



CITY OF TEXARKANA

CITY COUNCIL

AGENDA • APRIL 27, 2015

Council Chambers

Regular Meeting

6:00 PM

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

Mayor

Bob Bruggeman

Ward 1

Brad Casteel

Ward 3

Tina Veal-Gooch

Ward 5

Christy P. Paddock

Ward 2

Willie Ray

Ward 4

Brian Matthews

Ward 6

Josh Davis



For any agenda item, the City Council reserves the right to advance the "Council Vote" date to a hearing or briefing date.

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

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

- I. CALL TO ORDER, ROLL CALL, ESTABLISHMENT OF QUORUM**
- II. INVOCATION AND PLEDGE BY COUNCILMEMBER JOSH DAVIS**
- III. MAYOR'S OPENING REMARKS**

Upcoming City Council Meetings:

Monday, May 11, 2015 at 6:00 p.m.

Tuesday, May 26, 2015 at 6:00 p.m.

Saturday, May 30, 2015 from 8:00 a.m. to 3:00 p.m.

City Council and Staff Development Workshop

Texarkana Convention Center

2910 Cowhorn Creek Loop

Texarkana, Texas

Monday, June 8, 2015 at 6:00 p.m.

Monday, June 22, 2015 at 6:00 p.m.

Parks & Recreation Events:

Saturday & Sunday May 2nd to 3rd - Baseball Tournament - Spring Lake Park

Saturday, May 2nd - Walk for Life 5K/10K Run - Spring Lake Park

Saturday, May 2nd - Alzheimer's Alliance Wine Festival - Spring Lake Park

Tuesday, May 5th - FCI Jailbreak 5K Run - Wallace Park

Thursday, May 7th - Senior Day Out - Spring Lake Park

Saturday, May 16th - Zumba in the Park - Spring Lake Park

Southwest Center

Golf for Beginners (ages 6-15) with First Tee every Wednesday starting April 22 - May 13, 2015 from 5:30 p.m. to 6:30 p.m.

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

Other City Events:**Better Block Texarkana** - Saturday, May 16, 2015:

- Texarkana, Texas Farmers' Market Opening Day from 7:00 a.m. until sold out
- Vendors on Broad Street beginning at 10:00 a.m.
- Car Show and Railfest in Front Street Plaza

Appointments to Boards & Commissions***Presentations***

Friends of the Park Presentation:

Appreciation Plaque for Dawn Williams, Manager of the Starbucks on Richmond Road

Proclamations

Motorcycle Safety Awareness Month Proclamation - Paul Stenzel

Ependymoma Awareness Day Proclamation

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".

V. ITEMS FOR CONSIDERATION***Consent Items***

1. Consider approval of the minutes of the Regular Meeting of the City Council held on April 13, 2015 at 6:00 PM.
2. Resolution No. 2015-024 accepting a bid and authorizing the City Manager to enter into a contract for the asbestos abatement for ten (10) structures on the City Council's Top Forty (40) Demolition List.

Public Hearing: March 23, 2015

Second Briefing: April 13, 2015

Council Vote: April 27, 2015

*Action Items***VI. FIRST BRIEFINGS**

1. Resolution No. 2015-039 accepting a bid and authorizing the City Manager to issue a purchase order to Brazos Technology, of College Station, Texas, for the purchase of electronic ticket writing software and hardware in an amount not to exceed EIGHTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-SIX DOLLARS AND NO/100 (\$85,586.00).

Public Hearing: May 11, 2015
Second Briefing: May 26, 2015
Council Vote: June 8, 2015

2. Ordinance No. 2015-044 amending budget expenditures for the fiscal year ending September 30, 2015 to appropriate \$14,000 in the Municipal Court Technology fund for the partial purchase of electronic ticket writing software and hardware.

Public Hearing: May 11, 2015
Second Briefing: May 26, 2015
Council Vote: June 8, 2015

3. Ordinance No. 2015-043 approving the amendment of the FY15 budget expenditures to include the unspent balance of FY14 demolition funds for the Street Division budget.

Public Hearing: May 11, 2015
Second Briefing: May 26, 2015
Council Vote: June 8, 2015

4. Ordinance No. 2015-045 granting a Specific Use Permit to allow a tattoo studio on Lots 9-12, Block 16, Rochelle Addition, located at 125 College Drive. Jeff Brown, owner. Joel Wright, agent.

Public Hearing: May 11, 2015
Second Briefing: May 26, 2015
Council Vote: June 8, 2015

5. Ordinance No. 2015-046 rezoning a 0.47 acre tract of land (Tract 236) in the Thomas Price HRS, A-466, located at 3415 and 3417 New Boston Road. Office to General Retail. Damon Earnest, owner.

Public Hearing: May 11, 2015
Second Briefing: May 26, 2015
Council Vote: June 8, 2015

6. Ordinance No. 2015-047 rezoning a 7.882 acre tract of land in the Willis Oldham HRS, A-458, located at 5445 North Park Road. Planned Development-Commercial and Planned Development-General Retail to Commercial. James Blackburn, owner. Kirk Patton, agent.

Public Hearing: May 11, 2015
Second Briefing: May 26, 2015
Council Vote: June 8, 2015

7. Ordinance No. 2015-048 rezoning a 0.47 acre tract of land in the F.V, Evans HRS, A-472, located in the 6800-6900 block of Richmond Road. Single Family-1 to Multiple Family-2. John Bailey, owner. Alan Schimming, agent.

Public Hearing: May 11, 2015
Second Briefing: May 26, 2015
Council Vote: June 8, 2015

VII. PUBLIC HEARINGS

1. Ordinance No. 2015-029 authorizing the City Manager to enter into contracts with Caldera East I LLC or other parties for the funding of street construction and improvements to complete the extension of Gibson Lane from Pleasant Grove Road to Texas FM 989 (Kings Hwy); approving the reimbursement of the approved construction costs using funds generated from future development revenue from the Tax Increment Reinvestment Zone #1 in an amount not to exceed \$2,000,000.

Public Hearing: April 27, 2015
Second Briefing: May 11, 2015
Council Vote: May 26, 2015

2. Ordinance No. 2015-037 amending the budget expenditures for the fiscal year ending September 30, 2015 for \$35,000 towards the Courthouse Square Project.

Public Hearing: April 27, 2015
Second Briefing: May 11, 2015
Council Vote: May 26, 2015

3. Ordinance No. 2015-038 amending the budget expenditures for the fiscal year ending September 30, 2015 in an amount not to exceed \$300,000 for the demolition of the Kress building located at 116 West Broad Street.

Public Hearing: April 27, 2015
Second Briefing: May 11, 2015
Council Vote: May 26, 2015

VIII. SECOND BRIEFING WITH UPDATES

IX. SECOND BRIEFING WITHOUT UPDATES

1. Ordinance No. 2015-035 adopting and enacting a revised Code of Ordinances for the City of Texarkana, Texas.

Public Hearing: April 13, 2015
Second Briefing: April 27, 2015
Council Vote: May 11, 2015

2. Ordinance No. 2015-036 adopting and enacting a Land Development Code for the City of Texarkana, Texas.

Public Hearing: April 13, 2015
Second Briefing: April 27, 2015
Council Vote: May 11, 2015

X. ITEMS FOR DISCUSSION

Staff Updates

XI. ADMINISTRATIVE COMMENTS

1. Council

2. Staff

XII. CLOSED SESSION

The City Council will convene into closed session pursuant to Section 551.074 (personnel matters) to discuss or deliberate city manager evaluation, duties, goals and performance review format.

XIII. RECONVENE INTO OPEN SESSION

XIV. ADJOURNMENT

Jennifer Evans, City Secretary

This meeting is being conducted in accordance with the Texas Open Meetings Law (V.T.C.A. Government Code 551).

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).

Briefing Sheet

Lead Department: City Secretary

Action Officer: Jennifer Evans, City Secretary

Subject: Proclamation Motorcycle Safety and Awareness Month May 2015

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Mayor to read Motorcycle Safety and Awareness proclamation

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. Motorcycle Safety and Awareness Month (May 2015) (PDF)

Proclamation

WHEREAS, today's society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and, most of all, fatalities, through a comprehensive approach to motorcycle safety; and

***WHEREAS,** it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and*

***WHEREAS,** urging all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve;*

***NOW, THEREFORE** I, Bob Bruggeman, Mayor of the City of Texarkana, Texas, do hereby proclaim the month of May, as **Motorcycle Safety and Awareness** month in this city. Further, I urge all residents to do their part to increase safety and awareness in our community.*

***IN WITNESS WHEREOF,** I have set my hand and caused the Seal of the City to be affixed this 27th day of April in the year 2015.*

Bob Bruggeman, Mayor
City of Texarkana, Texas

Attest:

Jennifer Evans, City Secretary
City of Texarkana, Texas

Briefing Sheet

Lead Department: City Secretary

Action Officer: Jennifer Evans, City Secretary

Subject: Ependymoma Awareness Day Proclamation - May 5, 2015

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Ependymoma is a form of brain and spinal cancer. Ependymoma Awareness Day is designed to increase public awareness of this rare tumor and the need for clinical studies to improve early diagnosis, standardize treatment, and to improve the health status of those living with this disease.

Potential Options:

- None
-

Fiscal Implications:

None

Staff Recommendation:

Staff recommends that the Mayor read the Ependymoma Awareness Day proclamation.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- Ependymoma Awareness Day 050515 (PDF)

A Texarkana Proclamation

Ependymoma Awareness Day

WHEREAS, adult and pediatric cancers are often thought of and treated separately; and

WHEREAS, a collaborative group of scientists and health care providers have joined together to improve the diagnosis, treatment, and lives of people living with ependymoma; and

WHEREAS, these varied practitioners are dedicated to the highest standards of professionalism and maintain these standards through education, and ongoing clinical research and a personal commitment to improve the lives of people living with ependymoma; and

WHEREAS, people of all ages seek information to improve the diagnosis, treatment, and survival of this tumor which impacts their lives; and

WHEREAS, it is vital that those with ependymoma, their families, and health care providers understand the full realm of available treatments and seek competent and professional care.

THEREFORE, BE IT RESOLVED that I, Bob Bruggeman, Mayor of Texarkana, Texas, do hereby proclaim May 5, 2015, in Texarkana to be

“Ependymoma Awareness Day”

and I encourage all citizens to learn more about the symptoms of ependymoma and support improvements in treatment and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the seal of the City of Texarkana, Texas to be hereto affixed this 5th day of May, 2015.

Bob Bruggeman, Mayor

Attest:

Jennifer Evans, City Secretary



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • APRIL 13, 2015

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

Name	Title	Status	Arrived
Aggeman	Mayor	Present	
Casteel	Ward 1	Present	
Day	Ward 2	Present	
Mal-Gooch	Ward 3	Absent	
Matthews	Ward 4	Present	
P. Paddock	Ward 5	Present	
Vis	Ward 6	Absent	

Staff Present: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Charlie Bassett, David Orr, Kyle Dooley, Eric Schlotter, Craig Hicks, Karey Parker, Lisa Thompson, and Jerry Sparks.

Legal Counsel: None.

II. INVOCATION AND PLEDGE BY COUNCILMEMBER BRAD CASTEEL

III. MAYOR'S OPENING REMARKS

Upcoming City Council Meetings:

Monday, April 27, 2015 at 6:00 p.m.

Monday, May 11, 2015 at 6:00 p.m.

Tuesday, May 26, 2015 at 6:00 p.m.

Parks & Recreation Events:

Thursday, April 16th - Spring Church League Begins - Wallace Park

Friday thru Sunday April 17th to 19th - Baseball Tournament - Spring Lake Park

Saturday, April 18th - Softball Tournament - Karrh Park

Saturday, April 25th - Spring Community Yard Sale/Electronics Recycle Day - Spring Lake Park

Saturday, April 25th - Sunday, April 26th - Softball Tournament - Karrh & Wallace Park

Southwest Center:

Middle Eastern Dance (Belly Dancing), every Monday from 6:00 p.m. to 7:00 p.m.

Minutes Acceptance: Minutes of Apr 13, 2015 6:00 PM (Consent Items)

Lyrical Jazz Dance, every Wednesday from 6:00 p.m. to 7:00 p.m.
Yoga Classes, every Wednesday from 5:30 p.m. to 6:30 p.m.

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

Other City Events:

Saturday, April 18th - The City is sponsoring a community wide neighborhood clean-up day with a focus on the Beverly, Highland Park and Rose Hill areas. For more information, call the Planning and Community Development Office at (903) 798-3904.

Mayor Bruggeman gave special recognition to Josh, Jr and Martha Williams Morriss for their dedicated and meaningful community service. They were honored with a certificate of appreciation accepted by their sons, Josh Morriss, III and Don Morriss.

Appointments to Boards & Commissions

Council Member Paddock made the following recommendations:

Reappointments to Board of Adjustment - Ellen Moore, Cornell Smith
Reappointment to Bi-State Intergovernmental Advisory Committee - Council Member Tina Veal-Gooch
Appointments to Historic Landmark Preservation Committee - Jane Portis, David Holder

Mayor Bruggeman made the following recommendation:

Appointment to Housing Authority Board - Melva Flowers

Motion to accept recommendations to Boards and Commissions.

(6:13 p.m.)

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

Presentations

Presentation on Juvenile Diabetes Project by Kayce Welch
https://www.youtube.com/watch?v=dgCf4z_y2eY&app=desktop

After the presentation, Mayor Bruggeman read a proclamation entitled: *Kayce Welch & Prudential Spirit of Community Recognition Day* and presented Kayce with a city lapel pin.

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".

No comments were made at Open Forum.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:32 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on March 23, 2015 at 6:00 PM.

Action Items

2. Ordinance No. 2015-021 amending the FY15 Budget for personnel adjustments, establishing the city's minimum salary level and adding a Health Inspector position.

Public Hearing: March 9, 2015
 Second Briefing: March 23, 2015
 Council Vote: April 13, 2015

(6:35 p.m.)

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

3. Resolution No. 2015-040 approving and authorizing the City Manager to sign a Transportation Alternatives Program Grant application for the purpose of constructing a north/south trail connection for the City of Texarkana, Texas.

Public Hearing:
 Second Briefing:
 Council Vote: April 13, 2015

David Orr briefed this item.
(6:40 p.m.)

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

4. Resolution No. 2015-041 approving the Preliminary Budget Calendar for fiscal year 2016.

Public Hearing:
Second Briefing:
Council Vote: April 13, 2015

Charlie Bassett briefed this item. City Manager Whitson stated that a budget open house will be held on August 3rd for citizen participation.
(6:43 p.m.)

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

5. Resolution No. 2015-042 supporting the appointment of Mike Sandefur to the Sulphur River Basin Authority Board of Directors.

Public Hearing:
Second Briefing:
Council Vote: April 13, 2015

Mike Sandefur stated that this six-year term appointment would be made by Texas Governor Greg Abbott. Mr. Sandefur thanked council for their support of his appointment with this resolution.
(6:46 p.m.)

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

VI. FIRST BRIEFINGS

1. Ordinance No. 2015-029 authorizing the City Manager to enter into contracts with Caldera East I LLC or other parties for the funding of street construction and improvements to complete the extension of Gibson Lane from Pleasant Grove Road to Texas FM 989 (Kings Hwy); approving the reimbursement of the approved construction costs using funds generated from future development revenue from the Tax Increment Reinvestment Zone #1 in an amount not to exceed \$2,000,000.

Public Hearing: April 27, 2015

Second Briefing: May 11, 2015

Council Vote: May 26, 2015

Jerry Sparks briefed this item.

RESULT:	MOVED FORWARD	Next: 4/27/2015 6:00 PM
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2. Ordinance No. 2015-037 amending the budget expenditures for the fiscal year ending September 30, 2015 for \$35,000 towards the Courthouse Square Project.

Public Hearing: April 27, 2015

Second Briefing: May 11, 2015

Council Vote: May 26, 2015

David Orr briefed this item. Ina McDowell, Main Street Director, asked council to consider expediting this item for vote earlier than the proposed council vote date.

RESULT:	MOVED FORWARD	Next: 4/27/2015 6:00 PM
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3. Ordinance No. 2015-038 amending the budget expenditures for the fiscal year ending September 30, 2015 in an amount not to exceed \$300,000 for the demolition of the Kress building located at 116 West Broad Street.

Public Hearing: April 27, 2015

Second Briefing: May 11, 2015

Council Vote: May 26, 2015

David Orr briefed this item. City Manager Whitson provided council with some background information and reasons why the Kress building is in its current state.

RESULT: **MOVED FORWARD**

Next: 4/27/2015 6:00 PM

VII. PUBLIC HEARINGS

Motion to move Ordinance No. 2015-030 up for council vote.

(7:31 p.m.)

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

1. Ordinance No. 2015-030 amending PD-15-1(O) for site plan approval on a 3.75 acre tract of land (Tract 51) in the J.A. Talbot HRS, A-564, located at 5808 Richmond Road. Randy Johns, applicant. David Williams, MTG Engineering, agent.

Public Hearing: April 13, 2015

Second Briefing: April 27, 2015

Council Vote: May 11, 2015

David Williams, of MTG Engineering, spoke at this public hearing and asked council to consider expediting the vote on this item.

(7:32 p.m.)

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

Motion to move Ordinance No. 2015-031 up for council vote.

(7:34 p.m.)

Minutes Acceptance: Minutes of Apr 13, 2015 6:00 PM (Consent Items)

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

2. Ordinance No. 2015-031 rezoning a 2.98 acre tract of land in the J.W. Lane HRS, A-345, (known as Tract 24), located at 6600 Summerhill Road. Multiple Family-2 to Single Family-1. Robert White, applicant. Doel Harvin, agent.

Public Hearing: April 13, 2015
 Second Briefing: April 27, 2015
 Council Vote: May 11, 2015

Doel Harvin spoke at this public hearing and asked council to consider expediting the vote on this item.

(7:35 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Brad Casteel, Ward 1
SECONDER:	Christy P. Paddock, Ward 5
AYES:	Casteel, Ray, Matthews, Paddock
ABSENT:	Veal-Gooch, Davis
EXCUSED:	Bruggeman

3. Ordinance No. 2015-032 amending PD-00-6(GR) for revised site plan approval to allow modification of existing signage on Lot 2, No. 1 ED (Minor Plat), located at 3502 and 3504 Richmond Road. Greg Bennett, applicant. Eddy Hackleman, agent. (Due to Planning and Zoning Commission denial, a 3/4 vote is required by the City Council to approve this request).

Public Hearing: April 13, 2015
 Second Briefing: April 27, 2015
 Council Vote: May 11, 2015

Joe Hackleman spoke at this public hearing and asked council to expedite the vote at tonight's meeting. Shirley Jaster provided an overview and history of when the planned development areas were established. David Orr made a few comments on this item. After discussion, council consensus agreed with Council Member Paddock's recommendation that, as opposed to making exceptions to the rules, to have staff potentially look at rezoning these four pockets of planned development area. City Manager Whitson said that the city council can direct staff to come back with new recommendations, a small area plan, suggestions on how to change this area, and new rules governing the area for council consideration at a future meeting.

RESULT:	FAILED [0 TO 4]
MOVER:	Christy P. Paddock, Ward 5
SECONDER:	Willie Ray, Ward 2
NAYS:	Casteel, Ray, Matthews, Paddock
ABSENT:	Veal-Gooch, Davis
EXCUSED:	Bruggeman

Motion to move Ordinance No. 2015-033 up for council vote.

(7:59 p.m.)

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

4. Ordinance No. 2015-033 amending PD-94-3(MF-1) for site plan approval to allow the location of a maintenance building on Lot 1, Amended Cornerstone Addition, located at 4100 Moores Lane. Todd K. Partin, Executive Director of Cornerstone Retirement Community, applicant. Mike Hickman, TMG General Construction, agent.

Public Hearing: April 13, 2015
 Second Briefing: April 27, 2015
 Council Vote: May 11, 2015

Mike Hickman spoke at this public hearing and asked council to consider expediting the vote on this item.

(8:00 p.m.)

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

5. Ordinance No. 2015-035 adopting and enacting a revised Code of Ordinances for the City of Texarkana, Texas.

Public Hearing: April 13, 2015
 Second Briefing: April 27, 2015
 Council Vote: May 11, 2015

Alan Schimming spoke at this public hearing. Shirley Jaster explained the recodification process. City Manager Whitson stated that all references to dollar amounts of fees and fines have been

removed from the proposed Code of Ordinances and will be presented to council to review and adopt in the annual city budget process.

RESULT: MOVED FORWARD

Next: 4/27/2015 6:00 PM

6. Ordinance No. 2015-036 adopting and enacting a Land Development Code for the City of Texarkana, Texas.

Public Hearing: April 13, 2015

Second Briefing: April 27, 2015

Council Vote: May 11, 2015

No one spoke at the public hearing on this item.

RESULT: MOVED FORWARD

Next: 4/27/2015 6:00 PM

VIII. SECOND BRIEFING WITH UPDATES - NONE.

IX. SECOND BRIEFING WITHOUT UPDATES

1. Resolution No. 2015-024 accepting a bid and authorizing the City Manager to enter into a contract for the asbestos abatement for ten (10) structures on the City Council's Top Forty (40) Demolition List.

Public Hearing: March 23, 2015

Second Briefing: April 13, 2015

Council Vote: April 27, 2015

RESULT: MOVED FORWARD

Next: 4/27/2015 6:00 PM

X. ITEMS FOR DISCUSSION

Staff Updates

City Manager Whitson informed council that he sent out the agenda for the council and staff development workshop scheduled for May 30, 2015.

XI. ADMINISTRATIVE COMMENTS

1. Council Members

Council Member Matthews said the Interstate 30 water tower design looks great and he thanked city staff for all of their hard work, especially the efforts of the Public Information Officer.

Council Member Casteel asked for an update on the number of houses that have been demolished to date. Kyle Dooley said staff is on back on schedule, after the recent wet weather, and that he would send out an updated list to council.

2. City Staff

No comments were made by staff.

XII. CLOSED SESSION

The City Council will convene into closed session pursuant to the Texas Government Code:

1. Section 551.087 to discuss economic development negotiations or offer of financial or other incentives to business prospects.
2. Section 551.074 (personnel matters) to discuss or deliberate city manager evaluation, duties, goals and performance review format. - NOTE: Mayor Bruggeman informed the audience that item number two for closed session is postponed until all council members could be present for the discussion at the next scheduled council meeting.

At this portion of the meeting, Mayor Bruggeman made the following announcement: For everyone here and those watching on live stream, the Council does not anticipate taking any action after closed session other than reconvening in open session and adjourning the meeting. For that reason, we will end the live stream at this particular time.

XIII. RECONVENE INTO OPEN SESSION

XIV. ADJOURNMENT

Motion to Adjourn

A motion was made to adjourn the meeting.
(8:56 p.m.)

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

City of Texarkana, Texas

Version: C

Update Date: 4/2/2015 8:25 AM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Dusty Henslee,
Resolution No. 2015-024 accepting a bid and authorizing the City Manager to
enter into a contract for the asbestos abatement for ten (10) structures on the
Subject: City Council's Top Forty (40) Demolition List.

Public **Second** **Council**
Briefing: 4/27/2015 **Hearing:** 3/23/2015 **Briefing:** April 13, 2015 **Vote:** 4/27/2015

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

Public Hearing was held on 3/23/15 at the City Council Meeting. No one spoke at the hearing. No one has contacted our office to discuss this item.

Executive Summary and Background Information:

The City has a contract with ERI Consulting, Inc. to provide asbestos abatement services. This agreement requires ERI to solicit bids to hire an asbestos abatement contractor and to monitor this process throughout the project. The City requested ERI to solicit bids for 10 structures on the Council's Top 40 Demolition List that were determined to have asbestos present. These are the last structures on the Council's Top 40 that will need asbestos abatement. Once this is completed, these structures will be ready to demolish. ERI received 3 bids for this: Air Quality Associates, Inc. for \$58,333.00, Cactus Abatement and Demolition, LLC for \$63,900.00, and Mooring for \$65,000.00. ERI has submitted a letter recommending Air Quality Associates, Inc. be awarded this project. They have worked with this company in the past and are confident in their ability to complete the work. Below is a list of the houses:

1. 1615 Nolthenius St.
2. 1818 W. 15th St.
3. 2209 W. 17th St.
4. 600 Richmond Rd.
5. 602 Richmond Rd.
6. 612 Melton St.
7. 616 Wilson St.
8. 703 Blanton St.
9. 606 Connella St.
10. 403 Robbins St.

These are the last structures on the Council's Top 40 Demolition List that need asbestos abatement.

City of Texarkana, Texas

Potential Options:

- Accept bid by Air Quality Associates, Inc.
- Reject bid by Air Quality Associates, Inc.

Fiscal Implications:

Funding for this will come from the \$200,000 Council has set aside in the General Fund for Fiscal Year 2015.

Staff Recommendation:

Staff recommends accepting bid from Air Quality Associates, Inc.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. Goals & Perspectives (2) (DOCX)
- b. ERI Consulting Recommendation Letter & Bid Comparison (PDF)
- c. Exhibit A-Air Quality Associates, Inc Bid (PDF)
- d. Resolution No. 2015-024 (DOC)

Staff Coordination

Public Works Department	Kyle Dooley	Department Head Review	
Completed	02/26/2015 11:10 AM		
Purchasing and Contracting	Sharon Moore	Review	Completed
	02/26/2015 11:15 AM		
Finance Department	Charlie Bassett	Finance Review	Completed 02/26/2015
1:39 PM			
Public Information Officer	Lisa Thompson	PIO Review	Completed
	02/26/2015 1:48 PM		
Assistant City Manager	Shirley Jaster	Review	Completed
	02/26/2015 1:54 PM		
City Manager	John Whitson	City Manager Review	Completed 02/27/2015
7:53 AM			
City Council	Jennifer Evans	Meeting	Completed 03/09/2015
6:00 PM			

City of Texarkana, Texas**Meeting History**

03/09/15	City Council	MOVED FORWARD	Next: 03/23/15
03/23/15	City Council	MOVED FORWARD	Next: 04/13/15
04/13/15	City Council	MOVED FORWARD	Next: 04/27/15

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: [Select One By Clicking Here](#)

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:



ERI CONSULTING, INC.

P. O. Box 2024, Tyler, Texas 75710
 2026 Republic Drive, Suite A, Tyler, Texas 75701
 Ph: (903) 534-5001 Fax: (903) 534-8701
 TBPE Firm # F-1787
www.ericonsulting.com

February 16, 2015

Ms. Laura Puckett, Administrative Coordinator
 Stormwater Management
 Dept. Engineering & Infrastructure
 City of Texarkana, Texas
 220 Texas Blvd.
 Texarkana, Texas 75501
 Office: (903) 798-3948
 Fax: (903) 792-6419
 Email: laura.puckett@txkusa.org

RE: ES#15-098 - #15-107, Pre-demolition Asbestos Abatement - Multiple Residential Structures (10 Houses)

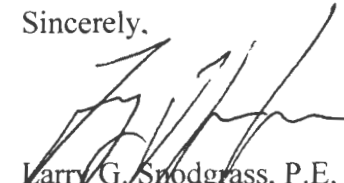
Dear Ms. Puckett:

Air Quality Associates, Inc. (AQA) was the low bidder on the above referenced project. We recommend they be awarded the project, in the contract amount of \$58,333.00.

We have worked with AQA on projects in the past, including a similar project for the City of Texarkana, and we are confident in their ability to complete the work as scheduled. As soon as you notify us of the City's decision on the contractor, we will prepare contracts and schedule the work.

We look forward to working with you on this project. If you should have any questions, please call me at 903-534-5001.

Sincerely,



Larry G. Snodgrass, P.E.
 President

lgs/ma
 cc: AQA

Attachment: ERI Consulting Recommendation Letter & Bid Comparison [Revision 1] (1269 : Res No. 2015-024 Accept bid for asbestos

Submitted to:
Laura Puckett
City of Texarkana, Texas
P.O. Box 1967, Texarkana, Texas

ERI Consulting, Inc.
Asbestos Abatement Bid Tabulation
CITY OF TEXARKANA, TEXAS
(10 houses) ES#15-098 - 15-107

5.2.b

Contractor	Total Quote
Air Quality Associates	\$58,333.00
Cactus Abatement & Demolition	\$63,900.00
Mooring	\$65,000.00
ERI Estimate	\$59,950.00



Air Quality Associates, Inc.
 3933 FM 344 E, Tyler, Texas 75703
 Phone/Fax: 903-592-7316

February 13, 2015

Proposal #2014-3191A

City of Texarkana
 Attn: Laura Puckett
 Administrative Coordinator
 Demolition Department
 Engineering & Infrastructure
 220 Texas Blvd
 Texarkana, Texas 75501
Laura.puckett@txkusa.org
 cc: mary@ericonsulting.com

RE: Proposal –Asbestos Abatement –Multiple Residential Structures, 10 Houses, Texarkana, Texas

We propose to furnish all labor, tools, materials, and equipment necessary for asbestos removal as noted in the scope of work below. All work performed by AQA, Inc. will be done in strict compliance with OSHA, EPA and state guidelines governing asbestos projects.

Scope of Work:

- + Removal and disposal of 750 sf of ACM flooring from 1615 Nolthenius St.
- + Removal and disposal of 3,000 sf of ACM Sheetrock wall/ceiling and 75 sf ACM flooring from 1818 W. 15th St.
- + Removal and disposal of 1,650 sf of ACM sheetrock wall/ceiling from 2209 W. 17th St.
- + Removal and disposal of 1,400 sf of ACM exterior cement panel siding from 600 Richmond St.
- + Removal and disposal of 650 sf of ACM exterior cement panel siding from 602 Richmond St.
- + Removal and disposal of 4,000 sf of ACM sheetrock wall/ceiling from 612 Melton St.
- + Removal and disposal of 175 sf of ACM ceiling surfacing from 616 Wilson St.
- + Removal and disposal of 5,100 sf of ACM sheetrock wall/ceiling from 703 Blanton St.
- + Removal and disposal of 1,300 sf of ACM flooring materials from 606 Connella St.
- + Removal and disposal of 3,500 sf of ACM sheetrock wall/ceiling and 180 sf ACM flooring from 403 Robbins St.

The lump sum offered for this project is \$58,333.00 (Fifty-eight thousand three hundred thirty-three dollars and 00/100)

NOTE: Lump sum does not include TDH notification fees or consulting fees. Terms: Net 10 days/No retainage accepted/Price good for 30 days from the above date. Work to be performed Monday-Friday between 8am-5pm. No holiday or weekend work is included in this quote. All ACM waste to be disposed according to state regulations. Power and water utilities to be provided as per specifications. Any revision to schedule or quantities of removal could result in an additional work order.

We appreciate the opportunity to quote you on this project. If you have any questions, please feel free to contact me at (903) 592-7316. Upon acceptance, please sign and fax back to (903) 592-7219.

Sincerely,

Paula Anderson
 Operations Manager
paula@aqatexas.com

Acceptance Date: _____ Approval Signature: _____

Printed Name: _____

RESOLUTION NO. 2015 - 024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AIR QUALITY ASSOCIATES, INC. FOR ASBESTOS ABATEMENT OF TEN STRUCTURES ON THE COUNCIL'S TOP FORTY (40) DEMOLITION LIST IN AN AMOUNT NOT TO EXCEED FIFTY-EIGHT THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS AND NO/100 (\$58,333.00); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City requested ERI Consulting, Inc. to solicit bids for asbestos abatement of ten (10) structures on the Council's Top Forty (40) Demolition List that were determined to have asbestos present; and

WHEREAS, the bidder with the lowest and best bid was Air Quality Associates, Inc. of Tyler, Texas in an amount not to exceed FIFTY EIGHT THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS AND NO/100 (\$58,333.00) and

WHEREAS, funds are available for this service through the 2015 General Fund.

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

SECTION 1: That the bid submitted by Air Quality Associates, Inc. for asbestos abatement of ten (10) structures listed in exhibit "A" be and is hereby accepted.

SECTION 2: That the City Manager be and is hereby authorized to enter into a contract with Air Quality Associates, Inc. in an amount not to exceed FIFTY EIGHT THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS AND NO/100 (\$58,333.00).

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 **27th** day of **April, 2015**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

Version: G

Update Date: 4/21/2015 8:03 AM

Briefing Sheet

Lead Department: Police **Action Officer:** Charles Kreidler,
Resolution No. 2015-039 accepting a bid and authorizing the City Manager to
issue a purchase order to Brazos Technology, of College Station, Texas, for the
purchase of electronic ticket writing software and hardware in an amount not to
exceed EIGHTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-SIX
Subject: DOLLARS AND NO/100 (\$85,586.00).

Briefing: 4/27/2015 **Public Hearing:** 5/11/2015 **Second Briefing:** May 26, 2015 **Council Vote:** 6/8/2015

Item Schedule

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

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

In 2011, the Texarkana Municipal Court upgraded their computer management software to a Tyler Technologies product, known as Incode. The new software was necessary for the court to more efficiently record data and to ensure communication with the new county software package, a Tyler product under the name Odyssey. Ultimately, Incode provided the vehicle for the court to communicate warrant information with the county system that, in turn, feeds the information to law enforcement on a daily basis.

To pay for the purchase of Incode the Court used the Municipal Court Technology Fund that was established several years ago to give the Court a revenue stream to upgrade systems and purchase technology items. The fund is maintained through a \$4 court cost fee added to each charge handled by the Municipal Court.

Since the purchase in 2011, the Technology Fund has been earmarked for paying the balance of the cost of the Incode Software. As of 2015, the final funds transfer has been made which closes out the purchase of Incode, and makes the Technology Fund available for other projects.

As a group the Municipal Court, Police Department and Fire Department agree that the next project to be considered for the Technology Fund should be an expansion of the Incode System to include Electronic Ticket Writers. These devices are the next logical step in upgrading the technology used by the Court and both Police and Fire to increase effectiveness and efficiency in those Departments. For the Municipal Court the need for daily data entry of paper citations into the Incode System would no longer be necessary. Citations would be available almost immediately thus eliminating the need for citizens to wait for the paper copy to make its way to the court for action. For Police and Fire the three-part paper citation would no longer be needed and the storage of citation copies (retention as required by statute) would become electronic. The police department will also have the ability to complete field interviews, enter vehicle impounds, enter criminal trespass warnings, complete driver information exchange and have automatic collection of statutorily required racial profiling data (currently entered manually by the court). As an added measure of safety, anytime an officer or firefighter (peace officer)

City of Texarkana, Texas

would scan or enter a name in the E-Ticket Writer he or she would immediately be notified of outstanding municipal warrants on the individual.

The expansion to include E-Ticket Writers is something that has been considered since the initial purchase of Incode. Most recently Sergeant Geoff Lewis, Police Department, has been researching options for purchasing the technology that would ensure seamless communication between the hardware required and the Court's Incode software. He discovered rather quickly that the leading company in Texas is Brazos Technologies, a strategic partner with Tyler Technologies, the maker of Incode. Sgt. Lewis determined that Brazos is a sole source vendor for the software that interfaces with Incode to provide active warrants, Incode offense codes, officer information and fine amounts to the E-Ticket Writer hardware. Simply, Brazos communicates with Incode more effectively and provides more information exchange than any other software currently available.

As a sole source provider Brazos submitted a bid to the city for 17 E-Ticket Writers and printers along with additional modules (field interview, towing, driver exchange, and criminal trespass), associated accessories (Batteries, Chargers, etc.) and on-site training for a total amount of \$85,586. The bid includes a full interface with Incode and support for ensuring communication between the two software suites. There is an annual fee of \$8,188 that covers software maintenance, interface maintenance (Brazos/Incode) and storage that will be covered each year by the Municipal Court Technology Fund following this initial purchase.

Even though Brazos is a strategic partner with Tyler and a sole source vendor, the Departments were concerned about ensuring that alternatives were researched before making a purchasing recommendation. Through the efforts of Sergeant Lewis two bids were secured from vendors not associated with Brazos or Tyler.

The second bid was received from the CiteClearly company and included similar Motorola hardware and software including 16 handheld E-Ticket Writers, printers and associated hardware for a total of \$73,722.18. The bid was obtained before the Fire Department added the 17th device, so it would be necessary to increase the total by approximately \$3,000 for a final tally of \$76,722.18. Additionally, the company has indicated that an interface with Incode would likely incur fees from Tyler. The company does not offer the field interview, criminal trespass documentation, driver information exchange or towing capabilities in their software. CiteClearly uses a third party vendor to quote the necessary hardware, and that company (system_id) included an older version of the Motorola handheld device that does not have 4G cellular capability and utilizes a much lower resolution camera (See device comparison page).

As a result of CiteClearly's lack of immediate interface with Incode along with their device and software limitations, staff could not recommend a purchase from the company. However, the bid is included here to give the staff and council a comparison of competitors to Brazos.

The Third bid was received from APS (Advanced Public Safety), the closest rival to Brazos in the E-Ticket industry. The APS bid moved away from the handheld type device to a tablet environment for a total of \$119,206.65 for 17 tablets and printers. Clearly the initial cost for APS is considerably higher than either of the first two bids and the company is not offering the handheld device that the Departments feel better suit their needs.

After reviewing the available options and with careful consideration of the bids submitted, staff is recommending to proceed with the purchase of E-Ticket Writers from Brazos Technologies.

Potential Options:

- No purchase

City of Texarkana, Texas

Fiscal Implications:

The initial purchase of software and equipment is being accomplished through the Municipal Court Technology Fund, Police Department Budget Funds, Fire Department Budget Funds and a Deferment of \$14,000 that will be due in March of 2016. A detailed budget plan is attached that indicates the individual Department contribution to the initial purchase. The deferment will be paid through a cooperative effort between the Police Department and the Municipal Court that is contingent upon the balance of the Technology Fund in March of 2016. An amendment to the Budget for FY14-15 will also be required to appropriate the available technology funds.

Staff Recommendation:

Staff Recommends Purchase of Brazos software and associated hardware that will allow for the computerized capture and transfer of citation information for the Police, Fire and Municipal Court.

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

None

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

- a. 2015-039 Resolution (DOC)
- b. Brazos 17HHs v3 3-27-2015 (PDF)
- c. CiteClearly PDA Proposal - Texarkana (PDF)
- d. APS Proposal - TX - Texarkana PD - 17VP2 - 17Tablet - 17Printers - 3 (DOC)
- e. Device Comparison (DOCX)
- f. Brazos Sole Source (PDF)
- g. Budget Plan (DOCX)
- h. Departments Using Brazos.xlsx (PDF)
- i. Goals & Perspectives (DOCX)

Staff Coordination

Police	Kevin Schutte	Action	Completed	04/15/2015
10:16 AM				
Police	Dan Shiner	Department Head Review	Completed	
	04/15/2015 10:28 AM			
Assistant City Manager		Shirley Jaster	Assistant City Manager	
Review	Completed	04/15/2015 11:56 AM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	04/15/2015 1:02 PM			
Purchasing and Contracting		Sharon Moore	Purchasing Review	
	Completed	04/15/2015 1:46 PM		
Finance Department	Charlie Bassett	Finance Review	Completed	04/17/2015
4:16 PM				

City of Texarkana, Texas

City Manager 8:03 AM	John Whitson	City Manager Review Completed	04/21/2015
City Council 6:00 PM	Pam Burns	Meeting Pending	04/27/2015

Meeting History

RESOLUTION NO. 2015 - 039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ACCEPTING A BID AND AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO BRAZOS TECHNOLOGY, OF COLLEGE STATION, TEXAS, FOR THE PURCHASE OF ELECTRONIC TICKET WRITING SOFTWARE AND HARDWARE IN AN AMOUNT NOT TO EXCEED EIGHTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-SIX DOLLARS AND NO/100 (\$85,586.00); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Municipal Court, Police Department, and Fire Department have obtained a qualified sole source bid for the project; and

WHEREAS, to increase effectiveness and efficiency in those departments; and

WHEREAS, the sole source bid by a responsible bidder meeting specifications was submitted by Brazos Technology, of College Station, Texas, for the purchase of 17 Motorola MC67 handhelds, 17 Zebra RW420 printers, software, and licensing in an amount not to exceed EIGHTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-SIX DOLLARS AND NO/100 (\$85,586.00); and

WHEREAS, Chapter 252 of the Texas Local Government Code allows a local government to make purchases using sole source; and

WHEREAS, the funding source for the approved purchase will be the Municipal Court Technology Fund and available funds in the current Police Department and Fire Department budgets with a deferment of \$14,086 of the total cost to be paid in March of 2016 from the Municipal Court Technology Fund and Police Department budget; and

WHEREAS, the annual maintenance cost payable to Brazos Technologies associated with the purchase will be funded through the Municipal Court Technology Fund.

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

SECTION 1: That the sole source bid is Brazos Technology, of College Station, Texas, for the purchase of electronic ticket writing software and hardware in an amount not to exceed EIGHTY-FIVE THOUSAND FIVE HUNDRED EIGHTY-SIX DOLLARS AND NO/100 (\$85,586.00).

SECTION 2: That the City Manager is hereby authorized to issue a purchase order to Brazos Technology, of College Station, Texas, for the above equipment.

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 **8th** day of **June, 2015**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



Proposal

Local Government Division

Brazos eCitation - 17 Units

Presented to:

Sgt. Geoffrey Lewis

City of Texarkana, TX

Texarkana, TX

(903) 798-1752

lewisg@txkusa.org

Proposal date:

March 27, 2015

Submitted by:

Ryan Burns

(800) 646-2633

ryan.burns@tylertech.com

Tyler Technologies

Local Government Division

5519 53rd Street

Lubbock, Texas 79414

Investment Summary

Sgt. Geoffrey Lewis
City of Texarkana, TX
March 27, 2015



Investment Breakdown

Proposal Valid for 120 days

Software	Investment	Annual Fees
License Fees (Existing Customer)	2,750	1,238
	2,750	1,238
Hardware & Third Party Software	Investment	Annual Fees
Brazos Technology Software & Hardware	70,836	6,950
	70,836	6,950
Professional Services	Investment	
Brazos Technology Software & Hardware	12,000	
	12,000	
Project Total	85,586	8,188

Tyler will invoice Client for the License Fees listed above upon delivery of the software.

Maintenance Fees listed above will be invoiced upon ninety (90) days of delivery and annually thereafter on the anniversary of that date

Brazos software includes 12 months of maintenance in the initial fee.

All payment terms are net thirty (30) days

Software Licenses

Sgt. Geoffrey Lewis
City of Texarkana, TX
March 27, 2015



Application Software	QTY	Hours	Estimated Services	License Fee	Estimated Services	Annual Maintenance
Incode Court Case Management Suite				2,750		1,238
Brazos Citation Issuing Device Interface (Citation Import, Auto Citation Import, Warrant Export)	2,750	Included	Included			
Incode Application Subtotal				2,750		1,238
Application and System Software Total				2,750		1,238

Brazos Technology e-Citations

Sgt. Geoffrey Lewis
City of Texarkana, TX
March 27, 2015



Description	QTY	Purchase Price	Estimated Services	Annual Maintenance	Warranty Provider
Brazos eCitation Mobile Application Software					
Brazos RDC Software	17	14,450		5,950	Brazos
- Citations					
- Warnings					
- Parking Tickets					
- Stand-alone racial profiling (when not captured via other methods)					
- 1 Year Maintenance and Support					
Brazos Interface to Court	1	N/C		1,000	
<i>**Brazos Technology Interface Only</i>					
Field Interview	1	2,500			
Criminal Trespass Module	1	2,500			
Tow Module	1	2,500			
Driver's Exchange (Basic)	1	2,500			
One-time credit		-2,500			
Implementation Services			9,000		
- One fee independent of number of devices					
- Customized Screen and Print Layouts (from an existing layout)					
- Creation of Web report that is exactly like defendant citations					
- Customization of Offenses (includes additional information)					
- Import of Officer Information					
- Import of Location Information (if applicable)					
- Implementation of Bluetooth communication between mobile device and printer					
- Installation of all software at customer site					
- Customization of additional reports					
Training			3,000		
- Two (2) days of officer/employee training					
- One (1) day of administrator training					
- Includes classroom and OJT training					
- Maximum Group Size = 12					
- All documentation					
<i>Travel and Expenses are billed as incurred</i>					
Brazos Mobile Hardware					
Motorola MC67 (2D Imager)	17	24,650			Motorola
- Includes Verizon Cellular Capability (must specify)					
- 8 Mega-Pixel autofocus camera					
- Built-in GPS					
- Extremely Bright 640x400 Full VGA Screen					
- Microsoft Mobile operating system					
- 1 Year Warranty (Parts & Labor Only)					
Brazos Mobile Hardware Accessories					
Extended Warranty for MC67/MC70	17	4,250			
- 3 Years Bronze Support					
- 3 to 5 day turnaround					
- Comprehensive Coverage (no fault)					
- Can only be purchased with new device					
4-bay Docking Cradle for MC67/MC70 (Highly Recommended)	4	1,700			
- Includes all cables (power supply and 6' network cable)					
Portsmith Single Bay Docking Cradle MC67	1	225			
Additional MC67 Extended Life Battery	17	1,003			
- 1.5x Battery					
4-Bay Battery Charger for Extended Life Batteries	4	720			
Brazos Mobile Printers and Accessories					
Zebra RW420 Bluetooth Printer w/ built-in magstripe reader	17	13,260			Zebra
- One (1) Year Manufacturer's Warranty					
- Bluetooth Communications					
Additional Batteries for RW420	16	1,248			
Wall Charger for Printer	1	70			
- 110 VAC plug to recharge printer from a standard wall socket					
Zebra Charger Quad Li-Ion 4-Bay Battery Charger	4	1,380			
One Case (36 rolls) of standard thermal paper	4	380			

Attachment: Brazos 17HHs v3 3-27-2015 (1293 : Res. No. 2015-039 Purchase of Electronic Ticket Writers)

Brazos Technology e-Citations

Sgt. Geoffrey Lewis
City of Texarkana, TX
March 27, 2015



Description	QTY	Purchase Price	Estimated Services	Annual Maintenance	Warranty Provider
Brazos Software and Services		21,950	12,000 0	6,950	
Brazos Hardware Devices and Printers		48,886			
Brazos Technology Total		70,836	12,000	6,950	



Proposal For:

Texarkana, TX Police Department

Date: 3/16/2015

Submitted By:

Utility Data Systems of Texas, LLC

Introduction:

Thank you for allowing Utility Data Systems of Texas, LLC (UDS of Texas) to submit this proposal for CiteClearly™ Electronic Ticket Writer System to you and your department. UDS of Texas is committed to providing you the best electronic ticketing software for city ordinance violations, state statute violations, and traffic citations.

UDS of Texas and sister company Utility Data Systems, Inc. of Louisiana have been providing solutions to over six hundred local government entities for thirty-five years. Both companies are family owned which means we are more responsive and have the capability to move quickly on decisions affecting our customers.

Overview of CiteClearly™ Electronic Ticket Writer System:

CiteClearly™ Ticket Writer Software System consists of three main software programs:

1. **CiteClearly™ Cruiser Software** – Ticket Writer Application for In-Vehicle Mounted Computers
2. **CiteClearly™ Handheld Mobile Computer Software** – Ticket Writer Application for Handhelds
3. **CiteClearly™ Manager Software** – Ticket Information Import/Export/Reporting Application

1. **CiteClearly™ Cruiser Software** is ticket creation software. CiteClearly™ Cruiser Software operates on ruggedized laptop, notebook, or mounted computers that have the Microsoft® Windows XP, Windows Vista, or Windows 7 operating system. A portable thermal receipt printer capable of printing on four-inch width paper and a separate magnetic card reader complete the hardware requirements for CiteClearly™ Cruiser.

CiteClearly™ Cruiser Software maximizes data accuracy while maintaining or exceeding the speed of traditional hand-written tickets through the following features:

- A data interface that is customized to look like the hand-written tickets the officers are familiar with
- Automatic entry of data retrieved from the violator's driver's license via the magnetic card reader
- Type-ahead function that intelligently completes words as you type in certain fields
- Provides a quick list of the fifteen most popular violation codes for tickets written by the agency (requires two way data synchronization with agency databases to provide this feature initially)
- Street names, zip codes, and other location information can be imported into drop down lists to speed manual entry portions of the ticket creation process
- Local warrant information can be imported to provide the officer immediate access to possible warrants outstanding for a violator
- An existing database of Vehicle makes and models is provided; when a make is selected only models for that make are listed for faster selection

- Different application display settings for day and night shifts; the officer can quickly toggle between the two
- Officers can choose their preferred colors for both day and night settings or use the default color schemes
- Racial profiling report data can be entered for stops involving a ticket or stops not involving a ticket
- Single character shortcuts for racial profiling reporting makes data entry for the report much faster

2. CiteClearly™ Handheld Mobile Computer Software is ticket creation software in the same fashion as the CiteClearly™ Cruiser Software. CiteClearly™ Handheld Mobile Computer Software operates on PDA style handheld devices running Microsoft® Windows Mobile 5.0 through 6.1. CiteClearly™ Handheld Mobile Computer Software takes advantage of integrated 2D barcode scanners and magnetic card swipes that come as standard equipment on some handheld devices. A portable thermal receipt printer with integrated magnetic card reader technology capable of printing on four-inch width paper rounds out the hardware requirements.

CiteClearly™ Handheld Mobile Computer Software maximizes data accuracy while maintaining or exceeding the speed of traditional hand-written tickets through the following features:

- A data interface that guides the officer through the ticket writing process by displaying items as they become available during the traffic stop or incident
- Automatic entry of data retrieved from the violator's driver's license via the magnetic card reader
- Type-ahead function that intelligently completes words as you type in certain fields
- Provides a quick list of the seven most popular violation codes for tickets written by the agency (requires two way data synchronization with agency databases to provide this feature initially)
- Street names, zip codes, and other location information can be imported into drop down lists to speed manual entry portions of the ticket creation process
- Local warrant information can be imported to provide the officer immediate access to possible warrants outstanding for a violator
- An existing database of Vehicle makes and models is provided; when a make is selected only models for that make are listed for faster selection
- Different application display settings for day and night shifts; the officer can quickly toggle between the two
- Officers can choose their preferred colors for both day and night settings or use the default color schemes
- Racial profiling report data can be entered for stops involving a ticket or stops not involving a ticket
- Single character shortcuts for racial profiling reporting makes data entry for the report much faster

3. **CiteClearly™ Manager Software** completes the electronic ticket writing solution by importing ticket information from the Cruiser and/or the Mobile Computer systems and exporting the data electronically to one or multiple agency databases. CiteClearly™ Manager Software maintains a database of all tickets imported as a repository for reporting and as a backup to agency databases. CiteClearly™ Manager Software operates on computers that have the Microsoft® Windows XP, Windows Vista, Windows 7, Windows Server 2003, or Windows Server 2008 operating system.

CiteClearly™ Manager Software provides the following key features:

- Provides two-way import and export functionality to pass tickets written through the Cruiser or Mobile Computers to the appropriate agency databases while sending pertinent data back to the Cruisers or Mobile Computers for use in ticket creation
- Violation codes, vehicle makes and models, officer information, local warrants and other information can be added or edited through the centralized data management functionality
- A permanent copy of ticket information and other reportable information is stored in the local management system database.
- Imported ticket information is immediately available for reporting purposes and can be exported for electronic import into agency databases
- Existing Reports are:
 - Accident Report
 - Monthly Violation Activity
 - Officer Citation History
 - Racial Profiling Reports
 - Selective Traffic Enforcement Programs (STEP) Reporting
 - Custom Report Creation available upon request

CiteClearly™ Road Map to Successful Installation, Training, and Support:

UDS of Texas will coordinate with department administration and IT department to ensure a smooth and successful deployment of CiteClearly™. Prior to installation, UDS of Texas will perform a site survey via phone to identify and prepare the following:

- Personnel
 - Individual in charge of IT and/or assigned to the deployment of this project
 - Individual assigned as primary department contact
 - Shift Sergeants responsible for coordinating shift training and support
 - Officers assigned to Traffic Duty and use of CiteClearly™ Ticket Writers
 - In the case of fixed hardware, current hardware installation individual/company used to install/mount hardware in cruisers
- CiteClearly™ Manager Software
 - Sever/Desktop to be used for installation and operation of CiteClearly™ Manager Software
 - Applicable RMS/Court software to interface to
 - Available network access for interface to Handheld and/or cruiser based computers
- CiteClearly™ Cruiser Ticket Writer Software
 - Cruiser units marked for ticket writer installation and use
 - Identification of current hardware and operating system(s)
 - Determination of available network access and/or department preferred delivery method for electronic ticket file (e.g. USB Key)
- CiteClearly™ Handheld Mobile Computer Software
 - Intended use of CiteClearly™ Handheld Mobile Computer Software and Devices
 - (motorcycle officer, cruiser with mounted printer, school-assigned officer, or other)
 - Determination of available wireless network access and/or department preferred delivery method for electronic ticket file (e.g. Handheld Docking Station)
- Miscellaneous
 - RMS/Court software identification for export purposes
 - Ticket book numbering preference for active and reserve electronic ticket books
 - Discovery and identification of other incidentals

Please note, during the initial sales process we will collect many of the items listed above, we list them here for better understanding of the entire process.

Installation:

UDS of Texas installation technicians and your IT representative will schedule the installation of each CiteClearly™ software application. We offer onsite and online installation services based on your need and preference. Our goal is to make the installation of CiteClearly™ as smooth and simple as possible.

Training:

UDS of Texas training technicians will coordinate with agency contacts to schedule training of officers and IT staff on the functions of ticket creation and hardware operation in relation to CiteClearly™. As with installation, we offer onsite and online training services based on your need and preference.

Support:

UDS of Texas offers annual support plans for standard business hours software support. Here are some of the features and benefits you can expect from your annual support plan:

- Expert Support Technicians available to you via email, online, and 800 number 8:00am to 5:00pm central time Monday through Friday for the term of your standard support plan contract
- Updates to your versions of CiteClearly™ applications which may include client-requested enhancements, defect corrections, and modifications required by legislative changes
- A thirty-five year proven commitment to same-day human contact to initiate issue resolution to any request or problem you may encounter and bring about that resolution quickly

Assumptions:

The success of the proposed installation and training depends on the following assumptions:

- UDS of Texas does not provide hardware-mounting services.
- Network access is available to CiteClearly™ Manager Software for file transfer and synchronization purposes.
- Current RMS and Court Software allow importing of electronic citations and the associated interfaces necessary are in place at the time of installation of CiteClearly.
- An internet connection is available for support services.

Conclusion:

Thank you for giving us the opportunity to provide you and your agency with this proposal. Please contact us @ 800-259-0979 with any question you may have regarding the information or pricing in this proposal.



http://www.udsoftexas.com
Phone (800) 259-0979
Fax (318) 388-4690

Utility Data Systems of Texas, LLC
P.O. Box 6147
Frisco, TX 75035

Confidential Sales Order

Date	Order #
3/16/2015	11811

Bill To
Texarkana Police Department 1420 S. Park Rd. Texarkana, TX 75503

Ship To
Texarkana Police Department 1420 S. Park Rd. Texarkana, TX 75503

Qty	Item Code	Description	Price	Unit	Balance
1	CiteClearly Manager	Site License for Server/Desktop Application Responsible for Transfer of Ticket File, Generating Reports, and Maintaining Ticket Record Information	543.00	each	543.00
16	CiteClearly Handheld ...	Seat License For Electronic Ticket Writing Software Application for Handheld Ticket Writer Device	1,087.00	each	17,392.00
	Discount	Volume Discount for Above Line Items	-628.00	total	-628.00
16	CiteClearly Support - ...	Annual CiteClearly Handheld Software Support - Standard Support Plan	304.00	year	4,864.00

Please Note:

The above prices are for software only. The CiteClearly hardware will be directly quoted by our hardware vendor partner, SystemID Warehouse.

We have discounted the software and hardware by 3.5%. For Volume Purchase Only.

Purchase Order numbers are required for all orders over \$1,000. Please list your PO number in the blank provided below and include a copy of the purchase order with the signed order.

Signature below indicates you have read and accepted the terms and conditions of the License Agreement and Software Support Contract.

Subtotal \$22,171.00

Sales Tax (8.25%) \$0.00

Balance Due \$22,171.00

Confidentiality Notice: The information contained in this quotation is privileged and confidential. You are hereby notified that any dissemination, distribution or copying of any part of this quotation is strictly prohibited.

Approved By: _____

Your PO# (required if over \$1,000): _____

Dated: _____

The pricing on this quotation is valid for 30 days.

Please Email to ap@udsinc.com
or Fax To: (318) 388-4690

For More Information Call (800) 259-0979

Remit To: P.O. Box 6147 ~ Frisco, TX 75035
Office Location: 9191 Kyser Way, Ste 105 ~ Frisco, TX 75033

Packet Pg. 46

Attachment: CiteClearly PDA Proposal - Texarkana (1293 : Res. No. 2015-039 Purchase of Electronic Ticket Writers)

UTILITY DATA SYSTEMS OF TEXAS, LLC LIMITED USE LICENSE AGREEMENT

YOU SHOULD CAREFULLY READ THE FOLLOWING TERMS AND CONDITIONS BEFORE INSTALLING THIS SOFTWARE. INSTALLATION OF THIS SOFTWARE INDICATES YOUR ACCEPTANCE OF THESE TERMS AND CONDITIONS. IF YOU DO NOT AGREE WITH THEM, YOU SHOULD PROMPTLY RETURN THE SOFTWARE TO UTILITY DATA SYSTEMS OF TEXAS, LLC.

The Licensee (hereinafter called licensee) and UTILITY DATA SYSTEMS OF TEXAS, LLC (hereinafter referred to as the licensor), agree on the following terms and conditions as a nontransferable and nonexclusive license to use this product.

TERMS: This agreement is effective from the date on which it is accepted by the licensee and shall remain in force until terminated by the licensee, or by the licensor as provided below.

This agreement may be terminated by licensee at which time licensee's responsibilities under this agreement, other than payment, shall be released provided licensee returns all materials received under this agreement to the licensor and warrants in writing that no materials received under this agreement have been retained. Licensor may terminate this agreement if licensee fails to comply with any of the terms and conditions of this agreement.

COPYRIGHT: The program and its related documentation are copyrighted. You may not copy the program or documentation except for backup purposes and to load the program into the computer as part of executing the program. All other copies of the program and its documentation are in violation of this agreement.

LICENSE: This agreement authorizes the licensee to use the product on one (1) Central Processing Unit (CPU) and its associated units only at licensee's address. No right to print, copy, or distribute, in whole or in part, the product is granted, except to have one machine readable copy for backup copy. Full title and ownership of the product herein remains with licensor. Third-party hosting or cloud environments are not included under this right of license without written approval of Licensor.

RESPONSIBILITIES OF PARTIES: Licensee agrees not to copy, reproduce, sell, give away, assign, sublicense, or otherwise transfer the product or any part thereof without prior written consent of licensor. Licensee agrees that during the term of this agreement, licensee shall use the product only on one (1) licensee CPU at licensee's address.

WARRANTY: There is no warranty.

LIMITATIONS OF LIABILITY: Licensor will, without additional charge, respond to a reported defect in the current unaltered release of the licensed program by issuing known defect correction information to the customer reporting the problem and/or issuing corrected code or notice of availability of corrected code. However, UDS does not guarantee service results or represent or warrant that all defects will be corrected.

The foregoing warranty is in lieu of all warranties expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Licensee agrees that licensor will not be liable for any loss of profits, or for any claim or damage against licensee by any other party. In no event will licensor be liable for consequential damages even if licensor is notified of the possibility of such damages.

THIS PRODUCT IS DISTRIBUTED ON AN "AS IS" BASIS, WITHOUT WARRANTY EITHER EXPRESSED OR IMPLIED. SUCCESSFUL IMPLEMENTATION DEPENDS SOLELY ON THE CUSTOMER'S ABILITY TO INTEGRATE EACH PROGRAM INTO THE TOTAL INVENTORY OF "IN-HOUSE" PRODUCED PROGRAMS, INCLUDING THE ACCEPTANCE OF FULL MAINTENANCE RESPONSIBILITY. WHILE EACH OFFERING HAS BEEN REVIEWED BY UDS FOR ITS TRANSFERABILITY AND MAINTAINABILITY, NO ASSURANCE OF SUCCESSFUL INSTALLATION CAN BE GIVEN.

OTHER TERMS AND CONDITIONS: Licensee acknowledges that he has read this agreement, understands it, and agrees to be bound by its terms, and further agrees that it is the complete and exclusive statement between the parties which supersedes all communication between the parties relating to the subject matter of this agreement.

This agreement shall be governed by the laws of the State of Texas.

This agreement shall be binding upon the parties and their respective heirs, administrators, successors and assigns, without limitation, any corporate successors by merger, consolidation or other corporate organization.

No failure or delay of licensor in exercising any right under this agreement shall operate as a waiver thereof. No waiver of any breach of any provision of this agreement shall constitute a waiver of any prior, concurrent or subsequent breach. No waiver shall be effective unless made in writing.

Licensor hereby grants and licensee accepts a nontransferable, nonexclusive right to use the product at licensee's address in accordance with the terms of this agreement.

Should you have any questions about this agreement, please contact UTILITY DATA SYSTEMS OF TEXAS, LLC by writing to PO Box 6147, Frisco, TX 75035 or by calling 318/388-0920. UDS 10/09/2012

UTILITY DATA SYSTEMS
SOFTWARE SUPPORT AND MAINTENANCE CONTRACT
 Phone: (318) 388-0920 ~ Fax: (318) 388-4690

Utility Data Systems, Inc. or Utility Data Systems of Texas, LLC (herein called UDS) and the undersigned (herein called Customer), hereby agree that the following shall govern in all cases where UDS provides software support and maintenance on the product(s) listed on the attached invoice installed at Customer's address in accordance with the UDS Limited Use License Agreement. Support defined herein shall be performed by employees or contractors of UDS via telephone and/or internet through desktop sharing software.

SCOPE

For the term of this contract, UDS agrees to provide response within sixteen business hours to inquiries via telephone, the internet using desktop sharing software, and/or written contact between a UDS Technical Support Specialist (TSS) and one specified customer representative per user license held by customer between the hours of 8:00 a.m. and 5:00 p.m. Central (Daylight and Standard) Time, Monday through Friday, exclusive of UDS observed holidays. As part of this Contract, UDS will provide updates within the product version(s) as identified on the attached invoice to correct known errors existing in the product version(s). Customer agrees to immediately notify UDS of any change in status of the user(s) of the software specified in the attached invoice or of user(s) of related computer hardware that occurs during the term of this agreement. In the event Customer replaces a user, Customer agrees to purchase UDS Online Training via the internet. In the event Customer replaces computer hardware, Customer agrees to purchase Extended Customer Support for any support required of UDS during the hardware transition. Customer agrees to keep up-to-date all operating system security patches and all virus protection software to insure the best protection is available for the computer hardware that contains and/or accesses the software specified in the attached invoice.

TERM OF CONTRACT

This Contract is effective between the dates expressed in the attached invoice.

CHARGES

Charges for Software Support and Maintenance are as indicated in the attached invoice. Payment in accordance with the invoice shall be considered acceptance by the Customer of the Software Support and Maintenance Contract with UDS. If full payment is not received by UDS within thirty calendar days of the invoice date, the Software Support Contract will automatically terminate. Any support provided thereafter will be subject to UDS Regular Hourly Rates. UDS reserves the right to determine at the time support is requested the Hourly Rates for Customers who choose to pay for services on an hourly basis instead of through a Software Support Contract. Failure by Customer to pay UDS Regular Hourly Rates for support provided outside the Software Support and Maintenance Contract can result in Customer being flagged as DO NOT ASSIST until all charges are paid in full.

Fees and costs for Extended Customer Support will be charged for any item listed below under the EXCLUSIONS heading. Rates for Extended Customer Support are specified on the attached invoice. Fees for Extended Customer Support, Telephone Toll charges, and any other expenses incurred during the provision of Extended Customer Service, shall be billed monthly, and are due upon receipt. Fees for Extended Customer Support are stated in the comment section of the attached invoice and shall remain in effect throughout the term of the Software Support and Maintenance Contract. UDS will notify Customer that Extended Customer Support fees will apply prior to support being provided. Customer must agree to pay for Extended Customer Support before service will proceed. Failure by Customer to pay Extended Customer Support Fees and / or Telephone Toll Charges may, at the option of UDS, result in the cessation of all maintenance and support until all fees and costs are paid in full.

EXCLUSIONS

The following are excluded from support and maintenance under this agreement and shall incur charges as Extended Customer Support:

- A. Training or retraining of Customer personnel in the use of the software specified in the attached invoice.
- B. Support required due to the malfunction of customer's computer hardware, contraction of a computer virus or external computer attack, abuse, accident, or other cause other than normal usage, including but not limited to operator error, failure of other equipment, failure of operating system, failure to maintain a backup, software anomalies, and equipment operation in excess of design or environmental specifications on customer's equipment.
- C. Data recovery due to any of the items listed in section "B" above. Customer is responsible to provide readable backup unless currently using UDS Offsite Backup Service.
- D. Out of pocket expenses, including telephone toll charges, if any, incurred by UDS in the provision of Extended Customer Support. Any telephone toll charges incurred by Customer are Customer's own expense.
- E. After hours support.
- F. Emergency or priority issues requiring same day support.
- G. Support issues in any way related to customer software loaded onto a third-party hosting or cloud environment.

CONTRACT EXTENSION

The term of this contract may only be extended by written agreement and acceptance of both parties hereto.

LIMITATION OF REMEDY

UDS shall not be liable for any damages caused by delay in furnishing support or other performance under this contract. The sole and exclusive remedy for any breach of warranty, expressed or implied, including without limitation any warranty of merchantability or fitness of purpose, and the sole remedy for UDS's liability of any kind including liability for negligence with respect to support furnished under this contract and all other performance by UDS under or pursuant to this contract shall be limited to the total amount of fees paid by customer to UDS for services related to the claimed damages and shall in no event include any incidental or consequential damages. Any controversy or claim arising out of or relating to this agreement, or the breach thereof, shall be settled by arbitration administered by neutral, third-party arbitrator(s) agreed upon by the parties in accordance with the Texas Civil Code.

ASSIGNMENT

This Contract shall not be assigned by Customer.

NOTICE

All notices and other communications hereunder, other than notice of request for support, shall be in writing, addressed to the parties at the locations noted on the attached invoice.

ENTIRE AGREEMENT

This agreement represents and expresses the entire agreement and understanding between the parties. There is no other understanding, agreement, representation, or warranty, expressed or implied, statutory or otherwise, in any way limiting, extending, defining, or relating to the provisions hereof. This contract may not be modified except by a duly executed writing on behalf of both parties hereto. This contract shall be governed by the laws of the State of Texas, and venue for any disputes or legal action shall lie in Denton County, Texas. In the event any term, covenant or condition herein contained is held to be invalid or void, said invalidity shall not negate or invalidate any of the remaining terms, covenants or conditions herein contained.



Quote# 9632920

TO:

Customer# 876239

Sgt. Geoffrey Lewis
 Texarkana, TX Police Dpt.
 1420 S. Park Rd.
 Texarkana, TX, 75503

Easily add this quote to your shopping cart by clicking [Add Quote to Cart](#) and following the simple directions. Remember, this will convert this quote to an on-line order, but does not place the order until you click the submit button on the confirmation page. You can easily place this order on-line 24 hours a day, 7 days a week.

Qty	Item Number	Description	Unit Price	Ext. Price
16	117085	MC75A, 1D, CAMERA, QWERTY, 1.5X BATTERY	\$1,512.78	\$24,204.48
16	102361	RW420, DT/203DPI/4"/3IPS/4MB/BLUETOOTH/RS232+USB	\$639.52	\$10,232.32
16	6AAMHM	MC75- SSFS 3 YEAR BRONZE COVERAGE	\$330.50	\$5,288.00
4	6AASRT	MOTOROLA, MC70/MC75 4 SLOT CHARGE ONLY CRADLE KIT	\$315.00	\$1,260.00
4	6AAMUZ	MC7X/MC30XX 4-SLOT BATTERY CHARGER W/PS & LINE CRD	\$188.00	\$752.00
16	117682	MC70 MSR	\$180.00	\$2,880.00
4	6AALCBMP	CASE: ZEBRA 4.0" X 74' 8000D 3.2 MIL HIGH-TEMP RECEIPT PAPER (36 R)	\$100.00	\$400.00
16	6AANY9	RW420, 2YR ADDITIONAL ADVANTAGE COMPREHENSIVE	\$189.60	\$3,033.60
16	102363	RW420 SPARE LITHIUM-ION BATTERY	\$78.50	\$1,256.00
16	103912	ZEBRA QL/RW/P4T SERIES LITHIUM-ION FAST CHARGER	\$72.50	\$1,160.00
16	117697	MC70/75 1.5X LI-ION BATTERY 3600 MAH	\$57.83	\$925.28
16	103796	ZEBRA, ACCESSORIES, QL SERIES, RW SERIES AND P4T, SHOULDER STRAP	\$8.50	\$136.00
1	107976	SYMBOL USB CABLE TO HOST FOR USE W/1-SLOT CRADLE	\$13.50	\$13.50
1		**IN STOCK. SHIPS IMMEDIATELY**	\$0.00	\$0.00

Subtotal: \$51,541.18
 Shipping & Handling: \$0.00
 Sales Tax: \$4,252.15
 Total: \$55,793.33

Please Contact Your Account Manager with any Questions

Jared Parrish
800-397-9783 ext. 1388 or JParrish@systemid.com

Prices and specifications subject to change without notice. Prices are FOB shipping point. Prices are exclusive of all sales, use and other state, local, or federal taxes. Sales tax will be collected within Texas.

Quote is valid for 30 days unless otherwise noted.

System ID
 1400 10th Street
 Plano, TX 75074
 Phone: 800-397-9783, 972-516-1100
 Fax: 800-397-0056, 972-516-1110



400 Fairway Drive, Suite 101
Deerfield Beach, Florida 33441
954-354-3000 (Main)
954-354-3001 (Fax)
www.aps.us

Proposal

Date: 3/31/2015

Agency		Details	
Contact:	Geoff Lewis	Order No:	0067000000fsvmM
Agency Name:	Texarkana Police Department	Contact Name:	Jim Van Cleave
Address:	100 N State Line Ave. #16		(281) 610-1930
City, State & Zip:	Texarkana, TX 75501		jvancleave@aps.us

QTY	PRODUCT NAME	PRODUCT DESCRIPTION	MISCELLANEOUS	UNIT PRICE	TOTAL PRICE
17	Panasonic G1, Win7 i5 2.00GHz, 128GB SSD, 8GB, BT, 2D Bar, 4G LTE & Camera Toughbook Preferred	Win7 (Win8.1 COA), Intel Core i5-4310U 2.00GHz, vPro, 10.1in WUXGA 10-pt Multi Touch+Digitizer, 128GB SSD, 8GB, Intel WiFi, TPM, BT, Dual Pass, 4G LTE Multi Carrier (MC7355), Webcam, 3MP Cam, Webcam, 2D EA21 Scanner, Long Life Battery, Rotating Hand Strap, & Tall Corner Guards, Toughbook Preferred	_____	\$3,659.00	\$62,203.00
17	Panasonic Toughbook 5-year Protection Plus Warranty	5 year Toughbook Protection Plus. Comprehensive coverage of all system components, excluding consumables	_____	\$750.00	\$12,750.00
50	Professional Services (APS Flat Rate)	Professional Services (Provided by APS for Other than Software Development)	_____	\$175.00	\$8,750.00
17	Zebra RW420 Bluetooth Printer with Magstripe Bundle with Cradle - Atlanta PC	R4D-0UBA010N-10 BT Printer (Custom), 12 Volt Open-Ended Battery Eliminator, USB-RJ45 Cable, 6Ft & Locking Vehicle Cradle	_____	\$1,030.25	\$17,514.25
1	Zebra RW420 Cable (Serial, 6-Ft.)	Zebra RW220/420 Cable (Serial, 6-Ft.)	_____	\$32.65	\$32.65
17	Zebra RW420 Extended Warranty - 5 Year Care Advantage w/ Comprehensive	No Hassle Warranty covering all the labor and parts required to keep printer operating at high performance levels. All Zebra equipment returned for service under this agreement will receive a complete preventative maintenance procedure and will be returned at no additional cost.	_____	\$462.00	\$7,854.00
1	_Annual VP 2.0 Support Fee	Annual VP 2.0 Customer Support fee	_____	\$5,000.00	\$5,000.00
17	_Annual VP 2.0 per Device Subscription	Annual per device subscription fee, which includes:	_____	\$200.00	\$3,400.00

Attachment: APS Proposal - TX - Texarkana PD - 17VP2 - 17Tablet - 17Printers - 3 (1293 : Res. No. 2015-039 Purchase of Electronic Ticket

		1 - Court Export 1 - RMS Export			
1	_Project Management	Dedicated Project Manager assigned from PO through Software Delivery. Provides single point of contact.	_____	\$437.50	\$437.50
1	_Remote Training	Provided prior to user testing.	_____	\$350.00	\$350.00
1	_Shipping & Handling	Shipping & Handling	_____	\$915.25	\$915.25

NET TOTAL (USD) \$119,206.65

Pricing is guaranteed 90 days from date of proposal

Notes

Terms and Conditions

All Customer purchase orders for APS products and services are subject to APS' End User License Agreement and Terms and Conditions of Sale, which can be viewed at <http://www.aps.us/downloads/agreement.pdf>. Such terms, along with any additional terms and conditions agreed to and accepted by APS in Customer's purchase order or otherwise stipulated in writing, shall prevail over any differing or conflicting terms in this Proposal. Payment Terms:

50% due upon receipt of Customer's purchase order
 40% due upon initial software delivery (excluding SmartExport)
 10% or remainder due upon completion and final hardware delivery

MC67NA SUPPORT



Give your field workforce all the tools they need to work faster and smarter with the rugged 4G HSPA+ and CDMA / EVDO MC67. With the MC67, your workers can do whatever it takes to get the job done. Access information in your backend system. Scan practically any bar code in almost any condition. Capture documents to simplify recordkeeping. Take and send video and photos for real-time repair support. Call a customer with an arrival window. All at 4G HSPA+ or CDMA / EVDO speed. So whether your workers are involved in sales, service, deliveries, inspections or issuing citations, they have the tools they need to improve efficiency, accuracy and customer service — all in one rugged device that loves life in the field.

Brazos Quoted Device

4G wireless capability
8 megapixel camera
Newest Motorola product
3 Year “no fault” replacement coverage

MC75 SUPPORT



No matter what your workers need to get the job done, Motorola's MC75 Worldwide Enterprise Digital Assistant delivers by combining an unparalleled number of business capabilities into an easy-to-carry rugged device. 3.5G GSM HSDPA and CDMA-EVDC Rev A support provides high performance voice and data services around the globe.

Your workers will enjoy having all the features they need right at their fingertips in one device designed to endure all day everyday use outside the enterprise -- including push-to-talk, integrated GPS with superior sensitivity and tracking capabilities, 1D or 2 bar code scanning, a high resolution 2 megapixel autofocus digital color camera, 802.11a/b/g wireless LAN (WLAN), Bluetooth and IrDA connectivity.

CiteClearly Quoted Device

Not 4g Capable
2 megapixel camera
Older version of device nearing model end
2 year “comprehensive” coverage



5519 53rd Street
Lubbock, TX 79414

P: 800.646.2633
F: 806.797.4849

www.tylertech.com

March 24, 2015

City of Texarkana, TX
Attn: Sharon Moore

RE: Brazos Mobile Citations/Tyler Technologies Interface Purchase

Dear Ms. Moore,

The intent of this letter is to provide verification to the City of Texarkana, TX of the following facts:

1. Our partnership with Brazos Technology has led us to develop an interface with functionality that is offered exclusively with Brazos RDC Software.
2. Brazos Technology is the only mobile citation vendor that uses Incode as the source for offense codes, officer information, and fine amounts. With other vendors, the user would have to maintain this information within both systems.
3. Brazos Technology is the only mobile citation vendor in which we push active warrants and a parking hot list from Incode Court software directly into the hand-held ticket writers and automatically import citations into the Incode Court software.

We have put a tremendous amount of effort into our product. We sincerely hope that you will find that it simplifies many aspects of your staff's responsibilities. All of our development efforts are currently directed toward this product, so in the coming years, you will continue to see additional features and functionality added to the product.

Tyler Technologies appreciates the trust that the City of Texarkana, TX has placed in our company with this purchasing decision and will continue to work to earn your business. If there is anything else we can do, please do not hesitate to call.

Sincerely,

A handwritten signature in black ink that reads "S. Brett Cate". The signature is written in a cursive, flowing style.

S. Brett Cate
President, Local Government Division

Budget Plan

(Project Total) \$85,586

Contributing Departments

Fire:

101-1802-53301	\$ 2,500
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Municipal Court Technology Fund

114-1500-52207	\$14,000
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Police

101-1701-52207	\$47,500
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605-0000-52207	\$ 7,500
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Total	\$71,500
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Deferment to March 2016	\$14,086
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Deferment cost will be shared between Police and Municipal Court with the individual Department amounts dependent upon the Municipal Court Technology Fund balance.

Alamo Heights, TX Police Department
 Albany, TX Police Department
 Amarillo, TX Police Department
 Anna, TX Police Department
 Azle, TX Police Department
 Balcones Heights, TX Police Department
 Bay City, TX Police Department
 Bedford, TX Police Department
 Beeville, TX Police Department
 Bexar County, TX Police Department
 Big Spring, TX Police Department
 Boerne, TX Police Department
 Brazoria, TX Police Department
 Brazos County, TX Police Department
 Brenham, TX Police Department
 Bryan, TX Police Department
 Buda, TX Police Department
 Buffalo, TX Police Department
 Carrollton, TX Police Department
 Castle Hills, TX Police Department
 Cedar Park, TX Police Department
 Cibolo, TX Police Department
 Cisco, TX Police Department
 Cleburne, TX Police Department
 Cleveland, TX Police Department
 Clute, TX Police Department
 Clyde, TX Police Department
 Cockrell Hill, TX Police Department
 College Station, TX Police Department
 Colleyville, TX Police Department
 Copperas Cove, TX Police Department
 Crandall, TX Police Department
 Denton, TX Police Department
 DeSoto, TX Police Department
 Diboll, TX Police Department
 Edinburg, TX Police Department
 Elgin, TX Police Department
 Ennis, TX Police Department
 Estelline, TX Police Department

Friendswood, TX Police Department
 Frisco, TX Police Department
 Garden Ridge, TX Police Department
 Georgetown, TX Police Department
 Godley, TX Police Department
 Grapevine, TX Police Department
 Greenville, TX Police Department
 Groves, TX Police Department
 Haltom City, TX Police Department
 Hays County, TX Police Department
 Hearne, TX Police Department
 Heber City, UT Police Department
 Highland Village, TX Police Department
 Horizon City, TX Police Department
 Hurst, TX Police Departmente
 Hutto, TX Police Department
 Italy, TX Police Department
 Jasper, TX Police Department
 Joshua, TX Police Department
 Kemah, TX Police Department
 Kenedy County, TX Police Department
 Kennedale, TX Police Department
 Kerrville, TX Police Department
 Kingsville, TX Police Department
 Kountze, TX Police Department
 La Marque, TX Police Department
 La Porte, TX Police Department
 Lake Dallas, TX Police Department
 Lakeway, TX Police Department
 League City, TX Police Department
 Leon Valley, TX Police Department
 Liberty Hill, TX Police Department
 Little Elm, TX Police Department
 Live Oak, TX Police Department
 Lubbock, TX Police Department
 Mansfield, TX Police Department
 McAllen, TX Police Department
 Meadows Place, TX Police Department
 Midland County, TX Police Department

Nederland, TX Police
 New Braunfels, TX Police
 North Richland Hills, TX Police
 Olmos Park, TX Police
 Palestine, TX Police
 Palmer, TX Police Department
 Paris, TX Police Department
 Parker, TX Police Department
 Pasadena, TX Police
 Pittsburg, TX Police
 Plano, TX Police Department
 Port Arthur, TX Police
 Port Neches, TX Police
 Portland, TX Police
 Red Oak, TX Police
 Rice, TX Police Department
 Rio Grande City, TX Police
 Rio Vista, TX Police
 Rosenberg, TX Police
 Round Rock, TX Police
 San Angelo, TX Police
 San Benito, TX Police
 San Marcos, TX Police
 Seabrook, TX Police
 Schertz, TX Police
 Selma, TX Police
 Shavano Park, TX Police
 South Padre Island, TX Police
 South Texas College, TX Police
 Southlake, TX Police
 Splendora, TX Police
 Springtown, TX Police
 Stafford, TX Police
 Sugar Land, TX Police
 Travis County, TX Police
 Troy, TX Police Department
 Universal City, TX Police Department
 University of North Texas Police
 Uvalde, TX Police Department

Fair Oaks Ranch, TX Police Department
Falfurrias, TX Police Department
Farmers Branch, TX Police Department
Fate, TX Police Department
Ferris, TX Police Department
Forest Hill, TX Police Department
Fort Bend County, TX Police Department
Freeport, TX Police Department

Midland, TX Police Department
Midlothian, TX Police Department
Midwest City, TX Police Department
Mission, TX Police Department
Moulton, TX Police Department
Mount Pleasant, TX Police Department
Murphy, TX Police Department
Mustang Ridge, TX Police Department

Venus, TX Police Department
Waco, TX Police Department
Waller, TX Police Department
West University Place, TX Police
Wharton, TX Police Department
Whitney, TX Police Department
Willis, TX Police Department
Wylie, TX Police Department

TOTAL 141

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:

A cooperative effort to reduce or eliminate redundant work by city employees

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

None Applicable

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: E

Update Date: 4/20/2015 3:28 PM

Briefing Sheet

Lead Department: Assistant City Manager **Action Officer:** Shirley Jaster, Assistant City Manager
Subject: Ordinance No. 2015-044 amending budget expenditures for the fiscal year ending September 30, 2015 to appropriate \$14,000 in the Municipal Court Technology fund for the partial purchase of electronic ticket writing software and hardware.
Briefing: 4/27/2015 **Public Hearing:** 5/11/2015 **Second Briefing:** May 26, 2015 **Council Vote:** 6/8/2015

Item Schedule

Updates/History of Briefing:

"NOT APPLICABLE"

Executive Summary and Background Information:

The municipal court technology fund has money available for the use of purchasing electronic ticket writers for the City use. However, no money was appropriated in the FY 14-15 budget for this item. Staff is requesting these funds be appropriated by amending the current budget for this use.

Potential Options:

- Approve or deny the amendment
-

Fiscal Implications:

This fund is available to use for this purchase. The technology fund account number is 114-1500-52207 and currently has \$17,137.14 dollars available.

Staff Recommendation:

Staff recommends for the approval of the amendment to the budget to appropriate the spending of \$14,000 dollars for e-ticket writer equipment.

Advisory Board/Committee Review:

"NONE"

Board/Committee Recommendation:

"NOT APPLICABLE"

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

City of Texarkana, Texas

Attachments

- a. ORD 2015-044 Budget Amendment for Court Technology Funds (DOC)
- b. Goals & Perspectives (DOCX)

Staff Coordination

Assistant City Manager		Shirley Jaster	Department Head Review	
	Completed	04/16/2015 5:33 PM		
Police	Dan Shiner	Review	Completed	04/17/2015
8:18 AM				
Finance Department	Charlie Bassett	Review	Completed	04/17/2015
4:36 PM				
Assistant City Manager		Shirley Jaster	Assistant City Manager	
Review	Completed	04/20/2015 3:29 PM		
Public Information Officer		Lisa Thompson	PIO Review	Completed
	04/20/2015 4:13 PM			
City Manager	John Whitson	City Manager Review	Completed	04/21/2015
8:05 AM				
City Council	Pam Burns	Meeting	Pending	04/27/2015
6:00 PM				

Meeting History

ORDINANCE NO. 2015 - 044

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGET EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015 TO APPROPRIATE \$14,000 IN THE MUNICIPAL COURT TECHNOLOGY FUND; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT: CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Municipal Court has a technology fund available for purchases and yearly maintenance associated with technology uses for the court such as electronic ticket writer software and hardware; and

WHEREAS, a qualified purchase from this technology fund must be appropriated each budget year.

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

SECTION 1: That the budget estimate of the expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2014, and ending September 30, 2015, be amended to reflect additional expenditures appropriated with the addition of \$14,000 dollars from the Municipal Court Technology Fund.

SECTION 2: That a copy of said amended final adopted budget shall be placed on the City's website.

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 **8th day of June, 2015**.

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: Medium

Other Potential Impacts:

"NONE APPLICABLE"

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: A

Update Date: 4/16/2015 3:53 PM

Briefing Sheet

Lead Department: Public Works Department **Action Officer:** Kyle Dooley
Ordinance No. 2015-043 approving the amendment of the FY15 budget
expenditures to include the unspent balance of FY14 demolition funds for the
Subject: Street Division budget.

Briefing: 4/27/2015 **Public Hearing:** 5/11/2015 **Second Briefing:** May 26, 2015 **Council Vote:** 6/8/2015

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

NOT APPLICABLE

Executive Summary and Background Information:

This budget amendment, if approved, would add \$71,806 to the FY15 Street Division budget line item for demolition.

The budget for FY15 residential demolition currently is \$200,000. Last year, the city council passed Ordinance 2014-096, which was a multi-faceted budget amendment. Part of this amendment appropriated \$84,077 to residential demolition for FY14. This amendment was approved late in the fiscal year and staff started demolishing houses in August. A total of \$12,271 was spent in FY14, leaving the unspent balance of \$71,806. Staff is requesting to move this unspent balance into the Street Division's FY15 budget to allow for up to 58 more residential structures to be asbestos tested this fiscal year.

Potential Options:

- Approve and appropriate funds.
- Do not approve and do not appropriate funds.

Fiscal Implications:

\$71,806 from unassigned fund balance to Street Division budget. This would increase the total FY15 budget line item for demolition to \$271,806.

Staff Recommendation:

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. 2015-043 ORD FY15 Budget Amendment for Demo (DOC)
- b. Goals & Perspectives (DOCX)
- c. Ord No 2014-096 signed (PDF)
- d. FY 14 Budget Comparison Worksheet for Ord 2014-096 (PDF)

Staff Coordination

Public Works Department	Kyle Dooley	Department Head Review
Completed	04/16/2015 11:11 AM	
Finance Department	Charlie Bassett	Finance Review
Completed	04/17/2015 4:33 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	04/20/2015 3:25 PM
Public Information Officer	Lisa Thompson	PIO Review
Completed	04/20/2015 4:13 PM	
City Manager	John Whitson	City Manager Review
Completed	04/21/2015 8:04 AM	
City Council	Pam Burns	Meeting
Completed	04/27/2015 6:00 PM	

Meeting History

ORDINANCE NO. 2015 - 043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE AMENDMENT OF THE FY15 BUDGET EXPENDITURES TO INCLUDE THE UNSPENT BALANCE OF FY14 DEMOLITION FUNDS FOR THE STREET DIVISION BUDGET; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, City Council approved Ordinance 2014-096, which appropriated \$84,077 to the demolition of condemned residential structures for FY14; and

WHEREAS, \$12,271 of the appropriated FY14 funds were expended on residential demolition, leaving an unspent balance of \$71,806; and

WHEREAS, the City Council approved \$200,000 in the FY15 budget for residential demolition;

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

SECTION 1: That appropriations from the unassigned fund balance, a total amount of \$71,806 for residential demolition in FY15, bringing the overall line item total for residential demolition to \$271,806 for FY15, is hereby amended and approved.

SECTION 2: That a copy of said amended final adopted budget shall be placed on the City's website.

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

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

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment on the City's website.

PASSED AND APPROVED in Regular Council Session on this the 8th day of June, 2015.

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:

ORDINANCE NO. 2014-096

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE BUDGET ESTIMATE OF THE REVENUES AND EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2014; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1: That the budget estimate of the revenues and expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2013, and ending September 30, 2014, be amended to reflect additional revenue received and expenditures appropriated as a result of the following items:

1. Increase appropriations in three (3) Bond Funds to fund the awarded construction contract amount and additional non-contract expenditures previously approved by the City Council for the University Avenue Phase IV project.
2. Increase appropriations in the General Fund to restore unspent demolition funds from the City Council's original appropriation in the City's fiscal year 2013 budget which was inadvertently omitted from the original fiscal year 2014 budget.
3. Increase appropriations in the Court Technology Fund for additional computer hardware and software needs that were not anticipated in the original budget.
4. Increase appropriations in the City's Technology Fund for additional computer hardware and software needs that were not anticipated in the original budget.
5. Increase appropriations in the CDBG Revolving Loan Fund to provide funding for a program qualified loan that was not anticipated in the original budget. The increase in appropriations is offset by the addition of revenues not previously budgeted.
6. Increase appropriations and revenues in the EPA Job Training Grant Fund, as a result of an extension in the grant period and the award of additional funding.
7. Increase appropriations in the Hotel Occupancy Tax Fund to fund larger than anticipated required payments under the City's management agreement for the Convention Center. Anticipated revenue increases are expected to partially offset the increase in expenditures.
8. Increase appropriations in the Law Enforcement Grant Program Fund, due to a new grant award received after the original budget was adopted.
9. Increase appropriations in the Economic Development Fund, due to a larger than anticipated required payment under the City's incentive agreement with Harte-Hanks, Inc.
10. Increase appropriations in the Employee Benefits Fund to fund larger claims costs and increases in other operational expenditures that will be larger than anticipated in the original budget. Anticipated revenue increases are expected to partially offset the increase in expenditures.
11. Increase appropriations in the Firemen's Pension Fund to fund operational expenditures that will be larger than allowed for in the original budget. Additional revenues are expected to fully offset the increase in expenditures.

SECTION 2: That a copy of said amended final adopted budget shall be filed with the City Secretary, the Texarkana Public Library, and placed on the City's website.

SECTION 3: 2003 BOND FUND

AUTHORIZED EXPENDITURES \$628,675

SECTION 4: 2005 BOND FUND

AUTHORIZED EXPENDITURES \$742,815

SECTION 5: 2009 BOND FUND

AUTHORIZED EXPENDITURES \$8,235,343

SECTION 6: GENERAL FUND

ANTICIPATED REVENUES/TRANSFERS IN

General Property Taxes	\$10,351,334
Taxes – Other	14,615,500
Franchise Taxes	1,646,650
Fees and Permits	181,580
Charges for Services	5,656,230
Fines and Forfeitures	1,636,687
Grants and Entitlements	1,119,905
Intergovernmental Revenue	220,650
Other Revenue	274,700
Interest Income	43,382
Rental Income	17,185
Transfers In	337,712
Fund Balance Appropriated	0
Total General Fund Revenues	\$36,101,515

AUTHORIZED EXPENDITURES/TRANSFERS OUT

General Government

City Council	\$76,586
City Manager	202,480
Public Information Officer	166,484
City Secretary	153,416
Human Resources	314,318
Vital Statistics	90,763
City Attorney	128,607
Municipal Court	616,630
Finance	717,207
Total General Government	\$2,466,491
Veterans Office	\$11,060
Non-Operating	\$5,606,644
Refuse Service	\$4,864,000

Public Safety	
Police Administration	\$1,979,265
Patrol Division	4,779,248
Services Division	2,470,133
Total Public Safety	\$9,228,646
Fire Department	
Fire Administration	\$239,912
Fire Operations	5,118,802
Fire Prevention	491,286
Total Fire Department	\$5,850,000
Planning and Community Development	
Community Development	\$438,186
Farmers Market	950
Total Planning and Community Development	\$439,136
Public Works	
Engineering & Infrastructure	\$163,800
Engineering Design	302,716
Street Maintenance	2,656,106
Sign & Signal	416,453
Stormwater Management	242,751
Downtown Transportation Enhancement	778,774
Community & Public Works	170,062
Total Public Works	\$4,730,662
Inspections and Code Enforcement	
Inspection	\$383,184
Environmental Services	138,642
Code Enforcement	257,370
Animal Control	311,355
Environmental Health Svc	69,154
Total Inspections and Code Enforcement	\$1,159,705
Parks and Recreation and Comm Health	
Building Maintenance	\$253,815
Parks & Recreation Administration	161,418
Parks Maintenance	1,066,713
Recreational Programs/Activities	152,515
Senior Citizens Program	83,345
Special Events	20,975
Beverly Community Center	46,818
Sports Promotion	80,250
Total Parks & Recreation	\$1,865,849
Total Expenditures	\$36,222,193

SECTION 7: COURT TECHNOLOGY FUND

<u>AUTHORIZED EXPENDITURES</u>	<u>\$20,540</u>
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SECTION 8: CITY TECHNOLOGY FUND

<u>AUTHORIZED EXPENDITURES</u>	<u>\$151,314</u>
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SECTION 9: CDBG REVOLVING LOAN FUND

<u>ANTICIPATED REVENUES</u>	<u>\$100,000</u>
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<u>AUTHORIZED EXPENDITURES</u>	<u>\$100,000</u>
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SECTION 10: EPA JOB TRAINING GRANT FUND

<u>ANTICIPATED REVENUES</u>	<u>\$90,559</u>
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<u>AUTHORIZED EXPENDITURES</u>	<u>\$25,200</u>
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SECTION 11: HOTEL OCCUPANCY TAX FUND

<u>ANTICIPATED REVENUES</u>	<u>\$1,219,600</u>
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<u>AUTHORIZED EXPENDITURES</u>	<u>\$1,377,251</u>
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SECTION 12: LAW ENFORCEMENT PROGRAM FUND

<u>ANTICIPATED REVENUES</u>	<u>\$7,640</u>
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<u>AUTHORIZED EXPENDITURES</u>	<u>\$4,300</u>
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SECTION 13: ECONOMIC DEVELOPMENT FUND

<u>ANTICIPATED REVENUES</u>	<u>\$386,475</u>
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<u>AUTHORIZED EXPENDITURES</u>	<u>\$508,954</u>
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SECTION 14: EMPLOYEE BENEFITS FUND

<u>ANTICIPATED REVENUES</u>	<u>\$5,259,880</u>
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<u>AUTHORIZED EXPENDITURES</u>	<u>\$5,318,500</u>
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SECTION 15: FIREMEN'S FUND

<u>ANTICIPATED REVENUES</u>	<u>\$4,413,275</u>
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<u>AUTHORIZED EXPENDITURES</u>	<u>\$2,401,508</u>
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SECTION 16: 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 17: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 18: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment in the Office of the City Secretary.

PASSED AND APPROVED and ordered published by the City Council of the City of Texarkana, Texas, in Special Council Session on this the 11th day of August, 2014.


BOB BRUGGEMAN, MAYOR

ATTEST:


JENNIFER EVANS, CITY SECRETARY

6:32 pm

City of Texarkana, Texas
Budget Comparison Worksheet

Acct #	Acct Name	Original Adopted 13-14	Amended Revised 13-14	Amount of Amendment	Amendment #	
<u>2003 Bond Fund (415):</u>						
57059	University Avenue Phase IV	\$ 15,000	\$ 177,594	\$ 162,594	1	
<u>2005 Bond Fund (417):</u>						
57059	University Avenue Phase IV	\$ 228,448	\$ 551,862	\$ 323,414	1	
<u>2009 Bond Fund (420):</u>						
57059	University Avenue Phase IV	\$ 1,000,000	\$ 1,659,606	\$ 659,606	1	
57071	Bringle North Park	\$ 2,400,000	\$ 2,280,268	\$ (119,732)	1	
<u>General Fund (101):</u>						
<u>Planning and Community Development (2001):</u>						
54522	Demolition	\$ -	\$ 84,077	\$ 84,077	2	
<u>Court Technology Fund (114):</u>						
53400	Computer Hard & Software	\$ 1,100	\$ 1,132	\$ 32	3	
55707	Computer Hard & Software	\$ 15,000	\$ 15,510	\$ 510		
Fund Total		\$ 16,100	\$ 16,642	\$ 542		
<u>City Technology Fund (115):</u>						
50200	Lease Purchase Interest Expense	\$ 1,897	\$ 2,738	\$ 841	4	
52213	Computer Supplies	\$ 2,337	\$ 2,000	\$ (337)		
52226	Operating Lease	\$ -	\$ 43,006	\$ 43,006		
55707	Computer Hard & Software	\$ 49,163	\$ 63,800	\$ 14,637		
55820	Capital Lease	\$ 79,354	\$ 37,770	\$ (41,584)		
Fund Total		\$ 132,751	\$ 149,314	\$ 16,563		
<u>CDBG Revolving Loan Fund (203):</u>						
Revenue:						
40016	Contribution From US Govt	\$ -	\$ 100,000	\$ 100,000	5	
Expenditures:						
54504	Special Services	\$ -	\$ 100,000	\$ 100,000		
Fund Total		\$ -	\$ -	\$ -		
<u>EPA Job Training Grant Fund (206):</u>						
Beginning Fund Balance		\$ -	\$ (65,359)	\$ (65,359)	6	
Revenue:						
40016	Contribution From US Govt	\$ -	\$ 90,559	\$ 90,559		
Expenditures:						
51103	Maintenance Operations	\$ -	\$ 1,200	\$ 1,200		
54504	Special Services	\$ -	\$ 24,000	\$ 24,000		
Fund Total		\$ -	\$ 65,359	\$ -		
<u>Hotel Occupancy Tax Fund (212):</u>						
Beginning Fund Balance		\$ 170,623	\$ 213,627	\$ 43,004		

Revenue:

41000 Interest Revenue	\$ 2,400	\$ 1,600	\$ (800)
46237 Convention Center Revenue	\$ 424,000	\$ 348,000	\$ (76,000)
46238 Hotel/Motel Taxes	\$ 727,000	\$ 870,000	\$ 143,000
Change in Revenue	\$ 1,153,400	\$ 1,219,600	\$ 66,200

Expenditures:

50009 Transfer to General Fund	\$ 136,620	\$ 80,250	\$ (56,370)
50054 Transfer to Conv Center	\$ -	\$ (28)	\$ (28)
54518 Conv Center Management	\$ 125,000	\$ 235,000	\$ 110,000
54525 Advertising	\$ 137,204	\$ 137,205	\$ 1
54541 Administrative Fee	\$ -	\$ (375)	\$ (375)
Change in Expenditures	\$ 398,824	\$ 452,052	\$ 53,228
Net Change in Fund Balance	\$ 754,576	\$ 767,548	\$ 12,972

7

Law Enforcement Program Fund (219):

Revenue:

40001 Contributions From State	\$ -	\$ 7,605	\$ 7,605
41000 Interest Revenue	\$ 45	\$ 35	\$ (10)
Change in Revenue	\$ 45	\$ 7,640	\$ 7,595

Expenditures:

54506 Travel	\$ -	\$ 4,300	\$ 4,300
Change In Expenditures	\$ -	\$ 4,300	\$ 4,300
Net Change in Fund Balance	\$ 45	\$ 3,340	\$ 3,295

8

Economic Development Fund (223):

Revenue:

40031 Contributions From Others	\$ 1,000	\$ -	\$ (1,000)
41000 Interest Revenue	\$ 8,500	\$ 5,475	\$ (3,025)
46011 Electric-Swepco	\$ 261,000	\$ 281,000	\$ 20,000
46012 Gas Franchise	\$ 91,000	\$ 100,000	\$ 9,000
Change in Revenue	\$ 361,500	\$ 386,475	\$ 24,975

Expenditures:

50009 Transfer To General Fund	\$ 166,692	\$ -	\$ (166,692)
54679 Econ Incentive Payments	\$ 100,000	\$ 229,754	\$ 129,754
Change In Expenditures	\$ 266,692	\$ 229,754	\$ (36,938)
Net Change in Fund Balance	\$ 94,808	\$ 156,721	\$ 61,913

9

Employee Benefits Fund (701/702):

Revenue:

40006 Employer Contributions	\$ 2,400,000	\$ 2,594,000	\$ 194,000
40018 Water Company Contributions	\$ 990,000	\$ 1,441,000	\$ 451,000
40020 Perot Theatre Contributions	\$ 87,000	\$ 87,500	\$ 500
40023 Airport Auth Contributions	\$ 58,000	\$ 69,000	\$ 11,000
40025 Employee Cont/Flex	\$ 400	\$ -	\$ (400)
40027 Emp Cont Flex/Water Co	\$ 325,000	\$ -	\$ (325,000)
40029 Refund of Contributions	\$ 40,000	\$ 75,000	\$ 35,000
40030 Cobra Premiums	\$ 20,000	\$ 29,500	\$ 9,500
40035 MSFCU Contributions	\$ 9,500	\$ 11,700	\$ 2,200
40040 Stop Loss Reimbursements	\$ -	\$ 28,080	\$ 28,080

40080 TXK Symphony Contributions	\$ 12,000	\$ 11,000	\$ (1,000)
41000 Interest Revenue	\$ 4,500	\$ 8,100	\$ 3,600
Change in Revenue	\$ 3,946,400	\$ 4,354,880	\$ 408,480
Expenditures:			
50001 Expend/Employee Claims	\$ 2,650,000	\$ 3,830,000	\$ 1,180,000
50014 Expenditures/Group Life	\$ 490,068	\$ 189,000	\$ (301,068)
50031 Stop Loss/Admin Costs	\$ 578,932	\$ 594,500	\$ 15,568
50058 Vision Premiums	\$ 66,000	\$ 62,000	\$ (4,000)
51151 Extended Sick leave	\$ 50,000	\$ -	\$ (50,000)
54525 Bank Service Charges	\$ 100	\$ -	\$ (100)
Change in Expenditures	\$ 3,835,100	\$ 4,675,500	\$ 840,400
Change in Fund Balance	\$ 111,300	\$ (320,620)	\$ (431,920)

10

Firemen's Fund (801):

Revenue:

40006 Employer Contributions	\$ 755,000	\$ 778,000	\$ 23,000
40007 Employee Contributions	\$ 521,000	\$ 539,000	\$ 18,000
41000 Interest Revenue	\$ 500	\$ 775	\$ 275
41002 Dividend Revenue	\$ 305,000	\$ 408,000	\$ 103,000
41006 Int Earned/ Govt Security	\$ 320,000	\$ 350,000	\$ 30,000
41008 Gain/Loss Market Value	\$ 2,000,000	\$ 2,337,500	\$ 337,500
Change in Revenue	\$ 3,901,500	\$ 4,413,275	\$ 511,775
Expenditures:			
50010 Retirement Pensions	\$ 1,925,000	\$ 1,882,600	\$ (42,400)
50012 Bond Interest Expense	\$ -	\$ 4,548	\$ 4,548
50019 Agent Fees	\$ 170,000	\$ 230,000	\$ 60,000
50021 Widows Benefits	\$ 216,000	\$ 245,500	\$ 29,500
50051 QDRO Pensions	\$ 8,100	\$ 8,072	\$ (28)
54503 Insurance & Bond	\$ 6,200	\$ 5,328	\$ (872)
54504 Special Services	\$ 14,000	\$ 15,000	\$ 1,000
54506 Travel	\$ 5,000	\$ 10,000	\$ 5,000
Change in Expenditures	\$ 2,344,300	\$ 2,401,048	\$ 56,748
Change in Fund Balance	\$ 1,557,200	\$ 2,012,227	\$ 455,027

11

City of Texarkana, Texas

Version:

Update Date: 4/16/2015 3:24 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2015-045 granting a Specific Use Permit to allow a tattoo studio
on Lots 9-12, Block 16, Rochelle Addition, located at 125 College Drive. Jeff
Subject: Brown, owner. Joel Wright, agent.

Briefing: 4/27/2015 **Public Hearing:** 5/11/2015 **Second Briefing:** May 26, 2015 **Council Vote:** 6/8/2015

Item Schedule

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

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

S-670: This is a request by Jeff Brown, owner, and Joel Wright, agent, for a Specific Use Permit, SUP, to allow a tattoo studio on Lots 9-12, Block 16, Rochelle Addition, located at 125 College Drive. This is a vacant tenant space in the building that is owned and occupied as "J. Brown for the Home", an interior design showroom. This request is to add the one additional use of a tattoo studio. Mr. Wright has indicated that he also plans to utilize this space as an art studio and gallery which will be the primary use of the property. Mr. Wright has also indicated that the tattooing will be by "appointment only" and that no signage advertising tattooing will be placed on the property.

The adjacent zoning is Commercial to the north, east and south and Office zoning to the west. The adjacent land usage is Legend's Gym to the north, businesses to the east and south and an office to the west.

This property is zoned Commercial. A Specific Use Permit is required to allow the one additional use of a tattoo studio in this zoning district. The application of permanent cosmetics is also considered a tattoo as well as any inked body art. The State of Texas will regulate this business as to licensing and other health related issues. This request meets all city requirements to allow the one additional use of a tattoo studio on this property. It appears that there is adequate parking for this business.

Potential Options:

None

Fiscal Implications:

Not applicable

Staff Recommendation:

City of Texarkana, Texas

Since there are already several tattoo studios along the State Line corridor, staff recommends for approval of this request with the following stipulations:

1. That the owner/or any employee performing the application of tattooing procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That if any complaints concerning minors or any violations of the regulations listed above occur, the City has the right to revoke the Specific Use Permit.
3. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
4. That the sale of tobacco products or drug paraphernalia is prohibited.
5. That the hours of operation will be Monday through Saturday from 1:00 a.m. to 7: p.m. and will be "by appointment only". No walk-in clients will be allowed.
6. That any remodeling of the current building must meet all city codes and requires licensed contractors.
7. That no painting of the windows or the building with advertisement or graphic art.
8. That no signage advertising tattoos is allowed on the property.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

April 6, 2015

Attachments

- a. Goals & Perspectives (DOCX)
- b. Ord. # 2015-045 (DOCX)
- c. Exhibit "A" - legal description (PDF)
- d. Maps (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	04/16/2015 5:50 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	04/17/2015 8:58 AM
Public Information Officer	Lisa Thompson	PIO Review Completed
	04/17/2015 9:30 AM	
City Manager	John Whitson	City Manager Review Completed
8:05 AM		04/21/2015
City Council	Pam Burns	Meeting
6:00 PM		Pending
		04/27/2015

City of Texarkana, Texas

Meeting History

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:

NA

Resource Impact:

NA

Select One By Clicking Here

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:

ORDINANCE NO. 2015-045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-670 TO ALLOW THE ONE ADDITIONAL USE OF A TATTOO STUDIO ON LOTS 9-12, BLOCK 16, ROCHELLE ADDITION, LOCATED AT 125 COLLEGE 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 with the City of Texarkana, Texas, requesting an Amendment to the Zoning Ordinance so as to grant a **Specific Use Permit** to allow the **one additional use of a tattoo studio** on Lots 9-12, Block 16, Rochelle Addition, located at 125 College 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 Six (6) to Zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the one additional use of a tattoo studio** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City;

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended so as to grant a **Specific Use Permit numbered S-670 for the purpose of allowing the one additional use of a tattoo studio** on the following described property, to-wit: **Lots 9-12, Block 16, Rochelle Addition in the City of Texarkana, Bowie County, Texas.**

SECTION 2: That the following special terms and conditions are hereby imposed and made part of this Ordinance:

1. That the owner/or any employee performing the application of tattooing procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That if any complaints concerning minors or any violations of the regulations listed above occur, the City has the right to revoke the Specific Use Permit.
3. That if this use ever ceases at this location, the City may revoke the Specific Use Permit that allows a tattoo studio.
4. That the sale of tobacco products or drug paraphernalia is prohibited.
5. That the hours of operation will be Monday through Saturday from 10:00 a.m. to 7:00 p.m. and will be “by appointment only”. No walk-in clients will be allowed.
6. That any remodeling of the current building must meet all city codes and requires licensed contractors.
7. That no painting of the windows or the building with advertisement or graphic art is allowed.
8. That no signage advertising tattoos is allowed on the property.

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

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

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

PASSED AND APPROVED in regular Council Session on this the 8th day of June, 2015.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT "A"

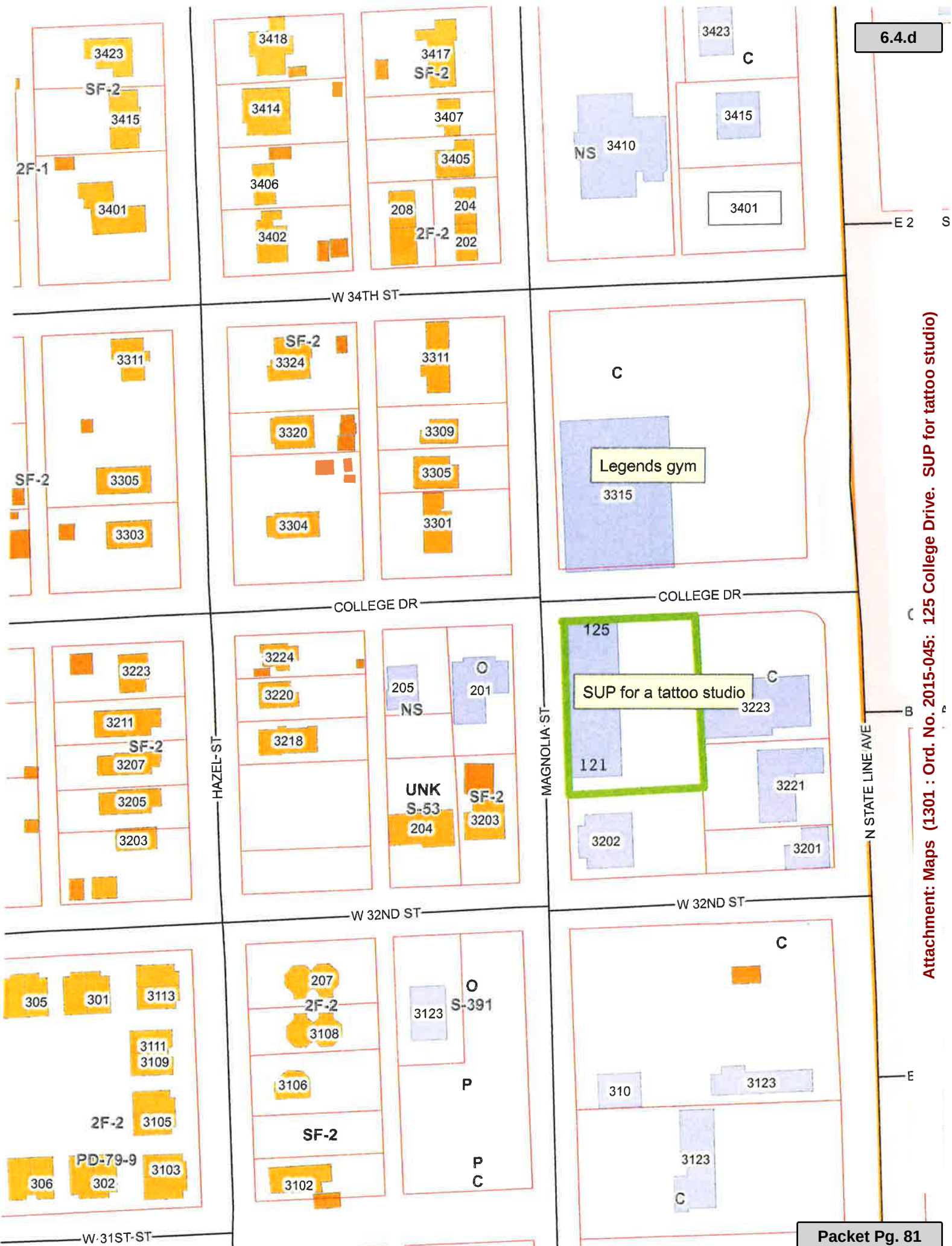
All that certain tract or parcel of land in the THOMAS PRICE HEADRIGHT SURVEY in Bowie County, Texas, a part of a 0.756 acre tract of land conveyed by Henry L. Cook to the Economy Construction Company as recorded May 29, 1930, in Volume 267, Page 435 of the Deed Records of Bowie County, Texas, and described by metes and bounds as follows:
 BEGINNING at a stake on the South boundary line of said 0.756 of an acre tract, the same being 186 feet East of the Southwest corner of said tract;
 THENCE East along a fence 106.30 feet to intersect the South boundary line of the right-of-way of Highway Numbered 62;
 THENCE North 53 deg. 37 min. 30 seconds West with said right-of-way line 93 feet to a stake in same for corner;
 THENCE South 26 deg. 52 min. 30 seconds West 64 feet to a point of beginning and containing 0.003 of an acre of land, more or less.

"We, John W. Earnest and wife, Marjorie Earnest, hereby state and represent that we claim as our residence homestead the following described tract of land located in Bowie County, Texas, to-wit:

All that certain tract or parcel of land situated in the THOMAS PRICE HEADRIGHT SURVEY and being a part of a certain 0.756 acre tract of land conveyed by Henry L. Cook to the Economy Construction Company as recorded May 29, 1930, in Volume 267, Page 435, of the Deed Records of Bowie County, Texas, and more particularly described by metes and bounds as follows:
 BEGINNING at an iron stake in the South boundary line of said 0.756 acre tract, said stake East 71.0 feet from the Southwest corner of the 0.756 acre tract;
 THENCE East along a fence 115.00 feet to an iron stake for corner in said fence;
 THENCE North 26 deg. 52 min. East 64.0 feet to an iron stake for corner in the South right-of-way line of U. S. Highway No. 62;
 THENCE North 53 deg. 37 min. West with said right-of-way line 102.00 feet to a stake for corner;
 THENCE South 26 deg. 52 min. West 131.75 feet to the place of beginning, and containing 0.225 acre of land, more or less.

"We, John W. Earnest and wife, Marjorie Earnest, hereby state and represent that we claim as our business homestead the following described tract of land located in Bowie County, Texas, to-wit:

A part of the THOMAS PRICE HEADRIGHT SURVEY in Bowie County, Texas, and a part of a certain 0.756 acre tract conveyed by Henry L. Cook to Economy Construction Company by Deed of record in Volume 267, Page 435 of the Deed Records of Bowie County, Texas, and described as follows:
 BEGINNING at a stake on the South boundary line of the right-of-way of U. S. Highway No. 62, the Northwest corner of said 0.756 acre tract;
 THENCE South with the West boundary line of said tract, 22 feet to the Southwest corner of same;
 THENCE East with the South boundary line of said tract, 71 feet to a stake for corner;
 THENCE North 26 deg. 52 min. East 131.75 feet to a stake for corner on the South boundary line of the new right-of-way of U. S. Highway No. 62;
 THENCE with said right-of-way line North 53 deg. 37 min. 30 sec. West approximately 175 feet to the place of beginning.





City of Texarkana, Texas

Briefing Sheet

Version: B

Update Date: 4/21/2015 8:07 AM

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk
Subject: Ordinance No. 2015-046 rezoning a 0.47 acre tract of land (Tract 236) in the Thomas Price HRS, A-466, located at 3415 and 3417 New Boston Road. Office to General Retail. Damon Earnest, owner.
Briefing: 4/27/2015 **Public Hearing:** 5/11/2015 **Second Briefing:** May 26, 2015 **Council Vote:** 6/8/2015

Item Schedule

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

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

Z-15-3: This is a request by Damon Earnest, owner, to rezone Tract 236 in the Thomas Price HRS, A-466, located at 3415 and 3417 New Boston Road from Office to General Retail. The current use of the property is an insurance office and a vacant tenant space. This request for rezoning to General Retail is to allow the tenant space to be used for retail sales.

The adjacent zoning is Office to the north, General Retail to the west and Single Family-2 to the south and east. The adjacent land usage is retail businesses to the north and west, vacant land to the south and a residence to the east.

The applicant should be aware that any remodeling of the current building must meet all city codes and requires licensed contractors.

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

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

The Comprehensive Plan has designated this as a Retail area. Since there is other General Retail zoning in this area and mostly business uses along this section of New Boston Road, staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

City of Texarkana, Texas

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

April 6, 2015

Attachments

- a. Goals & Perspectives (DOCX)
- b. Ord. # 2015-046 (DOCX)
- c. Exhibit "A" - legal description (PDF)
- d. Maps (PDF)

Staff Coordination

Planning and Community Development	Pam Burns	Department Head Review	
Skipped	04/23/2015 11:00 AM		
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review Completed	04/23/2015 11:01 AM		
Public Information Officer	Lisa Thompson	PIO Review	Completed
	04/23/2015 11:02 AM		
City Manager	John Whitson	City Manager Review Completed	04/23/2015
11:05 AM			
City Council	Pam Burns	Meeting	Pending 04/27/2015
6:00 PM			

Meeting History

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:

NA

Resource Impact:

NA

Select One By Clicking Here

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:

Z-15-3

ORDINANCE NO. 2015-046

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A CERTAIN 0.47 ACRE TRACT OF LAND (TRACT 236) LOCATED IN THE THOMAS PRICE HRS, A-466, LOCATED AT 3415 AND 3417 NEW BOSTON ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM OFFICE TO GENERAL RETAIL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone a certain 0.47 acre tract of land (Tract 236) located in the Thomas Price HRS, A-466 (Exhibit "A"), located at 3415 and 3417 New Boston Road in the City of Texarkana, Bowie County, Texas, from **Office to General Retail**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of 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 Office to General Retail** to the City Council of Texarkana, Texas; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone a certain 0.47 acre tract of land (Tract 236) located in the Thomas Price HRS, A-466 (Exhibit "A"), located at 3415 and 3417 New Boston Road in the City of Texarkana, Bowie County, Texas, from **Office to General Retail**.

Attachment: Ord. # 2015-046 [Revision 2] (1302 : Ord. No. 2015-046: O to GR. 3415 & 3417 New Boston Road)

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **8th day of June, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT "A"

All that certain tract or parcel of land in the THOMAS PRICE HEADRIGHT SURVEY in Bowie County, Texas, a part of a 0.756 of an acre tract of land conveyed by Henry L. Cook to the Economy Construction Company as recorded May 29, 1930, in Volume 267, Page 435 of the Deed Records of Bowie County, Texas, and described by metes and bounds as follows:
 BEGINNING at a stake on the South boundary line of said 0.756 of an acre tract, the same being 186 feet East of the Southwest corner of said tract;
 THENCE East along a fence 106.30 feet to intersect the South boundary line of the right-of-way of Highway Numbered 62;
 THENCE North 53 deg. 37 min. 30 seconds West with said right-of-way line 93 feet to a stake in same for corner;
 THENCE South 26 deg. 52 min. 30 seconds West 64 feet to a point of beginning and containing 0.003 of an acre of land, more or less.

"We, John W. Earnest and wife, Marjorie Earnest, hereby state and represent that we claim as our residence homestead the following described tract of land located in Bowie County, Texas, to-wit:

All that certain tract or parcel of land situated in the THOMAS PRICE HEADRIGHT SURVEY and being a part of a certain 0.756 acre tract of land conveyed by Henry L. Cook to the Economy Construction Company as recorded May 29, 1930, in Volume 267, Page 435, of the Deed Records of Bowie County, Texas, and more particularly described by metes and bounds as follows:
 BEGINNING at an iron stake in the South boundary line of said 0.756 acre tract, said stake East 71.0 feet from the Southwest corner of the 0.756 acre tract;
 THENCE East along a fence 115.00 feet to an iron stake for corner in said fence;
 THENCE North 26 deg. 52 min. East 64.0 feet to an iron stake for corner in the South right-of-way line of U. S. Highway No. 62;
 THENCE North 53 deg. 37 min. West with said right-of-way line 102.00 feet to a stake for corner;
 THENCE South 26 deg. 52 min. West 131.75 feet to the place of beginning, and containing 0.225 acre of land, more or less.

"We, John W. Earnest and wife, Marjorie Earnest, hereby state and represent that we claim as our business homestead the following described tract of land located in Bowie County, Texas, to-wit:

A part of the THOMAS PRICE HEADRIGHT SURVEY in Bowie County, Texas, and a part of a certain 0.756 acre tract conveyed by Henry L. Cook to Economy Construction Company by Deed of record in Volume 267, Page 435 of the Deed Records of Bowie County, Texas, and described as follows:
 BEGINNING at a stake on the South boundary line of the right-of-way of U. S. Highway No. 62, the Northwest corner of said 0.756 acre tract;
 THENCE South with the West boundary line of said tract, 22 feet to the Southwest corner of same;
 THENCE East with the South boundary line of said tract, 71 feet to a stake for corner;
 THENCE North 26 deg. 52 min. East 131.75 feet to a stake for corner on the South boundary line of the new right-of-way of U. S. Highway No. 62;
 THENCE with said right-of-way line North 53 deg. 37 min. 30 sec. West approximately 175 feet to the place of beginning.





City of Texarkana, Texas

Version: B

Update Date: 4/20/2015 3:33 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2015-047 rezoning a 7.882 acre tract of land in the Willis Oldham HRS, A-458, located at 5445 North Park Road. Planned Development-Commercial and Planned Development-General Retail to Commercial. James Blackburn, owner. Kirk Patton, agent.

Subject: Blackburn, owner. Kirk Patton, agent.

Briefing: 4/27/2015 **Public Hearing:** 5/11/2015 **Second Briefing:** May 26, 2015 **Council Vote:** 6/8/2015

Item Schedule

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

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

Z-14-4: This is a request by James Blackburn, owner, and Kirk Patton, attorney, to rezone a 7.882 acre tract of land located in the Willis Oldham HRS, A-458, located at 5445 North Park Road from Planned Development-General Retail and Planned Development-Commercial to Commercial. The applicant is requesting that the Planned Development designation be removed from the property. The current use of the property is Blackburn's Used Auto Sales. The owner plans to market the property for commercial future use(s).

The adjacent zoning is I-30 to the north, Multiple Family Family-1 to the east, Office and Single Family-2 to the south and Agriculture to the west. The adjacent land use is I-30 to the north, residences and an office to the south, railroad tracks and nursing homes to the east and Spring Lake Park to the west. The Comprehensive Plan has designated this as a retail area.

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

Fiscal Implications:

None

Staff Recommendation:

Staff is concerned about the possibility of an undesirable commercial use locating on the property. This tract of land is located directly north of residential and duplex uses and east of Spring Lake Park. As a result, Staff considered the issue that certain commercial uses could have an adverse impact on the adjacent residential properties and recommended the Planned Development designation should remain in place on the entire property. Specifically, certain uses could be prohibited such as a heavy equipment construction site, auto body and paint shop, welding and machine shop and heavy

City of Texarkana, Texas

machinery sales if the Planned Development remains in place. Also, if these buildings are demolished, then site plan approval of any future use would be required. Because this property is surrounded by street frontage on all sides, no fencing/screening device would be required by ordinance. With a Planned Development designation, the City could impose fencing requirements that would screen the residents to the south.

Therefore, staff recommends that the PD-General Retail tract be rezoned to PD-Commercial and that the PD-Commercial tract not be changed.

Advisory Board/Committee Review:

Planning and Zoning Commission.

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously voted to rezone the portion of this tract that is currently zoned Planned Development-General Retail to Planned Development-Commercial and leave the remaining portion of the property as Planned Development-Commercial.

As a result, the applicant's original request was denied and will require a $\frac{3}{4}$ vote of the City Council to approve. However, an amendment can be made by Council to change the ordinance to Planned Development-Commercial and would require a majority vote for approval.

Advisory Board/Committee Meeting Date and Minutes:

April 6, 2015

Attachments

- a. Goals & Perspectives (DOCX)
- b. Ord. # 2015-047 (DOCX)
- c. Exhibit "A" - legal description (PDF)
- d. Maps (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	04/16/2015 5:53 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	04/20/2015 3:33 PM
Public Information Officer	Lisa Thompson	PIO Review
	04/20/2015 4:12 PM	Completed
City Manager	John Whitson	City Manager Review
8:05 AM		Completed
City Council	Pam Burns	Meeting
6:00 PM		Pending
		04/27/2015

Meeting History

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:

NA

Resource Impact:

NA

Select One By Clicking Here

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:

ORDINANCE NO. 2015-047

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A CERTAIN 7.882 ACRE TRACT OF LAND LOCATED IN THE WILLIS OLDHAM HRS, A-458, LOCATED AT 5445 NORTH PARK ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM PLANNED DEVELOPMENT-GENERAL RETAIL AND PLANNED DEVELOPMENT-COMMERCIAL TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone a certain 7.882 acre tract of land located in the Willis Oldham HRS, A-458 (Exhibit "A"), located at 5445 North Park Road in the City of Texarkana, Bowie County, Texas, from **Planned Development-General Retail and Planned Development-Commercial to Commercial**; 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 that the portion that is currently zoned Planned Development-General Retail be rezoned to Planned Development-Commercial and leave the remaining portion of the property as Planned Development-Commercial** to the City Council of Texarkana, Texas; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone a certain 7.882 acre tract of land located in the Willis Oldham HRS, A-458 (Exhibit "A"), located at 5445 North Park Road in the City of Texarkana, Bowie County, Texas, from **Planned Development- General Retail and Planned Development-Commercial to Commercial**.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **8th day of June, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

All that certain 7.882 acre tract or parcel of land situated in the WILLIS OLDHAM HEADRIGHT SURVEY, Abstract No. 458, Texarkana, Bowie County, Texas, and being a part of Lots Numbered One (1) and Two (2) of Parkview Addition, an annex to the City of Texarkana, Bowie County, Texas, according to the plat thereof recorded in Volume 40, Page 164 of the Plat Records of Bowie County, Texas, and also being a part of that certain tract of land conveyed from Louis Heilbron and Joseph Eldridge to L. R. Graves by Deed dated March 7, 1925, and recorded in Volume 124, Page 198 of the Deed Records of Bowie County, Texas, and the herein described tract of land being all that certain called 4.031 acre tract conveyed from Jimmie O. Clements and wife, Patricia Ann Clements, to James Blackburn, Jr., by Warranty Deed dated August 21, 1996, and recorded in Volume 2538, Page 105 of the Real Property Records of Bowie County, Texas, and also being all that certain called 3.677 acre tract conveyed from Whatley Sign Advertising, Inc., to James Blackburn, Jr., by Warranty Deed dated July 31, 1985, and recorded in Volume 778, Page 27 of the Real Property Records of Bowie County, Texas, and also including all that certain 0.590 acre tract conveyed from Whatley Sign Advertising, Inc., to James K. Leonard, et al, by Deed dated April 1, 1982, and recorded in Volume 685, Page 595 of the Deed Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch reinforcing steel rod found for corner on the North right-of-way line of a street designated as Fair Oaks Drive and also being on the East right-of-way line of Fair Oaks Drive and being the Southwest corner of said Lot No. 2 of Parkview Addition and also being the Southwest corner of said 3.677 acre tract recorded in Volume 778, Page 27 of the Real Property Records of Bowie County, Texas;

THENCE: N 02° 24' 03" W, 459.06 feet with the East right-of-way line of Fair Oaks Drive and with the West line of said 3.677 acre tract to a 1/2 inch reinforcing steel rod set for corner on the South right-of-way line of Interstate Highway No. 30 at the Northwest corner of said 3.677 acre tract;

THENCE: N 77° 05' 07" E, 196.88 feet with the South right-of-way line of Interstate Highway No. 30 to a 1/2 inch reinforcing steel rod set at an angle point in said right-of-way line;

THENCE: N 81° 05' 46" E, 538.60 feet with the South right-of-way line of Interstate Highway No. 30 to a 1/2 inch reinforcing steel rod set for corner on the West right-of-way line of North Park Road at the Northeast corner of said 4.031 acre tract recorded in Volume 2538, Page 105 of the Real Property Records of Bowie County, Texas;

THENCE: S 11° 14' 47" W, 597.50 feet with the West right-of-way line of North Park Road and the East line of said 4.031 acre tract to a 1/2 inch reinforcing steel rod set for corner on the North right-of-way line of Fair Oaks Drive at the Southeast corner of said 4.031 acre tract;

THENCE: N 90° 00' 00" W, 588.25 feet with the North right-of-way line of Fair Oaks Drive to the Point of Beginning, and containing 7.882 acres of land, more or less.

Attachment: Exhibit ?A? - legal description (1303 : Ord. No. 2015-047: PD-GR & PD-C to C: 5445 N. Park Rd.)

SF-1

6201

SF-2
6009

A
5902

A
1200
SF-2

A

N PARK RD

5623
5621
5622
5619

5600

5724

ST-MICHAEL-DR

I-30

MALL-DR

Blackburns business

location of rezoning

PD-77-1

A

C

Spring Lake Park

1023 1017 5225
1019 1019
1019 duplexes
2F-1 5221

SF-3

5119

1014 PUR 1002
JORDAN LN

1013 1009
5027
NS
5029 5009

2F-1

A

C

A

GR
S-449
PD-97-1

MF-1
S-294
5001

MF-1
S-368
4939

KCS Railroad tracks

MF-2
4925

MF-1
S-348

4911
4909
4905
4903

MF-1
S-248

SF-2

Packet Pg. 97

6.6.d

Attachment: Maps (1303 : Ord. No. 2015-047: PD-GR & PD-C to C: 5445 N. Park Rd.)

City of Texarkana, Texas

Version: C

Update Date: 4/20/2015 3:45 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk,
Ordinance No. 2015-048 rezoning a 0.47 acre tract of land in the F.V, Evans
Subject: HRS, A-472, located in the 6800-6900 block of Richmond Road. Single
Family-1 to Multiple Family-2. John Bailey, owner. Alan Schimming, agent.
Briefing: 4/27/2015 **Public Hearing:** 5/11/2015 **Second Briefing:** May 26, 2015 **Council Vote:** 6/8/2015

Item Schedule

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

Updates/History of Briefing:

Not applicable

Executive Summary and Background Information:

Z-15-5: This is a request by John G. Bailey, owner, and Alan Schimming, agent, to rezone Tracts 58 & 59 in the F.V. Evans HRS, A-472, located in the 6800-6900 block of Richmond Road (near intersection of Jones Lane) from Single Family-1 to Multiple Family-2. This property is currently vacant. The proposed use is two triplexes and a four-plex.

The adjacent zoning is Single Family-1 to the east and south and outside the city limits to the north and west. The adjacent land usage is vacant land to the north, residences to the south, a residence and vacant land to the east and a duplex development to the west.

The Comprehensive Plan has designated this as a Mixed Use Area.

The applicant should be aware that any driveway access from Richmond Road would require TXDOT approval.

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

Potential Options:

None

Fiscal Implications:

None

Staff Recommendation:

Staff agrees that the multiple family use of the property in such close proximity to the Texas A&M-Texarkana campus would be an asset to the area. Additionally, there is currently a triplex development located immediately to the west of this property although it is located outside the city

City of Texarkana, Texas

limits. Therefore, staff recommends for approval of the request to Planned Development-Multiple-Family-2. Staff recommends Planned Development for the following reasons:

1. Jones Lane is a very narrow street and access could be reviewed with a site plan.
2. With the two triplexes and a four-plex proposed on this site, the density and layout of the multiple family development could be reviewed and planned accordingly.
3. The exterior building façade could be regulated as well as signage, lighting and landscaping.

Advisory Board/Committee Review:

Planning and Zoning Commission.

Board/Committee Recommendation:

The Planning and Zoning Commission unanimously recommended for approval to Planned Development-Multiple Family-2.

As a result, the applicant's original request was denied and will require a $\frac{3}{4}$ vote of the City Council to approve. However, an amendment can be made by Council to change the ordinance to Planned Development- Multiple Family-2 and would require a majority vote for approval.

Advisory Board/Committee Meeting Date and Minutes:

April 6, 2016

Attachments

- a. Goals & Perspectives (DOCX)
- b. Ord. # 2015-048 (DOCX)
- c. Exhibit "A" - legal description (PDF)
- d. Maps (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	04/16/2015 5:51 PM	
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review Completed	04/20/2015 3:45 PM	
Public Information Officer	Lisa Thompson	PIO Review Completed
	04/20/2015 4:10 PM	
City Manager	John Whitson	City Manager Review Completed 04/21/2015
8:05 AM		
City Council	Pam Burns	Meeting Pending 04/27/2015
6:00 PM		

Meeting History

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:

NA

Resource Impact:

NA

Select One By Clicking Here

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:

ORDINANCE NO. 2015-048

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A CERTAIN 0.47 ACRE TRACT OF LAND (TRACTS 58 & 59) LOCATED IN THE F.V. EVANS HRS, A-472, LOCATED IN THE 6800-6900 BLOCK OF RICHMOND ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-1 TO MULTIPLE FAMILY-2; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone a certain 0.47 acre tract of land (Tracts 58 & 59) located in the F.V. Evans HRS, A-472 (Exhibit “A”), located in the 6800-6900 block of Richmond Road in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Multiple-Family-2**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and 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-1 to Planned Development-Multiple Family-2** to the City Council of Texarkana, Texas; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone a certain 0.47 acre tract of land (Tracts 58 & 59) located in the F.V. Evans HRS, A-472 (Exhibit “A”), located in the 6800-6900 block of Richmond Road in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Multiple Family-2**.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **8th day of June, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT 'A'

This Instrument Prepared By: Karlton H. Kemp, Jr., Attorney at Law
604 Regions Bank Building
8002 State Line Plaza, Suite 604
Texarkana, Arkansas 71854
Texas State Bar Card No. 11256100

WARRANTY DEED

BOWIE COUNTY, TEXAS
Marylene Megason
County Clerk
On: Oct 08, 1998 at 12:12P

KNOW ALL MEN BY THESE PRESENTS:

That Pillow Termite & Pest Control, Inc., a Texas Corporation, duly authorized and empowered by proper Resolution of its Board of Directors, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars, and other good and valuable consideration, to said Grantor in hand paid by the Grantees hereinafter named, the receipt of which is hereby acknowledged. AND THE FURTHER CONSIDERATION of the execution and delivery by the Grantees herein of their one certain promissory note dated October 1, 1998, in the principal amount of Twenty Two Thousand Nine Hundred and No/100 (\$22,900.00) Dollars, payable to the order of The First National Bank, P. O. Box 547, Ashdown, Arkansas 71822, which \$22,900.00 represents funds advanced by The First National Bank at the request of and as a loan to the Grantees herein in payment of the purchase price of the property herein conveyed, which note bears interest and is payable as therein set forth, and in addition to the vendor's lien retained herein in favor of The First National Bank, securing its payment, the Grantees herein have executed their Deed of Trust to J. Michael Cross, Trustee; have GRANTED, SOLD, AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto John G. Bailey DVM and wife, Esther L. Bailey, 38 Dunham, Texarkana, Texas 75503, the following lands lying in Bowie County, Texas:

All that certain tract or parcel of land situated in the P. V. EVANS HEADRIGHT SURVEY, A-742, Bowie County, Texas, and also being situated in the Northwest Quarter of Section 14 of the M. E. P. & P. Ry. Company Survey and the herein described tract of land being that same tract conveyed from Bill Baldridge and wife, Wanda Sue Baldridge to Pillow Termite and Pest Control, Inc. by warranty Deed Dated January 4, 1980, and recorded in Volume 658, page 62 of the Deed Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows: COMMENCING at a point in the East line of the NW 1/4 of said Section 14 of the M. E. P. & P. Ry. Company Survey and the North right-of-way line of a public road known as Myrtle Springs Road, said road also being known as North Kings Highway (F. M. Road No. 989), and being 50.00 feet at right angles from the centerline of said road; THENCE: Westerly, 1982.1 feet with the North right-of-way line of said road to a point on the East side of a public road known as Jones Lane (County Road No. 2348); THENCE: N 00° 35' W, 209.0 feet along the East side of said road to a point; THENCE: N 00° 20' W, 706.3 feet along the East side of said road to a point; THENCE: N 00° 30' W, 323.7 feet along the East side of said road to a 1 inch pipe found for corner and being the POINT OF BEGINNING for the herein described tract of land; THENCE: N 00° 30' 00" W, 125.02 feet along the East line of said road (Jones Lane) to a 1/2 inch pipe found for corner; THENCE: N 89° 04' 11" E, 136.20 feet with the South line of a certain tract recorded in a Deed of Trust recorded in Volume 419, Page 704 of the Deed of Trust Records of Bowie County, Texas, to a 1/2 inch reinforcing steel rod set for corner in the West right-of-way line of Richmond Road (F. M. Road No. 559); THENCE: S 33° 27' 31" E, 75.68 feet with the West right-of-way line of Richmond Road to a 1/2 inch reinforcing steel rod set for corner; THENCE: S 04° 11' 00" W, 60.98 feet along an existing fence line, being the West boundary line of a certain tract conveyed to Coy A. Martline by deed recorded in Volume 940, Page 323 of the Real Property Records of Bowie County, Texas, to a 1/2 inch reinforcing steel rod set for corner at an existing fence corner; THENCE: S 88° 55' 00" W, 172.40 feet along an existing fence line and with a projection of said fence line and with the North boundary line of a certain tract of land conveyed to Kevin D. Roberts by deed recorded in Volume 2099, Page 141 of the Real Property Records of Bowie County, Texas, to the POINT OF BEGINNING and containing 0.47 acres of land, more or less.

Also a 1972 14 X 60 Hillcrest Mobile Home, Serial Number HL4490F

TO HAVE AND TO HOLD the said premises, together with all rights, hereditaments, and appurtenances thereto belonging, unto the said Grantees

2

Volm Page
13396 2930 77

above named, their heirs and assigns forever. And Pillow Termite & Pest Control, Inc., does hereby bind itself, and its successors, to WARRANT AND FOREVER DEFEND the title to the said property unto the said Grantees above named, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof, SUBJECT TO: (1) Any discrepancies, conflicts, or shortages in area or boundary lines, or any encroachments or protrusions, or any overlapping of improvements; (2) Any visible or apparent easements over and across the property above described; (3) Any portion of the above described property which falls within the boundaries of a road or roadway.

But is expressly agreed and stipulated that a vendor's lien is created herein in favor of The First National Bank and said The First National Bank will hold superior title in and to the above described property, premises and improvements, and the title in the Grantees will not become absolute until the above described note, together with all renewals and extensions thereof, and all interest and other charges therein stipulated, are fully paid, according to the face and effect and reading thereof, when this deed shall become absolute; and it shall be the same as if a vendor's lien was retained in favor of the Grantor herein and assigned by proper assignment to The First National Bank without recourse on Grantor in any manner for the payment of said indebtedness.

Dated this 1st day of October, 1998.

PILLOW TERMITE & PEST CONTROL, INC.

By: David Pillow

David Pillow, President

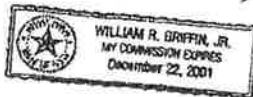
STATE OF TEXAS
COUNTY OF Bosque

ACKNOWLEDGMENT

BEFORE ME, the undersigned, a Notary Public, in and for said County and State, on this day personally appeared David Pillow, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same as the act and deed of Pillow Termite & Pest Control, Inc., a Texas Corporation, and as the President thereof and for the purposes and consideration therein expressed.

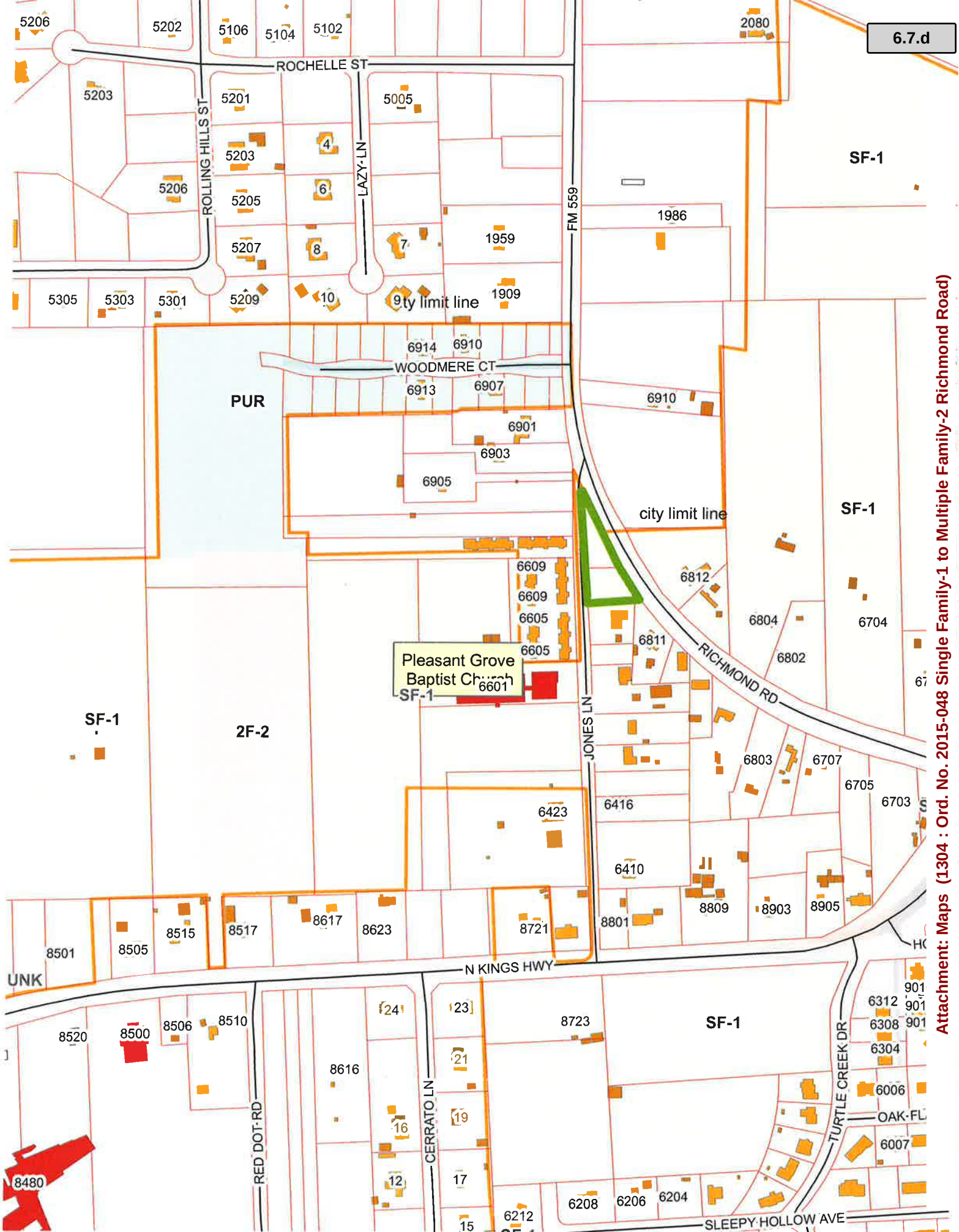
GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 1st day of Oct, 1998.

William R. Griffin, Jr.
Notary Public



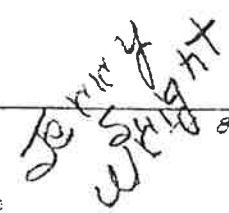
After Recording
Return To
Twin City Title Co.
G.F. 98-198205

*
13396 Vol 2930 Page 78



Attachment: Maps (1304 : Ord. No. 2015-048 Single Family-1 to Multiple Family-2 Richmond Road)





City of Texarkana, Texas

Version: C

Update Date: 4/6/2015 1:11 PM

Briefing Sheet

Lead Department: Economic Development **Action Officer:** Jerry Sparks, Economic Developer
Ordinance No. 2015-029 authorizing the City Manager to enter into contracts with Caldera East I LLC or other parties for the funding of street construction and improvements to complete the extension of Gibson Lane from Pleasant Grove Road to Texas FM 989 (Kings Hwy); approving the reimbursement of the approved construction costs using funds generated from future development revenue from the Tax Increment Reinvestment Zone #1 in an amount not to exceed \$2,000,000.

Subject: Public Hearing: 4/27/2015 **Second Briefing:** May 11, 2015 **Council Vote:** 5/26/2015

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The action will grant the City Manager the authority to enter into a contract for reimbursement of construction costs with one or more parties to construct an extension of Gibson Lane westward from Pleasant Grove Road to Texas FM 989 (Kings Hwy). The project has been on the TIRZ Project List that was approved by the TIRZ Board and by Council. Funding for the reimbursement will be from revenue generated by future development in the TIRZ #1.

Potential Options:

- NONE
-

Fiscal Implications:

The ordinance will authorize the City Manager to enter into an agreement to reimburse an amount not to exceed \$2,000,000 from future revenue of TIRZ #1.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

TIRZ Board included the project in the TIRZ #1 Project List.

Board/Committee Recommendation:

TIRZ Board approved the project as a part of the TIRZ #1 Project List.

Advisory Board/Committee Meeting Date and Minutes:

City of Texarkana, Texas

The project has been on the Project List since 2012. A copy of the TIRZ 2012 project list is included.

Attachments

- a. Ord. No. 2015-029 for Gibson Lane Extension Mar 2015 (DOCX)
- b. Gibson extension 19 Mar 15 (PDF)
- c. Financing Plan and Project Plan TIRZ One (Interstate 30)_revised 6-20-12(PDF)
- d. Key Points for Agreement Extension of Gibson Lane Feb 2015 (DOCX)
- e. TIRZ 1 Project List-Bond Project April 2015 (PDF)
- f. TIRZ 1 Annual Report 2013 (PDF)
- g. Goals & Perspectives (DOCX)
- h. TIRZ 1 Project List-Bond Project April 2015 (PDF)

Staff Coordination

Economic Development	Jerry Sparks	Department Head Review	
Completed	03/24/2015 11:19 AM		
Planning and Community Development	David Orr	Review	Completed
03/24/2015 12:10 PM			
Public Works Department	Kyle Dooley	Review	Completed
03/24/2015 4:02 PM			
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review	03/24/2015 4:29 PM		
Public Information Officer	Lisa Thompson	PIO Review	Completed
03/24/2015 4:35 PM			
Finance Department	Charlie Bassett	Review	Completed 03/31/2015
10:15 AM			
City Manager	John Whitson	City Manager Review	Completed 04/06/2015
3:14 PM			
City Council	Jennifer Evans	Meeting	Completed 04/13/2015
6:00 PM			

Meeting History

04/13/15 City Council MOVED FORWARD Next: 04/27/15
 Jerry Sparks briefed this item.

ORDINANCE NO. 2015-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO CONTRACTS WITH CALDERA EAST I LLC OR OTHER PARTIES FOR THE FUNDING OF STREET CONSTRUCTION AND IMPROVEMENTS TO COMPLETE THE EXTENSION OF GIBSON LANE FROM PLEASANT GROVE ROAD TO TEXAS FM 989 (KINGS HWY); APPROVING THE REIMBURSEMENT OF THE APPROVED CONSTRUCTION COSTS USING FUNDS GENERATED FROM FUTURE DEVELOPMENT REVENUE FROM THE TAX INCREMENT REINVESTMENT FUND #1 IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS (\$2,000,000); AND ESTABLISHING AN EFFECTIVE DATE.

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

WHEREAS, the Public Infrastructure Project list for Tax Increment Reinvestment Zone #1 includes an amount not to exceed \$9,000,000 for the extension of Gibson Lane to Texas FM 989 (Kings Hwy); and

WHEREAS, the TIRZ Board has recommended this proposed street extension project and it is listed in their annual report; and

WHEREAS, the City Council recognizes the need for funding for this proposed street extension project through reimbursement of approved construction costs using funds generated from future development revenue dedicated to the TIRZ #1 fund; and

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

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

SECTION 1: That the City Manager be and is hereby authorized to enter into a contract with Caldera East I LLC or other parties in a grand total amount not to exceed TWO MILLION AND NO/100 DOLLARS (\$2,000,000.00) for funding street construction and improvements to Gibson Lane between Pleasant Grove Road and Texas FM 989.

SECTION 2: That the future revenue from new development in Tax Increment Reinvestment Zone #1 will be the sole source of the funding for the reimbursement of construction costs.

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

PASSED AND APPROVED in Regular Council Session on this the **26th** day of **May, 2015**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



NOT TO SCALE



Proposed Gibson Lane Extension Caldera I East, LLC

engineers & surveyors
5930 SUMMERHILL ROAD, TEXARKANA, TX 75503
PHONE: 903-638-6533 - WWW.TGENGINEERS.COM
TBP# 2354





Financing Plan and Project Plan for Tax Increment Reinvestment Zone 1 (I-30 TIRZ)



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- Exhibit B Preliminary Project List
- Exhibit C Projected Captured Appraised Value and Tax Increment



I. INTRODUCTION

The Tax Increment Reinvestment Zone Number One (the "Zone") is a tax increment reinvestment zone, designated by the City of Texarkana, Texas (the "City") pursuant to the Tax Increment Financing Act, as codified in Chapter 311 of the Texas Tax Code (the "Act").

The Zone is located entirely in Bowie County (the "County") and within the corporate limits of the City.

The Zone is created for a 25-year duration.

The TIRZ area is predominately open, and because of obsolete platting, deteriorating structures, and other factors, the sound growth of the City is substantially impaired. The Zone will facilitate a program of public improvements to allow and encourage the development and redevelopment into a mixed use, pedestrian oriented environment consistent with the goals of the City's Master Plan. Construction of the public improvements is scheduled to take place in phases over a number of years and timed in coordination with new development and redevelopment projects in the Zone.

Public improvements scheduled for the Zone include, but are not limited to, the construction of:

(i) sidewalks, cross walks and pedestrian crossing systems (ii) storm sewers and drainage ponds, (iii) sanitary sewers, (iv) landscaping, streetscape, fountains, works of art, and benches, (v) plazas, squares, pedestrian malls, trails, and other public spaces, (vi) parking lots and roadways, (vii) utility line relocation and installation, (viii) water system improvements (ix) parks, and outdoor performance spaces, (x) bicycle routes and facilities, (xi) public transportation projects, (xii) signage, and (xiii) other related necessary or convenient public improvements (collectively, the "Project Costs").

II. PROJECT PLAN

A. Existing Uses and Conditions 311.011(b)(1)

Exhibit A is a map illustrating the existing conditions of property within the Zone, as required by Section 311.011 (b)(1) of the Act. The area currently includes several different uses including retail, restaurant, office, institutional and limited residential. The purpose of the Zone is to facilitate a program of public improvements to allow the development and redevelopment of the areas into a mixed use, pedestrian oriented environment consistent with the goals of the City's Master Plan.

For illustrative purposes, Exhibit A depicts the vicinity and boundaries of the Zones. The TIRZ map will be the primary document for defining the contiguous area for the tax financing district.

B. Municipal Ordinances and Agreements 311.011(b)(2)

All of the property located within the Zone is within the corporate limits of the City. The City and County have agreed to participate in the Zone by contributing 100% of their tax increment. The proposed development does not anticipate any additional changes to the City's comprehensive plan, City ordinances or building codes other than those relating to the creation of the Zone or those ordinances or comprehensive plan amendments already approved by the City for the development.

C. Zone Non-Project Costs 311.011(b)(3)

For TIRZ Number 1 (I-30), there are currently plans for six projects to be initiated between 2009 and 2012 with a combined budget of over \$30 million. The projects are mixed use projects with retail, office, hotel and residential components. Over the life of the reinvestment zone it is anticipated that substantial new investment will occur within the zone.

D. Relocation 311.011(b)(4)

No residential relocation will be required as a part of the creation of the Zone. Less than 10% of the property within the Zone is currently used for residential purposes.

III. FINANCING PLAN

A. Project Cost Description 311.011(c)(1)

Project Costs will include:

1. Capital Costs

- a. water system improvements;
- b. storm sewers and drainage ponds;
- c. sanitary sewers;
- d. utility line relocation and installation;
- e. parking lots and roadways;
- f. streetscape and landscape areas;
- g. public areas and plazas;
- h. sidewalks, cross walks and pedestrian crossing facilities;
- i. parks, trails and outdoor performance areas;
- j. public transportation projects; and
- k. bicycle routes and facilities.

2. Design, Architectural, and Engineering Fees

The public improvements will require professional services for design and engineering, including inspecting/testing of soils and construction materials and overseeing construction operations. Additionally, certain studies, including market and economic feasibility studies will be prepared.

3. Zone Administration - Over 25-Year Life of Zone

The ongoing administration of the Zone will require services including, but not limited to, such services as accountants and bookkeepers, engineers, legal counsel, planners or other administrative services deemed necessary by the Zone Board to implement this Plan.

B. Location of Proposed Public Improvements 311.011(c)(2)

The approximate location of the proposed public improvements, as required to be demonstrated by Section 311.011 (c)(2) of the Act, is shown on Exhibit A, which follows. The public improvements will be constructed in phases consistent with the development and redevelopment of properties.

C. Estimate of Project Costs

Project Costs will vary depending on the nature, timing and number of development and redevelopment projects within the Zone. It is anticipated that total Project Costs will not exceed \$25,000,000. Project Cost expenditures will vary from year to year and may range from \$500,000 to \$1,000,000 annually. Such Project Costs may be paid from the tax increment on deposit from time to time in the Fund, defined below, or through the issuance of bonds, notes or other obligations (the “Obligations”).

D. Economic Feasibility Study 311.011(c)(3)

The City of Texarkana proposes to create a Tax Increment Reinvestment Zone (TIRZ) in Texarkana. Other taxing entities (OTE) in the proposed zones include Texarkana Independent School District, Pleasant Grove Independent School District, and Bowie County. Pleasant Grove ISD has a total appraised value exceeding \$951 million and Texarkana ISD has a total appraised value exceeding \$1.9 billion.

TIRZ Number One

TIRZ#1 encompasses largely undeveloped or underdeveloped areas of Northwest Texarkana. Development in this area has been hampered by the lack of existing infrastructure including water, waste water, sanitary sewer, and streets.

Based on an assumption of infrastructure development, likely projects have been identified. These projects could create an investment exceeding \$240 million over the next 8-10 years. The needed infrastructure to support these projects would be approximately \$40,000,000.

TIRZ #1 will contain approximately 5.88% of the total appraised value of Pleasant Grove ISD and approximately 7.2% of the total appraised value of Texarkana ISD.

Over \$250 million in potential new development has been identified for the TIRZ #1.

Prepared for the City of Texarkana, Texas, Economic Development Contract

E. Estimate of Obligations to be Incurred 311.011(c)(4)

The City will finance certain Project Costs described above necessary to develop the property in the Zone. The City will finance such Project Costs through using funds on deposit in the Fund, the issuance of Obligations or any combination thereof depending upon the growth of the tax increment and the number of other taxing jurisdictions participating in the Zone. The City estimates that it will issue Obligations in one or more series in an aggregate amount not to exceed \$25,000,000 at such time and amount as financially feasible based upon the tax increment and the nature and scope of development and redevelopment projects within the zone.

F. Time of Incurring Monetary Obligations 311.011(c)(5)

The repayment term on any Obligations issued is estimated at 20 years. It is anticipated that Obligations will be issued no sooner than City of Texarkana, Texas fiscal year 2010.

G. Method of Financing 311.011(c)(6)

Any Obligations issued by the City will be secured in whole or in part by ad valorem taxes collected by the City on the incremental increase in the assessed value of real property located within the Zone.

For purposes of this financing model the City & County will participate in the Zone at a participation rate equal to 100% of their total tax rate.

The City will establish a Tax Increment Fund (the "Fund") for the Zone in the ordinance designating the Zone. In accordance with Section 311.013 of the Act, each participating taxing jurisdiction will pay into the Fund the amount of increment generated by the taxing jurisdiction.

The tax increment deposited into the Fund will be used to pay Project Costs, Obligations issued to finance Project Costs and costs related to maintaining, operating and administering the Zone.

H. Current Appraised Value/Captured Appraised Value 311.011(c)(7)(8)

For the I-30 TIRZ District the base value, from which captured appraised value is calculated, \$ **184,730,963.00** is the total assessed taxable value of all property within the Zone on January 1, 2009, as shown on the rolls of the Bowie County Appraisal District. The development and redevelopment in the Zone is anticipated to occur over a number of years, the projected captured appraised value will increase as development continues. Exhibit D shows the projected captured appraised value and tax increment over the 25-year duration of the Zone.

I. Duration of the Zone 311.011(c)(9)

The Zone will have duration of 25 years.

IV. BOARD OF DIRECTORS OF THE ZONE (ADVISORY)

The zone Board of Directors is composed of 9 members with advisory capacity in the Ordinance designating the Zone. Appointment to the Board for six members shall be made by the Mayor of Texarkana, Texas with the appointment of members from Texarkana Independent School District, Pleasant Grove Independent School District, and Bowie County shall be at their discretion. Each TIRZ Board member shall serve two-year terms with City Council designating the Chairman annually and board members electing a Vice-Chairman and other necessary officers.

Notwithstanding anything to the contrary in City's ordinance creating the Zone, pursuant to the provisions of Sections 311.009(a), Texas Tax Code, the County shall, as a participating taxing entity in the zone, have the unequivocal right to appoint and thereafter at all times maintain one member on the Advisory Board of Directors of the Zone. The County may also appoint and maintain one non-voting ex-officio member on the Advisory Board of Directors of the Zone as the County may desire.

The Board of Directors of the Zone will prepare (i) an Annual Zone Budget; (ii) an Annual Report of Zone activities; and (iii) an Annual Financial Statement prepared in accordance with Generally Accepted Accounting Principles for presentation to the City.



EXHIBIT A – ZONE BOUNDARY MAP (I-30 TIRZ)

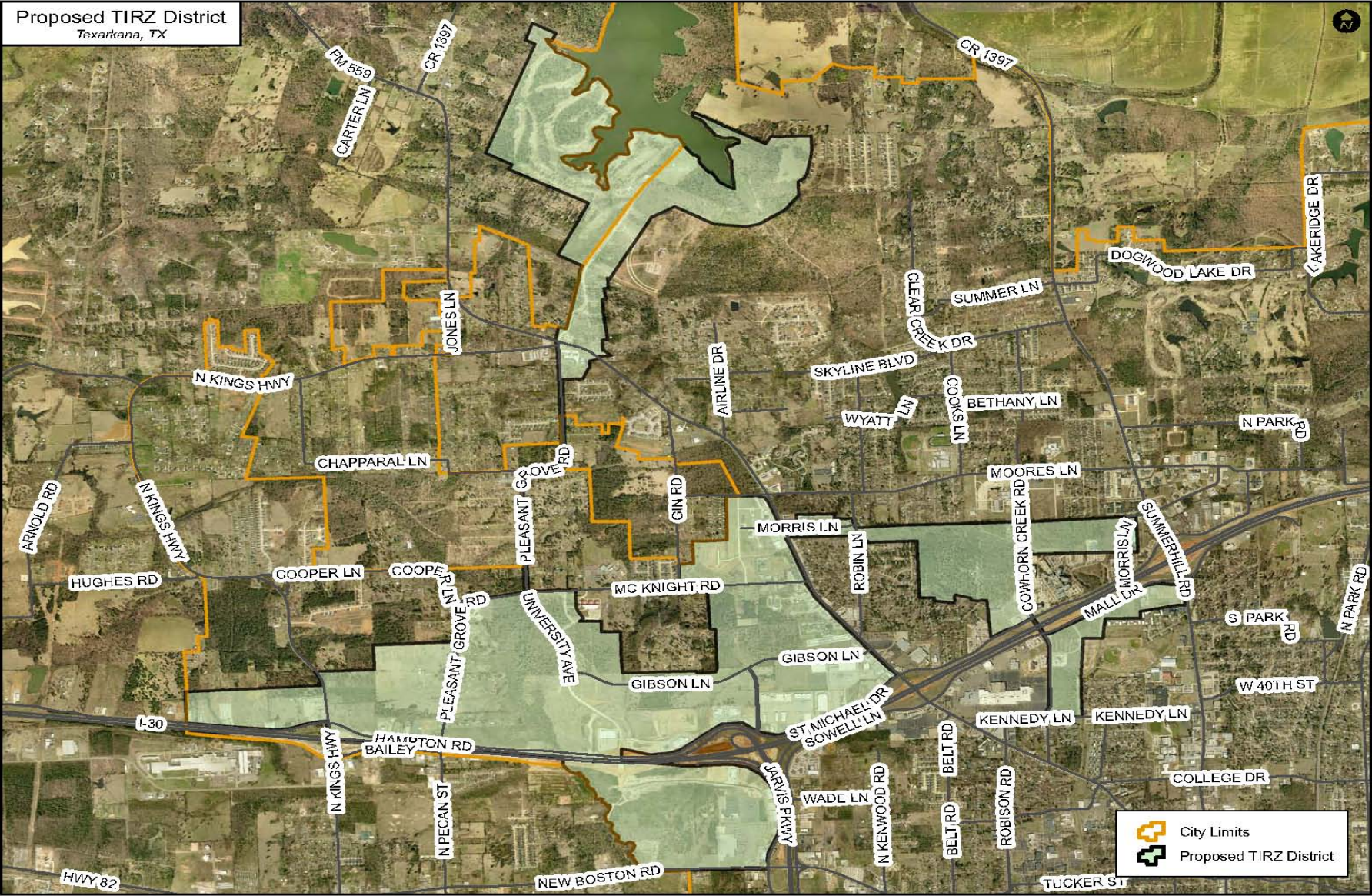


EXHIBIT B –PROJECT LIST

Public improvements scheduled for the Zone include, but are not limited to, the construction of:

(i) sidewalks, cross walks and pedestrian crossing systems (ii) storm sewers and drainage ponds, (iii) sanitary sewers, (iv) landscaping, streetscape, fountains, works of art, and benches, (v) plazas, squares, pedestrian malls, trails, and other public spaces, (vi) parking lots and roadways, (vii) utility line relocation and installation, (viii) water system improvements (ix) parks, and outdoor performance spaces, (x) bicycle routes and facilities, (xi) public transportation projects, (xii) signage, and (xiii) other related necessary or convenient public improvements (collectively, the “Project Costs”).

Proposed projects amended April 17th, 2012:

Walton Dr & Pavilion drainage improvements	175,000
(Joint project with TxDOT for box culverts on North & South side of intersection)	
Walton Dr & Pavilion drainage	300,000
(Box culverts west of intersection and west of Harley-Davidson property)	
Cowhorn Creek Linear Park	1,000,000
Gibson Extension to FM 989 & feeder streets to Gibson	9,000,000
Drainage Project @ Arista	100,000
TAMU East Approach (Phase I)	15,000,000
TAMU East Approach (Phase II)	6,000,000
Morris Lane Extension	7,000,000
Parking Garage at University/Drainage	2,000,000
Backage road-Summerhill to Mall Dr	1,000,000
Proposed Site Improvements Gibson & University	2,000,000
TOTAL Potential Projects in TIRZ 1	\$ 43,575,000

EXHIBIT C – PROJECTED CAPTURED APPRAISED VALUE AND TAX INCREMENT

**I-30 TEXARKANA TAX INCREMENT REINVESTMENT ZONE
PROJECTED CAPTURED APPRAISED VALUE AND TAX INCREMENT**

City of Texarkana - Bowie County									
Tax Increment Reinvestment Zone									
Texarkana Development Authority TIF Revenue Bonds									
FYE	Incremental Taxable	City of Texarkana	Bowie County	Total Operating	Gross Property Tax	Incremental Sales Tax	Total Incremental	TIF REVENUE BONI	Surplus/ <Deficit>
30-Sep	Assessed Value	Tax Rate	Tax Rate	Tax Rates	Contribution		Revenue	PAYMENTS ⁽¹⁾	
2009									
2010	\$ 10,000,000	0.4078	0.327	0.73		\$ -			
2011	25,000,000	0.4078	0.327	0.73	73,480	-	73,480	\$ -	73,480
2012	50,000,000	0.4078	0.327	0.73	183,700	\$ -	183,700	-	183,700
2013	75,000,000	0.4078	0.327	0.73	367,400	\$ -	367,400	458,100	(90,700)
2014	80,000,000	0.4078	0.327	0.73	551,100	\$ -	551,100	574,500	(23,400)
2015	85,000,000	0.4078	0.327	0.73	587,840	\$ -	587,840	601,250	(13,410)
2016	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	630,750	(6,170)
2017	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	633,600	(9,020)
2018	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	630,700	(6,120)
2019	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	632,050	(7,470)
2020	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	632,500	(7,920)
2021	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	632,050	(7,470)
2022	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	630,700	(6,120)
2023	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	633,300	(8,720)
2024	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	629,850	(5,270)
2025	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	630,350	(5,770)
2026	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	629,650	(5,070)
2027	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	632,600	(8,020)
2028	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	634,050	(9,470)
2029	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	634,000	(9,420)
2030	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	632,450	(7,870)
2031	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	629,400	(4,820)
2032	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	629,700	(5,120)
2033	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	633,050	(8,470)
2034	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	634,300	(9,720)
2035	85,000,000	0.4078	0.327	0.73	624,580	\$ -	624,580	(18,450)	643,030
					\$ 14,255,120	\$ -	\$ 14,255,120	\$ 13,620,450	\$ 634,670

(1) Total bond issue size - \$7,635,000. Proceeds - \$5,685,000. Funds available June 2010. Interest capitalized until FY 13.

SUBJECT: Reimbursement for Construction Cost to Extend Gibson Lane
from PG Road to Kings Hwy

KEY POINTS FOR PROJECT REIMBURSEMENT

1. The City will approve the route for the extension of Gibson from PG Road to FM 989 (Kings Hwy). After a satisfactory final inspection, the street and all right-of-way will be transferred to the City.
2. The construction of the street will conform to City standards and design.
3. The developer will obtain authorization/approval to install and construct signalization in accordance with TxDOT standards.
4. The developer will co-ordinate with TWU for construction of water/sewer.
5. The developer will be reimbursed in an amount not to exceed \$2,000,000 (or total approved construction cost).
6. The reimbursement of construction and construction-related costs will occur when/if new developments within the boundaries of existing TIRZ #1 generate sufficient tax increment revenue to provide reimbursement funding.
7. The City will not reimburse for ANY costs associated with acquiring right-of-way.
8. The extension of Gibson Lane to FM 989 (Kings Hwy) & feeder streets to Gibson Lane are included for TIRZ Project List. The TIRZ Board and City Council have approved a total amount of \$9,000,000 for the complete project.

TIRZ #1
Project List with Funding

	Approved for Project List	Completed & Funded	2012 Bond Funding Approved	2012 Bond Funds Expended	Status
Public Infrastructure Projects Walton Dr & Pavilion drainage improvements (Joint project w/TxDOT)	\$ 175,000	\$175,000			
W Walton Dr & Pavilion drainage	\$ 100,000		\$ 100,000		No project state date
Extension of South University	\$ 500,000				No project start date
Cowhorn Creek Linear Park	\$ 1,000,000		\$ 1,000,000	\$ 98,450	Project started
Gibson Extension to FM 989 & feeder streets to Gibson	\$ 9,000,000				
Drainage Project @ Arista	\$ 100,000	\$99,170			2005 Bond fund
TAMU East Approach (Phase II)					removed (\$6,000,000)
Morris Lane Extension					removed (\$7,000,000)
Parking Garage @ University w/drainage	\$ 2,000,000				No project start date
Backage Road: Summerhill to Mall Drive	\$ 1,000,000		\$ 1,000,000		Under construction
Proposed Site Improvements to Gibson & University	\$ 2,000,000				No project start date
Park Development & Improvement-University Drive	\$ 800,000	\$800,000	\$800,000	\$800,000	Completed
Approved stormwater improvements Gibson Lane & possible water/sewer relocation	\$ 212,000	\$211,750	\$211,750	\$211,750	Completed
Proposed drainage improvements St. Michael Drive & Richill Drive	\$ 406,000		\$ 406,000		
TOTAL	\$ 17,293,000	\$1,285,920	\$3,517,750		

Attachment: TIRZ 1 Project List-Bond Project April 2015 [Revision 1] (1277 : Ord. No. 2015-029 Authorize

City of Texarkana, Texas Tax Increment Reinvestment Zone 1



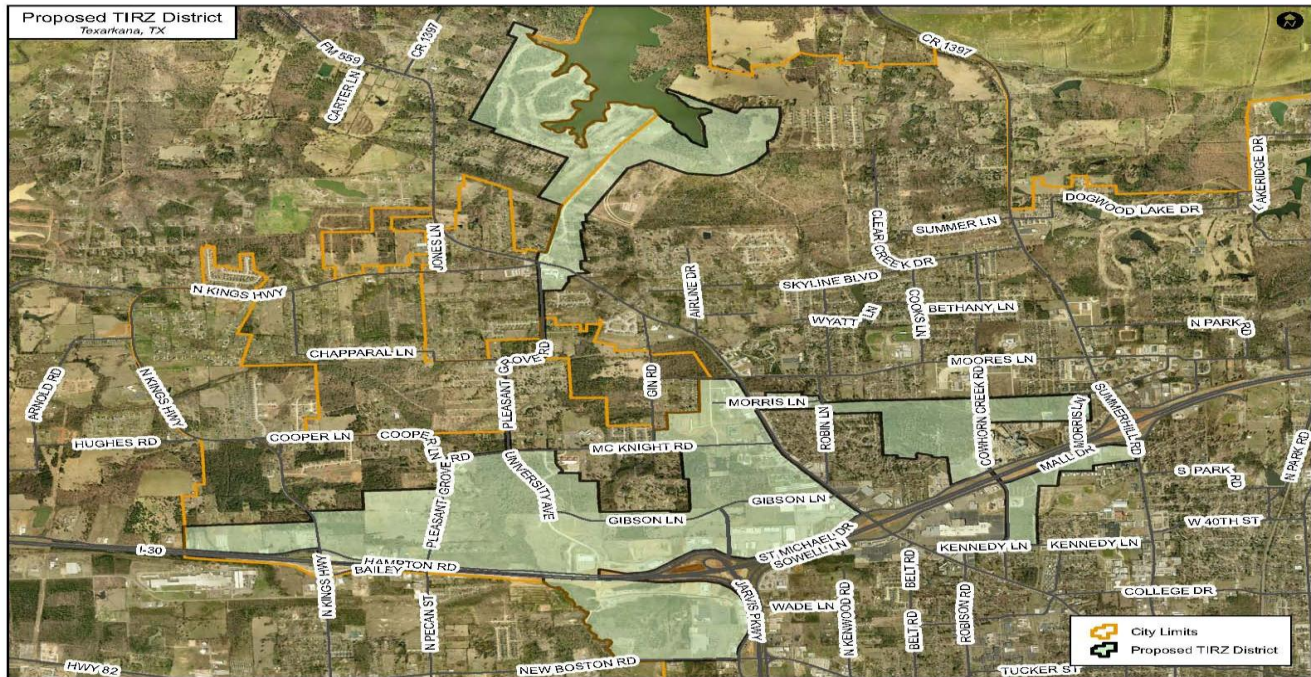
Annual Report

Summary of Activities

On November 23rd, 2009, the City of Texarkana, Texas established two Tax Increment Reinvestment Zones in accordance with Chapter 311 of the Texas Tax Code. On November 19th, 2009 a joint public presentation was given by Texarkana, Texas to all other tax entities and over one hundred interested citizens. On November 23rd, 2009 a public hearing was held along with the passage of Ordinance # 177-09 creating the Tax Increment Reinvestment Zones.

During the period from October 1, 2012 through September 30, 2013, the TIRZ board met twice. The first meeting was held on Monday, January 14, 2013 to approve the FY 2012 annual report. The board voted to amend the TIRZ 1 financing and project plans by adding an additional project. The second TIRZ board meeting occurred on Friday, April 5th, 2013. The board voted to amend the TIRZ 1 financing and project plans by adding two additional projects.

Public Infrastructure Projects	Cost	Status
Walton Dr & Pavilion drainage improvements (Joint project w/TxDOT)	\$ 175,000	Completed
Walton Dr & Pavilion drainage (Box culverts W of intersection & W of Whiskey River)	\$ 300,000	
Extension of South University	\$ 500,000	
Cowhorn Creek Linear Park	\$ 1,000,000	Completed
Gibson Extension to FM 989 & feeder streets to Gibson	\$ 9,000,000	
Drainage Project @ Arista	\$ 100,000	Completed
TAMU East Approach (Phase II)	\$ 6,000,000	
Morris Lane Extension	\$ 7,000,000	
Parking Garage @ University w/drainage	\$ 2,000,000	
Backage Road: Summerhill to Mall Drive	\$ 1,000,000	
Proposed Site Improvements to Gibson & University	\$ 2,000,000	
Park Development & Improvement-University Drive	\$ 800,000	
Proposed stormwater improvements Gibson Lane	\$ 300,000	
Proposed Water/Sewer Relocation-Gibson Lane	\$ 50,000	
Total Approved Potential Projects	\$ 30,225,000	



Annual Reporting Information

Chapter 311.016 of V.C.T.A. requires the following information as part of the annual report on the status of the TIRZ District. The city must submit an annual report to the chief executive officer of each taxing unit that levies taxes on property within the zone.

1. Amount and source of revenue in the tax increment fund established for the zone:

\$ 182,821.36 Total Revenue, Sources: City of Texarkana, Texas and Bowie County

2. Amount and purpose of expenditures from the fund:

\$ 170,748.41 Total Expenditures, Purposes: Admin Fees, Board Meetings, Debt Service

3. Amount of Principal and Interest due on outstanding indebtedness is as follows:

I. Contributions /Advances from developers—none.

II. Bonds issued and payment schedule to retire bonds—\$ 4,000,000.00 & schedule attached.

4. Tax Increment base and current captured appraised value retained by the zone:

Taxing Jurisdiction	Appraised Fiscal Year* 2012 - 2013	Base Year Value Jan 1, 2009	Captured App. Value 2012 - 2013
City of Texarkana, TX	\$ 316,984,924	\$ 250,762,772	\$ 66,222,152
Bowie County	\$ 317,153,652	\$ 251,433,805	\$ 65,719,847

5. Captured appraised value by the municipality and other taxing units, the total amount of the tax increment received, and any additional information necessary to demonstrate compliance with the tax increment financing plan adopted by the governing body of the municipality.

A. Captured appraised value shared by the municipality and other participating taxing jurisdictions received in Fiscal Year 2012-2013:

Taxing Jurisdiction	Participation Per \$100/Value	Amount of 2012-2013 Increment*
City of Texarkana, Texas (100%)	\$ 0.5831	\$ 386,141.36
Bowie County (100%)	\$ 0.3270	\$ 214,903.89
Total	\$ 0.9101	\$ 601,045.25

B. Amount of tax increment received in 2013 from the municipality and the other taxing jurisdictions based on 2012 valuations: \$ 182,821.36

C. Other information: None

*Financials based on Bowie County Appraisal District Update of Values Report 10/16/2013.

Bond Payment Schedule

\$4,115,000

City of Texarkana

Combination Tax and Revenue Certificates of Obligation

Series 2012

Debt Service Schedule

Part 1 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
08/29/2012	-	-	-	-	-
02/01/2013	50,000.00	0.500%	54,693.75	104,693.75	-
08/01/2013	-	-	54,568.75	54,568.75	-
09/30/2013	-	-	-	-	159,262.50
02/01/2014	100,000.00	0.600%	54,568.75	154,568.75	-
08/01/2014	-	-	54,268.75	54,268.75	-
09/30/2014	-	-	-	-	208,837.50
02/01/2015	145,000.00	1.500%	54,268.75	199,268.75	-
08/01/2015	-	-	53,181.25	53,181.25	-
09/30/2015	-	-	-	-	252,450.00
02/01/2016	150,000.00	1.500%	53,181.25	203,181.25	-
08/01/2016	-	-	52,056.25	52,056.25	-
09/30/2016	-	-	-	-	255,237.50
02/01/2017	150,000.00	1.500%	52,056.25	202,056.25	-
08/01/2017	-	-	50,931.25	50,931.25	-
09/30/2017	-	-	-	-	252,987.50
02/01/2018	155,000.00	2.000%	50,931.25	205,931.25	-
08/01/2018	-	-	49,381.25	49,381.25	-
09/30/2018	-	-	-	-	255,312.50
02/01/2019	160,000.00	2.000%	49,381.25	209,381.25	-
08/01/2019	-	-	47,781.25	47,781.25	-
09/30/2019	-	-	-	-	257,162.50
02/01/2020	160,000.00	2.250%	47,781.25	207,781.25	-
08/01/2020	-	-	45,981.25	45,981.25	-
09/30/2020	-	-	-	-	253,762.50
02/01/2021	165,000.00	2.250%	45,981.25	210,981.25	-
08/01/2021	-	-	44,125.00	44,125.00	-
09/30/2021	-	-	-	-	255,106.25
02/01/2022	170,000.00	2.500%	44,125.00	214,125.00	-
08/01/2022	-	-	42,000.00	42,000.00	-
09/30/2022	-	-	-	-	256,125.00
02/01/2023	175,000.00	2.625%	42,000.00	217,000.00	-
08/01/2023	-	-	39,703.13	39,703.13	-
09/30/2023	-	-	-	-	256,703.13
02/01/2024	180,000.00	2.625%	39,703.13	219,703.13	-
08/01/2024	-	-	37,340.63	37,340.63	-
09/30/2024	-	-	-	-	257,043.76
02/01/2025	185,000.00	2.625%	37,340.63	222,340.63	-
08/01/2025	-	-	34,912.50	34,912.50	-
09/30/2025	-	-	-	-	257,253.13
02/01/2026	190,000.00	3.000%	34,912.50	224,912.50	-
08/01/2026	-	-	32,062.50	32,062.50	-
09/30/2026	-	-	-	-	256,975.00

File | Series 2012 Pricings.sf | Revised CO Pricing | 12/13/2012 | 11:08 AM

First Southwest Company
Public Finance Department

\$4,115,000

City of Texarkana

Combination Tax and Revenue Certificates of Obligation

Series 2012

Debt Service Schedule

Part 2 of 2

Date	Principal	Coupon	Interest	Total P+I	Fiscal Total
02/01/2027	195,000.00	3.000%	32,062.50	227,062.50	-
08/01/2027	-	-	29,137.50	29,137.50	-
09/30/2027	-	-	-	-	256,200.00
02/01/2028	200,000.00	3.000%	29,137.50	229,137.50	-
08/01/2028	-	-	26,137.50	26,137.50	-
09/30/2028	-	-	-	-	255,275.00
02/01/2029	205,000.00	3.000%	26,137.50	231,137.50	-
08/01/2029	-	-	23,062.50	23,062.50	-
09/30/2029	-	-	-	-	254,200.00
02/01/2030	210,000.00	3.125%	23,062.50	233,062.50	-
08/01/2030	-	-	19,781.25	19,781.25	-
09/30/2030	-	-	-	-	252,843.75
02/01/2031	220,000.00	3.125%	19,781.25	239,781.25	-
08/01/2031	-	-	16,343.75	16,343.75	-
09/30/2031	-	-	-	-	256,125.00
02/01/2032	225,000.00	3.250%	16,343.75	241,343.75	-
08/01/2032	-	-	12,687.50	12,687.50	-
09/30/2032	-	-	-	-	254,031.25
02/01/2033	235,000.00	3.500%	12,687.50	247,687.50	-
08/01/2033	-	-	8,575.00	8,575.00	-
09/30/2033	-	-	-	-	256,262.50
02/01/2034	240,000.00	3.500%	8,575.00	248,575.00	-
08/01/2034	-	-	4,375.00	4,375.00	-
09/30/2034	-	-	-	-	252,950.00
02/01/2035	250,000.00	3.500%	4,375.00	254,375.00	-
09/30/2035	-	-	-	-	254,375.00
Total	\$4,115,000.00	-	\$1,611,481.27	\$5,726,481.27	-

Yield Statistics

Accrued Interest from 08/01/2012 to 08/29/2012	8,507.92
Bond Year Dollars	\$53,357.44
Average Life	12.967 Years
Average Coupon	3.0201620%
Net Interest Cost (NIC)	3.1340803%
True Interest Cost (TIC)	3.1094659%
Bond Yield for Arbitrage Purposes	3.0315244%
All Inclusive Cost (AIC)	3.2327508%

IRS Form 8038

Net Interest Cost	3.0928071%
Weighted Average Maturity	12.888 Years

File | Series 2012 Pricings.sf | Revised CO Pricing | 12/13/2012 | 11:08 AM

First Southwest Company
Public Finance Department

Attachment: TIRZ 1 Annual Report 2013 (1277 : Ord. No. 2015-029 Authorize City Manager to enter into an agreement to fund extension of

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:

TIRZ #1
Project List with Funding

	Approved for Project List	Completed & Funded	2012 Bond Funding Approved	2012 Bond Funds Expended	Status
Public Infrastructure Projects Walton Dr & Pavilion drainage improvements (Joint project w/TxDOT)	\$ 175,000	\$175,000			
W Walton Dr & Pavilion drainage	\$ 100,000		\$ 100,000		No project state date
Extension of South University	\$ 500,000				No project start date
Cowhorn Creek Linear Park	\$ 1,000,000		\$ 1,000,000	\$ 98,450	Project started
Gibson Extension to FM 989 & feeder streets to Gibson	\$ 9,000,000				
Drainage Project @ Arista	\$ 100,000	\$99,170			2005 Bond fund
TAMU East Approach (Phase II)					removed (\$6,000,000)
Morris Lane Extension					removed (\$7,000,000)
Parking Garage @ University w/drainage	\$ 2,000,000				No project start date
Backage Road: Summerhill to Mall Drive	\$ 1,000,000		\$ 1,000,000		Under construction
Proposed Site Improvements to Gibson & University	\$ 2,000,000				No project start date
Park Development & Improvement- University Drive	\$ 800,000	\$800,000	\$800,000	\$800,000	Completed
Approved stormwater improvements Gibson Lane & possible water/sewer relocation	\$ 212,000	\$211,750	\$211,750	\$211,750	Completed
Proposed drainage improvements St. Michael Drive & Richill Drive	\$ 406,000		\$ 406,000		
TOTAL	\$ 17,293,000	\$1,285,920	\$3,517,750		

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/30/2015 11:36 AM

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>David Orr, Planning & Community Development Director</u>
Subject:	<u>Ordinance No. 2015-037 amending the budget expenditures for the fiscal year ending September 30, 2015 for \$35,000 towards the Courthouse Square Project.</u>		
Briefing:	Public Hearing:	Second Briefing:	Council Vote:
<u>4/27/2015</u>	<u>4/27/2015</u>	<u>May 11, 2015</u>	<u>5/26/2015</u>

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City of Texarkana, Texas previously pledged \$35,000 to the Texarkana Chamber of Commerce, Inc. through the passage of Ordinance # 189-2011 dated November 14th, 2011 for a project on State Line Avenue.

As a result, Main Street Texarkana has identified a suitable project along State Line Avenue and has requested their proposed "Courthouse Square" project be considered for funding.

Additionally, the Texarkana Chamber of Commerce, Main Street and City staff of each city have collaborated on the project, generally agreed to a source selection process and completed a source selection led by a team from MTG Engineers and Surveyors.

Potential Options:

- None
-

Fiscal Implications:

\$35,000

Staff Recommendation:

Recommended for approval.

Advisory Board/Committee Review:

NONE

City of Texarkana, Texas

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. Ord 2015 037 Goals & Perspectives (DOCX)
- b. ORD No. 2015-037 Amend (DOCX)
- c. Chamber Resolution (PDF)
- d. TXK Courthouse RFQ 01062015 (3) (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	
Completed	03/30/2015 11:36 AM		
Finance Department	Charlie Bassett	Finance Review	Completed 03/31/2015
10:29 AM			
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review	Completed	04/06/2015 8:42 AM	
Public Information Officer	Lisa Thompson	PIO Review	Completed
	04/06/2015 8:48 AM		
City Manager	John Whitson	City Manager Review	Completed 04/06/2015
3:05 PM			
City Council	Jennifer Evans	Meeting	Completed 04/13/2015
6:00 PM			

Meeting History

04/13/15 City Council MOVED FORWARD Next: 04/27/15
 David Orr briefed this item. Ina McDowell, Main Street Director, asked council to consider expediting this item for vote earlier than the proposed council vote date.

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:

Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

ORDINANCE NO. 2015-037

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGET EXPENDITURES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas previously pledged \$35,000 to the Texarkana Chamber of Commerce, Inc. through the passage of Ordinance # 189-2011 dated November 14, 2011 for a project on State Line Avenue; and

WHEREAS, Main Street Texarkana has identified a suitable project along State Line Avenue and has requested their proposed "Courthouse Square" project be considered for funding; and

WHEREAS, the Texarkana Chamber of Commerce, Main Street and City staff of each city have collaborated on the project, generally agreed to a source selection process and completed a source selection led by a team from MTG Engineers and Surveyors.

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

SECTION 1: That the budget estimate of the expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2014, and ending September 30, 2015, be amended to reflect additional expenditures appropriated as a result of the \$35,000 pledge to the Texarkana Chamber of Commerce, Inc. through the passage of Ordinance # 189-2011 dated November 14, 2011 for a project on State Line Avenue.

SECTION 2: That a copy of said amended final adopted budget shall be placed on the City's website.

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

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

SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment on the City's website.

PASSED AND APPROVED in Regular Council Session on this the **26th day of May, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



RESOLUTION NO. 20150324-02

AUTHORIZING THE PRESIDENT & CEO TO EXECUTE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MTG ENGINEERS AND SURVEYORS FOR THE "COURTHOUSE SQUARE" PROJECT

WHEREAS, the Texarkana Chamber of Commerce, Inc. ("Chamber") is a 501(c)(6) corporation and operates as a business league to promote business in Texarkana USA; and

WHEREAS, the Chamber Board has accepted funds and pledges from the Cities of Texarkana, TX and Texarkana, AR in the total amount of \$70,000 by previous resolutions of their City Councils for a project on State Line Avenue; and

WHEREAS, Main Street Texarkana has identified a suitable project on State Line Avenue and has asked that their proposed "Courthouse Square" project be considered for funding; and

WHEREAS, the Chamber, the City staff of each city and Main Street have collaborated on the project, generally agreed to a source selection process and completed a source selection process with the selected offeror being a team led by MTG Engineers and Surveyors.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors authorizes the President & CEO, William V. Cork, to execute the attached contract and task order on these or substantially similar terms subject to the following conditions:

1. That the Chamber is in receipt of a letter signed by a competent authority of each of the participating entities (each City and Main Street Texarkana) authorizing the project to proceed on the terms attached hereto and pledging their collaboration on the project to include participation in public comment periods and in progress reviews; and
2. That the City of Texarkana, Texas remit payment of \$35,000 to the Chamber to fulfill its pledge made by Ordinance # 189-2011 dated 14 November 2011.

AND, BE IT FURTHER RESOLVED that upon receipt of the above letters and funding the 2015 Chamber budget shall be amended to reflect:

1. A transfer of \$35,000 from the General Fund Balance of the Chamber to Miscellaneous Revenue for the Arkansas A&P Fund.
2. Upon receipt of the Texas Funds, such funds will be allocated to the Texas HOT fund as Miscellaneous Revenue item.
3. Expenses related to this project will be allocated to the Direct Expense: Miscellaneous chart of accounts code for each fund respectively and each fund will remit 50% payment of each invoice payable under the contract.



PASSED and APPROVED this 24th day of March 2015.

DeMita Torrans, Chairman

ATTEST:

Cory Floyd - Treasurer

Attachment: Chamber Resolution [Revision 1] (1291 : Ord. No. 2015-037 Budget Amendment for Courthouse Square Contract)

SHORT FORM OF AGREEMENT BETWEEN OWNER AND ENGINEER FOR PROFESSIONAL SERVICES

THIS IS AN AGREEMENT effective as of March 24, 2015 (“Effective Date”) between
The Texarkana Chamber of Commerce, Inc. (“Owner”) and MTG Engineers & Surveyors, Inc.
 (“Engineer”).

Owner's Project, of which Engineer's services under this Agreement are a part, is generally identified as follows:

State Line Improvements Project (“Project”).

Engineer’s Services under this Agreement are generally identified as follows:

See Attachment 1 for scope of work and schedule

Owner and Engineer further agree as follows:

1.01 *Basic Agreement and Period of Service*

- A. Engineer shall provide, or cause to be provided, the services set forth in this Agreement. If authorized by Owner, or if required because of changes in the Project, Engineer shall furnish services in addition to those set forth above. Owner shall pay Engineer for its services as set forth in Paragraphs 7.01 and 7.02.
- B. Engineer shall complete its services within a reasonable time, or within the following specific time period: See Attachment 1 for scope of work and schedule including not to exceed cost of project
- C. If the Project includes construction-related professional services, then Engineer's time for completion of services is conditioned on the time for Owner and its contractors to complete construction not exceeding 12 months after bid of such project. If the actual time to complete construction exceeds the number of months indicated, then Engineer's period of service and its total compensation shall be appropriately adjusted.

2.01 *Payment Procedures*

- A. *Invoices:* Engineer shall prepare invoices in accordance with its standard invoicing practices and submit the invoices to Owner on a monthly basis. Invoices are due and payable within 30 days of receipt. If Owner fails to make any payment due Engineer for services and expenses within 30 days after receipt of Engineer’s invoice, then the amounts due Engineer will be increased at the rate of

1.0% per month (or the maximum rate of interest permitted by law, if less) from said thirtieth day. In addition, Engineer may, after giving seven days written notice to Owner, suspend services under this Agreement until Engineer has been paid in full all amounts due for services, expenses, and other related charges. Owner waives any and all claims against Engineer for any such suspension. Payments will be credited first to interest and then to principal.

3.01 Termination

A. The obligation to continue performance under this Agreement may be terminated:

1. For cause,

- a. By either party upon 30 days written notice in the event of substantial failure by the other party to perform in accordance with the Agreement's terms through no fault of the terminating party. Failure to pay Engineer for its services is a substantial failure to perform and a basis for termination.
- b. By Engineer:
 - 1) upon seven days written notice if Owner demands that Engineer furnish or perform services contrary to Engineer's responsibilities as a licensed professional; or
 - 2) upon seven days written notice if the Engineer's services for the Project are delayed for more than 90 days for reasons beyond Engineer's control.

Engineer shall have no liability to Owner on account of a termination by Engineer under Paragraph 3.01.A.1.b.

- c. Notwithstanding the foregoing, this Agreement will not terminate as a result of a substantial failure under Paragraph 3.01.A.1.a if the party receiving such notice begins, within seven days of receipt of such notice, to correct its substantial failure to perform and proceeds diligently to cure such failure within no more than 30 days of receipt of notice; provided, however, that if and to the extent such substantial failure cannot be reasonably cured within such 30 day period, and if such party has diligently attempted to cure the same and thereafter continues diligently to cure the same, then the cure period provided for herein shall extend up to, but in no case more than, 60 days after the date of receipt of the notice.

2. For convenience, by Owner effective upon Engineer's receipt of written notice from Owner.

B. The terminating party under Paragraph 3.01.A may set the effective date of termination at a time up to 30 days later than otherwise provided to allow Engineer to complete tasks whose value would otherwise be lost, to prepare notes as to the status of completed and uncompleted tasks, and to assemble Project materials in orderly files.

- C. In the event of any termination under Paragraph 3.01, Engineer will be entitled to invoice Owner and to receive full payment for all services performed or furnished in accordance with this Agreement and all reimbursable expenses incurred through the effective date of termination.

4.01 *Successors, Assigns, and Beneficiaries*

- A. Owner and Engineer are hereby bound and the successors, executors, administrators, and legal representatives of Owner and Engineer (and to the extent permitted by Paragraph 4.01.B the assigns of Owner and Engineer) are hereby bound to the other party to this Agreement and to the successors, executors, administrators, and legal representatives (and said assigns) of such other party, in respect of all covenants, agreements, and obligations of this Agreement.
- B. Neither Owner nor Engineer may assign, sublet, or transfer any rights under or interest (including, but without limitation, moneys that are due or may become due) in this Agreement without the written consent of the other, except to the extent that any assignment, subletting, or transfer is mandated or restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.
- C. Unless expressly provided otherwise, nothing in this Agreement shall be construed to create, impose, or give rise to any duty owed by Owner or Engineer to any contractor, subcontractor, supplier, other individual or entity, or to any surety for or employee of any of them. All duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of Owner and Engineer and not for the benefit of any other party.

5.01 *General Considerations*

- A. The standard of care for all professional engineering and related services performed or furnished by Engineer under this Agreement will be the care and skill ordinarily used by members of the subject profession practicing under similar circumstances at the same time and in the same locality. Engineer makes no warranties, express or implied, under this Agreement or otherwise, in connection with Engineer's services. Subject to the foregoing standard of care, Engineer and its consultants may use or rely upon design elements and information ordinarily or customarily furnished by others, including, but not limited to, specialty contractors, manufacturers, suppliers, and the publishers of technical standards.
- B. Engineer shall not at any time supervise, direct, control, or have authority over any contractor's work, nor shall Engineer have authority over or be responsible for the means, methods, techniques, sequences, or procedures of construction selected or used by any contractor, or the safety precautions and programs incident thereto, for security or safety at the Project site, nor for any failure of a contractor to comply with laws and regulations applicable to such contractor's furnishing and performing of its work.
- C. This Agreement is to be governed by the law of the state or jurisdiction in which the Project is located.
- D. Engineer neither guarantees the performance of any contractor nor assumes responsibility for any contractor's failure to furnish and perform its work in accordance with the contract between Owner

and such contractor. Engineer is not responsible for variations between actual construction bids or costs and Engineer's opinions or estimates regarding construction costs.

- E. Engineer shall not be responsible for the acts or omissions of any contractor, subcontractor, or supplier, or of any of their agents or employees or of any other persons (except Engineer's own employees) at the Project site or otherwise furnishing or performing any construction work; or for any decision made regarding the construction contract requirements, or any application, interpretation, or clarification of the construction contract other than those made by Engineer.
- F. The general conditions for any construction contract documents prepared hereunder are to be the "Standard General Conditions of the Construction Contract" as prepared by the Engineers Joint Contract Documents Committee (EJCDC C-700, 2007 Edition) unless the parties agree otherwise.
- G. All documents prepared or furnished by Engineer are instruments of service, and Engineer retains an ownership and property interest (including the copyright and the right of reuse) in such documents, whether or not the Project is completed. Owner shall have a limited license to use the documents on the Project, extensions of the Project, and for related uses of the Owner, subject to receipt by Engineer of full payment for all services relating to preparation of the documents and subject to the following limitations: (1) Owner acknowledges that such documents are not intended or represented to be suitable for use on the Project unless completed by Engineer, or for use or reuse by Owner or others on extensions of the Project, on any other project, or for any other use or purpose, without written verification or adaptation by Engineer; (2) any such use or reuse, or any modification of the documents, without written verification, completion, or adaptation by Engineer, as appropriate for the specific purpose intended, will be at Owner's sole risk and without liability or legal exposure to Engineer or to its officers, directors, members, partners, agents, employees, and consultants; (3) Owner shall indemnify and hold harmless Engineer and its officers, directors, members, partners, agents, employees, and consultants from all claims, damages, losses, and expenses, including attorneys' fees, arising out of or resulting from any use, reuse, or modification of the documents without written verification, completion, or adaptation by Engineer; and (4) such limited license to Owner shall not create any rights in third parties.
- H. To the fullest extent permitted by law, Owner and Engineer (1) waive against each other, and the other's employees, officers, directors, agents, insurers, partners, and consultants, any and all claims for or entitlement to special, incidental, indirect, or consequential damages arising out of, resulting from, or in any way related to the Project, and (2) agree that Engineer's total liability to Owner under this Agreement shall be limited to \$50,000 or the total amount of compensation received by Engineer, whichever is greater.
- I. The parties acknowledge that Engineer's scope of services does not include any services related to a Hazardous Environmental Condition (the presence of asbestos, PCBs, petroleum, hazardous substances or waste as defined by the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. §§9601 et seq., or radioactive materials). If Engineer or any other party encounters a Hazardous Environmental Condition, Engineer may, at its option and without liability for consequential or any other damages, suspend performance of services on the portion of the Project affected thereby until Owner: (1) retains appropriate specialist consultants or contractors to identify and, as appropriate, abate, remediate, or remove the Hazardous Environmental Condition; and (2) warrants that the Site is in full compliance with applicable Laws and Regulations.

- J. Owner and Engineer agree to negotiate each dispute between them in good faith during the 30 days after notice of dispute. If negotiations are unsuccessful in resolving the dispute, then the dispute shall be mediated. If mediation is unsuccessful, then the parties may exercise their rights at law.

6.01 *Total Agreement*

- A. This Agreement (including any expressly incorporated attachments), constitutes the entire agreement between Owner and Engineer and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

7.01 *Basis of Payment—Hourly Rates Plus Reimbursable Expenses*

- A. Using the procedures set forth in Paragraph 2.01, Owner shall pay Engineer as follows:
1. An amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class for all services performed on the Project, plus reimbursable expenses and Engineer's consultants' charges, if any.
 2. Engineer's Standard Hourly Rates are attached as Appendix 2.
 3. The total compensation for services and reimbursable expenses is estimated to be as listed in Task Order No. 1 unless additional tasks are authorized by Owner.
- B. The portion of the compensation amount billed monthly for Engineer's services will be based upon Engineer's estimate of the percentage of the total services actually completed during the billing period.

7.02 *Additional Services:* For additional services of Engineer's employees engaged directly on the Project, Owner shall pay Engineer an amount equal to the cumulative hours charged to the Project by each class of Engineer's employees times standard hourly rates for each applicable billing class; plus reimbursable expenses and Engineer's consultants' charges, if any. Engineer's standard hourly rates are attached as Appendix 2.

7.03 *Additions to Scope:* If decisions are made to change the scope of work or add additional projects to the contract. The Engineer can prepare an additional scope of work (Task Order) to address new requests. Engineer's standard hourly rates as attached in Appendix 2 will apply.

7.04 *Subconsultants:* The Engineer will use Fennell Purifoy, Architects and Environmental Design Group (EDG) as subcontractors in providing applicable tasks on this project.

Attachments: Task Order No. 1, Scope of Work and Schedule

Appendix 2, Engineer's Standard Hourly Rates

IN WITNESS WHEREOF, the parties hereto have executed this Agreement, the Effective Date of which is indicated on page 1.

OWNER:

By: William Cork

Title: President and CEO

Date Signed: _____

Address for giving notices:

819 North State Line Avenue

Texarkana, TX 75501

ENGINEER:

By: Robert H. Murray, P.E.

Title: President

Date Signed: March 24, 2015

Engineer License or Firm's Certificate
Number: 354

State of: Texas

Address for giving notices:

5930 Summerhill Road

Texarkana, TX 75503

TASK ORDER NUMBER 1

PROJECT NAME: STATE LINE IMPROVEMENTS PROJECT
UNITED STATE POST OFFICE AND COURTHOUSE & PHOTOGRAPHERS ISLAND

SERVICES: PROFESSIONAL DESIGN AND ENGINEERING SERVICES

LOCATION: TEXARKANA TEXAS/ARKANSAS

TASK ORDER DESCRIPTION

This Task Order Number 1, approved and signed this 24th day of March, 2015 supplements and is an attachment to the Professional Services Agreement effective the 24th day of March, 2015 between the Texarkana Chamber of Commerce, Inc. (Client) and MTG Engineers & Surveyors, Inc. (Engineer) to provide authorization to ENGINEER to provide the services described herein associated with the referenced project.

SCOPE

The Scope of Services under this Task Order Number 1 is that described and with the assumptions contained in the attached proposal letter dated February 12, 2015 (Proposal), and generally described as follows:

The scope of work will include, at a minimum, the following elements and will be conducted in the same general order:

General

- Project Management (contracting and project setup)
- Project Kickoff (conference call)

Data Acquisition

- Obtain computer files of available information and past efforts
- Determine property owners (Federal property, existing right of ways and ownership of pertinent private properties)
- Topographic field survey
- Data reduction

Preliminary Design

- Construct a 3d Autocad Revit computer model of project area including probable construction sites and existing structures
- Generate an initial project design incorporating the Main Street elements listed in the RFQ
- Develop images and overall master plan to show phased projects

- Introduce concepts related to photographers island, park areas and signage/streetscape

Stakeholders Input

- Provide preliminary designs to stakeholders
- Emphasis on presentation quality images including perspective views
- Meet with stakeholders
- Determine project phasing based on needs and budgets
- Receive stakeholder input

Final Design

- Modify preliminary design to incorporate stakeholder input
- Produce a 75% complete set of plans with phasing recommendations
- Meet with public and stakeholders to receive comments and direction for final designs
- Determine project phasing based on needs and budgets
- Produce a 100% complete set of plans with phasing recommendations

Construction Plans and Specifications

- Provide construction documents, final plans and specifications for an approximate \$700,000 value of projects
- Registration of projects with appropriate stormwater, accessibility reviews and other outside agencies is not a part of this project.

Schedule

Assuming an April 1, 2015 start date, the following schedule is anticipated:

- | | |
|-----------------------------|------------------------------|
| • Data Acquisition | 1 month (April) |
| • Preliminary Design | 1 month (May) |
| • Stakeholders Input | 1 month (June) |
| • Final Design (75% Plans) | 2 months (July/August) |
| • Final Review/Design/Plans | 2 months (September/October) |
| • Construction Documents | 1 month (November) |

MTG will use Fennell Purifoy, Architects and Environmental Design Group (EDG) as subcontractors in providing applicable tasks. They will participate on all tasks and produce most meeting images/displays. MTG will be the lead and contracting firm.

Project Fees/Costs

MTG will perform the tasks outlined in this Project Scope for a price not to exceed Sixty eight thousand and no/100s dollars (\$68,000.00). Work will be invoiced based on the standard rate sheets listed in Appendix 2. Of the total fee, \$3,000.00 is budgeted for post design support services.

Should the project scope change, MTG reserves the right to request additional compensation.

 MTG ENGINEERS & SURVEYORS CIVIL *** ENVIRONMENTAL *** SURVEYING 2015 PROJECT RATE SCHEDULE				
CATEGORY	CODE	SERVICE DESCRIPTION/CLASSIFICATION	CHARGE UNITS	CHARGE RATE
ENGINEERS ASSOCIATES, & E.I.T.s GIS & CAD/CAE TECHNICIANS	PPE	PRINCIPAL PROFESSIONAL ENGINEER	HOURL	\$ 175.00
	APE	ASSOCIATE PROFESSIONAL ENGINEER	HOURL	\$ 135.00
	EIT	ENGINEER-IN-TRAINING	HOURL	\$ 95.00
	DT	DESIGN TECHNICIAN	HOURL	\$ 72.50
	CT	CAD TECHNICIAN	HOURL	\$ 62.50
ADMINISTRATIVE & DOCUMENTS	AP	ADMINISTRATIVE PROFESSIONAL	HOURL	\$ 56.00
	DP	DOCUMENT PROCESSING	HOURL	\$ 39.00
RPLS, SURVEY & GIS TECHNICIANS	LS	REGISTERED PUBLIC LAND SURVEYOR	HOURL	\$ 84.50
	ST	SURVEY TECHNICIAN / TITLE RESEARCHER	HOURL	\$ 69.00
	GT	GIS TECHNICIAN	HOURL	\$ 86.50
SURVEY CREW	SC	SURVEY CREW *	HOURL	\$ 125.00
CAE, CAD & DOCUMENT WORK STATIONS	CAE	COMPUTER AIDED ENGINEER WORK STATION	HOURL	\$ 9.50
	CAD	COMPUTER AIDED DRAFTER WORK STATION	HOURL	\$ 6.40
	DOC	COMPUTER AIDED DOCUMENT WORK STATION	HOURL	\$ 2.15
PLOTING, COPYING & SCANNING	SMP	SMALL MEDIA MONO PRINTING/PLOTTING (<11X17)	SHEET	\$ 0.19
	MMP	MEDIUM MEDIA MONO PRINTING/PLOTTING (11X17)	SHEET	\$ 0.24
	LMP	LARGE MEDIA MONO PRINTING/PLOTTING (22X34)	SHEET	\$ 3.70
	SPC	SMALL MEDIA COLOR PRINTING/PLOTTING (<11X17)	SHEET	\$ 0.57
	MPC	MEDIUM MEDIA COLOR PRINTING/PLOTTING (11X17)	SHEET	\$ 1.10
	LPC	LARGE MEDIA COLOR PRINTING/PLOTTING (22X34)	SHEET	\$ 7.40
	SMR	SMALL MEDIA MONO COPYING (<11X17)	SHEET	\$ 0.15
	MMR	MEDIUM MEDIA MONO COPYING (11X17)	SHEET	\$ 0.20
	LMR	LARGE MEDIA MONO COPYING (22X34)	SHEET	\$ 3.70
	SMS	SMALL MEDIA SCANNING (<11X17)	SHEET	\$ 1.30
	MMS	MEDIUM MEDIA SCANNING (11X17)	SHEET	\$ 3.50
	LMS	LARGE MEDIA SCANNING (22X34)	SHEET	\$ 5.60
SUPPORT VEHICLES	2WV	2 WHEEL DRIVE VEHICLE	MILE	Govt Rate
	4WV	4 WHEEL DRIVE VEHICLE	MILE	Govt + \$.05
	RTV	ROUGH TERRAIN VEHICLE	DAY	\$ 120.00
	BT	BOAT	DAY	\$ 115.00

Crew is fully equipped with survey equipment which, on an as-needed basis, may include Network Connected (Cellular) GPS, Robotic Total Stations, Electronic Data Collectors, Auto-Levels, Crew Truck and standard equipment.



Request for Qualifications

Professional Design and Engineering Services

Texarkana Texas/Arkansas

State Line Improvements Project

United States Post Office and Courthouse & Photographer's Island

BACKGROUND

Texarkana Chamber of Commerce Inc. "Chamber" is a member of and a contracting/financial agent for a consortium led by **Main Street Texarkana** and involving both the cities of **Texarkana Texas** and **Texarkana Arkansas**. This consortium seeks qualified professional services for design and construction engineering services related to a project that will focus on improvements to the area around the iconic United States Post Office and Courthouse located on the State Line in Downtown Texarkana USA.



This unique architectural icon is the 2nd most photographed courthouse in the United States and attracts tourists from all over the world. This area of State Line Avenue is also the gateway to the original downtown area of Texarkana USA and, as such, is an important anchor to our area's downtown redevelopment activities.



PROCESS

The acquisition of professional services for this project will be in two steps. The first will be an evaluation of qualifications. Review of the qualifications will be conducted by a technical team made up of the members of the consortium. Evaluation of the required submittal materials will be the basis for selection.

Upon initial selection of the most qualified offeror, the selected firm will have the opportunity to help shape the scope of work (SOW) for the project and terms and conditions of a professional services agreement, where cost will be a final determinant of whether a contract is awarded. The Chamber may elect to reject any and all bids for any reason whatsoever. The offeror is at risk for all costs associated with the bidding process. Qualifications submitted shall be considered subject to the Texas Open Records Act. Any proprietary processes or costs shall be properly marked in accordance with the Act.

DRAFT SOW

So that the offerors may have some idea of the scope and range of the project, a working draft SOW and a conceptual plan are included at Attachment 1. It is intended that this draft SOW will change to reflect the creativity and input of the selected offeror in conjunction with the consortium's participation and is not meant to strictly define the project parameters at this stage.

MANDATORY PRE-BID CONFERENCE CALL

Interested offerors are required to register and participate in a **mandatory pre-bid conference call** at 2 p.m. Central Time on Friday February 6th. This will be the only opportunity for questions to be raised and answered regarding this solicitation. Please **do not** call members of the consortium for more information on the project in advance of the receipt of qualifications. To register and receive the call-in information for this mandatory pre-bid conference call, email Laura Upton lupton@texarkana.org or call (903) 792-7191.



SUBMITTAL OF QUALIFICATIONS PACKAGE

Interested firms or teams are invited to submit a qualifications package that contains the following:

- 1) Signed and dated cover letter by the offeror that expresses an interest and understanding of the project.
- 2) Contact information for the principal point of contact for the contracting process.
- 3) A minimum of three (3) and a maximum of five (5) representative completed projects. Each past performance project description should also contain:
 - a. A brief description of the range of capabilities of the Offeror and how those capabilities relate to this project.
 - b. The offerors' total fees on the past project
 - c. The total cost to construct the past project.
 - d. Name, address, phone and email address of the project reference.
- 4) Discussion of the offerors' successful use of public involvement to achieve success.
- 5) Resumes of the professionals who will perform the work.
- 6) Evidence of professional licensing in both Texas and Arkansas.
- 7) Draft of typical professional services agreement (PSA) terms and conditions (exclusive of pricing information).

Qualifications packages shall not exceed 15 pages. Resumes of professionals and draft PSA are excluded from the page count.

Ten (10) printed copies of the qualifications package must be received by 4:00 p.m. on February 13, 2015 and addressed to the following:

William Cork
 President & CEO
 (ATTN: Courthouse Project)
 Texarkana Chamber of Commerce, Inc.
 819 N. State Line Ave.
 Texarkana, TX 75501
 O: (903) 792-7191



REVIEW & AWARD PROCESS AND SCHEDULE

Mandatory Pre-Bid Conference Call	February 6, 2015 @ 2 p.m. Central Time
Receipt of Proposals	February 13, 2015 @ 4 p.m. Central Time
Technical Review of Proposals Complete *Clarifying phone calls to the offeror and references may occur prior to this date	February 27, 2015
Notification of Initial Selection & Preliminary Negotiations	Week of March 2, 2015
Draft PSA and Cost Estimates Complete	Week of March 9, 2015
Brief TX and AR City Councils on Results	In early March depending on Council Calendars
Chamber Board meeting to Award Contract	March 17, 2015 @ 4 p.m.



ATTACHMENT 1: DRAFT PROJECT DESCRIPTION, STATEMENT OF WORK AND PRELIMINARY DESIGN

PROJECT DESCRIPTION

A consortium led by Main Street Texarkana and including the Texarkana Chamber of Commerce and the Cities of Texarkana Texas and Arkansas are working to advance improvements to State Line Avenue, focusing on traffic circulation and pedestrian amenities in the area around the historic Federal Courthouse and Photographer's Island. A conceptual plan has been developed advancing the following objectives:

- Manage the traffic circle around the courthouse in such a way to safely accommodate daily users as well as the large number of tourists; and,
- Find creative and cost-effective ways to maximize the unique qualities of the historic building and State Line Avenue for downtown Texarkana.

Funding has been designated for the direct purchase of engineering services from an approved licensed provider for the development of construction documents. Construction is expected to occur in phases over time with the first phase in 2015. Total construction costs are estimated between \$500,000 and \$750,000. A technical committee comprised of representatives from the consortium will oversee the project. The Texarkana Chamber of Commerce will be the contracting and payment agent.

Generally, the project will include roadway pavement, raised islands, crosswalks, sidewalks, street trees, a plaza area, pedestrian lighting, street lighting and aesthetic treatments. All public improvement design specifications are expected to conform to the standards previously set forth in the City of Texarkana, TX, STEP Project.

Community-based place-making strategies are also integral to overall project success and should be considered during design development. These include but are not limited to areas for public art, way-finding and lighting of the courthouse itself. The selected consultant is also expected to participate in public engagement activities during the project.

The proposed traffic circulation improvements are summarized below, but they will require further refinement during the project preliminary design phase. It is expected that the consultant will provide an evaluation of alternative traffic flow, parking design and bicycle facility options.



North of Courthouse

- Installation of a landscaped median dividing State Line Avenue north of the courthouse, which reduces State Line Avenue to one travel lane in both directions.
- Reduction of Veterans Memorial Drive to one-way (south) with one lane for bicycle traffic.
- Starting point for two-way cycle track that follows State Line Avenue on the Texas side.
- Installation of traffic calming island immediately north of courthouse property.

Courthouse

- Closure of W. 5th Street in between Olive Street and State Line Avenue, allowing creation of plaza.
- Two-way bicycle track protected by parallel parking.
- Reduction to one lane of traffic.
- Removal of parking spaces and installation of urban design elements surrounding Photographer's Island
- Installation of pedestrian refuge island immediately south of Photographer's Island.
- Installation of traffic calming island at intersection of E. 5th Street and Wood Street

South of Courthouse

- Traffic lanes reduced to one way in each direction.
- Cycle track continues to W. 4th Street.

SCOPE OF WORK

The scope of work will include, at a minimum, the following elements:

General

- Project Management

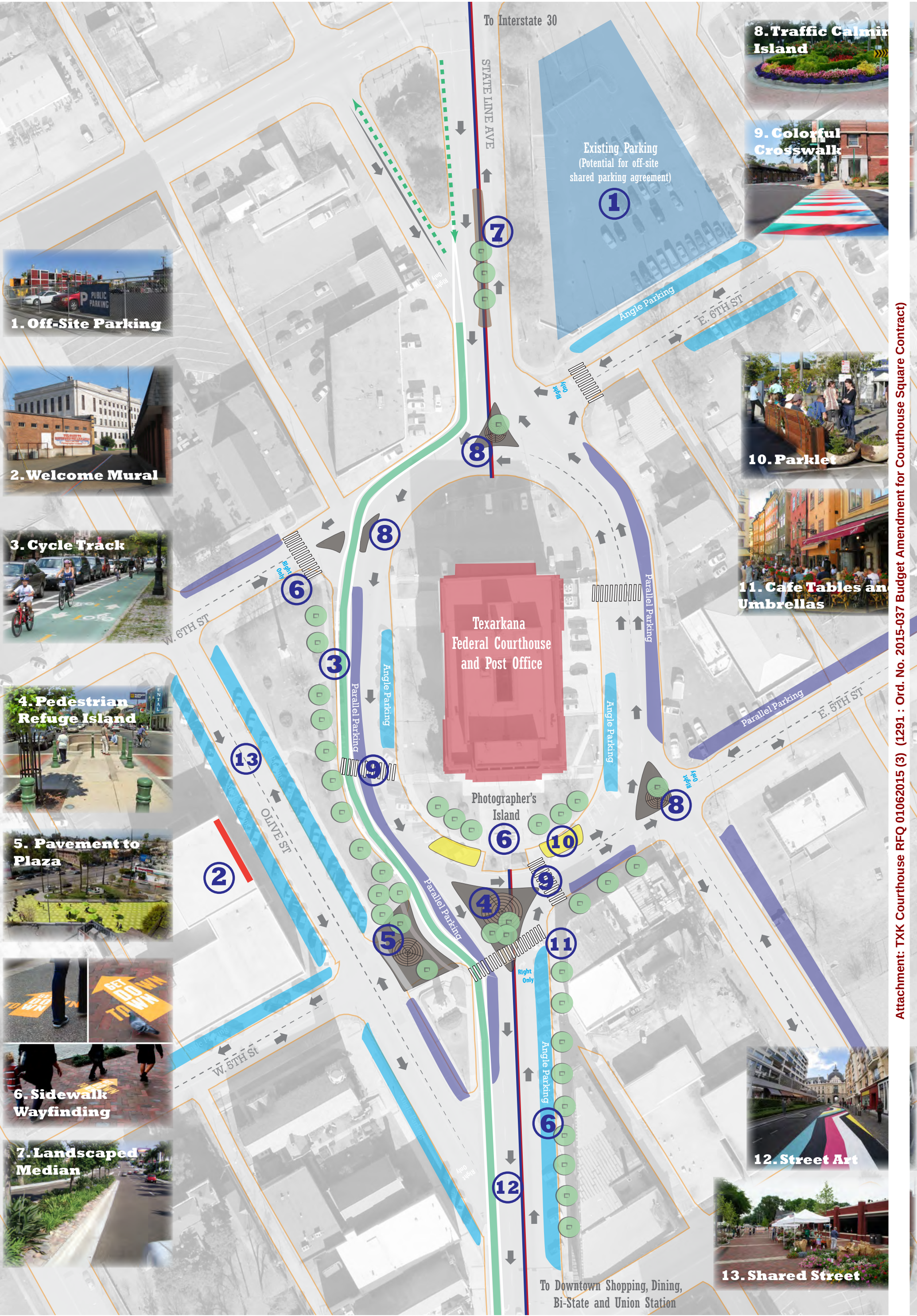
Preliminary Design

- Alternatives evaluation for traffic flow, parking design and bicycle facility options
- Proposal for construction project phasing (for example...Year 1 - \$100,000: striping, traffic islands; Year 2 - \$400,000: sidewalks, landscaping, curb relocation, intersection re-design; Year 3 – \$200,000: Plaza, sidewalks, landscaping).



Detailed Design

- General - Upon selection of an alternative, the consultant will prepare plans, specifications and cost estimates in coordination with Public Works and Engineering representatives from both cities.
- Public Input – Public presentation and incorporation of public feedback at an appropriate strategic time in plan development. It is expected that the State Line improvements will be featured as the 2015 Better Block Texarkana project in late spring. This can be an opportunity to meaningfully engage the public and encourage participation in a tangible project that will change the downtown experience.
 - o 30% design
 - o 60% design
 - o 90% design
- Final Construction Documents



Newspaper announcement...

REQUEST FOR QUALIFICATIONS

PROFESSIONAL DESIGN AND ENGINEERING SERVICES
TEXARKANA TEXAS/ARKANSAS
STATE LINE AVENUE AND FEDERAL COURTHOUSE AREA
IMPROVEMENTS

The Texarkana Chamber of Commerce, Inc. is soliciting a request for qualifications (RFQ) from professional services firms for the design and engineering of certain improvements around the United States Post Office and Courthouse on State Line Avenue in historic downtown Texarkana USA.

A copy of the RFQ package is available for download at www.texarkana.org.

Submittals are due by 4 p.m. Central Time on February 13, 2015 to the attention of:

William Cork
President & CEO
(ATTN: Courthouse Project)
Texarkana Chamber of Commerce, Inc.
819 N. State Line Ave.
Texarkana, TX 75501
O: (903) 792-7191

A mandatory pre-bid conference call is scheduled for February 6, 2015 at 2 p.m. Central time.

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 4/2/2015 4:02 PM

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>David Orr, Planning & Community Development</u>
Subject:	<u>Ordinance No. 2015-038 amending the budget expenditures for the fiscal year ending September 30, 2015 in an amount not to exceed \$300,000 for the demolition of the Kress building located at 116 West Broad Street.</u>		
Briefing:	Public Hearing:	Second Briefing:	Council Vote:
<u>4/27/2015</u>	<u>4/27/2015</u>	<u>May 11, 2015</u>	<u>5/26/2015</u>

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

In 2009, the City acquired property located at 116 West Broad Street from the Bi-State Women's Center, Inc as a donation through Ordinance No. 073-2009.

The property has deteriorated to the point that it has impacted adjacent property owners and the building's front sidewalk has been barricaded since November 2014 due to public safety concerns resulting from falling debris.

A structural engineering report conducted by Raley and Associates stated that the building structure appears to be unstable and needs to be demolished as soon as possible.

Staff has researched various demolition funding options and have exhausted all current grant sources. Furthermore, the Environmental Protection Agency determined that the city cannot use existing assessment or revolving loan fund dollars for the project.

Staff has acquired three estimates for budget purposes that show costs should not exceed \$300,000 for demolition of the Kress Building located at 116 West Broad Street. If approved, staff will proceed with preparing an RFP and receiving bids for the demolition project.

Potential Options:

- None
-

Fiscal Implications:

An amount not to exceed \$300,000.

City of Texarkana, Texas

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. Ord 2015 038 Goals & Perspectives (DOCX)
- b. Ord. No. 2015-038 Amend (DOCX)
- c. 116 West Broad (PDF)
- d. Ordinance 073 09 Authorizing City Manager to execute Documents (PDF)
- e. Redev & Grants Memo 2009 May 18 Council Kress Transfer1.0 (PDF)
- f. Jason Horton Letter (PDF)
- g. Kress Building Tom Morrissey Email (PDF)
- h. Kress Building October 2012 Report (PDF)
- i. Warranty Deed to Housing Finance Corporation RECORDED (PDF)
- j. City Inspection Correspondence (PDF)
- k. Order of Commission (PDF)
- l. Executive Summary Phase 1 Environmental 116 West Broad Kress(PDF)
- m. Texas Historical Commission Response (PDF)
- n. Kress Presentation 4.13.2015 (PDF)
- o. kress timeline(1) (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	
Completed	04/02/2015 4:27 PM		
City Attorney	Jo Thomason	Review	Completed 04/02/2015 5:05 PM
Finance Department	Charlie Bassett	Finance Review	Completed 04/06/2015 8:19 AM
Assistant City Manager	Shirley Jaster	Assistant City Manager	
Review	Completed	04/06/2015 8:44 AM	
Public Information Officer	Lisa Thompson	PIO Review	Completed
	04/06/2015 8:47 AM		
City Manager	John Whitson	City Manager Review	Completed 04/06/2015 3:40 PM
City Council	Jennifer Evans	Meeting	Completed 04/13/2015 6:00 PM

City of Texarkana, Texas**Meeting History**

04/13/15 City Council MOVED FORWARD Next: 04/27/15

David Orr briefed this item. City Manager Whitson provided council with some background information and reasons why the Kress building is in its current state.

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:

Select One By Clicking Here

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

ORDINANCE NO. 2015-038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING BUDGET EXPENDITURES IN AN AMOUNT NOT TO EXCEED \$300,000 FOR COSTS ASSOCIATED WITH THE DEMOLITION OF THE KRESS BUILDING LOCATED AT 116 WEST BROAD STREET FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2015; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 2009, the City acquired the property from the Bi-State Women's Center, Inc as a donation through Ordinance No. 073-2009; and

WHEREAS, the property has deteriorated to the point that it has impacted adjacent property owners and the building's front sidewalk has been barricaded since November 2014 due to public safety concerns resulting from falling debris; and

WHEREAS, a structural engineering report conducted by Raley and Associates stated that the building structure appears to be unstable and needs to be demolished as soon as possible; and

WHEREAS, staff has researched various demolition funding options and have exhausted all current grant sources. Furthermore, the Environmental Protection Agency determined that the city cannot use existing assessment or revolving loan fund dollars for the project.

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

SECTION 1: That the budget estimate of the expenditures of the City of Texarkana, Texas, as prepared by the City Manager and appropriated by the City Council for the fiscal year beginning October 1, 2014, and ending September 30, 2015, be amended to reflect additional expenditures appropriated in an amount not to exceed \$300,000 for costs associated with demolition of the Kress Building located at 116 West Broad Street.

SECTION 2: That a copy of said amended final adopted budget shall be placed on the City's website.

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

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

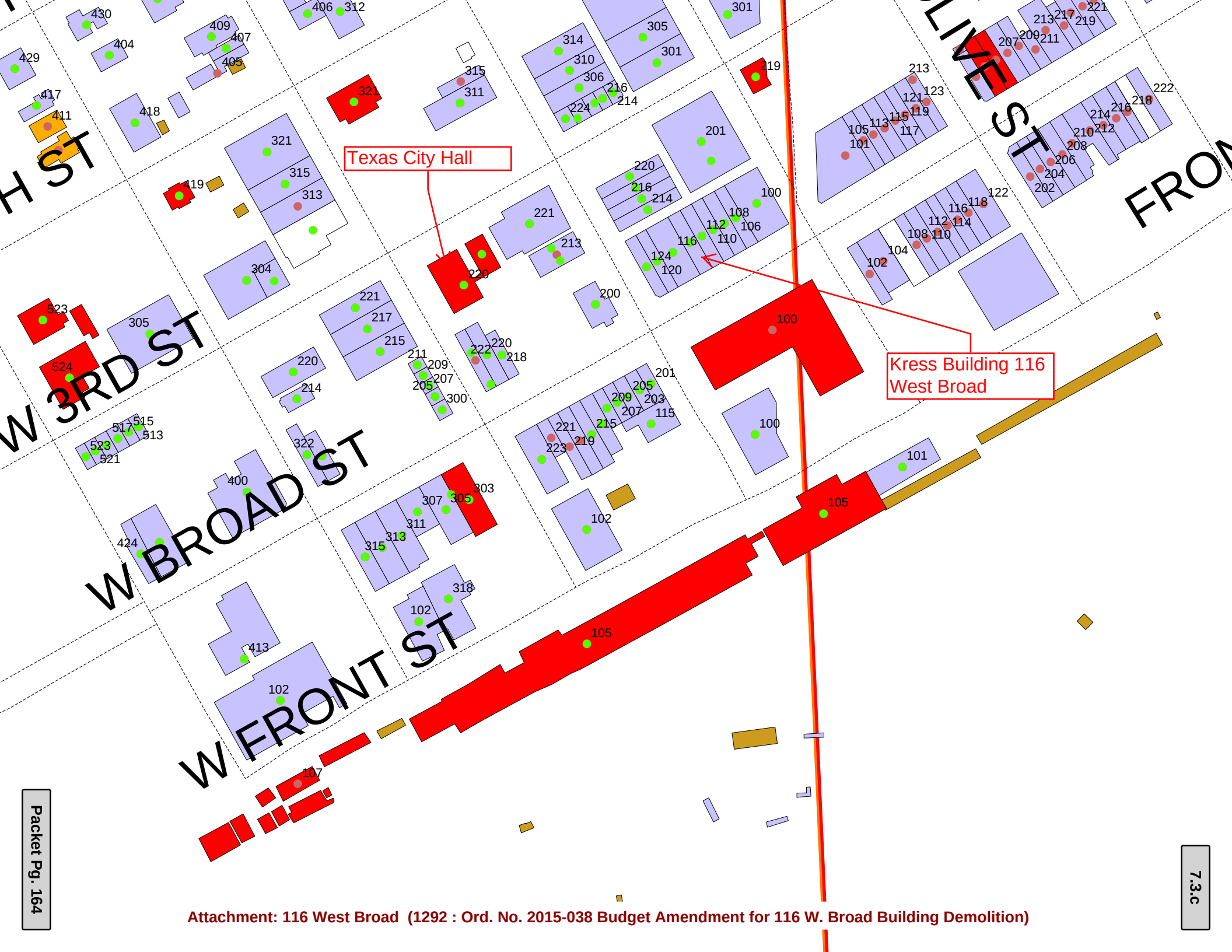
SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment on the City's website.

PASSED AND APPROVED in Regular Council Session on this the **26th day of May, 2015.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



Texas City Hall

Kress Building 116
West Broad

ORDINANCE NO. 073-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CEO/CITY MANAGER TO EXECUTE ALL DOCUMENTS TO ACCEPT PROPERTY LOCATED ON LOTS 12 AND 13, BLOCK 21 OF CITY/TRIGGS ADDITION IN TEXARKANA, BOWIE COUNTY, TEXAS DONATED TO THE CITY OF TEXARKANA, TEXAS BY THE BI-STATE WOMEN'S CENTER, INC.; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Bi-State Women's Center, Inc. has offered to donate the property located on Lots 12 and 13, Block 21 of City/Triggs Addition in Texarkana, Bowie County, Texas, to the City of Texarkana, Texas; and

WHEREAS, the City Council desires to designate the CEO/City Manager to execute all documents on behalf of the City in the acceptance of the above-described property and finds it in the best interest of the citizens of the City of Texarkana, Texas to accept such property;

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

SECTION 1: That the CEO/City Manager be and is hereby authorized to execute all documents on behalf of the City to accept the donation of property from the Bi-State Women's Center, Inc. located on Lots 12 and 13, Block 21 of City/Trigg Addition in Texarkana, Bowie County, Texas.

SECTION 2: That this Ordinance shall become effective immediately upon its passage and approval.

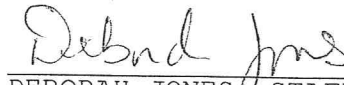
PASSED AND APPROVED in Special Council Session on this the 18th day of May, 2009.


STEPHEN A. MAYO, MAYOR

ATTEST:


KERRY MEREDITH, CITY SECRETARY

APPROVED AS TO FORM:


DEBORAH JONES, STAFF LEGAL COUNSEL



City of Texarkana, Texas

Department of Community Redevelopment and Grants
P.O. 1967, Texarkana, Texas 75504-1967

Telephone: 903-798-3902

FAX: 903-793-3913

Memo

To: F. Larry Sullivan, Ed.D., CEO/City Manager

From: Craig Lindholm, Executive Director CR&G

Date: May 14, 2009

Re: Council Approval Granting Authority to City Manager to execute transfer or property (116 West Broad Street Kress Building) to the City of Texarkana, TX

Recommend City Council grant authority to the City Manager to execute all documents necessary to accept the transfer of the property located at 116 West Broad Street, Texarkana, Texas (Kress Building) from the Bi-State Women's Center, Inc. Property is being donated to the City of Texarkana, Texas by the Bi-State Women's Center, Inc. Acceptance of the donation will give the City the authority as owner to take all action necessary and approved by State and Federal law and guidelines to demolish the structure removing the building as an eyesore and potential public health and safety risk.

114 WEST BROAD STREET, TEXARKANA, TEXAS 75501

Mail To:

P.O. BOX 1596, TEXARKANA, TEXAS 75504

PHONE: [903] 792-2000 FAX: [903] 792-2100

JASONHORTONLAW.COM LICENSED IN TEXAS & ARKANSAS

JASON HORTON

LAW FIRM

March 2, 2015

Via email to david.orr@txkusa.org

City of Texarkana, Texas
ATTN: David Orr
P.O. Box 1967
Texarkana, Texas 75504

RE: *Kress Building*

Dear David:

Going on four months ago, the City barricaded the front of the Kress building after I informed a City representative that large amounts of concrete fell from the top of the Kress and smashed through the metal awning. Debris was scattered up against my building, and large pieces of metal remain barely attached to the awning, waiting for a strong wind to cause more damage. The sidewalk in front of my building is impassible, and has been for months.

I have noticed a strong odor (akin to mold) in the back of my building after heavy rains. You can almost feel the moisture in the back of my building, and I hope it is not from water in the Kress basement seeping into my basement.

At the back of my building you will see a large smoke stack that travels from my building all the way to the top of the Kress. The stack is part of my building, but it is attached by metal brackets to the Kress. If you look closely, you can see major cracks in the Kress building where the metal brackets enter into the building. It looks like my brick smoke stack is providing support for the Kress. If and when the Kress finally gives way, this stack will come falling down and cause major damage to property and potential injury to anyone around.

I am afraid that my investment in downtown is deteriorating because of a lack of attention given to the Kress. It is becoming dangerous to walk in front of or behind the Kress. I would like to be contacted prior to any work being performed on the Kress because any work performed on that building is likely to cause significant damage to my building, constructively evicting my law firm in the process.

Thanks for your time and consideration.

Sincerely,



Jason Horton

/tmc

Enclosure

Attachment: Jason Horton Letter (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

October 16, 2012

Mr. Craig Lindholm
City of Texarkana, TX
West Third St. & Texas Blvd.
P.O. Box 1967
Texarkana, TX 75504

Re: Kress Department Store
Texarkana, TX

Dear Mr. Lindholm,

Per your request, this office made a visual observation of the subject building on Thursday, October 4, 2012. The purpose of this visit was to observe the building for any type of structural deficiencies and determine if the building could be salvaged or needed to be demolished. For the record, Jeff Raley, P.E., Craig Lindholm and Jason Cram, Architect, were present during this visit.

1. This building was a multi story department store.
2. We were not able to enter the interior of the building due to the dilapidated nature of the flooring system. We viewed the interior from the rear landing at the alley entrance door.
3. It appears the roof has had numerous leaks over the years leading to the collapse of the roof system and subsequent floor system.
4. From our vantage point we were able to see into the basement due to the collapse of the flooring (see photos).
5. From what we could observe, the steel framing was in poor condition due to rust.
6. We noted several masonry cracks on the exterior masonry which appeared to be indicative of structural problems.

As of this date, the building structure appears to be unstable and needs to be demolished as soon as possible.

This building by its location and size will be expensive to demolish. However, this firm does not believe it can be salvaged at a reasonable expense. The adjacent buildings will need to be

Professional Engineers Licensed in:

Alabama, Arizona, Arkansas, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin

protected during demolition. The building to the east appeared to be occupied. The buildings to the west may be vacant.

This report is based upon our experience, readily accessible visible defects and certain assumptions that conventional methods of construction were used to build the building. We cannot normally see irregularities inside structures. Nature through excessive rain, droughts and differing soil characteristics cause extremes we cannot anticipate. Also, remodeling and changes in the building alter conditions that affect the building. Because of all these unknowns, this firm offers no warranty or guaranty with this report.

This report is intended to generally educate the client about the structural condition of the building and does not apply to the condition of any mechanical, electrical or plumbing items that may exist in the building. This report does not apply to the possible presence and/or danger from harmful substances such as toxic chemicals, lead paint, carbon monoxide, airborne hazards, mold, etc.

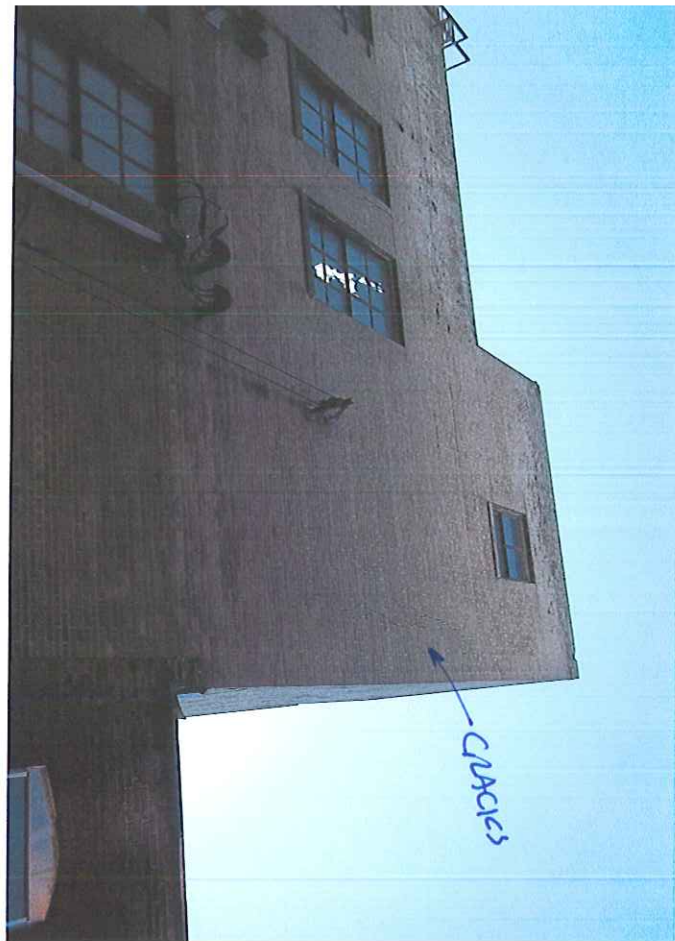
This report has been written for your sole use and only you have the authority to distribute this report to others. Raley and Associates, Inc. and its agents and employees do not have and do disclaim any contractual relationship with, or duty or obligation to, any party other than the addressee of this report. Only the engineer(s) who signed this document has the authority to change its contents and then only in writing to you. This report addresses the results of work completed to date. Should any additional information become available, we reserve the right to amend, as warranted, any of our conclusions or recommendations.

If you have any questions or need additional information, please call.

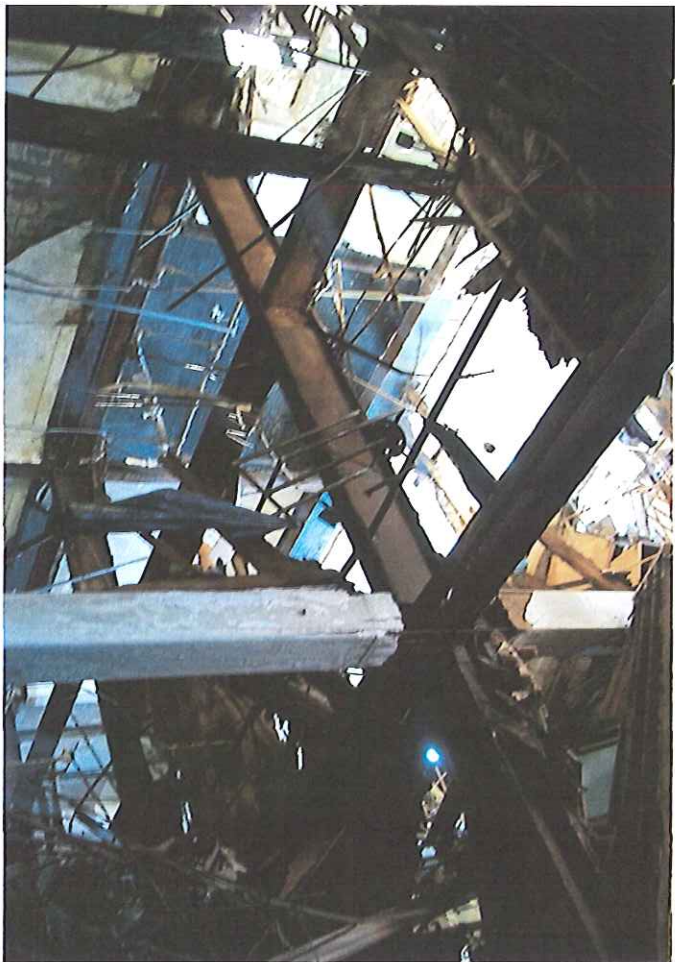
Sincerely,


Jeff Raley
Professional Engineer





KRESS BUILDING



DEED WITHOUT WARRANTY

\$
\$ KNOW ALL MEN BY THESE PRESENTS
\$

Attachment: Warranty Deed to Housing Finance Corporation RECORDED [Revision 1] (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

**CITY OF TEXARKANA, TEXAS**

P.O. BOX 1967, 75501

PHONE 214-794-3434

February 7, 1979

Re: Old Kress Building
116 West Broad St.
Possible Office Occupancy

On February 6, 1979 at 9:00 A. M. an inspection was made at the above referenced property by this department. In order to meet minimum code requirements, the below listed discrepancies should be corrected.

Building

- and obtain a Certificate of Occupancy. The building listed discrepancies will need to be corrected.*
1. Roof drains stopped up. Roof leaking (repair).
 2. Need duct enclosed on second floor with 5/8 fire resistive sheet rock or with lath and plaster.
 3. Need counter weights checked and installed where necessary on all windows.
 4. Windows leading to fire escape on second and third floor with iron gates outside needs to be checked thoroughly for easy opening and remain unlocked during working hours.
 5. Complete check required on existing sprinkler system to assure 100% working capability.
 6. Ceiling in basement equipment room needs repaired with 5/8 fire rated sheetrock.
 7. Old batteries that were used at one time for auxiliary power needs removing.
 8. Open shaft that runs from basement to third floor needs fire stopping at each floor.
 9. Need two hour UL approved fire rated doors that go into stairwell.
 10. Down stairs bathroom needs privacy partitions.
 11. Need 5 lb. dry chemical or 2½ gal. pressurized water extinguishers every 75 ft. of travel in the building.

Attachment: City Inspection Correspondence (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)



12. All storage needs to be stacked neat with 3 ft. isles(in process of cleaning at this time.)
13. Have all fire extinguishers checked.(existing).

Electrical

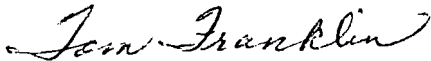
1. Need exit lights installed over all stairwell doors, also over windows leading to fire escape.
2. Replace all non-grounding type receptacles with grounding type.
3. Recover all old open junction boxes(general clean up and repairs).

Plumbing

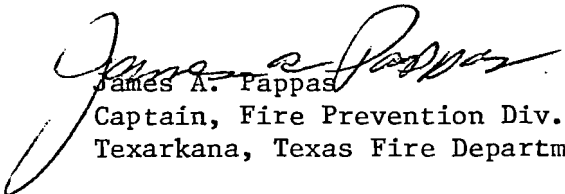
1. Remove existing gas meter to outside of building.
2. If existing hot water is used, bring it up to code or completely remove.
3. Check existing A/C system and repair or remove, which ever is feasible. Check sump pump, and all piping for repairs with pressure test.

A building permit is required. Permit fee is based on total cost of construction to meet City compliance. Plumbing and electrical to be performed by licensed and bonded contractors. Your cooperation in this matter is appreciated.

Sincerely,



Tom Franklin
Building Official



James A. Pappas
Captain, Fire Prevention Div.
Texarkana, Texas Fire Department

TF/ry



CITY OF TEXARKANA, TEXAS

P.O. BOX 1967, 75504

PHONE 903-794-3434

FAX 903-792-9390

OFFICE OF: INSPECTION

October 29, 1992

Mr. Walter Alexander
#5 Holiday Lane
Texarkana, Texas 75503

RE: 116 W. Broad St.
Crafts Store

Dear Mr. Alexander:

On October 27, 1992 at 9:00 a.m. an inspection was made at the above referenced address by this office. In order to meet code requirements and obtain a Certificate of Occupancy, the below listed discrepancies will need to be corrected.

Building

1. Scrape and paint building as needed. Also repair rotten wood on all floors (1, 2, 3 and basement).
2. Repair leaks in roof.
3. Install 5/8" sheetrock on east and west walls as needed.
4. Need to pump out water in basement.
5. Clean up building as needed.
6. Replace glass as needed.
7. Need an engineer to evaluate building.
8. Board up old elevator with type X 5/8" sheetrock.

Electrical

1. Check out old wiring on all floors and cap off wiring not in use.
2. All panels must be wired to meet code and be safe.
3. Repair lights as needed.
4. Disconnect and remove all wiring not in use.

Plumbing

1. Install rest-rooms on first floor to code.
2. Cap off old gas valves as needed.

Mr. Alexander
Page 2

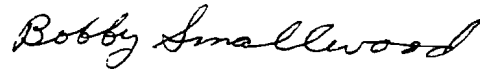
H/A

1. Install heaters in building if needed to code.

To avoid a double permit fee, a building permit is required before any construction work is started. Permit fee is based on the total cost of construction to meet City compliance. Electrical, plumbing and h/a work must be performed by licensed and bonded contractors.

Should you have need for additional information or reason to discuss this matter further, please contact this office at 794-0001.

Very truly yours,



Bobby Smallwood
City Inspector

Attachment: City Inspection Correspondence (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

TEX-Jones, Denton

From: OEM-Hall, Dave
Sent: Friday, March 16, 2001 7:40 AM
To: TEX-Jones, Denton
Subject: Building Damage

Denton, some time yesterday afternoon or evening one of the big windows on a vacant building right across from Bi-State blew out and there is glass on the sidewalk. It is the building next to the old Hack's Jewelers on Broad Street. You can't miss it.

Dave

*Owner- Bi-State Women's Center
124 W. Broad*

Called Owner 3-16-01

*Owner agreed to clean up glass on sidewalk
and board up opening*

MEMORANDUM

TO: Debbie Burk

FROM: Nina Walker, Combination Inspector *Nina*

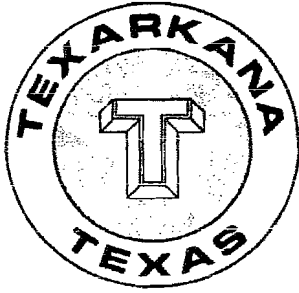
SUBJECT: 116 West Broad Street

DATE: October 03, 2002

The roof of the building located at 116 West Broad has several hole in it. This has caused a partial cave in of the roof and the three floors below the holes. The basement is filled with approximately 8 to 10 feet of water from a natural spring that flows underground. Most of the window panes of the building have been missing for some time. Local homeless persons continually remove the boards from the lower floor to gain entry to the building. The interior of the building has been exposed to the elements for some time and the damage is extensive.

The frame structure poses a major fire hazard to the surrounding buildings. Pigeons roosting in the building constitute a health hazard.

The structure is in violation of the city's building code, electrical code, plumbing code and fire code.



CITY OF TEXARKANA, TEXAS

P. O. BOX 1967 75504

PHONE 903-798-3900

FAX 903-798-3933

Inspection Office
April 17, 2003

Bi-State Women's Center
124 West Broad Street
Texarkana, Texas 75501

RE: 116 West Broad Street

To Whom It May Concern:

The structure located at 116 West Broad Street must be boarded up on the Broad Street side. It appears that an attempt to accomplish this was made. However, the west window is not secured. It must be completely boarded up. This will aid in containing the foul smell that emits from the building.

You are given seven days from the date of this notice to complete the task. Thank you for your cooperation.

Sincerely,

Nina Walker
Combination Inspector



903-748-5222

**PUBLIC HEARING
FOR UNSAFE STRUCTURE**

Property: 116 West Broad Street

Owner of Record:

Bi-State Women's Shelter

§
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§

**BUILDING AND STANDARDS
COMMISSION**

CITY OF TEXARKANA, TEXAS

ORDER OF THE COMMISSION

Pursuant to *Chapter 5, Article III. Unsafe Buildings and Structures of the Code of Ordinances of the City of Texarkana, Texas*, a Public Hearing was held before the Building and Standards Commission of the City of Texarkana, Texas on the 15th day of July, 2002, regarding the condition of the structure located on the above referenced property.

The Building Official of the City of Texarkana, Texas, having determined that an unsafe structure exists on the above referenced property, appeared by and through designee, Nina Walker, and presented evidence of unsafe building conditions. The Owner of Record, Bi-State Women's Shelter, did not appear.

The Building and Standards Commission of the City of Texarkana, Texas, after hearing the evidence and arguments regarding the condition of the structure located on property more specifically described as: Lots 12 & 13, Block 21, City/Triggs Addition, located at 116 West Broad Street in the City of Texarkana, Bowie County, Texas, made a determination that the structure is unsafe. It was further determined that the structure should be demolished within thirty (30) days.

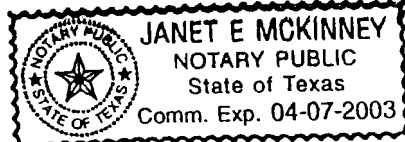
IT IS THEREFORE ORDERED that the Owner of Record shall demolish the structure on the above referenced property within thirty (30) days from the date this Order is signed. The Owner of Record shall obtain the appropriate permits from the Inspection Department of the City of Texarkana, Texas in order to demolish the structure.

SIGNED this the 6 day of August, 2002.

Eddie Hackleman

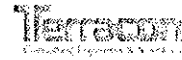
Eddie Hackleman, Chairman
Building and Standards Commission

Sworn to and subscribed before me, this the 6 day of August, 2002.



Janet E. McKinney
Notary Public, Bowie County, Texas

Attachment: Order of Commission (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)



EXECUTIVE SUMMARY

This Phase I ESA was performed in accordance with our proposal dated October 24, 2006, and was conducted consistent with the procedures included in ASTM E 1527-05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process. The ESA was conducted under the supervision or responsible charge of Rachel A. Smith, Environmental Professional. Jodi Taylor and Rachel Smith performed the site reconnaissance on November 22, 2006.

This property was approved by EPA for assessment under the referenced Brownfields Grant. The Phase I ESA was conducted to address Brownfields Cooperative Agreement requirements for all appropriate inquiries under 40 Code of Federal Regulations, Part 312 *Standards and Practices for All Appropriate Inquiries* (November 2006). If warranted, the Phase I ESA will provide baseline information to develop an EPA-approved work plan for Phase II assessment of eligible recognized environmental conditions (RECs) regarding hazardous substances. The Phase I ESA will be used to complete or update the Property Profile Form specific to this property.

A cursory summary of findings is provided below. It should be recognized that details were not included or fully developed in this section, and the report must be read in its entirety for a comprehensive understanding of the items contained herein. Consistent with conducting current and future services under the EPA Brownfields Hazardous Substance Assessment grant, the following are identified when significant to Brownfields restoration.

- The site is located at 116 West Broad Street, Texarkana, Bowie County, Texas. The site is a 0.15-acre tract of land that has been improved with a 26,000 square feet (ft²) four-story brick structure. The rectangular building has a masonry facade, a flat tar roof, and a single rear entrance. There is a large metal awning above the storefront entrance. The site is currently unoccupied.
- Site reconnaissance revealed a vacant building in downtown Texarkana, heretofore referenced as the Kress building, which once operated as a S.H. Kress & Co. department store. The Kress building is structurally connected on both sides to other downtown building structures in a manner typical of historical downtown architecture. It was noted that the Kress building has not been maintained since store operations ceased and is in severe disrepair. Masonry siding on the exterior of the building is damaged, and several pieces appear to have fallen from the building. Portions of the interior walls, ceilings and floors have collapsed due to water damage, and several windows are either broken or missing. Plywood is nailed to the storefront to prevent access or trespassing. The awning above the storefront is rotting and a large segment is missing. No other building features (e.g., elevators, office/storage space, restrooms, etc.) were visually apparent at the time of site reconnaissance due to severe structural damage and dilapidation. In addition, severe water damage due to frequent flooding prevented full access to the basement. However, considering the

EXECUTIVE SUMMARY (cont.)

nature of department store operations, it is not expected that these limitations are significant.

- c. Based on a review of historical information and interviews conducted during this assessment, the Kress building was constructed in an "Art Deco" architectural style after a fire destroyed an earlier Kress store in 1933. Fire-destroyed on-site structures are considered historical RECs, potentially producing hazardous substances and other organic compounds in fire residue. However, the structure was reconstructed circa 1935, and fire debris and rubble were reportedly removed. The reconstructed building encompasses approximately 100% of the property. Therefore, fire residues from on-site activity at the time of the 1933 fire do not appear to be a current REC.

The current structure is comprised of three full floors and a basement. S.H. Kress & Co. operated a department store in the Kress building from the time of its construction until the early 1970s. The exact date of store closure is uncertain. City directories and building records indicate that after a period of vacancy, the State First National Bank and Belk-Jones Department Store may have simultaneously used the Kress building for storage space from at least 1976 until mid-1980.

- Inspection records obtained from the City of Texarkana Building Permit/Inspection Department indicated that in 1979, site repairs were requested in order for the building to meet minimum code requirements. Actions requested included the removal of batteries used for auxiliary power. Based on the previous use of batteries of unknown disposition, this finding constitutes a REC at the site.
- Properties adjacent to the site include vacant and occupied commercial office space, government offices, and law offices. The south-adjointing properties consist of the Bi-State Justice Building, Bi-State Bail Bonds (201 W. Broad St.), and Main Street. The east-adjointing properties consist of Four States Magazine (114 W. Broad St.), AR & TX Bail Bonds (112 W. Broad St.), T-Town Camo (110 W. Broad St.), A-1 Bonding (108 W. Broad St.), Advanced Business Equipment (106-A W. Broad St.), and Capital One (100 W. Broad St.), followed by State Line Avenue. An alleyway adjoins the site to the north, followed by two finance companies, a parking lot, and then E. 3rd Street. The west-adjointing properties consist of a vacant commercial structure (120 W. Broad St.), the Mabel Bryan Morriss Center (124 W. Broad St.), and Main Street.
- The environmental regulatory database review identified the subject site as a TX Brownfields. In addition, the regulatory review identified one (1) National Priorities List (NPL) site, one (1) Texas Brownfields (TX Brownfields) site, one (1) Record of Decision (ROD) site, one (1) Arkansas leaking underground storage tank (LUST) site, one (1) Arkansas underground storage tank (UST) site, eight (8) Texas underground storage tank (TX UST) sites, eight (8) Texas leaking underground

EXECUTIVE SUMMARY (cont.)

storage tank sites (TX LTANKS), one (1) Texas above-ground storage tank (TX AST) site, one (1) Texas drycleaner (TX DRYCLEANER) site, and one (1) Manufactured Gas Plant site within the ASTM-specified search radii of the site.

- According to the Texas Commission of Environmental Quality's (TCEQ's) environmental database, the former Twin City Cab Company at 317 Main Street is listed as a TX UST site. Records indicate that in approximately 1957, three gasoline USTs were removed from the location. An additional 2,000-gallon gasoline UST was removed on October 1, 1990. The 1990 tank removal was a result of a soil vapor survey that indicated a potential release had occurred. The Texarkana Fire Department determined that hydrocarbon vapors had accumulated in an elevator shaft being drilled in the Texarkana Regional Arts and Humanities Council (TRAHC) building located down-gradient. Therefore, the former UST at 317 Main Street is more appropriately identified as a former LTANK.

The TCEQ performed many subsurface investigations at the former Twin City Cab Company. These investigations revealed that soil and groundwater were contaminated with dissolved-phase benzene, toluene, ethylbenzene, and xylene (BTEX), as well as methyl tertiary-butyl ether (MTBE) and Total Petroleum Hydrocarbons (TPH). According to TCEQ records, the dissolved-phase hydrocarbon plume commingled with a plume from one or more adjacent LTANKs. Information describing additional releases or identifying the exact location of any adjacent LTANKs is not provided in the records reviewed.

Although the TCEQ has issued final concurrence regarding the former LTANK at 317 Main Street and closed the investigation, their records still indicate that a designated major or minor aquifer is impacted. Based on the tank's reported regulatory status and distance from the site, the former LTANK constitutes a REC to the site.

- A review of historical Texarkana city directories indicated that during the 1930s, two clothes-cleaning facilities were operated on properties in the vicinity of the site (on W. Broad Street and Main Street). During the 1940-1960 periods Sears Roebuck & Company operated a gasoline/service station on an adjoining property north of the site (on the corner of Main Street and W. 3rd Street). The addresses provided in the city directories for the clothes-cleaning facilities and the gasoline/service station indicate that they once operated within 500 feet of the site. Due to the type of operations performed at these former facilities and their proximity to the site, these findings constitute potential RECs.

Hazardous Substance and Co-mingled RECs

- Pigeon feces observed within the site structure indicate that pigeons have been roosting in the vacant structure for a significant period of time. Although not an ASTM-recognized environmental condition, this has been identified as a Brownfields

Terracon

EXECUTIVE SUMMARY (cont.)

issue related to the protection of public health and the environment as part of restoration projects. Pigeon and bat guano accumulation in quantity is a public and stakeholder concern regarding health, both biological and chemical. In addition to harboring fungi and viruses, guano can act as bio-accumulators for chemical compounds as heavy metals and organic compounds (e.g., polychlorinated biphenyls, pesticides). Assessment of conditions related to pigeon guano has been identified by EPA as a Brownfields-eligible issue. Pigeon carcasses are typically the result of normal lifecycle deaths through multiple on-site generations of breeding rather than mortality caused by chemicals. However, the public may perceive mortality to be due to chemical poisoning. The public stigma is typically abated with proper removal and cleaning, most often using a guano abatement plan for safety.

- A review of historical Sanborn maps revealed that a Sears Roebuck & Co. auto repair shop and filling station were operated on an adjoining property north of the site during the 1940s-1960s. These types of automotive-related facilities commonly used solvents and chemical compounds in repair operations in addition to petroleum. Based on these past land uses adjacent to the site and their potential for historical releases, in combination with the 1933 fire that destroyed the original Kress store, these findings appear to constitute potential multiple point source releases of hazardous substances co-mingled with residual levels of petroleum/petroleum lubricants as a REC from a contiguous property.
- Due to the age of the building, it is possible that building materials such as drywall, floor tiles, ceiling tiles, surfacing material, mastic, and thermal system insulation could contain asbestos. In addition, painted surfaces were observed to be in poor condition. Based on the date of construction, it is possible that the original layers of paint are considered lead-based paint. Although future renovation of the structure would likely include removal of potential asbestos- or lead-containing materials, it is important to consider potential current exposures by transients or adolescent trespassers.
- Evidence of water infiltration (e.g. water stains) was noted during the site reconnaissance that may have contributed to mold growth and proliferation.

TEXAS HISTORICAL COMMISSION
real places telling real stories

RECEIVED

APR 24 2009

Per JS 807

7.3.m

April 13, 2009

Craig Lindholm
Community Redevelopment
City of Texarkana
P.O. Box 1967
Texarkana, Texas 75504

Re: Project review for the demolition of 116 West Street, Texarkana, Texarkana, Bowie
Co., Texas, N20

Dear Mr. Lindholm:

Thank you for your correspondence describing the above referenced project. This letter serves as comment on the proposed undertaking from the State Historic Preservation Officer, the Executive Director of the Texas Historical Commission.

The review staff, led by Charles M. Peveto has completed a review based on the submittal of information provided of the following property by applying state and federal criteria for historical designation:

- 116 West Street

This property is **eligible** for listing on the National Register of Historic Places under Criterion C for Architecture and Criterion A for Commerce. Please contact Elizabeth Butman with the Architecture Division (512/463.7687) for a determination of effect. She may request architectural drawings, specifications, work write-ups, and a complete set of photographs (including historic) showing all the areas that the proposed work may affect. Photographs should be labeled and keyed to the existing report affected by this project.

It is possible, however, that buried cultural materials may be present in the project area. If such materials are encountered during construction or disturbance activities, work should cease in the immediate area; work can continue in the project area where no cultural materials are present. Please contact the SHPO's Archeology Division (512/463-6167) to consult on further actions that may be necessary to protect the cultural remains.

We look forward to further consultation with your office and hope to maintain a partnership that will foster effective historic preservation. Thank you for your cooperation in this federal review process, and for your efforts to preserve the irreplaceable heritage of Texas. If you have any questions concerning our review or if we can be of further assistance, please contact Charles M. Peveto at 512/463-6008.

Sincerely,



Charles M. Peveto, Historian
for F. Lawrence Oaks, SHPO

cc: Elizabeth Butman, Architecture Division
Joni Haldeman, Bowie County Historical Chair



Attachment: Texas Historical Commission Response (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)



Kress Building Photos – April 13th, 2015 City Council Meeting



























The Kress Timeline

February 1979- Building was initially cited by the City Building Official and Fire Captain for not meeting code requirements.

August 2002- Demolition ordered by the Texarkana, Texas Building and Standards Commission.

November 2006- Ark-Tex Council of Governments, completed a Phase I EPA Assessment.

Note: In order to use federal clean up funds, this EPA Assessment would have had to have been updated within six months prior to the the City accepting ownership.

April 2009- Texas Historical Commission reviewed the property and found it eligible for historic register listing. No further action was taken.

May 2009- City of Texarkana, Texas accepted ownership of the building from Bi-State Women's Center, Inc. for the purpose of demolition to "remove an eyesore and potential public health and safety risk."

Ord. No. 073-2009

October 2012- City hired structural engineering firm, Raley and Associates, to determine options for next steps related to the building. After inspection, the firm reported "the structure appears to be unstable and needs to be demolished as soon as possible. The building by its location and size will be expensive to demolish. However, this firm does not believe it can be salvaged at a reasonable expense."

November 2014- City was contacted regarding falling debris from the building facade and the public sidewalk was barricaded for safety.

April 2015- Council will consider a resolution regarding next steps for the building, including demolition.



City of Texarkana, Texas

Version: F

Update Date: 3/19/2015 1:32 PM

Briefing Sheet

Lead Department: Assistant City Manager **Action Officer:** Pam Burns, Municipal Clerk
Subject: Ordinance No. 2015-035 adopting and enacting a revised Code of Ordinances for the City of Texarkana, Texas.
Briefing: 4/27/2015 **Public Hearing:** 4/13/2015 **Second Briefing:** April 27, 2015 **Council Vote:** 5/11/2015

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City Council of Texarkana, Texas by Ordinance 36-61, passed and approved on June 19, 1961, adopted and enacted a new Code of Ordinances which, with exceptions, functioned as a new and original comprehensive ordinance that superseded all other general and permanent ordinances passed by the City Council on or before May 9, 1961.

City staff, collaborating with Municipal Code Corporation, have completed a topic-by-topic review and revision of the City's current Code of Ordinances, which includes over a half-century of amendments to the Code, for the purpose of improving accessibility by rearranging certain provisions, using a format and numbering system to facilitate citation and future expansion, and eliminating duplicate, obsolete, expired, and superseded provisions. <http://www.ci.texarkana.tx.us/513/Proposed-Code-of-Ordinances-Recodificati>

The revised Code of Ordinances makes primarily no substantive changes and other changes in compliance with Texas law or Council action, such as adoption of a master fee schedule (see Res. No. 2014-083) which allows for replacing dollar-specific fee information within Code provisions by reference to the Council-adopted fee schedule.

This will require 2 readings of the ordinance. The first reading will be at the first briefing and the second reading when the City Council votes on this item.

Potential Options:

- Approve or deny the adoption of the revised and reorganized Code of Ordinance.

Fiscal Implications:

Substantial savings should be realized once this new Code has been adopted by reducing the number of supplement pages required to continually bring sections of the old Code in line with State Statute and current City needs.

Staff Recommendation:

City of Texarkana, Texas

The following City Staff in collaboration with Jeff Lewis, Retained Legal Counsel and Municode representative, Jim Jenkins, spent numerous hours reviewing and organizing the new Code in the best interest of the citizens of Texarkana, Texas: John Whitson, Shirley Jaster, Deborah Jones, Jennifer Evans, Pam Burns, Dan Shiner, Charles Kriedler, Mike Harris, Eric Schlotter, Chris Black, Daphnea Ryan, Robby Robertson, Kyle Dooley, Charlie Bassett, Bill King, Jim Powell, and David Orr.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2015-035 ORD Municode Recod Ord (jcl rev 3-11-2015) (DOC)
- b. 2015-035 Goals & Perspectives (DOCX)

Staff Coordination

Assistant City Manager	Shirley Jaster	Department Head Review
Completed	03/12/2015 4:20 PM	
Finance Department	Charlie Bassett	Finance Review
10:16 AM	Completed	03/19/2015
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	03/19/2015 1:29 PM
Public Information Officer	Lisa Thompson	PIO Review
03/19/2015 1:30 PM	Completed	
City Manager	John Whitson	City Manager Review
1:32 PM	Completed	03/19/2015
City Council	Jennifer Evans	Meeting
6:00 PM	Completed	03/23/2015

Meeting History

03/23/15	City Council	MOVED FORWARD	Next: 04/13/15
04/13/15	City Council	MOVED FORWARD	Next: 04/27/15

Alan Schimming spoke at this public hearing. Shirley Jaster explained the recodification process. City Manager Whitson stated that all references to dollar amounts of fees and fines have been removed from the proposed Code of Ordinances and will be presented to council to review and adopt in the annual city budget process.

PUBLISH

ORDINANCE NO. 2015-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS; ADOPTING AND ENACTING A REVISED CODE OF ORDINANCES FOR THE CITY OF TEXARKANA, TEXAS; PROVIDING AN EFFECTIVE DATE OF SUCH CODE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN THE CODE EXCEPT AS PROVIDED IN THE CODE; PROVIDING FOR THE MANNER OF AMENDING THE CODE; PROVIDING FOR PUBLICATION OF PUBLIC NOTICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, pursuant to Ordinance No. 36-61, passed and approved on June 19, 1961, the City Council of the City of Texarkana, Texas, adopted and enacted a new Code of Ordinances which, with exceptions, functioned as a new and original comprehensive ordinance that superseded all other general and permanent ordinances passed by the City Council on or before May 9, 1961; and

WHEREAS, City staff, collaborating with Municipal Code Corporation, have completed a topic-by-topic review and revision of the City's current Code of Ordinances, which includes over a half-century of amendments to the Code, for the purpose of improving accessibility by rearranging certain provisions, using a format and numbering system to facilitate citation and future expansion, and eliminating duplicate, obsolete, expired, and superseded provisions; and

WHEREAS, the revised Code of Ordinances makes primarily nonsubstantive changes and other changes in compliance with Texas law or Council action, such as adoption of a master fee schedule (see Res. No. 2014-083) which allows for replacing dollar-specific fee information within Code provisions by reference to the Council-adopted fee schedule.

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

SECTION 1: "The Code of General Ordinances, City of Texarkana, Texas," submitted in published form by Municipal Code Corporation, consisting of chapters 1 through 45, each inclusive, contained within electronic media attached to this Ordinance and incorporated herein by reference for all purposes, hereinafter referred to as "the Code", is hereby adopted and enacted. The City Council finds and determines that any applicable hearing and notice requirements have been met for passage and approval of this Ordinance. All provisions of the Code shall be in full force and effect from and after May 22, 2015.

PUBLISH

SECTION 2. All ordinances of a general and permanent nature enacted on or before January 26, 2015, and not otherwise included, recognized, or continued in force by general or specific reference or exception in the Code, are repealed, except as hereinafter provided. This Section 2 shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this Ordinance.

SECTION 3. Section 2 of this Ordinance shall not be construed to repeal or otherwise affect any of the following:

- (1) Any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness;
- (3) Any contract or obligation assumed by the city;
- (4) Any ordinance or resolution establishing or fixing the salary of any city officer or employee, unless superseded;
- (5) Any ordinance or resolution establishing or fixing retirement and pension plans, benefits, personnel policy, civil service rules and regulations, and/or administrative procedures for city officers or employees not otherwise enumerated in this Code;
- (6) Any right of franchise granted by the city to any person, firm, or corporation;
- (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, closing, opening, widening, paving, vacating or encumbering, etc., any street, sidewalk, public right-of-way, or public property in the city or owned by the city, including any City Council-approved special exceptions to public rights-of-way and agreements incident thereto;
- (8) Any ordinance or resolution establishing and prescribing the street grades of any street in the city;
- (9) Any appropriation ordinance;
- (10) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;
- (11) Any ordinance or resolution providing for local improvements and assessing taxes therefor;
- (12) Any ordinance rezoning specific property or amending the zoning map;
- (13) Any ordinance or resolution dedicating or accepting any subdivision plat or providing for subdivision regulations;
- (14) Any ordinance or resolution describing or altering the boundaries of the City or annexing property to the City;

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- (15) The ordinances or resolutions of the City not in conflict or inconsistent with the provisions of this Code;
- (16) Any ordinance levying or imposing taxes not included in this Code;
- (17) Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code;
- (18) Any ordinance or resolution of agreement with another political subdivision, special district, or authority;
- (19) Pertaining to any specific election, or the calling of regular or special elections, or promulgating the results of such elections;
- (20) Any ordinance or resolution establishing or imposing any municipal rates, charges or fees for the city, that are not otherwise enumerated in this Code;
- (21) Any ordinance or resolution, or part thereof, which is listed on or transferred to the traffic register as continuing in effect;
- (22) Any ordinance or resolution establishing water and sewer rates, customer fees and deposits, penalties, tapping charges, service charges, sewer and industrial pretreatment services, and any other rates, fees or charges pertaining to water and sewer service;
- (23) Any ordinance or regulation establishing, prescribing, and/or modifying records management or records retention policies or rules;
- (24) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.
- (25) Any ordinance relating to the creation or establishment of any authority, commission, or board, including any ordinance adopting, approving, amending or repealing rules and regulations of any such authority, commission, or board; and
- (26) Any ordinance enacted after January 26, 2015.

SECTION 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00); except violations of municipal ordinances that govern fire, safety, zoning, public health and sanitation, including dumping of refuse, vegetation and litter violations in which the maximum fine shall be two thousand dollars (\$2,000.00) for each offense. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

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SECTION 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the City to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code of Ordinances of the City of Texarkana shall be understood and intended to include such additions and amendments.

SECTION 6. Ordinances adopted after January 26, 2015, which amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

SECTION 7: The parenthetical notes within the Code referencing source ordinances or amendments are editorially prepared only to preserve the historical background and shall not be construed as a substantive addition to the pertinent Code provision.

SECTION 8: A copy of the Code shall be kept on file in the office of the City Secretary in such form as the City Secretary may deem expedient. The City Secretary or a designee of the City Secretary shall update the Code to include all amendments or ordinances which the City Council intends to make a part of the Code and to extract all provisions which may be repealed by the City Council.

SECTION 9: 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 10: 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 11: This Ordinance, upon publication as provided herein, shall be in full force and effect ten (10) days after its passage and approval. The City Council orders publication of the Code following the date this Ordinance shall be in full force and effect.

FIRST READING APPROVED in Regular Council Session on this the **23rd day of March, 2015.**

BOB BRUGGEMAN, MAYOR

PUBLISH

ATTEST:

JENNIFER EVANS, CITY SECRETARY

SECOND READING PASSED AND APPROVED in Regular Council Session on this the
11th day of May, 2015.

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the
City Council, held on the 11th day of May, 2015.

JENNIFER EVANS, CITY SECRETARY

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version: I

Update Date: 4/20/2015 3:23 PM

Briefing Sheet

Lead Department: Assistant City Manager **Action Officer:** Pam Burns, Municipal Clerk
Subject: Ordinance No. 2015-036 adopting and enacting a Land Development Code for the City of Texarkana, Texas.
Briefing: 4/27/2015 **Public Hearing:** 4/13/2015 **Second Briefing:** April 27, 2015 **Council Vote:** 5/11/2015

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

Alan Schimming, real estate businessman in Texarkana, spoke at the public hearing on April 13, 2015 concerning this item. He stated that this issue should be given more time for review if changes to the code are being considered by the City.

Executive Summary and Background Information:

During the process of reviewing and revising the City's Code of Ordinances (see Ord. 2015-035), City staff, collaborating with Municipal Code Corporation, compiled a non-substantive revision and update of the provisions of the City's zoning ordinances to be published in a separate section of the Code of Ordinances, titled "Land Development Code of the City of Texarkana, Texas." Please use this link to view the document

<http://www.ci.texarkana.tx.us/513/Proposed-Code-of-Ordinances-Recodificati>

Publishing zoning ordinances with the Code of Ordinances will improve accessibility, using a similar format and numbering system as other municipal code provisions.

The Planning and Zoning Commission held a public hearing on the codification of the zoning ordinances and recommends the City Council's approval of the "Land Development Code of the City of Texarkana, Texas."

Notice for the City Council's public hearing on this proposed ordinance, which contained the date, time, and place of the hearing and the nature of the subject to be considered, has been given by publication in a newspaper of general circulation in the City of Texarkana, Texas, not less than fifteen days before the hearing.

This ordinance requires 2 readings. The first reading will be at the first briefing and the second reading when the City Council votes on the item.

Potential Options:

- Approve or deny this request

City of Texarkana, Texas

Fiscal Implications:

Substantial savings should be realized to bring the full zoning ordinance into the Land Development Code of Ordinances. Allowing the public to see the entire governing ordinances of the City in one web portal for better transparency.

Staff Recommendation: of the City of Texarkana, Texas.”

Staff recommends for the approval of the “Land Development Code of the City of Texarkana, Texas.”

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

The Planning and Zoning Commission will hold a public hearing on the codification of the zoning ordinances at the May meeting and is anticipated to recommend the City Council's approval of the "Land Development Code of the City of Texarkana, Texas.”

Advisory Board/Committee Meeting Date and Minutes:

May 5, 2015

Attachments

- a. 2015-036 ORD Municode Recod Land Devlp Ord (jcl rev 3-11-2015) (DOC)
- b. 2015-036 Goals & Perspectives (DOCX)

Staff Coordination

Assistant City Manager	Shirley Jaster	Department Head Review
Completed	03/12/2015 4:19 PM	
Finance Department	Charlie Bassett	Finance Review
Completed	03/12/2015	
4:43 PM		
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	03/19/2015 9:35 AM
Public Information Officer	Lisa Thompson	PIO Review
Completed	03/19/2015 9:36 AM	
City Manager	John Whitson	City Manager Review
Completed	03/19/2015	
1:27 PM		
City Council	Jennifer Evans	Meeting
Completed	03/23/2015	
6:00 PM		

Meeting History

03/23/15	City Council	MOVED FORWARD	Next: 04/13/15
04/13/15	City Council	MOVED FORWARD	Next: 04/27/15

No one spoke at the public hearing on this item.

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ORDINANCE NO. 2015-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS; ADOPTING AND ENACTING A LAND DEVELOPMENT CODE FOR THE CITY OF TEXARKANA, TEXAS; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN THE LAND DEVELOPMENT CODE EXCEPT AS PROVIDED THEREIN; PROVIDING FOR THE MANNER OF AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FOR PUBLICATION OF PUBLIC NOTICE; AND ESTABLISHING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, in the process of reviewing and revising the City's Code of Ordinances (see Ord. No. 2015-035), City staff, collaborating with Municipal Code Corporation, compiled a nonsubstantive revision and update of the provisions of the City's zoning ordinances to be published in a separate section of the Code of Ordinances, titled "Land Development Code of the City of Texarkana, Texas"; and

WHEREAS, the purpose of publishing zoning ordinances with the Code of Ordinances is to improve accessibility, using a similar format and numbering system as other municipal code provisions; and

WHEREAS, the Planning and Zoning Commission held a public hearing on the codification of the zoning ordinances and recommends the City Council's approval of the "Land Development Code of the City of Texarkana, Texas"; and

WHEREAS, notice for the City Council's public hearing on this proposed ordinance, which contained the date, time, and place of the hearing and the nature of the subject to be considered, has been given by publication in a newspaper of general circulation in the City of Texarkana, Texas, not less than fifteen days before the hearing.

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

SECTION 1: The "Land Development Code of the City of Texarkana, Texas," submitted in published form by Municipal Code Corporation, consisting of chapters 100 through 140, each inclusive, contained within electronic media attached to this Ordinance and incorporated herein by reference for all purposes, hereinafter referred to as "the Land Development Code", is hereby adopted and enacted. The City Council finds and determines that any applicable hearing and notice requirements have been met for passage and approval of this Ordinance. All provisions of the Land Development Code shall be in full force and effect from and after May 22, 2015.

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SECTION 2. All ordinances of a general and permanent nature enacted on or before January 26, 2015, and not otherwise included, recognized, or referenced in the Land Development Code, are repealed. This Section 2 shall not repeal non-codified ordinances continued in force by reference or exception in the Land Development Code, nor shall it be construed to revive any ordinance or part thereof that has been repealed by an ordinance subject to this repealer clause.

SECTION 3: Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Land Development Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding five hundred dollars (\$500.00); except violations of municipal ordinances that govern fire, safety, zoning, public health and sanitation, including dumping of refuse, vegetation and litter violations in which the maximum fine shall be two thousand dollars (\$2,000.00) for each offense. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Land Development Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION 4. Additions or amendments to the Land Development Code, when passed in such form as to indicate the intention of the City to make the same a part of the Land Development Code, shall be deemed to be incorporated in the Land Development Code, so that reference to the Land Development Code includes the additions and amendments.

SECTION 5. Ordinances adopted after January 26, 2015, which amend or refer to ordinances that have been codified in the Land Development Code, shall be construed as if they amend or refer to like provisions of the Land Development Code.

SECTION 6: The parenthetical notes within the Land Development Code referencing source ordinances or amendments are editorially prepared only to preserve the historical background and shall not be construed as a substantive addition to the pertinent Land Development Code provision.

SECTION 7: A copy of the Land Development Code shall be kept on file in the office of the City Secretary in such form as the City Secretary may deem expedient. The City Secretary or a designee of the City Secretary shall update the Land Development Code to include all amendments or ordinances which the City Council intends to make a part of the Land Development Code and to extract all provisions which may be repealed by the City Council.

SECTION 8: 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.

PUBLISH

SECTION 9: 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 10: This Ordinance, upon publication as provided herein, shall be in full force and effect ten (10) days after its passage and approval. The City Council orders publication of the Land Development Code following the date this Ordinance shall be in full force and effect.

FIRST READING APPROVED in Regular Council Session on this the **23rd day of March, 2015.**

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

SECOND READING PASSED AND APPROVED in Regular Council Session on this the **11th day of May, 2015.**

BOB BRUGGEMAN, MAYOR

ATTEST:

JENNIFER EVANS, CITY SECRETARY

PUBLISH

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the City Council, held on the 11th day of May, 2015.

JENNIFER EVANS, CITY SECRETARY

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

Perspectives	Goals
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Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved: Low

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other: