in July, 2015. Mr. Orr explained that at the meeting in January, representatives from Whatley Signs were present at the meeting. Mr. David Whatley had stated that the 15 square feet and 25 square feet proposed CEVMS sizes were too small to be readable. He suggested increasing the sizes from 15 to 24 square feet and from 25 to 32 square feet.

Mr. Orr stated that the draft also shows the maximum overall size for CEVMS to be no larger than 70 square feet in size and 8 feet in height. Mr. Orr added that there was discussion at the last meeting about how to measure the square footage. He stated that the following definition has been added: "All CEVMS shall be measured by the square footage of the sign face and not by the overall sign structure unless otherwise states in Ordinance." He added that

Attachment: 2016-029 ATTH 01 Minutes from 2-1-16 joint workshop (1447 : 2016-029 ORD amending Code of Ordinance for CEVMS (size, def.

the draft still contained wording for nonconforming and damaged CEVMS. He stated that staff had prepared an amendment to the "Institutional" definition, that being" "Sign, institutional, means an accessory sign for the identify of a school, church, hospital, college, university and civic center." He added that it was suggested at the last meeting to add Texas Boulevard to the list of prohibited corridors. Those corridors now include: Galleria Oaks Drive, Cowhorn Creek Road north of I-30, Moores Lane, Richmond Road north of Moores Lane, Pleasant Grove Road and Texas Boulevard.

Mayor Bruggeman asked Mr. Mike Adcock with Hi-tech signs who was present at the meeting about the resolution of a 15 or 24 square foot electronic message sign. Mr. Adcock stated that a 15 square foot sign may be too small to read. He stated that resolution is important. Mr. Adcock also voiced concerns about the nonconforming signage. He stated that he is opposed to the fact that a sign for a business that is sold loses its nonconforming status and has to be replaced. He added that the new guidelines are too restrictive.

Dr. Matthews asked about defining public uses.

Ms. Gooch stated that public uses have already been defined in the proposed ordinance.

After more discussion among the members, Dr. Northam stated that a decision needs to be made as to the size of CEVMS. Dr. Northam added that she is happy with the 15 square feet in lower density areas. She added that she has a concern about electronic signs that malfunction. She asked if they could be made to be turned off or go to a black screen.

Mr. Orr pointed out that he had spoken to Mr. Gene Joyce, Chairman of the Commission about the proposed sign size. He stated that Mr. Joyce indicated that 15 and 25 square feet signs would force businesses to install monument style signs.

Mr. Whitson made the comment that existing pole sign not being used need to be removed.

After more discussion about sign size, the majority of the members voted to increase the electronic portion of the sign from 15 to 24 square feet and from 25 to 32 square feet.

There being no further business, the meeting was adjourned.

Diana Patterson Kinsey

FOR Diana Kinsey

Debbie Burk, Secretary

Attachment: 2016-029 ATTH 01 Minutes from 2-1-16 joint workshop (1447 : 2016-029 ORD amending Code of Ordinance for CEVMS (size, def.

Publish

ORDINANCE NO. 2016-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE LAND DEVELOPMENT CODE OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING ORDINANCES AND RELATED DEFINITIONS FOR CHANGEABLE ELECTRONIC VARIABLE MESSAGE SIGNS OR CHANGEABLE COPY SIGNS OR DEVICES IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING AN EXPIRATION CLAUSE FOR ORDINANCE NO. 2016-016; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, find and determine that:

Certain signs and sign structures can create a pleasing environment for tourists, shoppers, and the rest of the community;

Certain signs and sign structures overwhelm the public, unduly distract and confuse motorists by diverting attention away from the roadway, and result in safety threats to vehicular and pedestrian traffic; and

The best interest of the public safety, health and general welfare shall be served and advanced by regulating the construction, design, repair, demolition, maintenance, and use of signs in order to accomplish the following goals and objectives: preserve the quality of life for City residents, visitors, and property owners; maintain the public rights-of-way; prevent threats to public safety, including traffic hazards; restrict signs that unduly interfere with scenic views, that are detrimental to property values, or constitute a public nuisance; promote roadway and pedestrian safety; encourage effective communication with the public; uphold the principles of free speech; and improve the appearance of the City and enhancing the community's character while preserving the authentic cultural heritage of the area; and

WHEREAS, through a series of public workshops and public hearings with citizen input, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, have presented proposed changes to Changeable Electronic Variable Message Signs or Changeable Copy Signs or Devices (collectively, "CEVMS"); 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, after giving the requisite notices by publication and otherwise, and after holding public hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, **voted to recommend approval of the changes to Changeable Electronic Variable Message Signs or Changeable Copy Signs or Devices and related definitions;** and

Attachment: 2016-029 ORD amending Code of Ordinances pertaining to CEVMS size nonconforming etc (jcl rev) [Revision 1] (1447 : 2016-029

Publish

WHEREAS, after consideration of the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that amending the Land Development Code of the City of Texarkana, Texas, for **Changeable Electronic Variable Message Signs or Changeable Copy Signs or Devices** and related definitions is in the best interest of citizens and the City's future growth.

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

SECTION 1: Section 140-239, "Permanent type signs**,"** of Article IX, "Signs" of the Land Development Code of the Code of Ordinances of the City of Texarkana, Texas, shall be amended to add the following to its existing provisions:

CEVMS for Institutional Uses will be allowed in all zoning districts.

CEVMS no larger than 24 square feet in size will be allowed for Institutional uses in the Agriculture, SF-1, SF-2, SF-3, PUR, 2F-1, 2F-2, TH, MF-1, MF-2, Office and Neighborhood Services zoning districts. CEVMS in these zoning districts will be turned off from 10:00 p.m. to 7:00 a.m. Maximum overall sign structure can be no larger than 70 square feet in size and 8 feet in height. If at any time the institutional use changes, the signage must conform to applicable zoning district regulations.

CEVMS for Institutional Uses will be allowed no larger than 32 square feet in size for all uses in the General Retail, Limited Commercial, Central Business, Commercial, Industrial-1, Industrial-2 and PD zoning districts. Maximum overall sign structure can be no larger than 70 square feet in size and 8 feet in height. If at any time the institutional use changes, the signage must conform to applicable zoning district regulations.

CEVMS no larger than 32 square feet in size will be allowed for all uses in the General Retail, Limited Commercial, Central Business, Commercial, Industrial-1, Industrial-2 and PD zoning districts.

All CEVMS shall be measured by the square footage of the sign face and not by the overall sign structure unless otherwise stated in the Ordinance.

SECTION 2: The definition of "Changeable electronic variable message sign (CEVMS) or changeable copy sign" contained in Section 140-179, "Special definitions and explanations noted in use regulations," of Article VII, "Supplemental Regulations" of the Land Development Code of the Code of Ordinances of the City of Texarkana, Texas is hereby amended in its entirety as follows:

Changeable electronic variable message sign or changeable copy sign or device (collectively, "CEVMS") means a sign with the capability of displaying words, symbols, figures or images controlled by electronic communications or mechanical processes.

(1) For off-premises CEVMS, refer to section 140-245 for height, size and setback requirements applicable thereto.

(2) For off-premises CEVMS, the message or image on the CEVMS must remain static for a minimum of eight seconds or more and a change of message shall be accomplished simultaneously on the entire sign face.

Attachment: 2016-029 ORD amending Code of Ordinances pertaining to CEVMS size nonconforming etc (jcl rev) [Revision 1] (1447 : 2016-029

For on-premises CEVMS, the message or image must remain static for a minimum of four seconds and change of message shall be accomplished within two seconds.

(3) CEVMS must contain a default mechanism that freezes the sign in either one position or a black screen if a malfunction occurs.

(4) No CEVMS shall be erected without a light detector/photocell (dimmer switch) by which the sign's brightness shall be dimmed when ambient conditions darken so that signs are not unreasonably bright for the safety of the motoring public. The maximum brightness shall not exceed 5,000 nits from sunrise to sunset and 1,000 nits from sunset to sunrise.

(5) CEVMS shall not:

a. Be illuminated by flashing lights, strobe lights, lights resembling emergency vehicles, or moving lights;

b. Contain or display moving video or streamed video advertising;

c. Consist of a static image projected upon a stationary object;

d. Be a mobile sign located on a truck, trailer, or any moving vehicle; or

e. Be attached to any wall, window, or any type exterior facade of any building.

(6) The owner of CEVMS shall coordinate with local authorities to display public service announcements (PSAs), and when appropriate, emergency information important to the traveling public, such as Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

(7) If otherwise authorized by the Land Development Code, replacement of a nonconforming CEVMS must be accomplished with CEVMS conforming to zoning regulations.

(8) If lawfully existing on May 5, 2016, a nonconforming CEVMS shall be allowed to continue at its existing location subject to the following:

a. The face of the sign may be changed, provided that no change or alteration shall be made that would increase the nonconformity; and

b. Removal of an on-premise, nonconforming sign or any sign structure (whether or not the structure contains signage) shall be required if:

1. The business, person, or activity that the sign originally identifies or advertises either has ceased to operate on the premises or no longer has a valid Certificate of Occupancy;

2. The Certificate of Occupancy changes for the business, person, or activity that the sign advertises or identifies;

3. The sign or sign structure is a hazard or substandard as determined by the Building Official; or

4. The cost of repairing the sign or sign structure is more than sixty (60) percent of the cost of erecting a new sign of the same type at the same location.

SECTION 3: The definition of "Sign, institutional" contained in Section 140-179, "Special definitions and explanations noted in use regulations," of Article VII, "Supplemental Regulations" of the Land

Attachment: 2016-029 ORD amending Code of Ordinances pertaining to CEVMS size nonconforming etc (jcl rev) [Revision 1] (1447 : 2016-029

Publish

Development Code of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety as follows:

> *Sign, institutional*, means an accessory sign for the identity of a school, church, hospital, college, university, or civic center.

SECTION 4: The definitions of "Hospital (acute care)" and "Hospital (chronic care)" contained in Section 140-179, "Special definitions and explanations noted in use regulations," of Article VII, "Supplemental Regulations" of the Land Development Code of the Code of Ordinances of the City of Texarkana, Texas, are hereby deleted and replaced with the following:

> *Hospital* means an establishment licensed pursuant to the Texas Hospital Licensing Law that: a) offers services, facilities, and beds for use for more than 24 hours for two or more unrelated individuals requiring diagnosis, treatment, or care for illness, injury, deformity, abnormality, or pregnancy; and b) regularly maintains, at a minimum, clinical laboratory services, diagnostic X-ray services, treatment facilities including surgery or obstetrical care or both, and other definitive medical or surgical treatment of similar extent. [*See* Tex. Health & Safety Code § 241.003(5).]

SECTION 5: Except as provided herein, all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict; provided, however, that Ordinance No. 2016-016, which established a 90-day moratorium on CEVMS, shall not be repealed but rather shall expire on the first day this Ordinance is in full force and effect.

SECTION 6: That the City Secretary be and is hereby directed to publish the formal Ordinance title for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 7: 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 8: That all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 9: That this Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **9th day of May, 2016**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2016-029 ORD amending Code of Ordinances pertaining to CEVMS size nonconforming etc (jcl rev) [Revision 1] (1447 : 2016-029

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

The Planning and Zoning Commission and City Council find it in the best interest of the public safety and general welfare to regulate the construction, design, demolition, maintenance and use of electronic messaging signage (CEVMS) to preserve the quality of life for city residences, visitors, and property owners.

Resource Impact:

NA	No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

Attachment: 2016-029 Goals & Perspectives (1447 : 2016-029 ORD amending Code of Ordinance for CEVMS (size, def. etc.))

City of Texarkana, Texas

Version: G

Briefing Sheet

Update Date: 3/29/2016 3:23 PM

Lead Department:	Planning and Community Development	**Action Officer:**	Debbie Burk,
Subject:	Ordinance No. 2016-030 amending Chapter 140 entitled "Zoning" of the Code of Ordinances of the City of Texarkana, Texas, by amending regulations for Changeable Electronic Variable Message Signs (CEVMS) pertaining to prohibiting CEVMS along certain corridors.		

Briefing:	5/9/2016	**Public Hearing:**	4/11/2016	**Second Briefing:**	April 25, 2016	**Council Vote:**	5/9/2016

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

Updates/History of Briefing:

NA

Executive Summary and Background Information:

Through a series of public workshops and public hearings, the Planning and Zoning Commission and City Council have found it in the best interest of the City to amend regulations pertaining to Changeable Electronic Variable Message Signs (CEVMS).

Following are the highlights of the proposed changes for this Ordinance:

(9) This ordinance prohibits CEVMS along the following corridors except for institutional uses:

a) Galleria Oaks Drive
b) Cowhorn Creek Road north of I-30
c) Moores Lane
d) Richmond Road north of Moores Lane
e) Pleasant Grove Road
f) Texas Boulevard

Potential Options:

None

Fiscal Implications:

NA

City of Texarkana, Texas

Staff Recommendation:

Staff recommends for approval of this Ordinance.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

March 15, 2016

Attachments

a. 2016-030 ORD amending Code of Ordinances (prohibited corridors for CEVMS) (DOCX)
b. 2016-030 ATTH 01 Minutes from 2-1-16 joint workshop (PDF)
c. 2016-030 EXH 'A' (PDF)
d. 2016-030 Goals & Perspectives (PDF)

Staff Coordination

Planning and Community Development		David Orr	Department Head Review	Completed 03/21/2016 10:12 AM
Assistant City Manager Review		Shirley Jaster	Assistant City Manager	Completed 03/21/2016 2:09 PM
Public Information Officer		Lisa Thompson	PIO Review	Completed 03/21/2016 2:13 PM
City Manager	Shirley Jaster	City Manager Review	Completed	03/22/2016 11:17 AM
City Council	Jennifer Evans	Meeting	Completed	03/28/2016 6:00 PM

Meeting History

03/28/16	City Council	MOVED FORWARD	Next: 04/11/16
04/11/16	City Council	MOVED FORWARD	Next: 04/25/16

Publish

ORDINANCE NO. 2016-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING SECTION 140-179, "SPECIAL DEFINITIONS AND EXPLANATIONS NOTED IN USE REGULATIONS," OF ARTICLE VII, "SUPPLEMENTAL REGULATIONS", TO ADD PROHIBITED CORRIDORS FOR CHANGEABLE COPY SIGNS OR DEVICES IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana, Texas, upon the recommendation of the Planning and Zoning Commission of the City of Texarkana, Texas, amended the Land Development Code of the City of Texarkana, Texas, with regard to Changeable Electronic Variable Message Signs or Changeable Copy Signs or Devices (collectively, "CEVMS") by enacting Ordinance No. 2016-029; and

WHEREAS, consistent with the findings and determinations set forth in Ordinance No. 2016-029, the Planning and Zoning Commission recommends specific prohibited corridors for CEVMS; and

WHEREAS, the City Council of the City of Texarkana, Texas, finds and determines that amending the Land Development Code of the City of Texarkana, Texas, to prohibit CEVMS along certain specific corridors is in the best interest of citizens and the City's future growth and is consistent with the findings and determinations set forth in Ordinance No. 2016-029, which are incorporated herein by reference for all purposes.

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

SECTION 1: The definition of "Changeable electronic variable message sign (CEVMS) or changeable copy sign" contained in Section 140-179, "Special definitions and explanations noted in use regulations," of Article VII, "Supplemental Regulations" of the Land Development Code of the City of Texarkana, Texas, is hereby amended to add item (9) to read as follows:

(9) Except for Institutional Uses, CEVMS shall be prohibited along the following corridors (**Exhibit 'A'**):

a. Galleria Oaks Drive
b. Cowhorn Creek Road north of I-30
c. Moores Lane
d. Richmond Road north of Moores Lane
e. Pleasant Grove Road
f. Texas Boulevard

Attachment: 2016-030 ORD amending Code of Ordinances (prohibited corridors for CEVMS) [Revision 5] (1448 : 2016-030 ORD amending Code

Publish

SECTION 2: Except as provided herein, all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict; provided, however, that Ordinance No. 2016-016, which established a 90-day moratorium on CEVMS, shall not be repealed but rather shall expire as provided in Ordinance No. 2016-029.

SECTION 3: 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: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

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

PASSED AND APPROVED in Regular Council Session on this the **9th day of May, 2016**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2016-030 ORD amending Code of Ordinances (prohibited corridors for CEVMS) [Revision 5] (1448 : 2016-030 ORD amending Code

MINUTES
JOINT SIGN WORKSHOP MEETING
CITY COUNCIL AND
PLANNING AND ZONING COMMISSION
CONFERENCE ROOM
2ND FLOOR, TEXAS MUNICIPAL BUILDING
220 TEXAS BOULEVARD, TEXARKANA, TEXAS
MONDAY, FEBRUARY 1, 2016
6:30 P.M.

The City Council and Planning and Zoning Commission of the City of Texarkana, Texas met in a sign workshop session, Monday, February 1, 2016 at 6:30 p.m. in the Conference Room in the Municipal Building, 220 Texas Boulevard, Texarkana, Texas with the following members present:

CITY COUNCIL MEMBERS ATTENDING:

Mayor Bob Bruggeman
Ms. Tina Veal-Gooch
Ms. Christy Paddock
Dr. Brian Matthews

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:

Ms. Diana Patterson Kinsey
Mr. Tom Coleman
Mr. Keith Garrett
Dr. Wanda Northam

ALSO ATTENDING:

Mr. John Whitson, City Manager
Mr. Jeff Lewis, City Attorney
Mr. David Orr, Director of Planning and Community Development
Ms. Jennifer Evans, City Secretary
Ms. Debbie Burk, Zoning Administrator

Ms. Diana Kinsey called the meeting to order at 6:30 p.m. She turned the meeting over to Mr. David Orr.

Mr. Orr stated that staff has provided City Council and Commission members with proposed changes and/or choices that are results of the sign workshop meetings that began in July, 2015. Mr. Orr explained that at the meeting in January, representatives from Whatley Signs were present at the meeting. Mr. David Whatley had stated that the 15 square feet and 25 square feet proposed CEVMS sizes were too small to be readable. He suggested increasing the sizes from 15 to 24 square feet and from 25 to 32 square feet.

Mr. Orr stated that the draft also shows the maximum overall size for CEVMS to be no larger than 70 square feet in size and 8 feet in height. Mr. Orr added that there was discussion at the last meeting about how to measure the square footage. He stated that the following definition has been added: "All CEVMS shall be measured by the square footage of the sign face and not by the overall sign structure unless otherwise states in Ordinance." He added that

Attachment: 2016-030 ATTH 01 Minutes from 2-1-16 joint workshop [Revision 1] (1448 : 2016-030 ORD amending Code of Ordinance pertaining

the draft still contained wording for nonconforming and damaged CEVMS. He stated that staff had prepared an amendment to the "Institutional" definition, that being" "Sign, institutional, means an accessory sign for the identify of a school, church, hospital, college, university and civic center." He added that it was suggested at the last meeting to add Texas Boulevard to the list of prohibited corridors. Those corridors now include: Galleria Oaks Drive, Cowhorn Creek Road north of I-30, Moores Lane, Richmond Road north of Moores Lane, Pleasant Grove Road and Texas Boulevard.

Mayor Bruggeman asked Mr. Mike Adcock with Hi-tech signs who was present at the meeting about the resolution of a 15 or 24 square foot electronic message sign. Mr. Adcock stated that a 15 square foot sign may be too small to read. He stated that resolution is important. Mr. Adcock also voiced concerns about the nonconforming signage. He stated that he is opposed to the fact that a sign for a business that is sold loses its nonconforming status and has to be replaced. He added that the new guidelines are too restrictive.

Dr. Matthews asked about defining public uses.

Ms. Gooch stated that public uses have already been defined in the proposed ordinance.

After more discussion among the members, Dr. Northam stated that a decision needs to be made as to the size of CEVMS. Dr. Northam added that she is happy with the 15 square feet in lower density areas. She added that she has a concern about electronic signs that malfunction. She asked if they could be made to be turned off or go to a black screen.

Mr. Orr pointed out that he had spoken to Mr. Gene Joyce, Chairman of the Commission about the proposed sign size. He stated that Mr. Joyce indicated that 15 and 25 square feet signs would force businesses to install monument style signs.

Mr. Whitson made the comment that existing pole sign not being used need to be removed.

After more discussion about sign size, the majority of the members voted to increase the electronic portion of the sign from 15 to 24 square feet and from 25 to 32 square feet.

There being no further business, the meeting was adjourned.

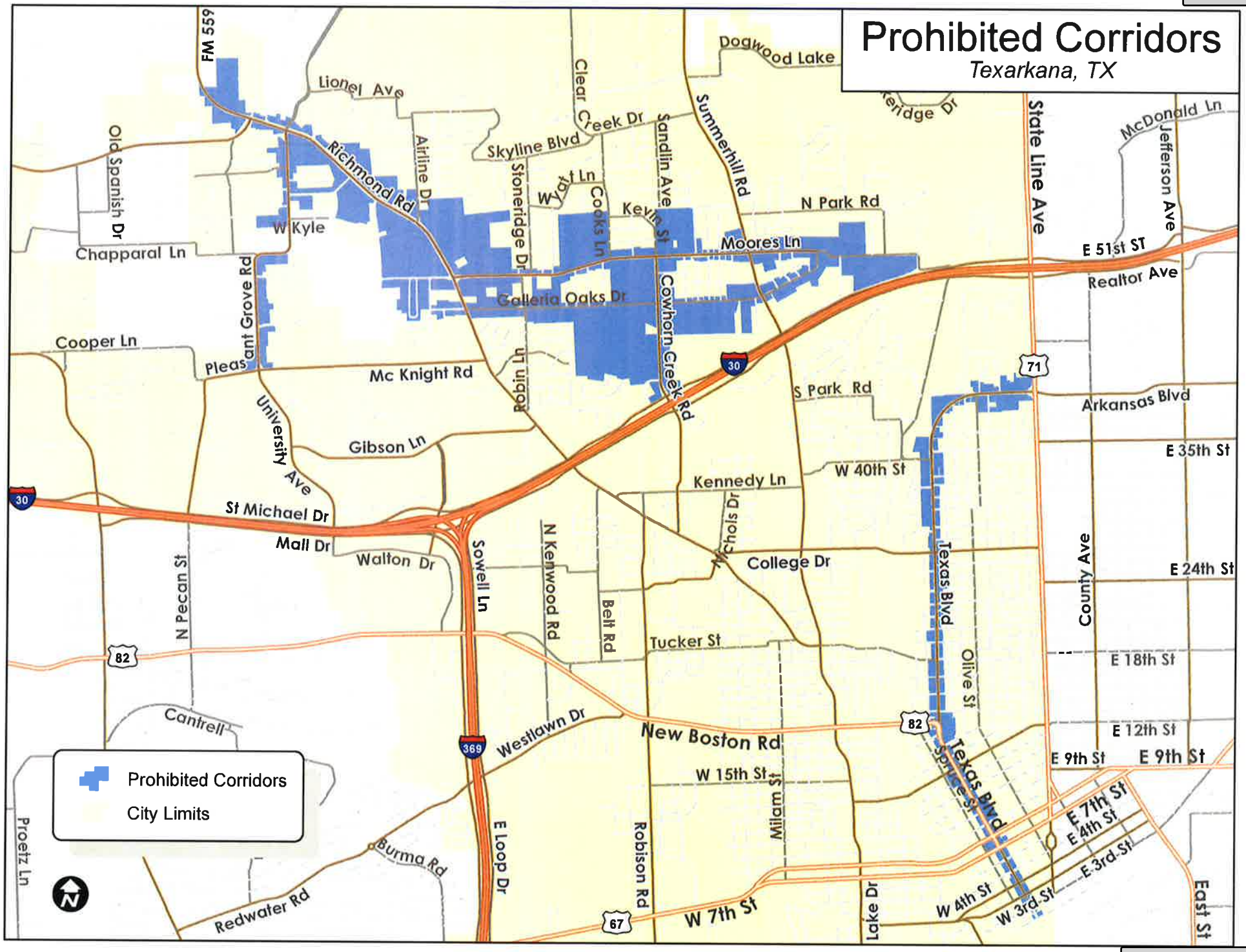
Diana Patterson Kinsey

FOR Diana Kinsey

Debbie Burk, Secretary

Attachment: 2016-030 ATTH 01 Minutes from 2-1-16 joint workshop [Revision 1] (1448 : 2016-030 ORD amending Code of Ordinance pertaining

EXHIBIT A



Attachment: 2016-030 EXH 'A' [Revision 1] (1448 : 2016-030 ORD amending Code of Ordinance pertaining

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

The Planning and Zoning Commission and City Council find it in the best interest of the public safety and general welfare to regulate the construction, design, demolition, maintenance and use of electronic messaging signage (CEVMS) to preserve the quality of life for city residences, visitors, and property owners.

Resource Impact:

NA	No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

Attachment: 2016-030 Goals & Perspectives [Revision 1] (1448 : 2016-030 ORD amending Code of Ordinance pertaining to CEVMS (prohibited

City of Texarkana, Texas

Version: D

Briefing Sheet

Update Date: 4/6/2016 11:25 AM

Lead Department:	Planning and Community Development	**Action Officer:**	Daphnea Ryan,
Subject:	Ordinance No. 2016-040 amending Chapter 140, Article V, Sec. 106, Historical Designation of the Code of Ordinances of the City of Texarkana, Texas.		

Briefing: 5/9/2016	**Public Hearing:**	4/11/2016	**Second Briefing:**	April 25, 2016	**Council Vote:** 5/9/2016

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Historic Landmark Preservation Committee (HLPC) was formed by Ordinance No. 32-77. The HLPC has a need to revise the ordinance to accommodate current needs such as reducing the number of members, which also negates reducing the number of members for a quorum. The HLPC also wishes to adopt By-Laws and is requesting to add language to the current ordinance to allow this request.

The current Chapter 140-106(d) reads as follows:

(d) The historic landmark preservation committee shall be composed of nine members. There should be one member from each of the following: An institution authorized to make home loans, a real estate agent, a representative of the city museums system, with the remaining members to be named at the discretion of the city council. Meetings of the historic landmark preservation committee shall be at the call of the chairperson and at such times as the committee shall determine. All meetings shall be open to the public. The committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absentee or failure to vote. Records of examinations and other official actions shall be kept and filed immediately in the office of the community redevelopment and grants and shall be public record. The committee should include the following committees: 1) Guidelines and standards review, 2) Community involvement and marketing; and 3) Expansion, preservation and revitalization. Each committee member shall serve on at least one committee. Ex officio members of the committee shall include the city manager, the executive director of community redevelopment and grants, and the marketing and communications manager. The members of the committee shall select a chairperson, a vice-chairperson and a secretary. Five members shall constitute a quorum.

The amended Chapter 140-106(d) will read as follows:

(d) The Historic Landmark Preservation Committee is authorized to promulgate a mission statement and internal rules, regulations, and bylaws not inconsistent with the City Charter, City ordinances, and applicable state and federal law.

The Historic Landmark Preservation Committee shall consist of seven members and two alternates, each serving without compensation, who are residents of the City. There should be

one member from an institution authorized to make home loans and at least one real estate agent, with the remaining members to be named at the discretion of the City Council. Preference shall be considered for applicants who are residents of historic districts, existing or being considered, and owners of historic structures. Citizens wishing to serve on the Historic Landmark Preservation Committee shall submit a letter of request to the City Planner requesting appointment. The City Planner shall forward requests to the City Council for appointment. Historic Landmark Preservation Committee members shall be appointed by the City Council, each serving a three-year term renewable without limitation to the number of consecutive terms. Historic Landmark Preservation Committee members who wish to resign their position shall submit a resignation to the City Planner who shall provide it to the City Council for acceptance. The City Manager shall serve in an ex-officio capacity on the Historic Landmark Preservation Committee. Non-voting members shall include the Executive Director of Main Street Texarkana and a representative designated by the Texarkana Museum System. Persons who have expertise in areas related to the Historic Landmark Preservation Committee such as (but not limited to) architecture, history, economic development, or building construction may volunteer and serve on the Historic Landmark Preservation Committee as non-voting members whether they are City residents or not. Such experts shall submit a letter of request for consideration to the City Planner. The City Planner shall forward requests to the City Council for appointment.

The Historic Landmark Preservation Committee shall establish its own regular meeting schedule. The Historic Landmark Preservation Committee shall elect a chairman and a vice chairman. All Historic Landmark Preservation Committee meetings are subject to the Texas Open Meetings Statutes. Minutes of all meetings shall be maintained in accordance with the Public Records laws and regulations with approved Historic Landmark Preservation Committee meeting minutes. Four members constitute a quorum.

Each Historic Landmark Preservation Committee member shall serve on at least one Sub-Committee. From time to time the Historic Landmark Preservation Committee may designate other Sub-Committees for special projects of a temporary nature. The Historic Landmark Preservation Committee shall include the following Sub-Committees:

Guidelines and Standards Review.

Community Involvement and Marketing.

Expansion, Preservation, and Revitalization.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Planning and Zoning Commission approved by unanimous vote and recommends approval by City Council.

Board/Committee Recommendation:

City of Texarkana, Texas

Historic Landmark Preservation Committee approved by unanimous vote and recommends approval by City Council.

Advisory Board/Committee Meeting Date and Minutes:

March 15, 2016

Attachments

a. 2016-040 ORD Amending Chapter 140 Article V 106 Historic Designation (PDF)
b. 2016-040 Goals & Perspectives (PDF)
c. 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (PDF)
d. 2016-040 ATTH 02 Ch_140 ZONING_Sec 106 Historic Desig and 140-317 (PDF)

Staff Coordination

Planning and Community Development		David Orr	Department Head Review	
	Completed	03/23/2016 8:41 AM		
Purchasing and Contracting		Daphnea Ryan	Purchasing Review	
	Skipped	03/21/2016 11:30 AM		
Finance Department	Daphnea Ryan	Finance Review	Skipped	03/21/2016 11:30 AM
Finance Department	Daphnea Ryan	Finance Review	Skipped	03/21/2016 11:30 AM
Assistant City Manager		Shirley Jaster	Assistant City Manager Review	
	Completed	03/23/2016 10:14 AM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	03/23/2016 1:16 PM			
City Manager	John Whitson	City Manager Review	Completed	03/23/2016 9:35 PM
City Council	Jennifer Evans	Meeting	Completed	03/28/2016 6:00 PM

Meeting History

03/28/16	City Council	MOVED FORWARD	Next: 04/11/16
04/11/16	City Council	MOVED FORWARD	Next: 04/25/16

PUBLISH

ORDINANCE NO. 2016 – 040

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 140-106, HISTORIC DESIGNATION, OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, desires to have residents of the City to promote historic preservation activity through maintenance, protection, and preservation of the City's historic resources.

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

SECTION 1: That Chapter 140, Zoning, Article V, Special District Designations, of the Code of Ordinances of the City of Texarkana, Texas is hereby amended as follows:

Sec. 140-106 – Historic Designation

(d) The Historic Landmark Preservation Committee is authorized to promulgate a mission statement and internal rules, regulations, and bylaws not inconsistent with the City Charter, City ordinances, and applicable state and federal law.

The Historic Landmark Preservation Committee shall consist of seven members and two alternates, each serving without compensation, who are residents of the City. There should be one member from an institution authorized to make home loans and at least one real estate agent, with the remaining members to be named at the discretion of the City Council. Preference shall be considered for applicants who are residents of historic districts, existing or being considered, and owners of historic structures. Citizens wishing to serve on the Historic Landmark Preservation Committee shall submit a letter of request to the City Planner requesting appointment. The City Planner shall forward requests to the City Council for appointment. Historic Landmark Preservation Committee members shall be appointed by the City Council, each serving a three-year term renewable without limitation to the number of consecutive terms. Historic Landmark Preservation Committee members who wish to resign their position shall submit a resignation to the City Planner who shall provide it to the City Council for acceptance. The City Manager shall serve in an ex-officio capacity on the Historic Landmark Preservation Committee. Non-voting members shall include the Executive Director of Main Street Texarkana and a representative designated by the Texarkana Museum System. Persons who have expertise in areas related to the Historic Landmark Preservation Committee such as, but not limited to, architecture, history, economic development, or building construction, may volunteer and serve on the Historic Landmark Preservation Committee as non-voting members whether they are City

Attachment: 2016-040 ORD Amending Chapter 140 Article V 106 Historic Designation [Revision 7] (1460 : 2016-040 ORD amending Chapter 140

PUBLISH

residents or not. Such experts shall submit a letter of request for consideration to the City Planner. The City Planner shall forward requests to the City Council for appointment.

The Historic Landmark Preservation Committee shall establish its own regular meeting schedule. The Historic Landmark Preservation Committee shall elect a chairman and a vice chairman. All Historic Landmark Preservation Committee meetings are subject to the Texas Open Meetings Statutes. Minutes of all meetings shall be maintained in accordance with the Public Records laws and regulations with approved Historic Landmark Preservation Committee meeting minutes. Four members constitute a quorum.

Each Historic Landmark Preservation Committee member shall serve on at least one sub-committee. From time to time the Historic Landmark Preservation Committee may designate other sub-committees for special projects of a temporary nature. The Historic Landmark Preservation Committee shall include the following sub-committees:

Guidelines and Standards Review
Community Involvement and Marketing
Expansion, Preservation, and Revitalization

SECTION 2: That the City Secretary shall give notice of the passage of this ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **9th day of May, 2016**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2016-040 ORD Amending Chapter 140 Article V 106 Historic Designation [Revision 7] (1460 : 2016-040 ORD amending Chapter 140

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: 2016-040 Goals & Perspectives (1460 : 2016-040 ORD amending Chapter 140 Article V Sec 106)

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

ORDINANCE NO. 150-2011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING "HISTORIC LANDMARK PRESERVATION COMMITTEE" SECTION 8-200 D. DUE TO CLERICAL ERROR; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That due to a clerical error in Ordinance No. 144-2009 dated October 26, 2009, the Zoning Ordinance of the City of Texarkana, Texas, be amended by amending "HISTORIC LANDMARK PRESERVATION COMMITTEE" Section 8-200 D. to read as shown herein below and incorporated herein:

D. The Historic Landmark Preservation Committee shall be composed of nine (9) members. There should be one member from each of the following: an institution authorized to make home loans, a real estate agent, a representative of the Texarkana Museums System, with the remaining members to be named at the discretion of the City Council. Meetings of the Historic Landmark Preservation Committee shall be at the call of the Chairman and at such times as the Committee shall determine. All meetings shall be open to the public. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absentee or failure to vote. Records of examinations and other official actions shall be kept and filed immediately in the office of the Community Redevelopment and Grants and shall be public record. The Committee should include the following committees: 1) guidelines and standards review, 2) community involvement and marketing, 3) expansion, preservation, and revitalization. Each Committee member shall serve on at least one committee. Ex Officio members of the Committee shall include the City Manager, the Executive Director of Community Redevelopment and Grants, and the Marketing and Communications Manager. The members of the Committee shall select a chairman, a vice chairman, and a secretary. Five members shall constitute a quorum.

SECTION 2: That the Zoning Ordinance of the City of Texarkana, Texas, be and is hereby amended and incorporated herein as described hereinabove.

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

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

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

PASSED AND APPROVED in Special Council Session on this the 8th day of September, 2011.

STEPHEN A. MAYO, MAYOR

ATTEST:

KERRY MEREDITH, CITY SECRETARY

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

ORDINANCE NO. 144-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING "HISTORIC LANDMARK PRESERVATION COMMITTEE" SECTION 8-200 D.; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the Planning and Zoning Commission of the City of Texarkana, Texas, in a vote of **four (2) to two (2)**, recommended that the Zoning Ordinance of the City of Texarkana, Texas, be amended by amending "HISTORIC LANDMARK PRESERVATION COMMITTEE" Section 8-200 D. to read as shown herein below and incorporated herein:

D. The Historic Landmark Preservation Commission shall be composed of nine (9) members. There should be one member from each of the following: an institution authorized to make home loans, a real estate agent, a representative of the Texarkana Museums System, with the remaining members to be named at the discretion of the City Council. Meetings of the Historic Landmark Preservation Commission shall be at the call of the Chairman and at such times as the Commission shall determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absentee or failure to vote. Records of examinations and other official actions shall be kept and filed immediately in the office of the Community Redevelopment and Grants and shall be public record. The Commission should include the following committees: 1) guidelines and standards review, 2) community involvement and marketing, 3) expansion, preservation, and revitalization. Each commission member shall serve on at least one committee. Ex Officio members of the Commission shall include the CEO/City Manager, the Executive Director of Community Redevelopment and Grants, and the Marketing and Communications Manager. The members of the Commission shall select a chairman, a vice chairman and a secretary. Five members shall constitute a quorum.

SECTION 2: That the Zoning Ordinance of the City of Texarkana, Texas, be and is hereby amended and incorporated herein as described hereinabove.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the 26th day of October, 2009.

STEPHEN A. MAYO, MAYOR

ATTEST:

KERRY MEREDITH, CITY SECRETARY

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

ORDINANCE NO. 315-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" BY AMENDING IN ITS ENTIRETY SECTION (F) PERTAINING TO A TAX EXEMPTION CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee recommends property tax relief in order to encourage historic preservation for properties located within Historic Residential Overlay Districts; and

WHEREAS, the Historic Landmark Preservation Committee has proposed an amendment to the current Zoning Ordinance in Section 8-200 "Historic Designation," amending in its entirety Section (F) to provide for an exemption from annual City taxation of 20% of the assessed value of a structure located within a Historic Residential Overlay District; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, said proposal was referred to the Planning and Zoning Commission for consideration; and

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **6th day of November, 2006,** after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200(F) "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, said notice having been given not less than ten (10) days before the date set for hearing; and

WHEREAS, after consideration of said proposed amendment to the Zoning Ordinance, the Planning and Zoning Commission of the City of Texarkana, Texas, voted 4-0-1 (with one abstention) to recommend that said proposed amendment described hereinabove be adopted; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at **7:00 p.m. on November 13, 2006,** to consider the advisability of amending the

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amended

Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70) and having considered the recommendation of the Planning and Zoning Commission to adopt an exemption of 20% of the assessed value of qualified properties as proposed by the Historic Landmark Preservation Committee, finds and determines that the desired goals and incentives to maintain and preserve qualified historical properties could be achieved fairly and appropriately by approving an exemption of 10% of the assessed value of those properties and that said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200(F) of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas be and is hereby amended in its entirety which shall read as follows:

> **F. In accordance with state law, the City Council finds that all structures located within designated Historic Residential Overlay Districts are historically significant and entitled to tax relief in order to encourage historic preservation. The City shall exempt 10% of the assessed value of a structure, including the land necessary for access to and use of the structure, from annual City ad valorem taxation. In order to receive this tax exemption, the structure must have been located within a designated Historic Residential Overlay District on the first day of January of the applicable tax year and must be designated as the owner's homestead for the applicable tax year.**

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

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amended

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

SECTION 3: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas.

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

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 13th day of November, 2006.

JAMES W. BRAMLETT, MAYOR

ATTEST:

GERI HADDOCK, CITY SECRETARY

APPROVED AS TO FORM:

THOMAS H. ARNOLD, CITY ATTORNEY

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amended

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

ORDINANCE NO. 363-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" BY AMENDING SECTION (G) ESTABLISHING THE HIGHLAND PARK - BINGHAM PARK HISTORIC RESIDENTIAL OVERLAY DISTRICT BY ADDING (G.1) TO EXPAND THE DISTRICT TO INCLUDE PROPERTY ON WALNUT STREET; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee previously recommended the establishment of the Highland Park - Bingham Park Historic Residential Overlay District for the protection of the aesthetic and visual character of this historic residential neighborhood; and

WHEREAS, the City Council voted to approve the establishment of the Highland Park - Bingham Park Historic Residential Overlay District on November 28, 2005; and

WHEREAS, several residents of Walnut Street between West 25th Street and West 29th Street requested that their homes be added to the Highland Park - Bingham Park Historic Residential Overlay District; and

WHEREAS, the Historic Landmark Preservation Committee recommends the expansion of the Highland Park - Bingham Park Historic Residential Overlay District to include all property on Walnut Street between West 25th Street and West 29th Street; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, the recommendation was referred to the Planning and Zoning Commission for an approval; and

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **5th day of December, 2005,** after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200 "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, said notice having been given not less than ten (10) days before the date set for hearing; and

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

WHEREAS, after consideration of said amendment to the Zoning Ordinance the Planning and Zoning Commission of the City of Texarkana, Texas, voted unanimously to recommend that the said amendment be adopted; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at **7:00 p.m. on December 12, 2005**, to consider the advisability of amending the Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70), have found and determined that the amendment should be enacted as said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200 of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, be amended by amending Section (G) by adding (G.1), which shall read as follows:

G.1 The Highland Park - Bingham Park Historic Residential Overlay District shall hereby include all property on Walnut Street between West 25th Street and West 29th Street.

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 3: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas

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

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 12th day of December, 2005.

JAMES W. BRAMLETT, MAYOR

ATTEST:

GERI HADDOCK, CITY SECRETARY 7:45 p.m.

APPROVED AS TO FORM:

DEBORAH JONES, ASSISTANT CITY ATTORNEY

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

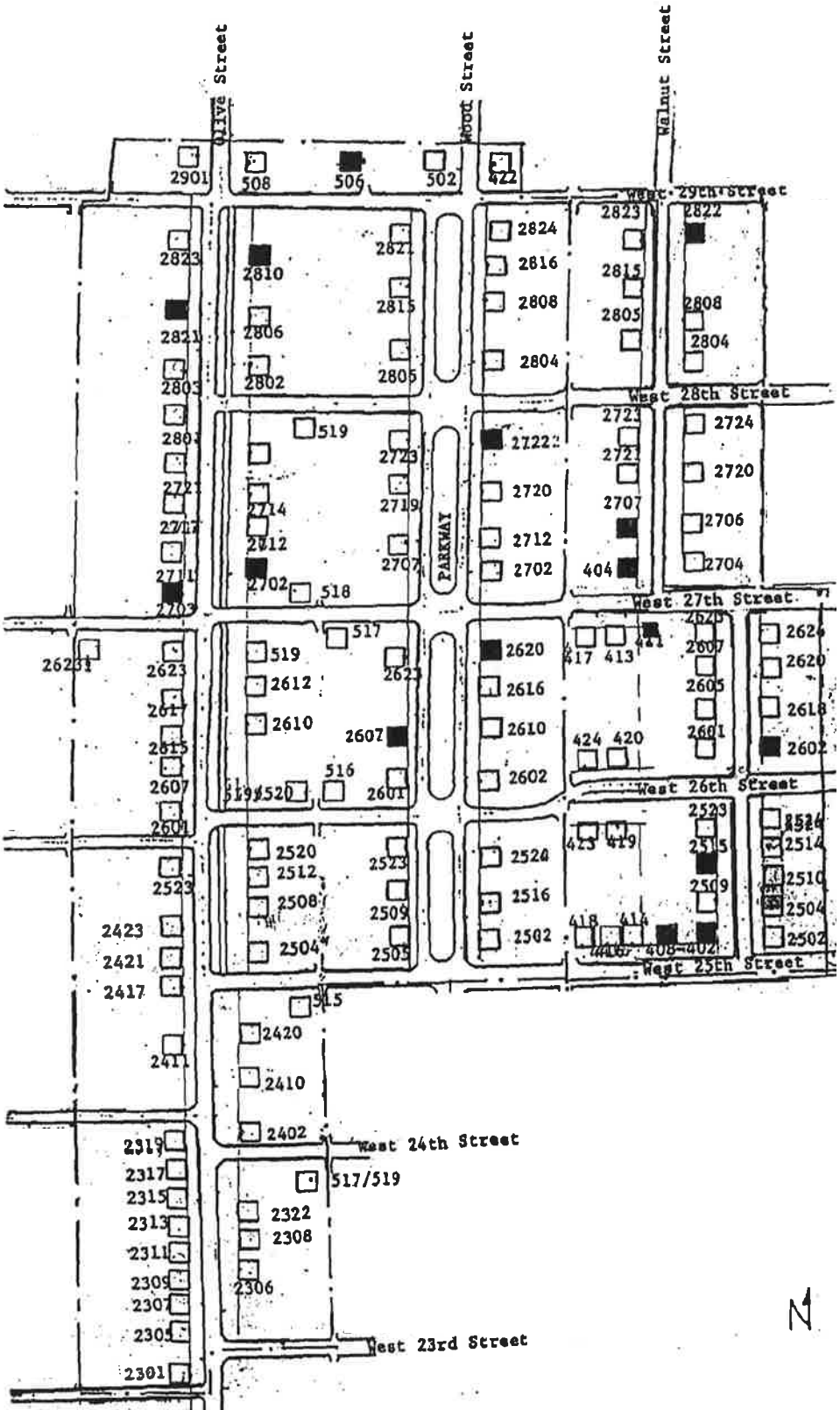
THE HIGHLAND PARK – BINGHAM PARK OVERLAY DISTRICT

DISTRICT BOUNDARY

CONTRIBUTING ELEMENT

NON-CONTRIBUTING ELEMENT

STREET ADDRESS



Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

HIGHLAND PARK - BINGHAM PARK HISTORIC OVERLAY DISTRICT EXPANDED AREA

There are 34 combining structures in the expanded district, and eight (8) non-conforming, for a total of 42 structures. Structures built in the district mainly represent four periods of architecture and construction from 1903 through 1935: the Craftsman (also Bungalow), Queene Anne, Folk Victorian, and Prairie styles.

ARCHITECTURAL STYLES

STYLE	#
Craftsman & Bungalow	26
Folk Victorian	1
Prairie	2
Queen Anne	2
Greek	1
Gable Front and Wings	2
TOTAL	34

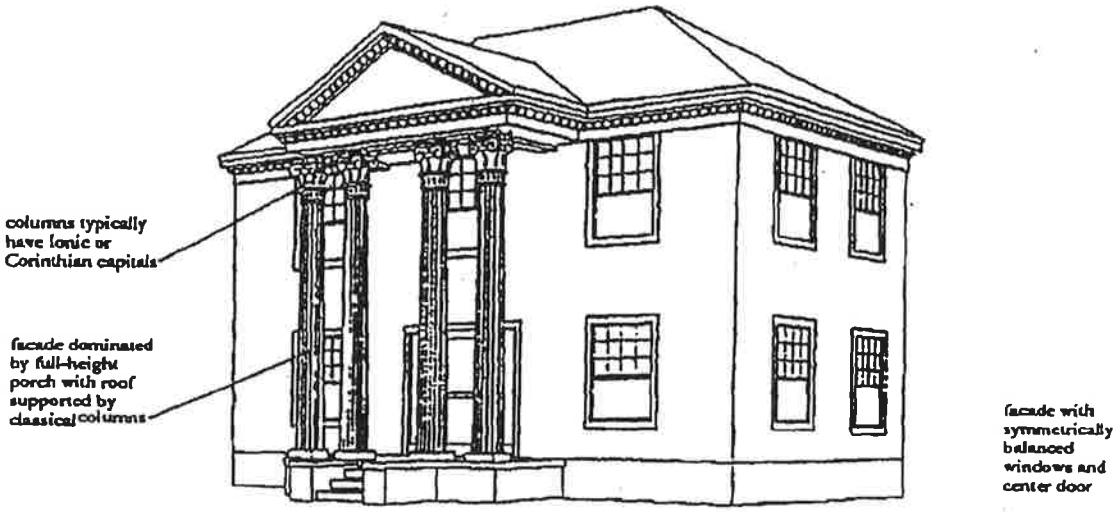
The Craftsman style homes constitute 62 percent of the houses constructed in the district.

CRAFTSMAN

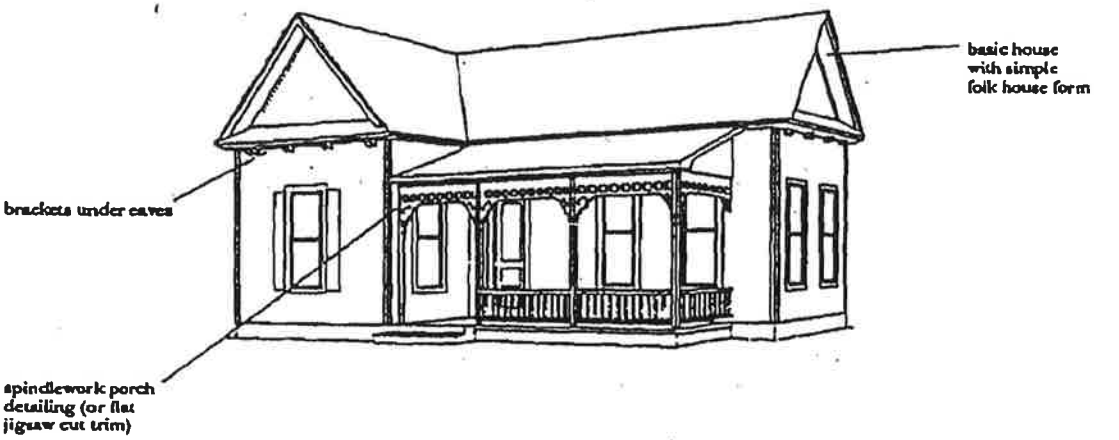
COLONIAL REVIVAL

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

NEOCLASSICAL REVIVAL



FOLK VICTORIAN



Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

TUDOR REVIVAL

PRAIRIE

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

QUEEN ANNE

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

ORDINANCE NO. 335-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" BY ADDING SECTION (G) ESTABLISHING THE HIGHLAND PARK - BINGHAM PARK HISTORIC RESIDENTIAL OVERLAY DISTRICT INCLUDING THE ADOPTION OF DEVELOPMENT STANDARDS AND PRESERVATION CRITERIA FOR THE DISTRICT; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee recommends the establishment of the Highland Park - Bingham Park Historic Residential Overlay District for the protection of the aesthetic and visual character of this historic residential neighborhood; and

WHEREAS, the Historic Landmark Preservation Committee recommends the adoption of Development Standards and Preservation Criteria for the Highland Park - Bingham Park Historic Residential Overlay District; and

WHEREAS, the Historic Landmark Preservation Committee has recommended an addition to the current Zoning Ordinance in Section 8-200 "Historic Designation", adding Section (G) which will establish the Highland Park - Bingham Park Historic Residential Overlay District as more fully described hereinbelow in Section 1; and

WHEREAS, the proposed Section (G) includes the adoption of Development Standards and Preservation Criteria for the Highland Park - Bingham Park Historic Residential Overlay District, attached hereto and incorporated herein as Exhibit "A" ; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, the recommendation was referred to the Planning and Zoning Commission for an approval; and

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **15th day of November, 2005**, after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200 "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, as more fully described hereinbelow in Section 1 and Exhibit "A", said notice having been given not less than ten (10) days before the date set for hearing; and

WHEREAS, after consideration of said amendment to the Zoning Ordinance the Planning and Zoning Commission of the City of Texarkana, Texas, voted unanimously to recommend that the said amendment be adopted as described more fully hereinbelow in Section 1 and Exhibit "A"; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at **7:00 p.m. on November 28, 2005**, to consider the advisability of amending the Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70), have found and determined that the amendment should be enacted as said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200 of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas be and is hereby amended by adding a Section, to be numbered 8-200(G), which shall read as follows:

G. The Highland Park – Bingham Park Historic Residential Overlay District is hereby established. The purpose and intent of the Highland Park – Bingham Park Historic Residential Overlay District is to provide for the protection of the aesthetic and visual character of this historic residential neighborhood. The neighborhood consists of homes built between 1903 and 1935 and includes Craftsman (Arts and Crafts), Prairie, and Colonial style homes. The City's first park, Bingham Park, which is now the Parkway along Wood Street is a highlight of the neighborhood. Additionally, the boyhood home of Ross Perot and the former home of Wright Patman are located within the neighborhood.

The Highland Park – Bingham Park Historic Residential Overlay District shall include all property on Wood Street between West 25th Street and West 29th Street and all property on Olive Street between West 23rd Street and West 29th Street. Additionally, the District shall include residences fronting on West 29th Street between the intersections of Wood Street and Olive Street. An official map of the Highland Park – Bingham Park Historic Residential Overlay District shall be kept on file in the Planning and Zoning Department and the boundaries of the Highland Park – Bingham Park Historic Residential Overlay District shall be shown on the City's Official Zoning Map.

Development Standards and Preservation Criteria for the Highland Park – Bingham Park Historic Residential Overlay District are hereby adopted as an official attachment to the zoning ordinance. A violation of any provision contained within the Development Standards and Preservation Criteria for the District is a violation of the zoning ordinance. Copies of the Development Standards and Preservation Criteria for the Highland Park – Bingham Park Historic Residential Overlay District shall be available in the office of the Director of Planning.

No person shall construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of a building or structure or develop, construct, relocate, or demolish any building or structure within the District without first obtaining a Certificate of Appropriateness. All new development and changes to existing development located within the District, except for ordinary maintenance and repair, shall be reviewed in accordance with the Development Standards and Preservation Criteria for the Highland Park – Bingham Park Historic Residential Overlay District by the Historic Landmark Preservation Committee pursuant to Section E above.

The Development Standards and Preservation Criteria for this Overlay District control in the event of a conflict with the requirements for the underlying zoning district or other ordinances. Except, this Section does not apply to life safety codes such as building or fire codes. If a proposed development or change in an external feature will not be visible from a public right-of-way once the project is completed, the Committee may waive review of the project.

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

SECTION 2: That Section 8-200(G) above adopts as an official attachment to the Zoning Ordinance (Ordinance No. 127-70), Development Standards and Preservation Criteria for the Highland Park - Bingham Park Historic Residential Overlay District which are attached hereto and incorporated in as Exhibit "A".

SECTION 3: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 4: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas

SECTION 5: That in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 6: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 7: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 28th day of November, 2005.

James W. Bramlett

JAMES W. BRAMLETT, MAYOR

ATTEST:

Geri Haddock

GERI HADDOCK, CITY SECRETARY 7:55 p.m.

APPROVED AS TO FORM:

Deborah Jones

DEBORAH JONES, ASSISTANT CITY ATTORNEY

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

DEVELOPMENT STANDARDS AND PRESERVATION CRITERIA FOR THE HIGHLAND PARK - BINGHAM PARK HISTORIC RESIDENTIAL OVERLAY DISTRICT

A. DEVELOPMENT STANDARDS.

(a) In general. The Development Standards for this Historic Overlay District control in the event of a conflict with the requirements for the underlying zoning district.

(b) Height requirements. The maximum permitted heights for buildings and structures are:

(1) 25 feet for a main building; and
(2) 20 feet for an accessory building or structure.

(c) Lot size requirements. Lots must conform to the following standards:

(1) Each lot must have a minimum area of 7,200 square feet and a minimum depth of 150 feet.
(2) Each lot must have a width no less than 50 percent of the average width of all lots in both the same and the opposite blockface.

(d) Maximum lot coverage. The maximum permitted lot coverage for all buildings and structures combined is 40 percent.

(e) Minimum front yard.

(1) All buildings and structures must have a minimum front yard set back of 25 feet.
(2) The main building on an interior lot must have a front yard setback that is:
(A) equal to that of the closest main building on either side of the lot in the same blockface; or
(B) between those of the closest main buildings on either side of the lot in the same blockface.
(3) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(f) Minimum rear yard. The minimum permitted rear yard setbacks for buildings and structures are:

(1) 10 feet for a main building if the lot is 230 feet or less in depth;
(2) 20 feet for a main building if the lot is over 230 but less than or equal to 250 feet in depth;
(3) 30 feet for a main building if the lot is over 250 feet in depth; and
(4) 5 feet for an accessory building or structure.

"Exhibit A"

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

(g) Minimum side yards.

(1) All buildings and structures must have:
(A) on interior lots, a minimum side yard the greater of 5; and
(B) on corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection

(2) Except as otherwise provided in this section, no balcony, porch, or any portion of a building may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(h) Off-street parking requirements. Residential uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit when alley is accessible.

(i) Signs. Signs of any character shall be not larger than 4 square foot. (ex. 2'x 2')

B. PRESERVATION CRITERIA. The following preservation criteria apply to all property in the Bingham Park Historic District:

(a) Building placement, form, and treatment.

(1) Accessory buildings. Accessory buildings:

(A) are only permitted in the rear yard no closer than 15 feet to a main building; and
(B) must be compatible with the scale, shape, roof form, materials, detailing, and color of a main building.

(2) Additions. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of the building.

(3) Architectural detail. Materials, colors, structural and decorative elements, and the manner in which they are used, applied, or joined together must be typical of the style and period of a main building and compatible with the other buildings on the blockface.

(4) Awnings.

(A) All awnings on the front and side facades of a main building must be typical of its style and period and complement its color scheme.

(B) Wood, metal, and plastic awnings are not permitted unless they:
(i) are on an accessory building or the rear façade of a main building;
(ii) complement the color scheme of the building to which they are attached; and
(iii) are totally screened.

(5) Building placement. All buildings must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.

(6) Building widths. The minimum permitted width for a main building is 80 percent of the average width of the existing main buildings in the blockface.

(7) Chimneys. All chimneys must be compatible with the style and period of a main building. Chimneys on the front 50 percent of a main building or on a corner side façade must be:
(A) constructed of brick, stucco, stone, or other materials that look typical of the style and period of a main building; and
(B) of a style and proportion that is typical of the style and period of a main building.

(8) Color.
(A) Brick and stone surfaces. Brick and stone surfaces not previously painted must not be painted unless the applicant establishes that:
(i) painting is the only method by which the brick or stone may be restored or preserved; or
(ii) the color and texture of replacement brick or stone cannot be matched with that of the existing brick or stone surface and the paint color matches that of the existing brick or stone surface.
(B) Certain colors prohibited. Fluorescent and metallic colors are not permitted on the exterior of any structure in this district.
(C) Dominant and trim colors. All structures must have a dominant color and no more than three trim colors. The colors of a structure must be complementary of each other and the overall character of this district.
(D) Gutters and downspouts. Gutters and downspouts must be painted or colored to match or complement the color scheme of the structure to which they are attached.
(E) Roof colors. Roof colors must complement the style and overall color scheme of the structure.
(F) Stain. The use and color of stain must be typical of the style and period of the building on which the stain is applied.

(9) Columns.
(A) Function. Columns are only permitted as vertical supports near the front entrance of a main building, or as vertical supports for porches.
(B) Materials. Columns must be constructed of brick, wood, cut stone, or other materials that look typical of the style and period of a main building. No pipe or wrought iron columns are permitted.
(C) Style. Columns must be of a style typical of the style and period of a main building.
(D) Width dimensions.
(i) The width of a one-story column shaft at its widest point must be at least one-eighth the height of the column.
(ii) The width of a two-story column shaft at its widest point must be at least one-eight the height of the column.

(10) Façade materials.
(A) In general. The only permitted façade materials are brick, wood siding, stone, and stucco. All façade treatments and materials must be typical of the style and period of a main building.
(B) Brick. All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.

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(C) Wood facades. Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary façade material, but may be used in roof gables and on foundation skirts in a manner that is typical of the style and period of a main building.

(11) Front entrances and porches.
(A) Detailing. Railings, moldings, tile work, carvings, and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of a main building.
(B) Enclosures. A front entrance or porch may not be enclosed with any material, including iron bars, glass, or mesh screening.
(C) Façade openings. Porches must not obscure or conceal any façade openings in a main building.
(D) Floor coverings. Carpeting is not permitted as a porch floor or step covering.
(E) Location. An entrance treatment, including door transoms, sidelights, stained glass, trim, and hardware, must be retained in its original location.
(F) Style. The main building must have a front porch or entry treatment with a shape, roof form, materials, and colors that are typical of the style and period of the building.

(12) Height to width ratio. The relationship between the height and width of the front façade of a main building, including side projections, must be compatible with those of the other main buildings in the blockface.

(13) Porte cocheres. Except as otherwise provided in this subsection, porte cocheres must be preserved as architectural features and not be enclosed on any side by fences, gates, or any other materials. A wrought iron gate is permitted across the rear opening of a porte cochere if it has a screening factor of less than 50 percent and is compatible with the style and scale of a main building.

(14) Roof forms.
(A) Eaves and soffits. The height of eaves and soffits on a main building must be within 10 percent of the height of eaves and soffits on the closest main building in this district of a similar style and having the same number of stories.
(B) Materials and colors. Roof materials and colors must complement the style and overall color scheme of the building or structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.
(C) Overhang. The roof overhang on a building must be compatible with the style and scale of the building. A replacement roof on an existing building must have an overhang that is equal to or greater than the overhang of the roof it replaces.
(D) Patterns. Roof patterns of a main building must be typical of the style and period of the architecture of the building and include separate substructure roofs.
(E) Skylights and solar panels. Skylights and solar panels are only permitted on:
(i) the rear 50 percent of the roof of a main building on an interior lot;
(ii) the rear inside quadrant of the roof of a main building on a corner lot; and
(iii) the roof of an accessory building in the rear yard.
(F) Slope and pitch. The degree and direction of roof slope and pitch must be typical of the style and period of a main building and compatible with existing building forms in this district. Flat or Mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of a main building.

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(15) Stairs. Second story exterior staircases are only permitted on accessory buildings and the rear 50 percent of a main building, except that they are not permitted on a corner side façade.

(16) Window and doors.
(A) Front façade openings. The total number of window and door openings (combined) in the front façade of a main building must be equal to or greater than the total number of original window and door openings (combined) in that façade. The number of door openings in the front façade of a main building may not be increased.
(B) Glass. Clear, decorative stained, and clear leaded glass typical of the style and period of the building may be permitted in any window opening. Reflective, tinted, opaque, and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted except in a bathroom window.
(C) Screens, storm doors, and storm windows. Screens, storm doors, and storm windows may be permitted if:

(i) their frames are painted or colored to match or complement the color scheme of a main building;

(ii) they do not obscure significant features of the window and doors they cover; and

(iii) the screen mesh is 18 by 16 gauge.

(D) Security and ornamental bars. Security and ornamental bars are only permitted on an accessory building or on the rear or side facades of a main building.
(E) Shutters. Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.
(F) Style.

(i) All windows and doors in the front façade of a main building must be proportionally balanced in a manner typical of the style and period of the building.

(ii) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building.

(iii) All windows, doors, and lights in the front and side facades of a main building must be typical of the style and period of the building and compatible with the windows, doors, and lights in the front and side facades of the other main buildings in the blockface. Windows must contain at least two lights (window panes). Sidelights must be compatible in style and materials with the door.

(iv) The frames of windows must be trimmed in a manner typical of the style and period of the building.

(b) Landscaping

(1) Fences.
(A) Definitions. The following definitions apply to terms used in these fence regulations:

(i) FINISHED SIDE means the side of a fence that does not reveal the structural components.

(ii) STRUCTURAL COMPONENT means a post, column, or other vertical or horizontal member providing support and strength for a fence.

(B) Form. Fences must be constructed and maintained in a vertical position.

(C) Height. The maximum permitted height for a fence is eight feet.

(D) Location.

(i) Fences are not permitted in the front yard.

(ii) A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of a main building, except that the commission may allow a fence to be located in the rear 75 percent of the side yard if it determines that the fence does not screen any portion of a significant architectural feature of a main building on the same or an adjacent lot.

(iii) A fence in the corner side yard must not be directly in front of the corner side façade, however, if a fence covers no more than 50 percent of the corner side façade, it may be permitted if:

(aa) more screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and

(bb) the fence does not screen all or any portion of a significant architectural feature of a main building.

(iv) A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.

(v) A fence must run either parallel or perpendicular to a building wall or lot line.

(vi) A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of a main building on the adjacent lot with the greater setback.

(E) Materials. A fence must be constructed of one or more of the following materials: wrought iron, wood, brick, or stucco. Exposed concrete blocks are not permitted. Chain link fencing is permissible if it is not visible from public right-of-way.

(F) Masonry fences.

(i) The color, texture, pattern, and dimensions of masonry and the color, width, type, and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of a main building as nearly as practicable.

(ii) All exposed brick in a fence must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.

(G) Metal fences.

(i) Wrought iron fences must be compatible with the style and period of a main building.

(ii) If a wrought iron is painted or colored, it must compliment the style and overall color scheme of the structure.

(H) Wooden fences.

(i) All wooden structural posts must be a least four inches in diameter (nominal size).

(ii) The side of a wooden fence facing a public street must be the finished side.

(iii) Wooden fences may be painted or stained a color that is complementary to a main building.

(2) Certain items prohibited in front and corner side yards. The following items are not permitted in the front and corner side yards:

(A) Berms higher than 2 feet.
(B) Pylons and similar structures.
(C) Rock or sculpture gardens.
(D) Permanent cooking or BBQ grills.
(E) Upholstered furniture. This prohibition includes porch areas.

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(F) Satellite Dishes and Antennas. If reception requires such placement, then a satellite dish will be allowed if screened from public view by landscaping or building materials similar to those used on the façade of the main building.
(G) Basketball goals and playground equipment will not be permitted in the front or corner side yard.

(3) Outdoor lighting. Outdoor light fixtures on the front façade of a main building and on poles in the front yard must be compatible with the style and period of a main building and not obscure or conflict with significant architectural details. Overhead and exposed wiring and conduit for outdoor lighting is not permitted. However, temporary holiday lighting displays are permitted from November through January.

(4) Pavement, filler, and edging materials. If the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards, the landscape plan must reviewed and approved by the commission. No more than 25 percent of the front yard of a residential use may be covered by pavement or filler materials.

(5) Planter boxes. Planter boxes must be:
(A) an integral part of and typical of the style and period of a main building;
(B) 18 inches or less in height:
(C) 36 inches or less in depth; and
(D) constructed of brick, stone, or smooth-finish concrete that matches or is compatible in texture, color, and style with a main building.

(6) Retaining walls. Retaining walls are not permitted in the front and side yards except to preserve a natural or existing slope or to make slope similar to that of an adjacent lot. The height of a retaining wall must not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted stone, brick, stucco, or smooth-finished concrete that is compatible in texture, color, and style with a main building.

(7) Sidewalks, driveways, and curbing.
(A) Materials.
(i) Asphaltic or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway, or curbing material.
(ii) All public sidewalks and curbing must be constructed of brush finish concrete.
(iii) All private sidewalks and driveways must be constructed of brush finish concrete, brick, tile, slate, or exposed aggregate. Gravel is allowed in the center strip of a ribbon driveway.
(B) Width, style, and spacing.
(i) The maximum permitted width of a driveway in the front yard is 10 feet. The driveway width may be expanded to 20 feet at any point behind the front façade.
(ii) Ribbon driveways are only permitted if the owner establishes that a ribbon driveway was an original architectural element of the site. If a ribbon driveway is permitted, the ribbons must be at least one foot wide.
(iii) Circular driveways are not permitted in the front yard.
(iv) A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot must be spaced a minimum of one foot from the existing driveway on the adjacent lot.
(C) Parking on driveways. No vehicles shall be parked on the lawn area of a property.

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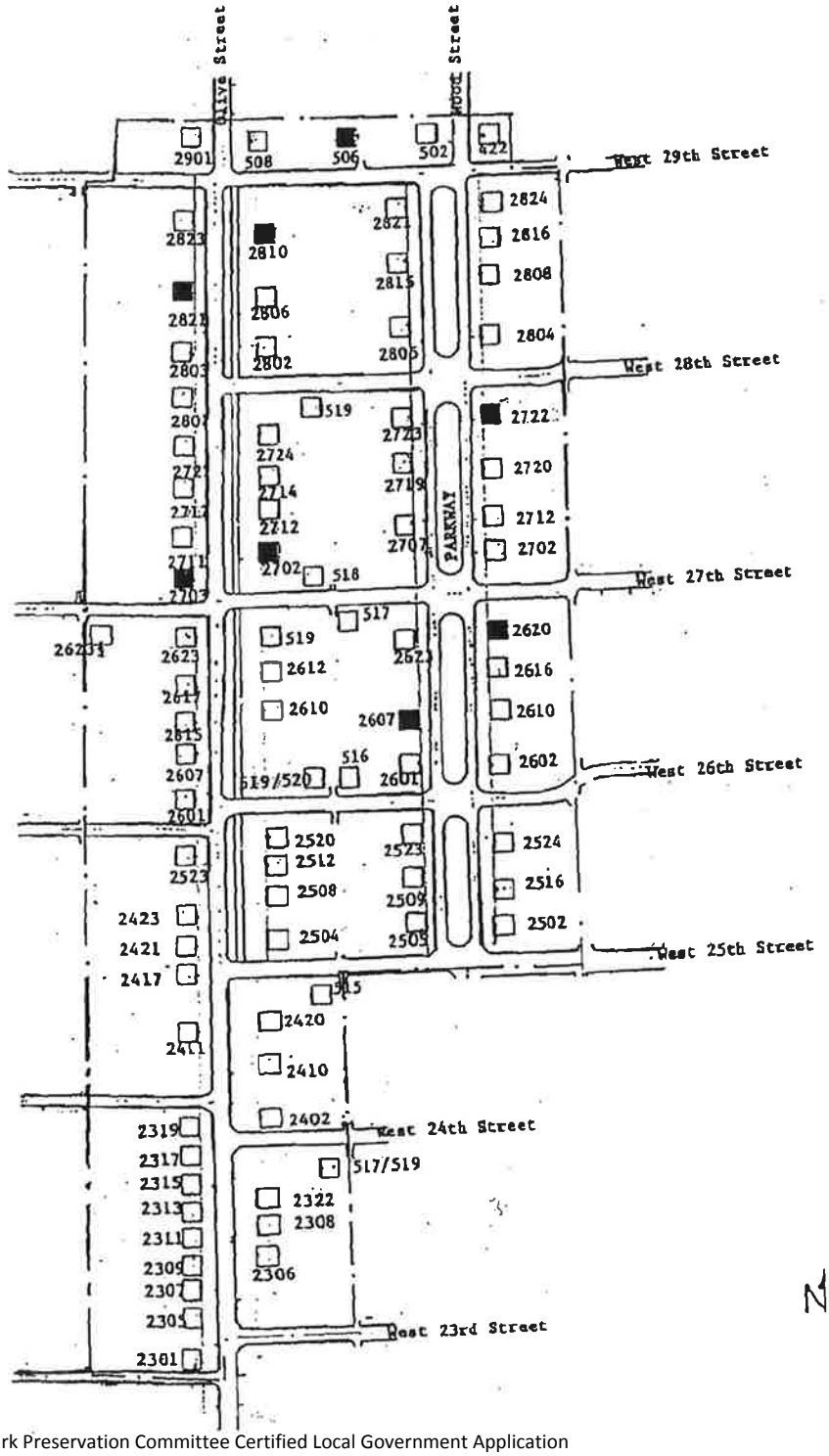
THE HIGHLAND PARK – BINGHAM PARK OVERLAY DISTRICT

DISTRICT BOUNDARY

CONTRIBUTING ELEMENT

NON-CONTRIBUTING ELEMENT

STREET ADDRESS



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ORDINANCE NO. 141-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" BY ADDING SECTION (F) PERTAINING TO A TAX FREEZE AND/OR ABATEMENT; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee recommends property tax relief in order to encourage historic preservation for properties rezoned as Historic District; and

WHEREAS, the Historic Landmark Preservation Committee recommends that such property tax relief for residentially zoned property should only apply to the property owner's homestead; and

WHEREAS, the Historic Landmark Preservation Committee has recommended an addition to the current Zoning Ordinance in Section 8-200 "Historic Designation", creating a new Section (F) which will provide for such property tax relief in order to encourage historic preservation for properties rezoned as Historic District, which is more fully described hereinbelow in Section 1; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, the recommendation was referred to the Planning and Zoning Commission for an approval; and

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **2nd day of May, 2005,** after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200 "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, and more fully described hereinbelow in Section 1, said notice having been given not less than ten (10) days before the date set for hearing; and

WHEREAS, after consideration of said amendment to the Zoning Ordinance the Planning and Zoning Commission of the City of Texarkana, Texas, voted unanimously to recommend that the said amendment be adopted as described more fully hereinbelow in Section 1; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at **7:00 p.m. on May 9, 2005,** to consider the advisability of amending the Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70), have found and determined that the amendment should be enacted as said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200 of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas be and is hereby further amended by adding a Section, to be numbered 8-200(F), which shall read as follows:

> **F. In accordance with state law, the City Council finds that all sites and structures designated as Historic Districts within the City of Texarkana, Texas are historically significant and entitled to tax relief in order to encourage historic preservation. The tax exemption shall exempt from City ad valorem taxation any increase in the assessed value of a structure or site designated as a Historic District for a period of twenty (20) years following its designation as a Historic District. To receive the tax exemption the structure or site must have been designated as a Historic District on the first day of January of the applicable tax year and must be claimed as the owner's homestead if zoned for residential use.**

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SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 3: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas

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

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 9th day of May, 2005.

JAMES W. BRAMLETT, MAYOR

ATTEST:

GERI HADDOCK, CITY SECRETARY 8:10 p.m.

APPROVED AS TO FORM:

DEBORAH JONES, ASSISTANT CITY ATTORNEY

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ORDINANCE NO. 138-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, SECTION 8-200 "HISTORIC DESIGNATION" (E) IN ITS ENTIRETY PERTAINING TO THE GRANTING OF A CERTIFICATE OF APPROPRIATENESS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; PROVIDING FOR A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Historic Landmark Preservation Committee has recommended an amendment to the current Zoning Ordinance in Section 8-200 "Historic Designation", amending Section (E) in its entirety to streamline the process for the granting of a Certificate of Appropriateness and allowing the Historic Landmark Preservation Committee to be the ruling board for this process, which is more fully described hereinbelow in Section 1; and

WHEREAS, pursuant to Section 21-100 "Amendments to the Zoning Ordinance or Zoning Map" of the Zoning Ordinance of the City of Texarkana, Texas, the recommendation was referred to the Planning and Zoning Commission for an approval; and

WHEREAS, the Planning and Zoning Commission of Texarkana, Texas, held a public meeting on the **2nd day of May, 2005**, after published notice of said public hearing on the proposed amendment to the Zoning Ordinance (Ordinance No. 127-70) in regard to Section 8-200 "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, and more fully described hereinbelow in Section 1, said notice having been given not less than ten (10) days before the date set for hearing; and

WHEREAS, after consideration of said amendment to the Zoning Ordinance the Planning and Zoning Commission of the City of Texarkana, Texas, voted unanimously to recommend that the said amendment be adopted as described more fully hereinbelow in Section 1; and

WHEREAS, subsequent to the public hearing before the Planning and Zoning Commission, notice was given of another public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at **7:00 p.m. on May 9, 2005**, to consider the advisability of amending the Zoning Ordinance (Ordinance No. 127-70) as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, said notice of time and place of such hearing having been given at least fifteen (15) days prior to such hearing by publication in the TEXARKANA GAZETTE, Texarkana, U.S.A., a newspaper of general circulation in such municipality; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard in the matter of the proposed Zoning

amendment, and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance (Ordinance No. 127-70), have found and determined that the amendment should be enacted as said amendment is in the best interest and will promote the health, safety and welfare of the community;

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

SECTION 1: That Section 8-200(E)of "Historic Designation" of the Zoning Ordinance of the City of Texarkana, Texas, be and is hereby amended in its entirety to read as follows:

E. No person shall construct, reconstruct, alter, change, restore, remove, or demolish any exterior architectural feature of a building or structure or develop, construct, relocate, or demolish any building or structure with a Historic Designation or within a Historic Overlay District in the City of Texarkana, Texas without first obtaining a Certificate of Appropriateness. Exterior architectural features include the kind, color and basic texture of all exterior building materials and such features as windows, doors, lights, and signs.

An application for a Certificate of Appropriateness shall be made by the owner of the subject property and filed with the Director of Planning on the City's official form. The Director of Planning shall determine the completeness of an application for a Certificate of Appropriateness. Incomplete or applications not in compliance with building codes or other ordinances shall be returned to the applicant for completion and compliance. The Director of Planning shall within seven (7) days refer a completed application to the Historic Landmark Preservation Committee.

The Historic Landmark Preservation Committee shall hold a public hearing on an application for a Certificate of Appropriateness within thirty (30) days of their receipt of the application. Notice of application for a Certificate of Appropriateness shall be posted at the project site such that it is visible from the public right-of-way, including contact information and meeting date. If the Historic Landmark Preservation Committee does not take action within thirty (30) days of receipt of a completed application, a Certificate of Appropriateness shall be deemed issued by the Committee.

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At the public hearing, the Historic Landmark Preservation Committee shall investigate and approve or disapprove an application for a Certificate of Appropriateness by a majority vote. A written report regarding the decision should be prepared by the Director of Planning within five (5) days after the public hearing.

Upon approval of an application, the Building Official shall be authorized to issue any necessary permits following the City's standard process. Should an application be disapproved, a copy of the written report stating the reasons for disapproval shall be mailed to the applicant with notice of their right to appeal the decision to the Zoning Board of Adjustment.

No application for the same project shall be considered within one (1) year of the disapproval of the application by the Historic Landmark Preservation Committee. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the Committee at any time.

Ordinary Maintenance and Repair shall be exempt from the requirement of a Certificate of Appropriateness. The Director of Planning shall be responsible for making a determination whether or not any given project constitutes Ordinary Maintenance and Repair and shall report such projects periodically to the Historic Landmark Preservation Committee.

Ordinary Maintenance and Repair is any work, the sole purpose and effect of which is to correct deterioration, decay or damage which does not result in a change in the existing appearance and materials of a property. Examples include minor repairs to windows and doors; repairing walkways or drives; roofing, foundation, or chimney work when no substantial change in appearance occurs. Ordinary Maintenance and Repair also includes in-kind repair and replacement. Ordinary Maintenance and Repair must be compatible with the Development Standards of the Historic District in which it is performed.

The following general review criteria shall be met in issuing any Certificate of Appropriateness: the proposed work complies with the Development Standards and Preservation Criteria for the District; the integrity of an individual historic structure is preserved; new buildings or additions are designed to

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be compatible with surrounding historic properties; and the overall character of the District is protected.

SECTION 2: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 3: That a copy of the Zoning Ordinance (Ordinance No. 127-70), as amended herein, shall be filed and made available to interested citizens in accordance with Sec. 30-1. "Zoning ordinance adopted." of the Code of Ordinances of the City of Texarkana, Texas

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

SECTION 5: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

SECTION 6: That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 9th day of May, 2005.

JAMES W. BRAMLETT, MAYOR

ATTEST:

GERI HADDOCK, CITY SECRETARY 8:09 p.m.

APPROVED AS TO FORM:

DEBORAH JONES, ASSISTANT CITY ATTORNEY

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ORDINANCE NO. 161-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, SETTING THREE (3) YEAR TERMS OF SERVICE FOR CERTAIN BOARDS, COMMITTEES AND COMMISSIONS; REPEALING CERTAIN TERM LIMITATIONS; AND PLACING ATTENDANCE REQUIREMENTS ON ALL BOARDS, COMMITTEES AND COMMISSIONS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana, Texas, desires to create consistent three (3) year terms of service for all boards, committees and commissions of the City of Texarkana, Texas when such terms of service are not otherwise set by state law; and

WHEREAS, the City Council of the City of Texarkana, Texas, desires the ability to retain trained volunteers for service on all boards, committees and commissions of the City of Texarkana, Texas; and

WHEREAS, the City Council of the City of Texarkana, Texas, desires to place attendance requirements on all boards, committees and commissions of the City of Texarkana, Texas to ensure consistent and reliable service to the public;

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

SECTION 1: That the terms of service for the boards, committees or commissions listed in Section 2 below shall be and are hereby changed to three (3) year terms of service to create consistent three (3) year terms of service for all boards, committees and commissions of the City of Texarkana, Texas when such terms of service are not otherwise set by state law.

SECTION 2: That the following boards, committees or commissions of the City of Texarkana, Texas, shall have three (3) year terms of service: Building Code Revision Committee, Electrical Examining Board, Historic Landmark Preservation Commission, Library Commission, Permit and License Appeal Board (SOB), and Plumbing and Zoning Commission.

SECTION 3: That any member of a board, committee or commission of the City of Texarkana, Texas may be appointed and reappointed to an unlimited number of terms of service.

SECTION 4: That it shall be the policy of the City Council of the City of Texarkana, Texas to obtain some new members on each board, committee, or commission of the City of Texarkana, Texas so that at least some members of each board, committee or commission shall be serving their first term on such board, committee or commission, but this is not a firm requirement.

SECTION 5: That it shall be the policy of the City Council of the City of Texarkana, Texas to endeavor to have residents from each Ward serving on the various boards, committees, or commissions of the City of Texarkana, Texas. Each City Council member shall have equal opportunity to recommend residents from their Ward for service on the various boards, committees, and commissions.

SECTION 6: That two(2)unexcused meeting absences by a member of a board, committee, or commission of the City of Texarkana, Texas shall be grounds for removal of the member from the board, committee, or commission by the City Council.

SECTION 7: That all ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 8: 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 9: 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 28th day of June, 2004.

JAMES W. BRAMLETT, MAYOR

ATTEST:

GERI HADDOCK, CITY SECRETARY 7:20 p.m.

APPROVED AS TO FORM:

DEBORAH JONES, ASSISTANT CITY ATTORNEY

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ORDINANCE NO. 195-85

AN ORDINANCE AMENDING ORDINANCE 127-70 (THE ZONING ORDINANCE) OF THE CITY OF TEXARKANA, TEXAS SO AS TO DELETE THE PRESENT CHAPTER 3A AS CREATED BY ORDINANCE 32-77 WHICH PROVIDED FOR THE DESIGNATION OF HISTORIC SITES AND DISTRICTS AND TO ADD A NEW SECTION 8-200 ENTITLED "HISTORIC DESIGNATION"; PROVIDING FOR PUBLIC HEARING; PROVIDING FOR A PENALTY; PROVIDING FOR PUBLICATION; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE, APPROVAL AND PUBLICATION.

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, held a public hearing on the 7th day of May, 1985, after published notice of such public hearing before the Planning and Zoning Commission on the proposed changes in the Zoning Ordinance so as to amend the said section, said notice having been given not less than ten days before the date set for hearing; and

WHEREAS, after consideration of said changes and amendments to the Zoning Ordinance, the Planning and Zoning Commission of the City of Texarkana, Texas voted unanimously to recommend to the City Council of Texarkana, Texas, that the amendment be adopted; and

WHEREAS, subsequent to the public hearing of the Zoning Commission, notice was given of a further public hearing to be held by the City Council of the City of Texarkana, Texas, in the Municipal Building at 7:00 p.m. on May 28, 1985 to consider the advisability of amending the Zoning Ordinance as recommended by the Planning and Zoning Commission, and all citizens and parties at interest were notified that they would have an opportunity to be heard, such notice of the time and place of such hearing having been given at least fifteen days prior to such hearing by publication in the Texarkana Gazette, a newspaper of general circulation in the City of Texarkana, Texas; and

WHEREAS, all citizens and parties at interest have been given an opportunity to be heard on the matter of the proposed amendment; and the City Council of the City of Texarkana, Texas, being informed as to the nature of the amendment of the Zoning Ordinance, have found and determined that this amendatory ordinance should be enacted since its provisions are in the best interest and will promote the health, safety and welfare of the community.

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, adopted on September 14, 1970, and made a part of the Code of Ordinances of said City by Section 30-1 of said Code, is hereby amended by deleting in its entirety the present Chapter 3A and substituting therefor a new Section 8-200 entitled "Historic Designation" to read in its entirety as follows:

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"8-200. Historic Designation

A. Sites, structures, and areas that have been determined to be either architecturally, historically, archaeologically, or culturally significant may be designated as an Historic District. The regulations for historic districts are intended to preserve and protect historic, culturally or architecturally worthy buildings, structures, sites, and neighborhoods. For all zoning districts which contain the historic district prefix designation, the regulations for both the zoning district and the historic designation shall apply. Whenever there is a conflict between the regulations of the historic designation and the zoning district, the more restrictive regulations shall apply.

B. In determining the historical district, site or area, one or more of the following criteria shall be considered:

1. Character, interest or value as part of the development, heritage or cultural characteristics of the City, state or nation.

2. Location as the site of an historical event.

3. Structure with a distinguishing architectural type.

4. Relationship to other distinctive buildings, sites, districts or structures which are historically significant.

5. Unique location of singular physical characteristics representing an established and familiar visual feature of a neighborhood, community, the City or this region.

6. Identification with a person who has significantly contributed to the development or culture of the City, state or nation.

C. The Historic Landmark Preservation Committee shall recommend that certain sites, districts, areas, buildings or structures be designated as historical districts, sites or areas, and shall delineate the boundaries thereof. Such recommendation shall be submitted to the Planning and Zoning Commission and to the City Council. Such request for historical designation shall be acted upon by the Planning and Zoning Commission and the City Council as prescribed by Section 21-100. The prefix "H" shall indicate on the Zoning District Map the zoning designation of those areas, sites, districts, buildings or structures which are designated as historical districts. Such designation shall be in addition to any other zoning classification established for such site.

D. The Historic Landmark Preservation Committee, as established by Ordinance Number 32-77, is composed of not less than seven (7) members appointed by the City Council. All members must be

residents of the City of Texarkana, Texas. Four (4) members shall constitute a quorum. The terms of the members shall be two years. The members of the Committee shall elect from among themselves, a chairman, vice chairman and secretary each year within thirty (30) days of the anniversary date of their appointments. The Committee shall be composed of one representative from each of the following: an institution authorized to make home loans, an architect, a real estate agent, and a representative of the Texarkana Historical Museum and Society, with the remaining persons to be named at the discretion of the City Council. In making appointments to the Committee, the City Council shall consider each appointee's interest in the City, knowledge of the history of the community, education and interest in the historical and cultural preservation and development of the City.

E. After approval of the Historic Designation by the City Council, a Certificate of Appropriateness must be issued by the Director of Planning before a permit is issued for any of the following:

1. Demolition of an historic building or structure.

2. Moving of an historic building or structure.

3. Material changes, other than those stated in the originally approved application for the historic designation, in the exterior appearance of existing buildings by the addition, reconstruction, alteration or maintenance or involving exterior color.

The Director of Planning shall transmit the application for a Certificate of Appropriateness, together with the supporting information and material, including a recommendation from the Committee, to the Zoning Board of Adjustment for approval or disapproval. The Board shall act upon the application pursuant to its rules. If the Board approves the application, a Certificate shall be issued by the Director of Planning. The Board shall state in writing the reasons for its approval or disapproval of the Certificate of Appropriateness.

SECTION 2: The penalty provisions set forth in Section 23-100 of Ordinance 127-70 (Zoning Ordinance) as amended, shall apply to any failure to comply with the terms of this Ordinance.

SECTION 3: That the City Secretary be and is hereby directed to publish the caption of this Ordinance for three (3) successive days in the Texarkana Gazette within ten (10) days of the passage of this Ordinance, as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

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

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

SECTION 6: That this ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED AND APPROVED in Regular Council Session on this the 28th day of May, 1985.

DURWOOD SWANGER, Mayor

ATTEST:

CHRISTIE HARDIN, City Secretary 8:57 P.m.

APPROVED AS TO FORM:

City Attorney

Attachment: 2016-040 ATTH 01 Historical Ordinances 1977 to 2011 HLPCommittee (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

ORDINANCE NO. 204-84

AN ORDINANCE PROVIDING THAT ANY APPOINTEE TO CERTAIN BOARDS OR COMMISSIONS, WHO HAS SERVED FOR TWO CONSECUTIVE TWO-YEAR TERMS MUST VACATE THE POSITION FOR AT LEAST ONE YEAR BEFORE BECOMING ELIGIBLE FOR REAPPOINTMENT TO A FURTHER TERM ON THE SAME BOARD OR COMMISSION; LIMITING THE APPLICATION OF THIS ORDINANCE TO THE BOARD OF ADJUSTMENT, THE ELECTRICAL EXAMINING BOARD, THE HISTORICAL LANDMARK PRESERVATION COMMITTEE AND THE CITY'S APPOINTEES TO THE NORTHEAST TEXAS MENTAL HEALTH/MENTAL RETARDATION BOARD OF TRUSTEES; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; AND TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL.

WHEREAS, the City Council of the City of Texarkana, Texas deems it to be in the best interests of the City to provide for limits on the number of consecutive years which board and commission members may be appointed to serve;

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

SECTION 1: That any appointee to boards or commissions listed in Section 2 below who has served for two consecutive two-year terms must vacate the position for at least one year before becoming eligible for reappointment to a further term on the same board or commission.

SECTION 2: That the terms of this Ordinance shall be applicable to appointees to the Board of Adjustment, the Electrical Examining Board, the Historical Landmark Preservation Committee and the City's appointees to the Northeast Texas Mental Health/Mental Retardation Board of Trustees.

SECTION 3: That service by an appointee during any part of a term on a board or commission shall be deemed, for purposes of this Ordinance, to have been service for a full term.

SECTION 4: That service as an alternate member on a board or commission shall be deemed, for the purpose of this Ordinance, to have been service as a regular member.

SECTION 5: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

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

SECTION 7: That this Resolution shall become effective upon its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the 13th day of August, 1984.

DURWOOD SWANGER, Mayor

ATTEST:

CHRISTIE HARDIN, City Secretary 8:10 P.m.

APPROVED AS TO FORM:

Asst City Attorney

ORDINANCE NO. 32-77

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ON SEPTEMBER 7, 1970, AND RECORDED IN ORDINANCE BOOK 12, PAGES 351 THROUGH 431 OF THE ORDINANCE RECORDS OF THE CITY OF TEXARKANA, TEXAS, BY ADDING A NEW CHAPTER 3A PROVIDING FOR THE DESIGNATION OF HISTORIC SITES AND DISTRICTS; DEFINING CERTAIN TERMS; ESTABLISHING THE HISTORIC LANDMARK PRESERVATION COMMITTEE; PROVIDING FOR CERTIFICATES OF APPROPRIATENESS; CONTAINING A PENALTY CLAUSE; CONTAINING A SAVINGS CLAUSE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND TO BECOME EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION.

WHEREAS, the Legislature of the State of Texas has enacted Article 1011a, Vernon's Annotated Texas Statutes, empowering cities of the State of Texas to adopt regulations and restrictions for the preservation and protection of historical places and areas of historical and cultural importance and significance; and

WHEREAS, the City Council of Texarkana, Texas, is aware that the city has numerous areas, places, buildings, and structures of significant historical value which reflect the heritage of the City, the State, and its people:

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, be amended by adding a new chapter 3A to read as follows:

3A-100 STATEMENT OF PURPOSE

This ordinance is designed to protect sites, structures and areas that have been determined to be either architecturally, historically, archaeologically, or culturally significant to the City of Texarkana, Texas, from being indiscriminately razed, and to afford the City, interested persons, historical societies or organizations the opportunity to acquire or to arrange for the preservation or restoration of such buildings, sites or areas.

3A-200 DEFINITIONS

A. The terms "historical district" or "historical site" shall mean any site, district, area, building or structure of historical, archaeological or cultural importance or value which the Historic Landmark Preservation Committee, with approval from the City Council, determines shall be protected, preserved, or enhanced in the interest of culture, prosperity, education, and welfare of the people.

B. The term "building" shall mean any structure, place or other construction built for the shelter or enclosure of persons, animals, chattels, or movable property of any kind or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without opening in such separate walls.

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The term "building" shall be construed as if followed by the words "or any part thereof".

C. The term "committee" shall mean the Historic Landmark Preservation Committee which shall serve as an advisory body to both the Planning and Zoning Commission and the Board of Adjustments.

D. The term "city" shall be construed to mean the City of Texarkana, Texas.

E. The term "landmark" shall mean any improvement which has a special character or special historic interest or value as part of the development, heritage, or cultural characteristics of the City, State or nation and which has been designated as a landmark pursuant to the provisions of this chapter.

F. The term "landmark site" shall mean any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal man, upon which a historic event has occurred, or which is culturally significant, and which has been designated as a landmark site under this chapter, or an improvement, parcel, or part thereof, used as constituting part of the premises on which the landmark is situated.

3A-300 (A) DESIGNATION OF SITES AND DISTRICTS

The Historic Landmark Preservation Committee may designate certain sites, districts, areas, buildings or structures in the City of Texarkana, Texas, as historical districts, sites or areas and define,amend and delineate the boundaries thereof, subject to the review of the Planning and Zoning Commission and approval by the City Council. The suffix "H" shall indicate on the Zoning District Map the zoning designation of those areas, sites, districts, buildings or structures which are designated as historical districts or sites. Such designation shall be in ADDITION to any other use designation established by the Zoning Ordinance of Texarkana, Texas.

(B) CRITERIA

In determining the historical district, site or area, the City Council shall consider one or more of the following:

(1) Character, interest or value as part of the development, heritage or cultural characteristics of the City of Texarkana, this region, state or nation.

(2) Location as the site of an historical event.

(3) Embodiment of distinguishing characteristics of an architectural type or specimen.

(4) Relationship to other distinctive buildings, sites, districts or structures which are historically significant and preserved, or which are eligible for preservation.

(5) Unique location of singular physical characteristics representing an established, and familiar visual feature of a neighborhood, community, the City or this region.

(6) Identification with a person or persons who have significantly contributed to the development or culture of the City, region, state or nation.

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(C) RELATIONSHIP TO ZONING DISTRICTS

The regulations for historic sites or districts are intended to preserve and protect historic, culturally or architecturally worthy buildings, structures, sites, and neighborhoods. In all zoning districts which contain or overlap a site or district designated "historic", the regulations for both the zoning district and the historic site or district shall apply. Whenever there is a conflict between the regulations of the historic site or district and the underlying zone, the more restrictive shall apply.

3A-400 ESTABLISHMENT OF THE HISTORIC LANDMARK COMMITTEE

A. There is hereby created a committee to be known as the Historic Landmark Preservation Committee, herein called the Committee, to be composed of not less than seven (7) members approved by the City Council of Texarkana, Texas, within sixty (60) days of the passage of this ordinance.

B. The Historic Landmark Preservation Committee shall be composed of one representative from each of the following: an institution authorized to make home loans, an architect, a realtor, a representative of the Texarkana Historical Museum and Society, with the remaining persons to be named at the discretion of the City Council. In making appointments to the Committee, the City Council shall consider each appointee's interest in the City, knowledge of the history of the community, education and interest in the historical and cultural preservation and development of the City. All members of the Committee must be residents of Texarkana, Texas.

C. Each member appointed to the Historic Landmark Preservation Committee shall serve for a term of two years except that the initial members shall serve staggered terms as follows: four members shall serve for one year and the remaining three members shall serve for two years; all members appointed thereafter shall serve for a two year term. The City Council shall determine the terms of the first approved members. Ex officio members of the Committee shall include the City Manager, the City Engineer and the Director of Planning.

D. The members of the Committee shall elect from among themselves, a chairman, vice chairman and secretary, each year within thirty (30) days of the anniversary date of their appointments.

E. Four members shall constitute a quorum.

F. Powers and duties of the Committee:

The Committee shall have the power, subject to Subsection 3A-300 (A) of this chapter, to recommend to the Planning and Zoning Commission designation of landmarks, landmark sites and historic districts within the city limits of Texarkana, Texas. Such designation shall be made based upon criteria in Subsection 3A-300 (B) hereof. Once designated by ordinance, such landmarks, landmark sites, and historic districts or areas shall be subject to the provisions of this ordinance. The Committee shall also serve as an advisory body to the Board of Adjustments when that board considers requests for variances from the zoning ordinances which involve buildings, sites or districts designated as historic under this ordinance.

The Committee shall adopt rules to govern its proceedings, provided however, that such rules are not inconsistent with the zoning ordinance of the City of Texarkana, Texas, or the statutes of the State of Texas. Meetings of the Historic Landmark Preservation Committee shall be at the Call of the chairman and at such times as the Committee shall determine. All meetings of the Committee shall be open to the public. The Committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact,

and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Committee and shall be a public record.

The Committee is further authorized to serve in conjunction with a similar Committee from Texarkana, Arkansas.

3A-500 APPLICATION PROCEDURES

A. Any person or entity may request a historical zone designation by submitting an application in triplicate to the Director of Planning containing the following:

(1) Name and permanent address of the owner (or owners, if more than one) together with their written consent and approval of such historic designation for the subject property.

(2) Name and permanent address of the applicant or applicants, as the case may be.

(3) Location and legal description of the subject property.

(4) Reasons and justification for requesting the historical district or site designation in light of established criteria and other relevant factors.

(5) General plans for preservation and/or restoration, if any.

B. A $25.00 filing fee must be paid by the applicant upon the filing of an application to initiate, amend, supplement, change, modify or repeal the Historical Zone boundaries.

C. Upon receipt of such application, the Director of Planning shall submit one copy of such application to the Planning and Zoning Commission and Historical Landmark Preservation Committee at the next regularly scheduled meeting of the Planning and Zoning Commission. Both the Planning and Zoning Commission and Historical Landmark Preservation Committee shall consider the application. The Historical Landmark Preservation Committee shall make its recommendations to the Planning and Zoning Commission at the next regularly scheduled meeting of the Planning and Zoning Commission. The application for the proposed Historical Zoning designation shall be presented to the City Council in the same manner as all other zoning ordinances.

D. After, and subject to, the written consent and approval of the owner (or owners, as the case may be) as aforesaid, and compliance with all prerequisites herein, any property within the City limits of Texarkana, Texas, may be rezoned as a historical site, district, or area, if upon the determination of the City Council such property is determined to have historical, cultural, archaeological or educational value which reflects the heritage of the City, this region, state, or nation, in the same manner as all other zoning ordinances.

3A-600 CERTIFICATION OF APPROPRIATENESS

A. Purpose. The purpose of the Certificate of Appropriateness is to make all concerned parties aware that all required submittals and approvals have been completed and that the proper permit may be issued for the start of the proposed work. The issuance of a Certificate of Appropriateness is an administrative procedure which must be completed and said Certificate must be presented to the Building Inspection Department prior to the issuance of a Demolition Permit, a Moving Permit or a Building Permit in all areas of the City with a Historical Zone designation.

B. Required. After approval of historical designation by the City Council, a Certificate of Appropriateness must be issued by the Director of Planning after approval of the Board of Adjustment before a permit is issued for any of the following:

(1) Demolition of an historic building.

(2) Moving an historic building.

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(3) Material change(s) other than those stated in the original approved application, in the exterior appearance of existing buildings classified as historic by addition, reconstruction, alteration or maintenance or involving exterior color.

C. Application for Certificate of Appropriateness.

Application for a Certificate of Appropriateness shall be made in the Office of the Director of Planning on forms provided therefore, obtainable at said office. A $10.00 filing fee will be paid by the applicant upon the filing of an application for a Certificate of Appropriateness. Detailed drawings, plans or specifications shall not be required but each application shall be accompanied by such sketches, drawings, photographs, descriptions or other information showing the proposed exterior alterations, additions, changes or new construction as are reasonably required for the Historic Landmark Preservation Committee to make recommendations.

D. Action on Applications for Certificate of Appropriateness

The Director of Planning shall transmit the application for a Certificate of Appropriateness, together with the supporting information and material, including the recommendations of the Historic Landmark Preservation Committee, to the Board of Adjustments for approval. The Board shall act upon the application pursuant to its rules. If the Board disapproves the application, a Certificate of Appropriateness shall not be issued. The Board shall state its reasons in writing, and the Director of Planning shall advise the applicant and a permit shall not be issued. Appeal of any decision of the Board of Adjustment shall be to the District Court of Bowie County, Texas.

3A-700 PENALTY

Any person found in violation of this ordinance shall be deemed guilty of a misdemeanor and punished by fine not exceeding $200.00, and if such violation be continuing, each day's violation shall be a separate offense.

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: That all ordinances or parts of ordinances in conflict herewith are specifically repealed.

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

PASSED AND APPROVED in Regular Council Session on this the 14th day of March, 1977.

David L. Keller, Mayor

ATTEST:

Helen B. Talbert, City Secretary

APPROVED as to legality and form:

City Attorney

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Chapter 140 - ZONING , Article V - Special District Designations, Sec. 140-106

(Ord. of 9-7-1970, § 8-101)

Secs. 140-82—140-105. - Reserved.

ARTICLE V. - SPECIAL DISTRICT DESIGNATIONS

Sec. 140-106. - Historic designation.

(a) Sites, structures and areas that have been determined to be either architecturally, historically, archaeologically or culturally significant may be designated as a historic district. The regulations for historic districts are intended to preserve and protect historic, culturally or architecturally worthy buildings, structures, sites and neighborhoods. For all zoning districts which contain the historic district prefix designation, the regulations for both the zoning district and the historic designation shall apply. Whenever there is a conflict between the regulations of the historic designation and the zoning district, the more restrictive regulations shall apply.

(b) In determining the historical district, site or area, one or more of the following criteria shall be considered:

(1) Character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation.

(2) Location as the site of an historical event.

(3) Structure with a distinguishing architectural type.

(4) Relationship to other distinctive buildings, sites, districts or structures which are historically significant.

(5) Unique location of singular physical characteristics representing an established and familiar visual feature or a neighborhood, community, the city or this region.

(6) Identification with a person who has significantly contributed to the development or culture of the city, state or nation.

(c) The historic landmark preservation committee shall recommend that certain sites, districts, areas, buildings or structures be designated as historical districts, sites or areas, and shall delineate the boundaries thereof. Such recommendation shall be submitted to the planning and zoning commission and to the city council. Such request for historical designation shall be acted upon by the planning and zoning commission and the city council as prescribed by section 140-317. The prefix "H" shall indicate on the zoning district map the zoning designation of those areas, sites, districts, buildings or structures which are designated as historical districts. Such designation shall be in addition to any other zoning classification established for such site.

(d) The historic landmark preservation committee shall be composed of nine members. There should be one member from each of the following: An institution authorized to make home loans, a real estate agent, a representative of the city museums system, with the remaining members to be named at the discretion of the city council. Meetings of the historic landmark preservation committee shall be at the call of the chairperson and at such times as the committee shall determine. All meetings shall be open to the public. The committee shall keep minutes of its proceedings, showing the vote of each member upon each question, or indicating absentee or failure to vote. Records of examinations and other official actions shall be kept and filed immediately in the office of the community redevelopment and grants and shall be public record. The committee should include the following committees: 1) Guidelines and standards review, 2) Community involvement and marketing; and 3) Expansion,

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preservation and revitalization. Each committee member shall serve on at least one committee. Ex officio members of the committee shall include the city manager, the executive director of community redevelopment and grants, and the marketing and communications manager. The members of the committee shall select a chairperson, a vice-chairperson and a secretary. Five members shall constitute a quorum.

(e) No person shall construct, reconstruct, alter, change, restore, remove or demolish any exterior architectural feature of a building or structure or develop, construct, relocate or demolish any building or structure with a historic designation or within a Historic Overlay District in the city without first obtaining a certificate of appropriateness. Exterior architectural features include the kind, color and basic texture of all exterior building materials and such features as windows, doors, lights and signs.

(1) An application for a certificate of appropriateness shall be made by the owner of the subject property and filed with the director of planning on the city's official form. The director of planning shall determine the completeness of an application for a certificate of appropriateness. Incomplete or applications not in compliance with building codes or other ordinances shall be returned to the applicant for completion and compliance. The director of planning shall within seven days refer a completed application to the historic landmark preservation committee.

(2) The historic landmark preservation committee shall hold a public hearing on an application for a certificate of appropriateness within 30 days of their receipt of the application. Notice of application for a certificate of appropriateness shall be posted at the project site such that it is visible from the public right-of-way, including contact information and meeting date. If the historic landmark preservation committee does not take action within 30 days of receipt of a completed application, a certificate of appropriateness shall be deemed issued by the committee.

(3) At the public hearing, the historic landmark preservation committee shall investigate and approve or disapprove an application for a certificate of appropriateness by a majority vote. A written report regarding the decision should be prepared by the director of planning within five days after the public hearing.

(4) Upon approval of an application, the building official shall be authorized to issue any necessary permits following the city's standard process. Should an application be disapproved, a copy of the written report stating the reasons for disapproval shall be mailed to the applicant with notice of their right to appeal the decision to the zoning board of adjustment.

(5) No application for the same project shall be considered within one year of the disapproval of the application by the historic landmark preservation committee. The applicant may submit a design for an entirely new project or a revised design that substantially responds to the reasons for denial as set forth by the committee at any time.

(6) Ordinary maintenance and repair shall be exempt from the requirement of a certificate of appropriateness. The director of planning shall be responsible for making a determination whether or not any given project constitutes ordinary maintenance and repair and shall report such projects periodically to the historic landmark preservation committee.

(7) Ordinary maintenance and repair is any work, the sole purpose and effect of which is to correct deterioration, decay or damage which does not result in a change in the existing appearance and materials of a property. Examples include minor repairs to windows and doors; repairing walkways or drives and; roofing, foundation or chimney work when no substantial change in appearance occurs. Ordinary maintenance and repair also includes in-kind repair and replacement. Ordinary maintenance and repair must be compatible with the development standards of the historic district in which it is performed.

(8) The following general review criteria shall be met in issuing any certificate of appropriateness: the proposed work complies with the development standards and preservation criteria for the district; the integrity of an individual historic structure is preserved; new buildings or additions are designed to be compatible with surrounding historic properties; and the overall character of the district is protected.

(f) In accordance with state law, the city council finds that all structures located within designated Historic Residential Overlay Districts are historically significant and entitled to tax relief in order to encourage historic preservation. The city shall exempt ten percent of the assessed value of a structure, including the land necessary for access to and use of the structure, from annual city ad valorem taxation. In order to receive this tax exemption, the structure must have been located within a designated Historic Residential Overlay District on January 1 of the applicable tax year and must be designated as the owner's homestead for the applicable tax year.

(g) The Highland Park-Bingham Park Historic Residential Overlay District is hereby established. The purpose and intent of the Highland Park-Bingham Park Historic Residential Overlay District is to provide for the protection of the aesthetic and visual character of this historic residential neighborhood. The neighborhood consists of homes built between 1903 and 1935 and includes arts and crafts, prairie and cottage style homes. The neighborhood also includes the boyhood home of Ross Perot and the home of Wright Patman.

(1) The Highland Park-Bingham Park Historic Residential Overlay District shall include all property on Wood Street between West 25th Street and West 29th Street and all property on Olive Street between West 23rd Street and West 29th Street. Additionally, the district shall include residences fronting on West 29th Street between the intersections of Wood Street and Olive Street. An official map of the Highland Park-Bingham Park Historic Residential Overlay District shall be kept on file in the planning and zoning department and the boundaries of the Highland Park-Bingham Park Historic Residential Overlay District shall be shown on the city's official zoning map.

(2) Development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District are hereby adopted as an official attachment to this chapter. A violation of any provision contained within the development standards and preservation criteria for the district is a violation of this chapter. Copies of the development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District shall be available in the office of the director of planning.

(3) No person shall construct, reconstruct, alter, change, restore, remove or demolish any exterior architectural feature of a building or structure or develop, construct, relocate or demolish any building or structure within the district without first obtaining a certificate of appropriateness. All new development and changes to existing development located within the district, except for ordinary maintenance and repair, shall be reviewed in accordance with the development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District by the historic landmark preservation committee pursuant to subsection (e) of this section.

(4) The development standards and preservation criteria for this overlay district control in the event of a conflict with the requirements for the underlying zoning district or other ordinances. Except, this section does not apply to life safety codes such as building or fire codes. If a proposed development or change in an external feature will not be visible from a public right-of-way once the project is completed, the committee may waive review of the project. The Highland Park-Bingham Park Historic Residential Overlay District shall also hereby include all property on Walnut Street between West 25th Street and West 29th Street.

State Law reference— Zoning authority of governing body of a municipality to designate places and areas of historical, cultural or architectural importance and significance, and regulate the construction, reconstruction, alteration or razing of buildings and other structures within such designated places and areas, Texas Local Government Code §§ 211.001, 211.003.

Attachment: 2016-040 ATTH 02 Ch_140 ZONING_Sec 106 Historic Desig and 140-317 (1460 : 2016-040 ORD amending Chapter 140 Article V Sec

(Ord. of 9-7-1970, § 8-200; Ord. No. 138-2005, 5-9-2005; Ord. No. 315-2006, 11-13-2006; Ord. No. 144-2009, 10-26-2009)

(Ord. of 9-7-1970, § 20-100)

Sec. 140-317. - Amendments to this chapter or zoning map.

(a) The city council may, by the adoption of an ordinance, amend, supplement or change the regulations or text of this article or the classification or boundary of a zoning district. The planning and zoning commission may on its own motion or on a request from the city council, propose changes or amendments. Any property owner may petition the city council for a change or amendment in the classification or boundary of the owner's property or for a change or amendment in the regulations or text of this article.

(b) The planning and zoning commission shall hold a public hearing on any change or amendment prior to making its report and recommendation to the city council. The planning and zoning commission shall submit its report and recommendation on any changes or amendments to the city council before the city council can take any action of those changes or amendments. When a change or amendment relates to a classification or boundary of a zoning district, written notice of such public hearing of the planning and zoning commission shall be sent to all owners of real property lying within 200 feet of the property on which the change is requested. Such notice shall be given to each owner as shown on the last approved city tax roll by depositing the notice, properly addressed and postage paid, in the city post office not less than ten days before the date of the public hearing. The city shall post a sign on the property to be rezoned as further public notification. When a change or amendment relates to the regulations or text of this article not affecting specific property, notice of the public hearing before the planning and zoning commission shall be given not less than ten days before the hearing by publication in a newspaper of general circulation in the city, without the necessity of notifying property owners by mail. Such notice shall state the date, time and place of the public hearing and the nature of the subject to be considered.

(c) The city council shall hold a public hearing on any amendment or change to the regulations or text of this article or any amendment or change to the classification or boundary of a zoning district. Notice of such public hearing shall be given by publication of the date, time and place of such hearing and the nature of the subject to be considered in a newspaper of general circulation in the city not less than 15 days before the hearing.

(d) A majority vote of the city council shall be required to adopt an ordinance approving any amendment or change, except that a three-fourths vote of the city council shall be required when either:

(1) The planning and zoning commission has recommended for denial of an amendment or change; or

(2) A written protest against an amendment or change has been filed which is signed by the owners of 20 percent or more of the area included in such change or signed by the owners of 20 percent or more of the area within 200 feet of such change. In order to be considered, the petition must be received and filed before or at the planning and zoning commission meeting at which the item is to be heard.

(e) In the event an amendment or change affecting the classification or boundary of a zoning district, for which application has been made, is not approved, no person shall file a subsequent request for an amendment on the same lot or tract for a period of one year from the date of such action, except that a subsequent request can be submitted at any time if such request is to a more restrictive zoning classification than was not approved or if the request was denied without prejudice by the city council. The Planned Development designation shall be considered to be a more restrictive zoning classification.

(f) A person requesting an amendment or change of the regulations or text of this article or the classification or boundary of a zoning district (including rezoning of property, specific use permits, and

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amendments to Planned Development Districts for approval or modifications of site plans) shall provide a nonrefundable filing fee in an amount as established by the city council from time to time and on file in the city secretary's office or city website.

(Ord. of 9-7-1970, § 21-100; Ord. No. 209-1996, 7-8-1996; Ord. No. 272-2002, 11-25-2002; Ord. No. 116-2011, 7-25-2011)