



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • APRIL 27, 2015

Council Chambers

Regular Meeting

6:00 PM

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

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

Staff Present: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Charlie Bassett, David Orr, Lisa Thompson, Charles Kreidler, Geoff Lewis, Kyle Dooley, Eric Schlotter and Robby Robertson.

Legal Counsel: None

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

Mayor Bruggeman announced that the new Wal-Mart Neighborhood Market, at the corner of Richmond Road and Moores Lane, is scheduled to open on Wednesday, April 29th at 7:30 a.m.

Appointments to Boards & Commissions

Mayor Bruggeman made the following three appointments to the Housing Authority Board:

Louie George
Jo Ann Rice
Joyce Johnson (Resident Commissioner)

Presentations

Friends of the Park presentation: An "Appreciation Plaque" for Dawn Williams, Manager of Starbucks on Richmond Road.

Mayor Bruggeman and John Harrison thanked Starbucks for all the generosity shown towards the Texarkana community.

Proclamations

Motorcycle Safety Awareness Month Proclamation - Eddie Stenzel

Mayor Bruggeman read the Motorcycle Safety Awareness proclamation and presented it to Eddie Stenzel.

Ependymoma Awareness Day Proclamation

Mayor Bruggeman read the Ependymoma Awareness Day proclamation and presented it to the Brogdon family in honor of Trevor Brogdon.

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".

Floyd Turnage addressed council regarding paving and repairing College Drive.

V. ITEMS FOR CONSIDERATION

Consent Items

(6:25 p.m.)

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

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

2. Consider approval of the minutes of the Regular Meeting of the City Council held on April 13, 2015 at 6:00 PM.

Action Items - None.

VI. FIRST BRIEFINGS

1. Resolution No. 2015-039 accepting a bid and authorizing the City Manager to issue a purchase order to Tyler Technologies for electronic ticket writing software and hardware provided through 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

Charles Kreidler briefed this item. Geoff Lewis gave an overview of the Brazos software and hand-held device.

RESULT:	MOVED FORWARD	Next: 5/11/2015 6:00 PM
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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

Shirley Jaster briefed this item.

RESULT:	MOVED FORWARD	Next: 5/11/2015 6:00 PM
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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

Kyle Dooley briefed this item.

RESULT:	MOVED FORWARD	Next: 5/11/2015 6:00 PM
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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

David Orr briefed this item. Joel Wright, agent, shared a few comments with council.

RESULT:	MOVED FORWARD
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Next: 5/11/2015 6:00 PM

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

David Orr briefed this item. Damon Earnest, owner, answered questions for council.

RESULT:	MOVED FORWARD
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Next: 5/11/2015 6:00 PM

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

Kirk Patton, agent for owner James Blackburn, briefed this item.

RESULT:	MOVED FORWARD
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Next: 5/11/2015 6:00 PM

7. Ordinance No. 2015-048 rezoning a 0.92 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 Planned Development-Multiple Family-2. John Bailey, owner. Alan Schimming, agent.

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

David Orr briefed this item. Alan Schimming shared a few comments with council.

RESULT:	MOVED FORWARD
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Next: 5/11/2015 6:00 PM

VII. PUBLIC HEARINGS

1. Motion to move Ordinance No. 2015-029 up for council vote.

(7:26 p.m.)

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

2. 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

Richard Reynolds spoke at this public hearing.
(7:27 p.m.)

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

3. Motion to move Ordinance No. 2015-037 up for council vote.

(7:32 p.m.)

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

4. 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

Ina McDowell, Main Street Texarkana Director, spoke at this public hearing. Eddie Stenzel spoke at this public hearing.

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

5. 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

Tracey Prather spoke at this public hearing and shared a video.

RESULT:	MOVED FORWARD	Next: 5/11/2015 6:00 PM
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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: June 8, 2015

City Manager Whitson said he sent out an email to the council with an update on the meeting with developers concerning the code recodification. During that meeting, the developers expressed concern with the building code fee schedule. Curt Green spoke at this second briefing.

RESULT:	MOVED FORWARD	Next: 6/8/2015 6:00 PM
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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: June 8, 2015

Alan Schimming spoke at this second briefing.

RESULT:	MOVED FORWARD
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Next: 6/8/2015 6:00 PM

X. ITEMS FOR DISCUSSION

Staff Updates - None.

XI. ADMINISTRATIVE COMMENTS

1. Council Members

Council Member Veal-Gooch asked for an update on the total cost of repaving College Drive. Kyle Dooley responded that he would prepare a brief presentation for the next council meeting. In addition, City Manager Whitson stated that staff is working on a citywide multi-year capital improvement plan to include and address priority street projects.

Council Member Casteel asked for a current update on the residential demolition project. Kyle Dooley responded that he would send out an update to council.

Council Member Matthews asked for an update on the public safety communication system. City Manager Whitson responded that staff is working on a number of options and have involved the local communities outside of Texarkana in several meetings. The Department of Public Safety (DPS) has allocated one of their spare antennas for Bowie County. Staff has learned that Red River Army Depot (RRAD) is also in the process of updating its communication system and the DPS welcomes the depot to be on the proposed countywide system. This would improve local military value as a community when it comes to future Base Realignment and Closure (BRAC) considerations. The potential for four antennas (City, DPS, RRAD, and County) in Bowie County is promising. The local cities in the western part of the county are recommending the DPS system over the AWIN (Arkansas Wireless Information Network) system. Staff is continuing to work out issues and more updates will be coming soon.

Council Member Matthews asked if the city is at a point to do something about the Masonic Lodge rubble. City Manager Whitson responded that staff is waiting on the recommendation of the City Attorney and City Prosecutor who are doing a thorough job of researching legal options and hard leverage to be taken without expense to the city.

Council Member Matthews asked if the issue of parking in yards has been resolved. City Manager Whitson responded that there is merit to the ordinance and that staff has prepared an ordinance. However, with the way the ordinance is written, the City Manager believes that it cannot be enforced citywide. To help resolve some of this issue, the City Manager suggested that council consider having an ordinance addressing the number of unrelated adults in a single residence. This information could be obtained by requiring a landlord registry with annual inspections of rental property throughout the city.

Council Member Davis asked if the proposed parking in yards ordinance addresses only cars. Shirley Jaster said the ordinance addresses all moving vehicles.

2. City Staff - None.

XII. CLOSED SESSION

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

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.
(10:20 p.m.)

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

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 (PDF)

P r o c l a m a t i o n

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 27th day of April, 2015.

Bob Bruggeman, Mayor

Attest:

Jennifer Evans, City Secretary

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
Subject: enter into a contract for the asbestos abatement for ten (10) structures on the
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)
- e. Reso. 2015-024 signed (PDF)

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)

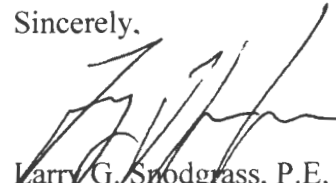
Dear Ms. Puckett:

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

5.1.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

Attachment: Resolution No. 2015-024 [Revision 3] (1269 : Res No. 2015-024 Accept bid for asbestos abatement for 10 Structures)

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.

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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:

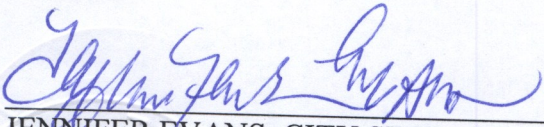
SECTION 1: That the bid submitted by Air Quality Associates, Inc. for asbestos abatement of ten (10) structures listed in exhibit "A" be and is hereby accepted.

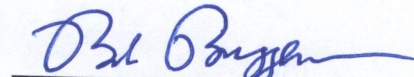
SECTION 2: That the City Manager be and is hereby authorized to enter into a contract with Air Quality Associates, Inc. in an amount not to exceed FIFTY EIGHT THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS AND NO/100 (\$58,333.00).

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

6:25 p.m.

Attachment: Reso. 2015-024 signed (1269 : Res No. 2015-024 Accept bid for asbestos abatement for 10 Structures)



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: 28 APR 15

Approval Signature: _____

Printed Name: _____

 John A. WHITSON
 CITY MANAGER



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

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

Staff Present: City Manager John Whitson, Jennifer Evans, Shirley Jaster, Charlie Bassett, 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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Version: H

Update Date: 4/27/2015 8:19 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 Tyler Technologies for electronic ticket writing
software and hardware provided through 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
Subject: HUNDRED EIGHTY-SIX DOLLARS AND NO/100 (\$85,586.00).

Briefing: 5/26/2015 **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.

City of Texarkana, Texas

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) 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 Tyler Technologies submitted a bid to the city for Brazos Technologies software and hardware in the form of 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 was secured from a 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

City of Texarkana, Texas

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

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)

City of Texarkana, Texas

Staff Coordination

Police 10:16 AM	Kevin Schutte	Action	Completed	04/15/2015
Police	Dan Shiner	Department Head Review	Completed	
	04/15/2015 10:28 AM			
Assistant City Manager Review	Completed	Shirley Jaster	Assistant City Manager	
		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 Manager	John Whitson	City Manager Review	Completed	04/21/2015
8:03 AM				
City Council	Jennifer Evans	Meeting	Completed	04/27/2015
6:00 PM				

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 TYLER TECHNOLOGIES, FOR THE PURCHASE OF BRAZOS 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 for software and hardware provided by Brazos Technology, of College Station, Texas, through their strategic partnership with Tyler Technologies 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 Tyler Technologies for coverage on Brazos Technologies hardware and software associated with this 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 by Tyler Technologies for the purchase of Brazos Technology, of College Station, Texas, 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 Tyler Technologies 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. 50

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: F

Update Date: 4/28/2015 9:30 AM

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: 5/26/2015 **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	Jennifer Evans	Meeting	Completed	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
Subject: 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.
Briefing: 5/26/2015 **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:

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	Jennifer Evans	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	
55707	Computer Hard & Software	\$ 15,000	\$ 15,510	\$ 510	
Fund Total		\$ 16,100	\$ 16,642	\$ 542	3
<u>City Technology Fund (115):</u>					
50200	Lease Purchase Interest Expense	\$ 1,897	\$ 2,738	\$ 841	
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	4
<u>CDBG Revolving Loan Fund (203):</u>					
Revenue:					
40016	Contribution From US Govt	\$ -	\$ 100,000	\$ 100,000	
Expenditures:					
54504	Special Services	\$ -	\$ 100,000	\$ 100,000	
Fund Total		\$ -	\$ -	\$ -	5
<u>EPA Job Training Grant Fund (206):</u>					
Beginning Fund Balance		\$ -	\$ (65,359)	\$ (65,359)	
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	\$ -	6
<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

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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

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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

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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)

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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

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City of Texarkana, Texas

Briefing Sheet

Version:

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

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: 5/11/2015 **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
	04/17/2015 9:30 AM	Completed
City Manager	John Whitson	City Manager Review
8:05 AM		Completed
City Council	Jennifer Evans	Meeting
6:00 PM		Completed
		04/21/2015
		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.
8. That no signage advertising tattoos is allowed on the property.

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

SECTION 4: It is further provided that in case a section, clause, sentence or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

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

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

EXHIBIT "A"

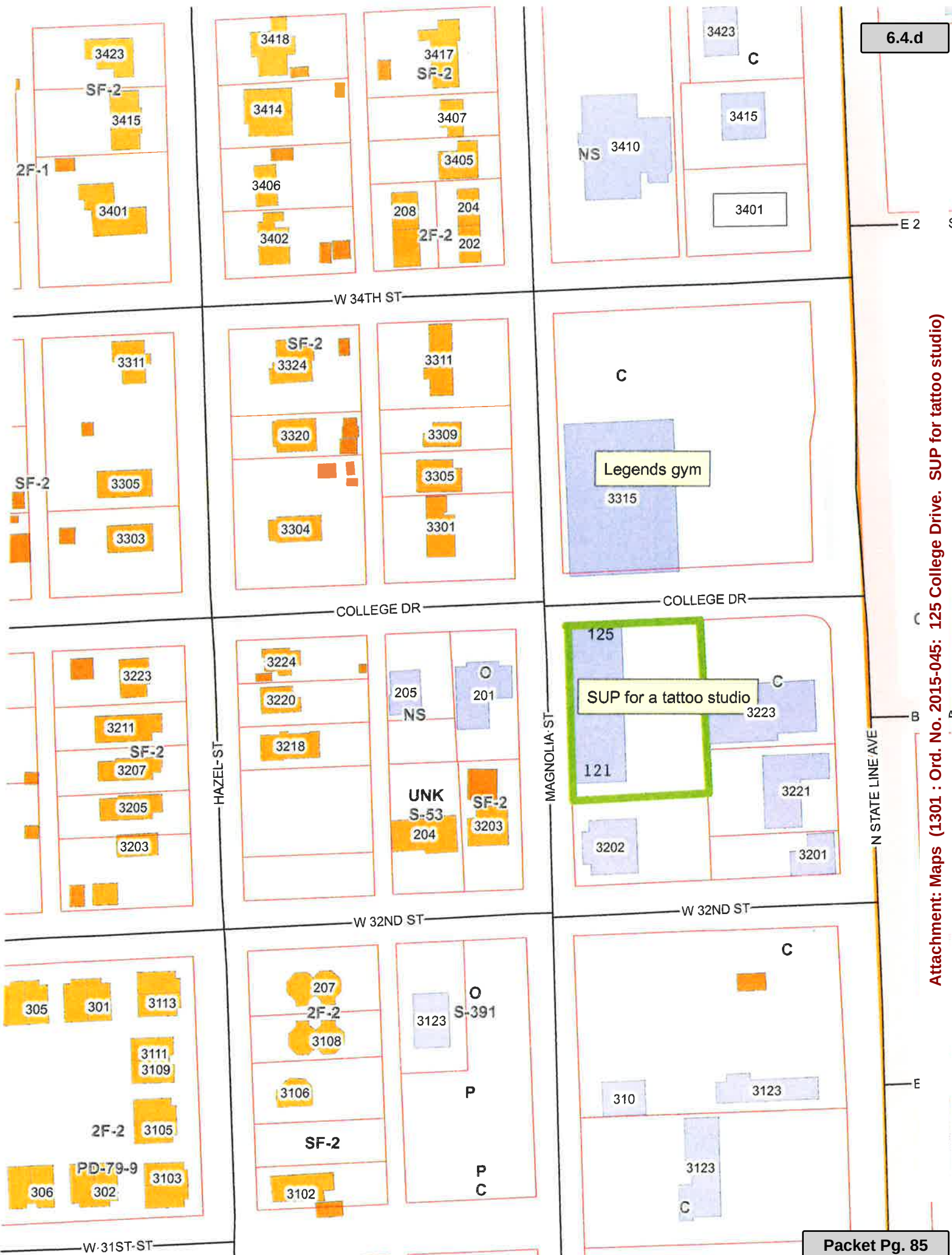
All that certain tract or parcel of land in the THOMAS PRICE HEADRIGHT SURVEY in Bowie County, Texas, a part of a 0.756 acre tract of land conveyed by Henry L. Cook to the Economy Construction Company as recorded May 29, 1930, in Volume 267, Page 435 of the Deed Records of Bowie County, Texas, and described 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.





N STATE LINE AVE

City of Texarkana, Texas

Version: B

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

Briefing Sheet

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: 5/11/2015 **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:

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	Jennifer Evans	Meeting	Completed 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. 2015-046

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 General Retail**.

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 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.





Attachment: Maps (1302 : Ord. No. 2015-046: O to GR. 3415 & 3417 New Boston Road)

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
Subject: 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.
Briefing: 5/26/2015 **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:

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)
- e. Kirk Patton Letter (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	Jennifer Evans	Meeting
6:00 PM		Completed
		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 request 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

5623

5621

5622

5622

5619

A

5902

N PARK RD

5600

C

5724

6.6.d

1200

SF-2

ST-MICHAEL-DR

I-30

MALL-DR

Blackburns business

location of rezoning

GR
S-449
PD-97-1

MF-1
S-294
5001

MF-1
S-368
4939

KCS Railroad tracks

Spring Lake Park

A

C

PD-77-1

1023

1017

5225

SF-2

1019

1019

duplexes
2F-1

5221

SF-3

5119

1014

PUR

1002

JORDAN LN

1013

1009

5027

NS

5029

5009

2F-1

MF-2
4925

MF-1
S-348

4911

4909

4905

4903

MF-1
S-248

SF-2

Packet Pg. 101

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

KIRK PATTON, P.C.
ATTORNEY AT LAW

3512 Texas Boulevard • Texarkana, Texas 75503
Post Office Box 6128 • Texarkana, Texas 75505-6128
Telephone (903) 334-7000 • Fax (903) 791-9301

April 28, 2015

Mr. David Orr
Director of Planning and
Community Development
City of Texarkana, Texas
P.O. Box 1967
Texarkana, Texas 75504

RE: Ordinance No. 2015-047
Rezoning 7.882 acre tract of land

Dear Mr. Orr:

I have reviewed the uses that are allowed in commercial districts under the Zoning Ordinance of the City of Texarkana, Texas. Enclosed find a list of prohibited uses to be set forth in Ordinance No. 2015-047 rezoning a 7.882 acre tract of land located at 5445 North Park Road that is owned by James Blackburn. Mr. Blackburn has approved said prohibited uses being set forth in said Ordinance No. 2015-047 rezoning his property to "commercial".

After you have had the opportunity to review the list of prohibited uses, then please give me a call. I appreciate your willingness to work toward reaching a compromise that will not only protect the adjoining property owners but will also allow Mr. Blackburn to market his property for its highest and best use.

Very truly yours,



Kirk Patton, P.C.

KP/k
Enclosure
cc: Mr. James Blackburn w/enc.
25032-001

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

PROHIBITED USES APPLICABLE TO 7.882 ACRES OWNED BY JAMES BLACKBURN

mobile home park	bus station
sewage treatment plant	motor freight terminal
water treatment plant	wrecking or salvage yard
commercial amusement facility	mini warehouses
dance hall	tattoo parlor
nightclub	animal hospital, pound or kennel
drag or racing strip	poultry hatchery
go cart track	commercial plant nursery
pistol or rifle range	laundry plant
skating rink	contractor storage yard
swimming pool	petroleum products storage
cemetery or mausoleum	storage warehouse
institution for alcoholic, narcotic or psychiatric patients	sand or gravel storage
convent or monastery	meat packing plant
	trash transfer station

City of Texarkana, Texas

Version: D

Update Date: 5/6/2015 1:20 PM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Debbie Burk
Subject: Ordinance No. 2015-048 rezoning a 0.92 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 Planned Development-Multiple Family-2. John Bailey, owner. Alan Schimming, agent.
Briefing: 5/11/2015 **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:

The applicant has agreed to change the application to include the Planned Development designation. The letter is attached.

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:

City of Texarkana, Texas

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 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)
- e. Letter from Mr. Schimming agreeing to change applic. to include PD desig.
(PDF)
- f. Exhibit "A" (PDF)

Staff Coordination

Planning and Community Development	Jennifer Evans	Department Head Review
Skipped	04/27/2015 12:37 PM	
Assistant City Manager	Jennifer Evans	Assistant City Manager
Review	04/27/2015 12:37 PM	
Public Information Officer	Jennifer Evans	PIO Review
Skipped	04/27/2015 12:37 PM	

City of Texarkana, Texas

City Manager 2:16 PM	John Whitson	City Manager Review Completed	05/05/2015
City Council 6:00 PM	Jennifer Evans	Meeting Completed	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. 2015-048

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 0.92 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 PLANNED DEVELOPMENT-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 0.92 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, applicant agreed to change the application from **Single Family-2 to Planned Development-Multiple Family-2**; 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 Planned Development-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 0.92 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 Planned Development-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.

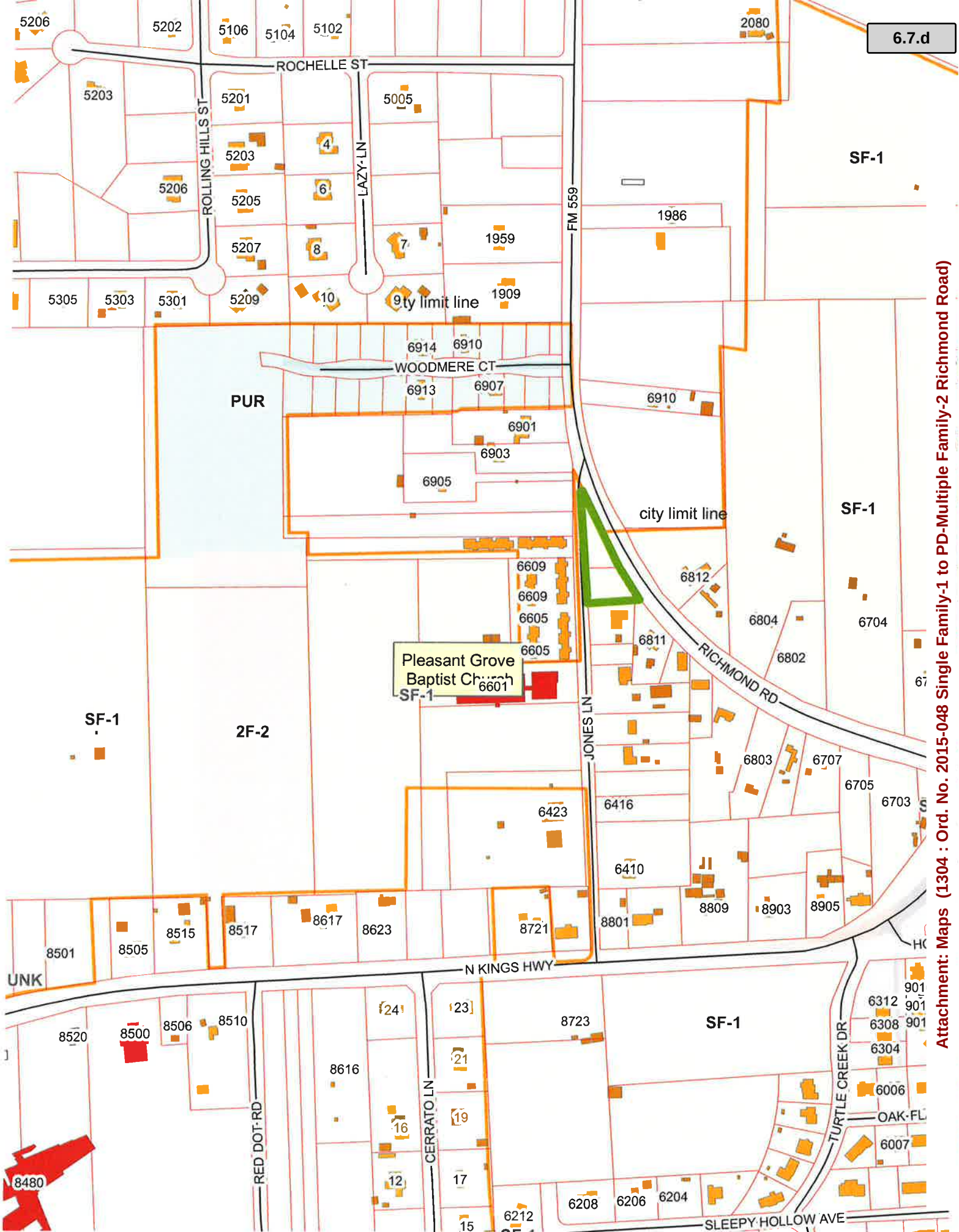
SECTION 4: That this Ordinance shall be in full force and effect from and after its passage and approval.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

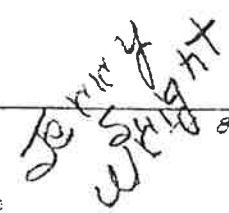
BOB BRUGGEMAN, MAYOR



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



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



SCHIMMING COMPANY

COMMERCIAL REAL ESTATE

6004 Summerfield Dr., Suite B
Texarkana, Texas 75503
Phone (903)794-3606
Fax (903)793-1309
alan@schimmingcompany.com

May 4, 2015

Debbie Burk
City of Texarkana, Texas
3rd & Texas Blvd.
Texarkana, TX 75501

Re: Rezoning Case No. Z-15-5
Richmond Road at Jones Lane

Dear Debbie:

This letter will serve as notification that I agree that the rezoning request of Tracts 58 & 59, FV Evans HRS and being approximately .92 acre, located at Richmond Road and Jones Lane, to be from the current SF-1 to Planned Development MF-2.

Please contact me should you have any questions.

Sincerely,
Schimming Company



Alan F. Schimming

Attachment: Letter from Mr. Schimming agreeing to change applic. to include PD design. (1304 : Ord. No. 2015-048 Single Family-1 to PD-

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 03, 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, 1882.1 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

13396 * Volm Page
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

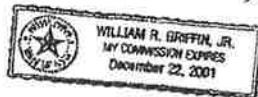
STATE OF TEXAS
COUNTY OF Brewer

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 98-11986WS

*
13396 Vol 2930 Page 78

WARRANTY DEED

BOWIE COUNTY, TEXAS
 Marylene Megason
 County Clerk
 On: Nov 24, 1998 at 12:39

Date: November 17, 1998

Grantor: ELIZABETH MAUD TURNER a/k/a ELIZABETH C. TURNER, INDIVIDUALLY
 and as INDEPENDENT EXECUTRIX of the Estate of SHELBY W. TURNER,
 deceased.

Grantor's Mailing Address: Cornerstone Retirement Community
 4100 Moores Lane, Apt. 136
 Texarkana, Texas 75503
 Bowie County

Grantee: JOHN G. BAILEY

Grantee's Mailing Address: #38 Dunham Dr.
 Texarkana, Texas 75503
 Bowie County

Consideration: For and in consideration of the sum of Ten Dollars (\$10.00), and other good
 and valuable consideration.

Property (including any improvements): Grantor Have Granted, Sold and Conveyed, and by
 these presents do Grant, Sell and Convey unto the said Grantee, all of the interest in that
 certain lot, tract or parcel of land located in Bowie County, Texas, and more particularly
 described as follows, to-wit:

All that certain tract or parcel of land situated in the F.V. EVANS HEADRIGHT SURVEY,
 Abstract No. 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 Sam L. Milazzo and wife, Lillie Milazzo to Shelby W.
 Turner, by deed dated April 2, 1964 and recorded in Volume 436, Page 459 of the Deed
 Records of Bowie County, Texas, and the subject tract being more particularly described by
 meets 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 said
 Myrtle Springs Road, said road also being known as North King Highway (F.M. Road
 No. 989), and being 50.00 feet at right angles from the Centerline of said road;

WARRANTY DEED
 TURNER v. BAILEY
 Page 1

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Attachment: Exhibit "A" (1304 : Ord. No. 2015-048 Single Family-1 to PD-Multiple Family-2 Richmond Road)

THENCE: Westerly, 1882.1 feet with the North right-of-way of said road to a point on the East side of a road known as Jones Lane (County Road No. 2348);
 THENCE: N 00° 35' W, 209.00 feet along the East side of said road to a point;
 THENCE: N 00° 20' W, 706.30 feet along the East side of said road to a point;
 THENCE: N 00° 30' W, 448.72 feet along the East side of said road to a 1 ½ inch pipe found for corner and being the POINT OF BEGINNING for the herein described tract of land;
 THENCE: N 00° 30' 00" W, 201.90 feet along the East side of said road to a ½ inch reinforcing steel rod set at an angle point in said line;
 THENCE: N 01° 21' 20" E, 107.14 feet along the East side of said road to a ½ inch reinforcing steel rod set for corner in the West right-of way line of Texas F.M. Road No. 559 (Richmond Road);
 THENCE: Southeasterly with the West right-of-way line of Richmond Road, being a line 30.00 from and parallel to the centerline of said road and being a curve to the left having a radius of 1939.8593 feet, a distance of 335.515 feet, through a central angle of 09° 54' 35" (chord being S 23° 42' 48" E, 335.10 feet) to a ½ inch reinforcing steel rod set for corner;
 THENCE: S 89° 04' 11" W, 135.55 feet along the North boundary line of a certain tract conveyed to Pillow Termite and Pest Control Inc., by deed dated January 4, 1980 and recorded in Volume 658, Page 62 of the Deed Records of Bowie County, Texas, to the POINT OF BEGINNING and containing 0.4516 acres of Land, more or less.

Reservations from and Exceptions to Conveyance and Warranty:

Easements, rights-of-way, and prescriptive rights, whether of record or not, all presently recorded restrictions, reservations, covenants, conditions, oil and gas leases, mineral severances, and other instruments, other than liens and conveyances, that affect the property; rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; all rights, obligations, and other matters emanating from and existing by reason of the creation, establishment, maintenance, and operation of Bowie County Texas; prorated taxes for 1998, the payment of which Grantee assumes, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee assumes, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

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

WARRANTY DEED
 (LAWSON-BABCOCK)
 Page 2

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Attachment: Exhibit "A" (1304 : Ord. No. 2015-048 Single Family-1 to PD-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)
- i. Ord. 2015-029 signed (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 Completed	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)



TABLE OF CONTENTS

I. INTRODUCTION

II. PROJECT PLAN

- A. Existing Uses and Conditions (311.011(b)(1))
- B. Municipal Ordinances and Agreements (311.011(b)(2))
- C. Zone Non-Project Costs (311.011(b)(3))
- D. Relocation (311.011(b)(4))

III. FINANCING PLAN

- A. Project Cost Description (311.011(c)(1))
- B. Location of Proposed Public Improvements (311.011(c)(2))
- C. Anticipated Budget for Project Costs
- D. Economic Feasibility Study (311.011(c)(3))
- E. Estimate of Bonded Indebtedness to be Incurred (311.011(c)(4))
- F. Time of Incurring Monetary Obligations (311.011(c)(5))
- G. Method of Financing (311.011(c)(6))
- H. Current Appraised Value/Captured Appraised Value (311.011(c)(7)(8))
- I. Duration of the Zone (311.011(c)(9))

IV. BOARD OF DIRECTORS OF THE ZONE

TABLE OF EXHIBITS AND APPENDICES

- Exhibit A Zone Boundary Map (Downtown TIRZ)
- 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)

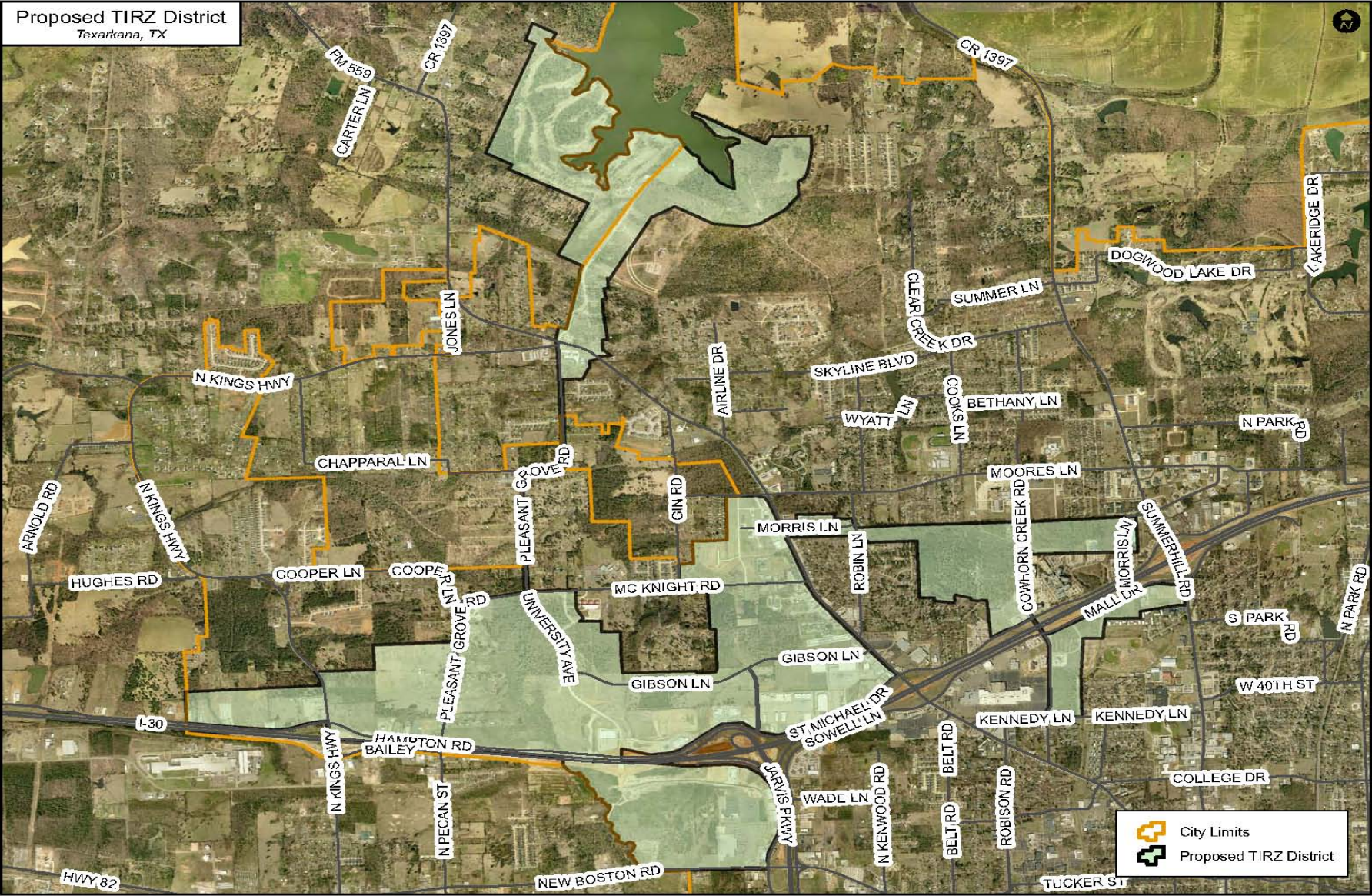


EXHIBIT B –PROJECT LIST

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	Total	TIF	Surplus/
30-Sep	Assessed Value	Tax Rate	Tax Rate	Tax Rates	Contribution	Sales Tax	Revenue	REVENUE BONI PAYMENTS ⁽¹⁾	<Deficit>
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		

City of Texarkana, Texas Tax Increment Reinvestment Zone 1



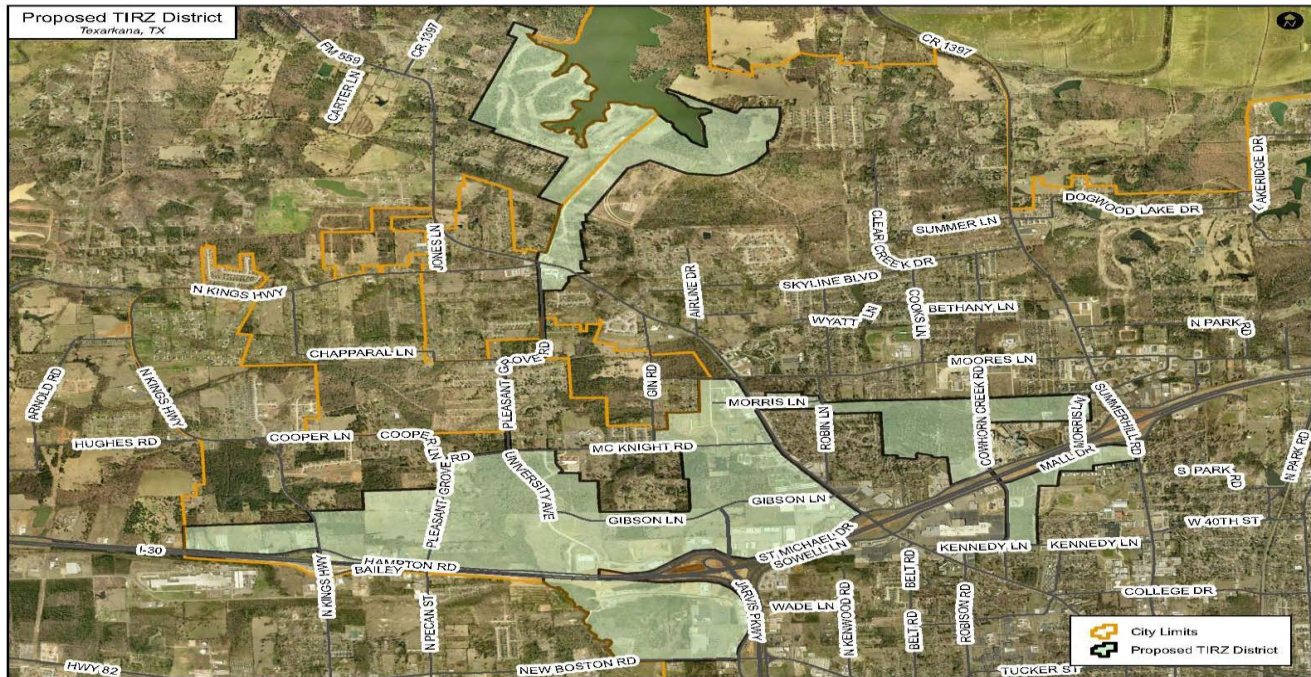
Annual Report

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

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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

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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		

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:

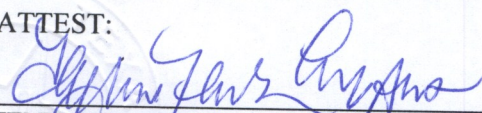
SECTION 1: That the City Manager be and is hereby authorized to enter into a contract with Caldera East I LLC or other parties in a grand total amount not to exceed TWO MILLION AND NO/100 DOLLARS (\$2,000,000.00) for funding street construction and improvements to Gibson Lane between Pleasant Grove Road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

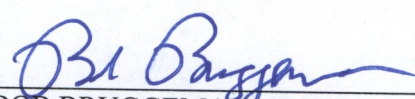
SECTION 2: That the future revenue from new development in Tax Increment Reinvestment Zone #1 will be the sole source of the funding for the reimbursement of construction costs.

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 27th day of April, 2015.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

7:27 p.m.

Attachment: Ord. 2015-029 signed (1277 : Ord. No. 2015-029 Authorize City Manager to enter into an agreement to fund extension of Gibson Ln.)

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)
- e. Ord. 2015-037 signed (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

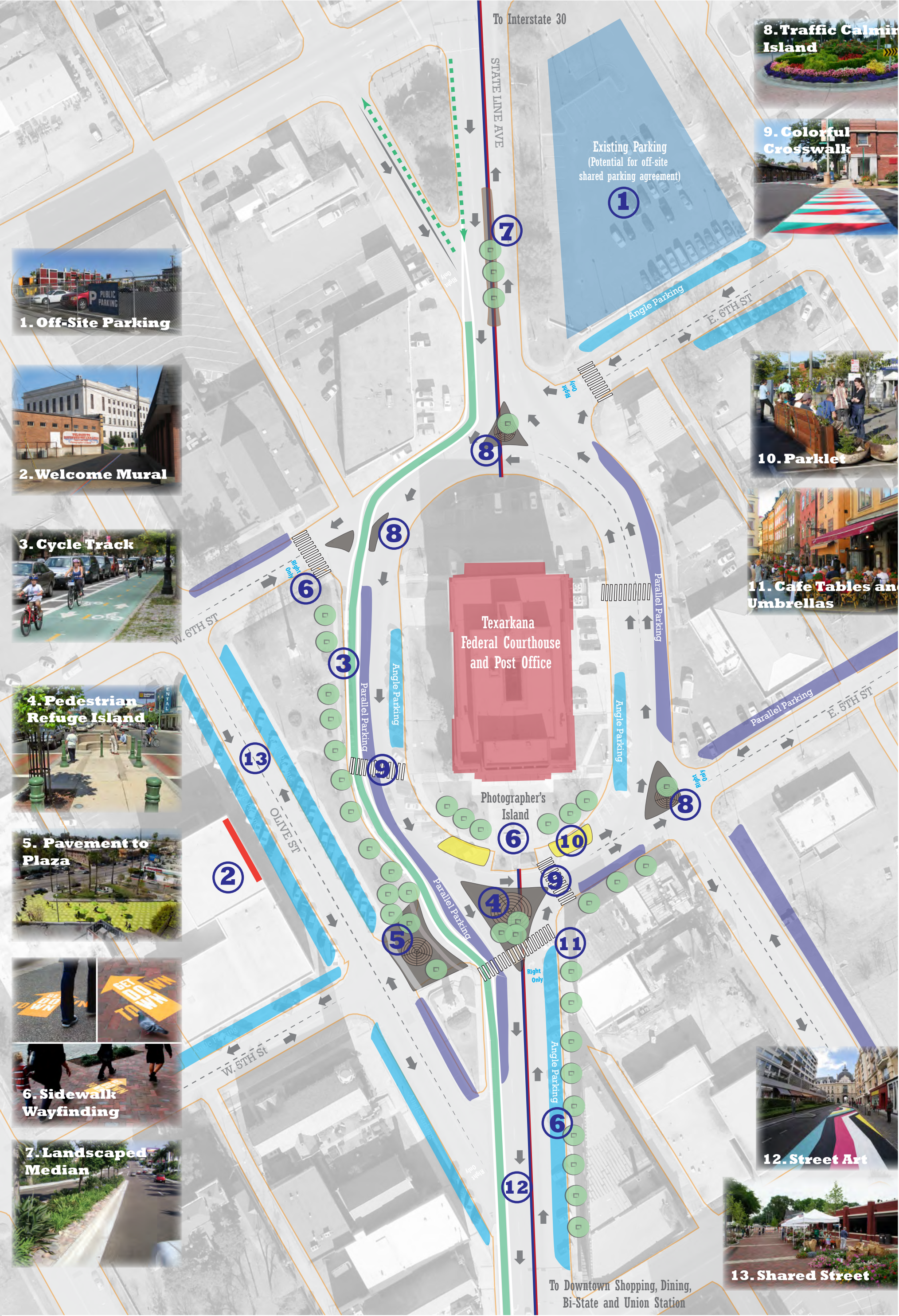
Preliminary Design

- 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.

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.

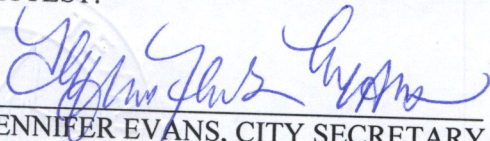
SECTION 3: It is further provided that in case a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a Court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this Ordinance.

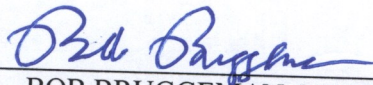
SECTION 4: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

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 27th day of April, 2015.

ATTEST:


JENNIFER EVANS, CITY SECRETARY


BOB BRUGGEMAN, MAYOR

7:33 p.m.

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 5/6/2015 4:09 PM

Lead Department:	<u>Planning and Community Development</u>	Action Officer:	<u>David Orr, Planning & Community Development Director</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>5/26/2015</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:

Updated with additional documents and responses to submitted questions during the April 27th, 2015 Council Meeting.

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 (PDF)
- p. EPA Funding Denial Email 2012 (PDF)
- q. EPA Funding Denial Email 2015 (PDF)
- r. Kress_12_2009_phase1 (PDF)
- s. Submitted Kress Building Questions 4.27.15(PDF)
- t. Patterson Eng Draft Notes (PDF)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	04/02/2015 4:27 PM	
City Attorney	Jo Thomason	Review
5:05 PM		Completed 04/02/2015
Finance Department	Charlie Bassett	Finance Review
8:19 AM		Completed 04/06/2015
Assistant City Manager	Shirley Jaster	Assistant City Manager
Review	Completed	04/06/2015 8:44 AM
Public Information Officer	Lisa Thompson	PIO Review
	04/06/2015 8:47 AM	Completed

City of Texarkana, Texas

City Manager 3:40 PM	John Whitson	City Manager Review Completed	04/06/2015
City Council 6:00 PM	Jennifer Evans	Meeting Completed	04/13/2015

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.

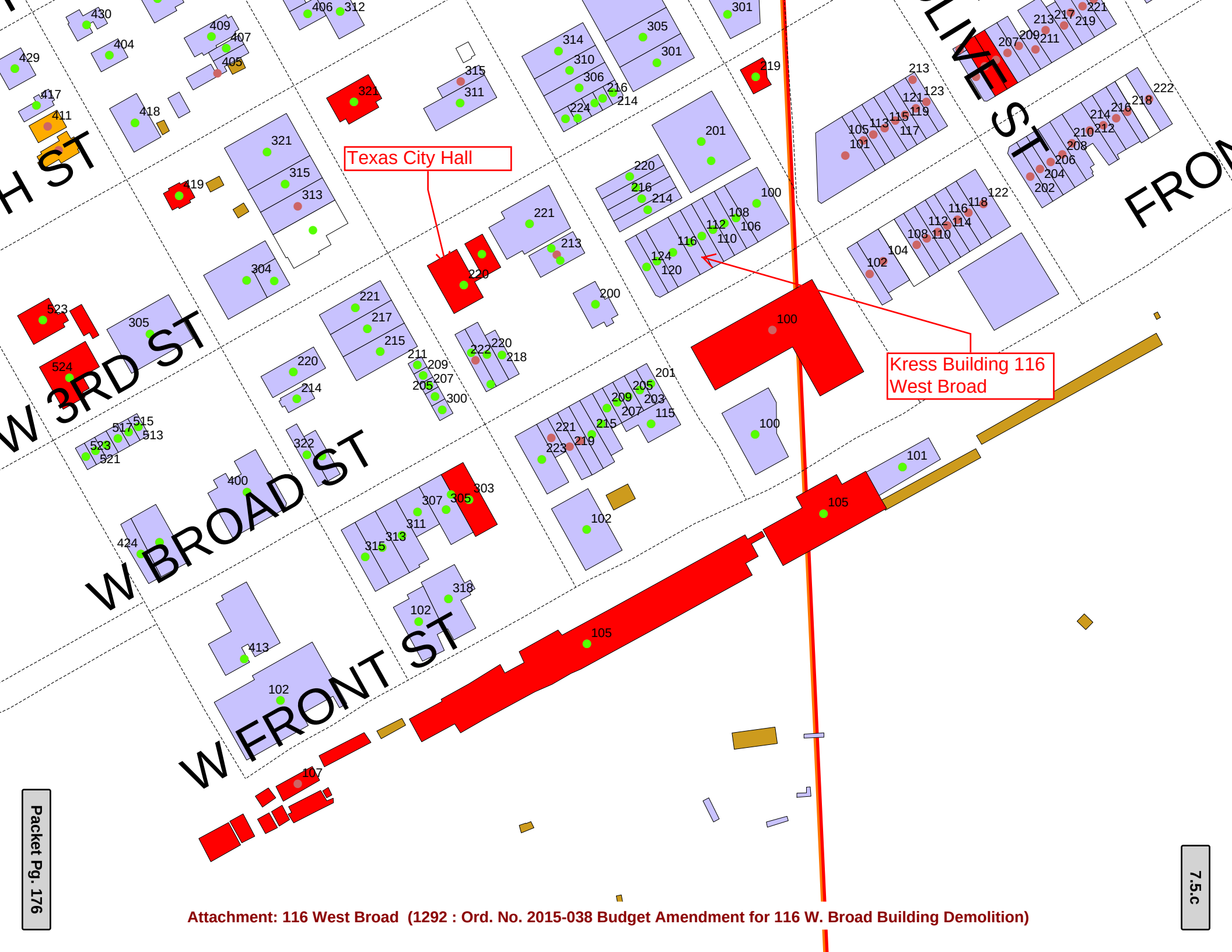
SECTION 5: This Ordinance shall be in full force and effect from and after its passage and approval, and after the adoption of this budget or budget amendment, budget officer shall provide for the filing of a true copy of the approved budget or amendment on the City's website.

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

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



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.

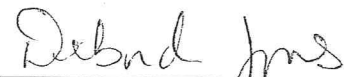
PASSED AND APPROVED in Special Council Session on this the 18th day of May, 2009.


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)

TEX-Burns, Pam

From: TEX-Sparks, Jerry
Sent: Tuesday, March 10, 2015 7:36 AM
To: Tex-Orr, David
Subject: FW: Kress Building

Jerry Sparks
 Economic Developer
 City of Texarkana
 P O Box 1967
 Texarkana TX 75504-1967
 Cell: 903.278.0102
 Alternate email: jvsparks@cableone.net

Email communications through this office may be subject to Texas Public Records laws and may be shared with others.

-----Original Message-----

From: Tom [mailto:tomartist2004@yahoo.com]
Sent: Tuesday, March 10, 2015 6:36 AM
To: TEX-Sparks, Jerry
Subject: Kress Building

Hello Jerry,

I was asked to provide my opinion on the condition and future of the Kress Building located in the 100 block of W. broad St, Texarkana, TX. While it saddens me, I tend to agree that it has been allowed to fall into extreme disrepair and that moves to secure that property from further uncontrolled deterioration and, perhaps, adverse consequences to neighboring properties occurring as a result need to be considered.

I understand it has a basement which has a tendency to have standing water due to an underground stream. As well, I believe that the roof has caved in. Once, this building had beautiful interior features that made it a gem on Broad Street. This is no longer the case it seems.

I hope that the facades can be salvaged and perhaps a roof placed over the space to secure this piece of downtown history. But, one thing seems to be clear and that is; as it stands now, it seems to be a health and safety issue. Standing water in a basement space between two functional properties is not a situation that should remain. Not to mention the continual caving in of the interior that I understand is occurring.

While I hate the idea of yet another property on the main historic strip of Downtown Texarkana falling to waste, I guess it has already occurred. My aunt, while working her way through her education in that once thriving store met my uncle there. I myself, as an eight-year old child, recall buying most of my Christmas gifts for family there. Let's hope that this deterioration of this historic area can be brought under control.

I would support the city in whatever move is decided to be taken with respect to this property.

Tom Morrissey

Sent from my iPad

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.

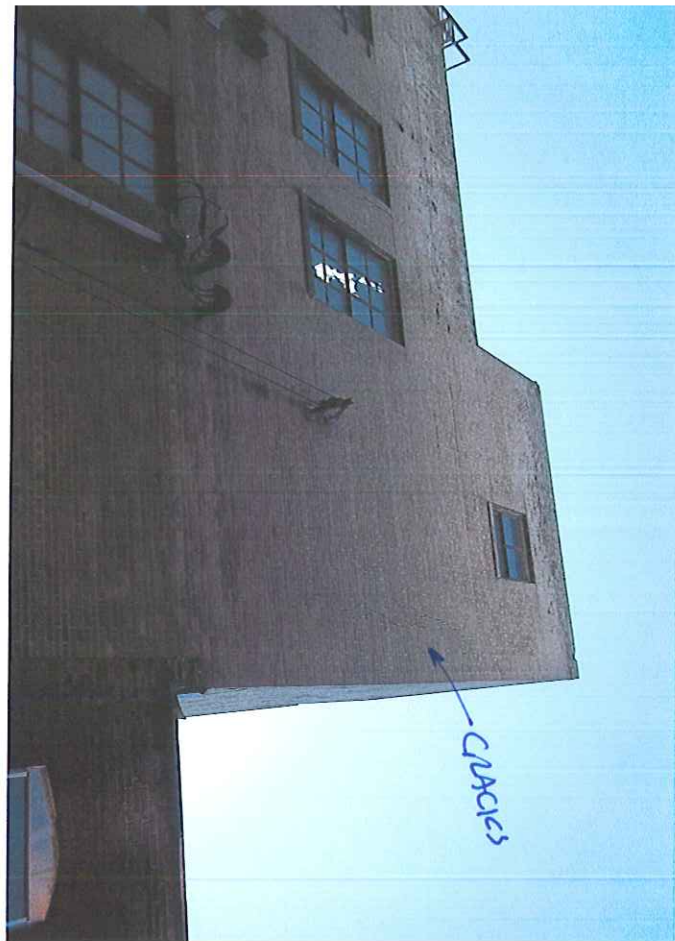
This report has been written for your sole use and only you have the authority to distribute this report to others. Raley and Associates, Inc. and its agents and employees do not have and do disclaim any contractual relationship with, or duty or obligation to, any party other than the addressee of this 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



COPY

Filed For Record In:
Bowie County, Texas
Denise Thornburg
County Clerk
On: Jan 10, 2012 at 03:31P

DEED WITHOUT WARRANTY

STATE OF TEXAS
COUNTY OF BOWIE

§
§ KNOW ALL MEN BY THESE PRESENTS
§

That the CITY OF TEXARKANA, TEXAS, a Texas home-rule municipality ("Grantor"), for and in consideration of TEN AND NO/100 DOLLARS (\$10.00), and other good and valuable consideration to Grantor, the receipt of which is hereby acknowledged, paid in hand by the HOUSING FINANCE CORPORATION, ("Grantee"), has GRANTED, SOLD AND CONVEYED and by these presents does GRANT, SELL AND CONVEY unto the Grantee, all that certain real property ("Property") located in Texarkana, Bowie County, Texas, being more particularly described as follows:

Lots Numbered TWELVE (12) and THIRTEEN (13) in Block Numbered TWENTY-ONE (21) in Trigs Addition to the Original City of Texarkana, Bowie County, Texas being that property more particularly described in Volume 5640, Page 43, Deed Records, Bowie County, Texas,

together with all improvements located thereon and all rights and appurtenances thereto in anywise belonging to Grantor, except validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; and discrepancies, conflicts, or shortages in area or boundary lines; and any encroachments or overlapping of improvements.

TO HAVE AND TO HOLD the above-described Property together with any and all the rights and appurtenances thereto in anywise belonging to Grantor, is conveyed unto the said Grantee. Excluded and excepted from this deed are any and all warranties, express or implied, regarding the property, including, without limitation, any warranties arising at common law or implied as a result of V.T.C.A. Property Code Section 5.023 or its successor.

EXECUTED and EFFECTIVE as of the 10th day of Jan., 2012.

CITY OF TEXARKANA, TEXAS

BY: *F. Larry Sullivan*
F. LARRY SULLIVAN
CITY MANAGER

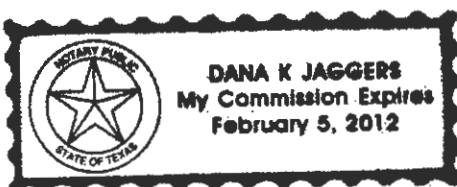
ACKNOWLEDGMENT

THE STATE OF TEXAS §
COUNTY OF BOWIE §

BEFORE ME, the undersigned authority, a Notary Public, on this day personally appeared F. LARRY SULLIVAN, City Manager for the City of Texarkana, Texas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of The City of Texarkana, Texas, and that he executed the same as the act of said City for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 10th day of January, 2012.

Dana K. Jaggers
Notary Public, State of Texas



330

Vol 6164 Page 279

City of Texarkana, Texas
West 3rd Street & Texas Blvd
P.O. Box 1467

**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 to 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.



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

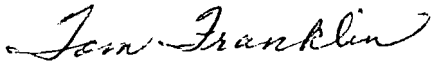
1. Need exit lights installed over all stairwell doors, also over windows leading to fire escape.
2. Replace all non-grounding type receptacles with grounding type.
3. Recover all old open junction boxes(general clean up and repairs).

Plumbing

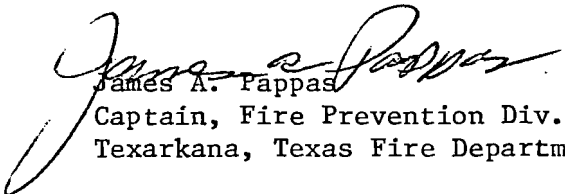
1. Remove existing gas meter to outside of building.
2. If existing hot water is used, bring it up to code or completely remove.
3. Check existing A/C system and repair or remove, which ever is feasible. Check sump pump, and all piping for repairs with pressure test.

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.

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

Mr. Alexander
Page 2

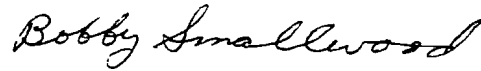
H/A

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

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*

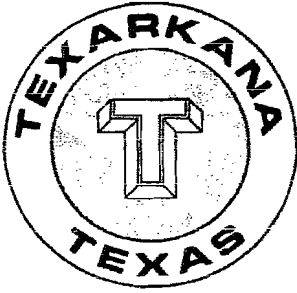
SUBJECT: 116 West Broad Street

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

§
§
§
§
§
§

**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.

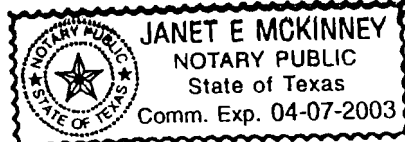
IT IS THEREFORE ORDERED that the Owner of Record shall demolish the structure on the above referenced property within thirty (30) days from the date this Order is signed. The Owner of Record shall obtain the appropriate permits from the Inspection Department of the City of Texarkana, Texas in order to 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

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-adjoining properties consist of the Bi-State Justice Building, Bi-State Bail Bonds (201 W. Broad St.), and Main Street. The east-adjoining 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-adjoining 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

7.5.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



























Kress Property 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

November 2009- Texas Commission on Environmental Quality(TCEQ), 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.

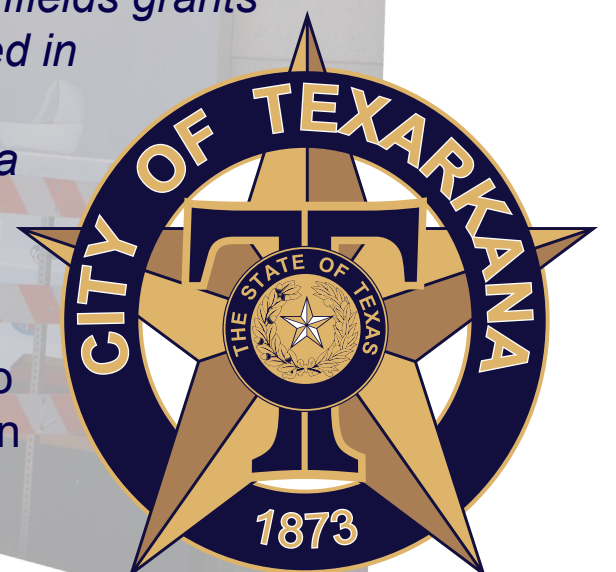
October 2012- City hired structural engineering firm, Raley and Associates, to determine options for next steps related to the building. After inspection, the firm reported "the structure appears to be unstable and needs to be demolished as soon as possible. The building by its location and size will be expensive to demolish. However, this firm does not believe it can be salvaged at a reasonable expense."

January 2012 – EPA denies City's request to use EPA Brownfields Program Funding
From EPA legal counsel: "Unless the City previously took ownership of the property through some sort of involuntary acquisition (CERCLA sec 101 (20)) eminent domain, or condemnation (CERCLA sec 101(35)) (and I don't believe from the facts that was the case), the City's original failure to perform All Appropriate Inquiries via a Phase I within 6 months prior to purchase creates CERCLA sec 107 liability as a past owner. Another transaction won't get rid of that designation."

November 2014- City was contacted regarding falling debris from the building facade and the public sidewalk was barricaded for safety. Patterson Engineering contacted to evaluate the building's structural integrity.

April 2015- City requests a re-review of the property to use EPA Brownfields Program Funding. *From EPA Program Officer: The Brownfields Law establishes that site characterizations or assessments conducted with the use of brownfields grants awarded under CERCLA Section 104(k)(2)(B)(ii) must be conducted in accordance with the federal "all appropriate inquiries" standards... the Kress is not a candidate for our funding." Council will consider a resolution regarding next steps for the building, including demolition.*

May 2015- City Council will discuss a resolution allocating funds to issue a Request for Proposals to discover the best course of action regarding the Kress Property.



From: Amber Perry [<mailto:Perry.Amber@epamail.epa.gov>]
Sent: Wednesday, January 18, 2012 3:27 PM
To: TEX-Ryan, Daphnea
Cc: TEX-Hallford, Adra; TEX-Lindholm, Craig; Taylor, Jodi A.; TEX-Sartor, Joy; Janet Brooks
Subject: Re: Request for Approval - Phase I 116 West Broad Street

Hi everyone,
 I have heard back from our EPA counsel, and unfortunately the site is not eligible for an assessment with your grant. Also, the site will not be eligible for the multi-purpose grant (with the City of Texarkana as the applicant).

From my counsel:

"Unless the City previously took ownership of the property through some sort of involuntary acquisition (CERCLA sec 101 (20)) eminent domain, or condemnation (CERCLA sec 101(35)) (and I don't believe from the facts that was the case), the City's original failure to perform All Appropriate Inquiries via a Phase I within 6 months prior to purchase creates CERCLA sec 107 liability as a past owner. Another transaction won't get rid of that designation."

If you'd still like to pursue this site, perhaps ATCOG could do the assessment for a different owner PRIOR to taking title of the property. I wish I had better news. Sorry folks.

Thanks,
 Amber

From: "TEX-Ryan, Daphnea" <dryan@txkusa.org>
 To: Amber Perry/R6/USEPA/US@EPA
 Cc: "TEX-Lindholm, Craig" <clindholm@txkusa.org>, "TEX-Sartor, Joy" <joy.sartor@txkusa.org>, "TEX-Hallford, Adra" <adra.hallford@txkusa.org>, "Taylor, Jodi A." <jataylor@terracon.com>
 Date: 01/11/2012 12:30 PM
 Subject: Request for Approval - Phase I 116 West Broad Street

Good Morning,

Attached please find the Consent to Enter, Application For Brownfields Assessment Funding and Property Approval Form for 116 West Broad Street owned by the Housing Finance

Corporation. If you have any questions regarding this property, please let me know.

Thank you for your consideration.

Daphnea Ryan

Manager, Environmental Services Unit

P.O. Box 1967

Texarkana, Texas 75504

dryan@txkusa.org

903-798-3977

903-748-5031 Cell

903-798-5066 Fax

[attachment "116 Broad HFC Consent and Application.pdf" deleted by Amber

Perry/R6/USEPA/US] [attachment "Property Approval Form 116 Broad Street Housing Finance Corporation.doc" deleted by Amber Perry/R6/USEPA/US]

From: Scott, Camisha [<mailto:Scott.Camisha@epa.gov>]
Sent: Friday, April 17, 2015 8:57 AM
To: TEX-Ryan, Daphnea
Cc: Tex-Orr, David
Subject: Re: Kress Building

Hey Daphne and David,

The Brownfields Law establishes that site characterizations or assessments conducted with the use of brownfields grants awarded under CERCLA Section 104(k)(2)(B)(ii) must be conducted in accordance with the federal "all appropriate inquiries" standards established under CERCLA and addressed in EPA's final rule setting standards and practices for all appropriate inquiries (70 FR 66070).

All appropriate inquiries also refers to the requirements for assessing the environmental conditions of a property prior to its acquisition, for purposes of establishing certain landowner liability protection under subtitle B of Title II of the Brownfields Law. These landowner liability protections require that a person perform "all appropriate inquiries" into the previous ownership and uses of a property before acquiring title to the property.

So unfortunately, the Kress is not a candidate for our funding. Looking forward to new and exciting projects. Should you need anything else, please feel free to contact me.

Thanks

Camisha

PHASE I ENVIRONMENTAL SITE ASSESSMENT REPORT

116 WEST BROAD STREET
TEXARKANA, BOWIE COUNTY, TEXAS 75501-5609
SITE: BSAG113

DECEMBER 2009



Prepared for

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AUSTIN, TEXAS**

Contract No: 582-6-49217
Work Order No: 179-0218
Project No: 25335374

URS

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Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

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Executive Summary

This Phase I Environmental Site Assessment (ESA) has been conducted by URS Corporation on behalf of the Texas Commission on Environmental Quality (TCEQ), as part of a U.S. Environmental Protection Agency (U.S. EPA) grant under the Brownfields Program. The users of the Phase I ESA report will be the city of Texarkana, Texas; the TCEQ; the U.S. EPA; and the U.S. Department of Housing and Urban Development (HUD).

The Subject Property is located at 116 West Broad Street in Texarkana, Bowie County, Texas 75501-5609, which is also identified as Site BSAG113 under the TCEQ Brownfields Program. The Property, which is currently owned by the city of Texarkana, Texas (City), is comprised of a vacant brick commercial structure, three-stories in height (plus basement). The building footprint is approximately 6,500-square feet or 0.15 acre.

Per TCEQ specification, this Phase I ESA has been performed in accordance with the American Society for Testing and Materials (ASTM) Practice E 1527. The assessment included the following primary tasks: site reconnaissance, records review, interviews, and written report. No subsurface investigations or physical environmental sampling was performed as part of the assessment.

The general purpose of the Phase I ESA activities was to accumulate data on the present condition and historical use of the Subject Property, in order to ascertain the likelihood of ASTM-recognized environmental conditions (RECs) in connection therewith. The purpose of this Phase I ESA report, then, is to assist the report user(s) with purchasing, planning and use decisions as related to the Subject Property.

For a quick synopsis, the various records sources reviewed during the course of this assessment revealed that the location of the Subject Property was historically associated with two street numbers on West Broad Street, 116 (the eastern half of the Property) and 118 (the western half of the Property). Multiple sources have indicated that the Subject Property was, in fact, the location of the first frame structure in Texarkana – the Apex Hotel, constructed in the 1870s.

Currently vacant, the Property's historical uses have included: hotel, dry goods and clothing store, grocery, dentist, insurance office, saloons, fruit shop, real estate and architectural offices, sleeping rooms, barber, gun smith, shops, notions store, department store, and storage (primarily for retail fixtures and displays). The era of Property's longest use was that of a notions/department store. S H Kress and Company had its grand opening at the Property in 1912, rebuilt after a fire in 1933, and continued its operations for several decades, finally ceasing sometime between 1964 and 1971. With the exception of storage use, the property has been vacant since at least 1974. And, without active repair and maintenance, the interior structure of the building has significantly deteriorated since that time.

Site reconnaissance was undertaken on November 12, 2009 as part of this assessment. At that time, the roof was determined to have large holes in it, allowing the infiltration of rainwater into the building, to the extent and over such time as to have resulted in the partial collapse of the interior floors and ceilings on all levels. From a ground level

interior view, one could observe sky light from above, a water-filled basement below, and varying degrees of fallen, falling and hanging building materials, retail furniture and building systems equipment throughout. The current situation presents a critical safety hazard.

Nonetheless, the records review, interviews and site reconnaissance activities conducted in conjunction with this Phase I ESA, revealed no ASTM-recognized environmental conditions in direct connection with the Subject Property.

Several other environmental considerations associated with the Subject Property and its vicinity, including three historical RECs, were also uncovered during the course of the assessment. However, none of these additional concerns qualified as a current REC, because they did not specifically involve CERCLA hazardous substances, or petroleum products and/or their derivatives, under greater than de minimus conditions, that would present a material risk of harm to public health or the environment and would be subject to enforcement action if brought to the attention of appropriate governmental agencies.

In closing, and in accordance with TCEQ contract specifications, the structure and content of this written Phase I ESA report has been designed to follow the table of contents and report format presented in ASTM Practice E 1527-00, Appendix X2.

The report introduces its purpose and scope of work, with associated assumptions, limitations and conditions, in **Section 1**. The site description and current use information is established in **Section 2**. And, **Sections 3 through 6** detail the assessment's records review, site visit, and interviews, with supporting information presented in report **Tables 1 through 6, Figures 1 through 6 and Appendices A through M**.

The findings revealed during the course of this assessment are summarized in **Section 7**. The opinion of the environmental professional(s) concerning each finding is presented in **Section 8**. And, the assessment's formal conclusion is presented in **Section 9**.

Any deviations of the assessment process from ASTM Practice E 1527 are disclosed in **Section 10**. And, if any additional services were performed, and/or are recommended beyond the scope of the ASTM practice, they are presented in **Section 11**. Finally, the report references, assessment certification, and qualifications of the environmental professional(s) who conducted the assessment, are outlined in **Sections 12 through 14** and in **Appendix N**.

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

1.0 Introduction

URS Corporation was retained by the Texas Commission on Environmental Quality (TCEQ) to perform a Phase I Environmental Site Assessment (ESA) for the property located at 116 West Broad Street in Texarkana, Bowie County, Texas 75501, otherwise identified as Site BSAG113 under the TCEQ Brownfields Program (referenced hereinafter as: Subject Property or Property).

1.1 Purpose

Per TCEQ specification, this Phase I ESA for the Subject Property was performed in accordance with the American Society for Testing and Materials (ASTM) Practice E 1527-00. ASTM issued an update to this practice in 2005 (ASTM Practice E 1527-05), and the clarifications and amendments provided within the update were also considered as part of the assessment. According to ASTM Practice E 1527, "The purpose of this practice is to define good commercial and customary practice in the United States of America for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (42 U.S.C. sec. 9601) and petroleum products. As such, this practice is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner contiguous property owner, or bona fide prospective landowner limitations on CERCLA liability (hereinafter, the 'landowner liability protections' or LLPs): that is, the practice that constitutes 'all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice' as defined at 42 U.S.C. sec. 9601(35)(B)."

The general purpose of Phase I ESA activities is to accumulate data on the present condition and historical use of the Subject Property in order to determine the probability of environmental contamination thereat. This Phase I ESA report documents the physical condition of the Subject Property relative to the potential storage, use, release, and disposal of CERCLA hazardous substances and/or petroleum products and their derivatives. This data is then evaluated for findings or evidence suggesting the presence of ASTM-recognized environmental conditions (RECs)¹ on the Subject Property. Once the data has been collected and documented, and the findings have been evaluated, the opinions, conclusions and recommendations of the environmental professional(s) conducting the assessment are then also presented within the Phase I ESA report.

The purpose of this Phase I ESA report, then, is to assist the report user(s) with purchasing, planning and use decisions as related to the Subject Property. Nonetheless, the assumptions and limitations of the assessment and the terms and conditions outlined

¹ ASTM Practice E 1527 defines an REC as: "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimus conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimus are not recognized environmental conditions."

in **Sections 1.2 through 1.6** of this report should be recognized as conclusions are formulated regarding the environmental risks associated with the Property and its vicinity.

1.2 Detailed Scope-of-Services

URS Corporation was retained by the TCEQ on October 16, 2009, under TCEQ Contract Number 582-6-49217, Work Order Number 179-0218, to perform a Phase I ESA for the Subject Property located at 116 West Broad Street in Texarkana, Bowie County, Texas 75501; also identified as Site BSAG113.

The Phase I ESA for the Subject Property has been conducted in accordance with the scope of work defined in the TCEQ contract with URS Corporation, in a manner consistent with customary practice, and in conformance with the scope and limitations of ASTM Practice E 1527-00, with consideration afforded to the updates and clarifications provided within ASTM Practice E 1527-05.

The assessment included the following tasks:

- **Site Visit:** A site visit was conducted to observe the Subject Property and its immediately surrounding areas, in their present condition, for any visual evidence of obvious environmental concerns that might indicate potential RECs in connection with the Subject Property.
- **Records Review:** Assorted public, environmental and historical records were reviewed to learn more about the past and present uses of the Subject Property and its vicinity, and to determine the existence of any already recorded environmental concerns associated therewith, either or both of which might reveal historical and/or current RECs in connection with the Subject Property.
- **Interviews:** Various parties with potential knowledge concerning the Subject Property were interviewed to identify any information that they might possess, which might indicate potential RECs in connection with the Subject Property.
- **Written Report:** In accordance with TCEQ contract specifications, the structure and content of this written Phase I ESA report has been designed to follow the table of contents and report format presented in ASTM Practice E 1527-00, Appendix X2.

1.3 Significant Assumptions

This Phase I ESA report has been prepared based upon certain key assumptions made by URS Corporation that may substantially affect the conclusions and recommendations of this report. These assumptions, although thought to be reasonable and appropriate, may not prove to be true in the future. The conclusions and recommendations of URS Corporation are conditioned, therefore, upon these assumptions.

This Phase I ESA relied primarily upon readily available information, verbal and written reports of others, and visual observations. The TCEQ, the city of Texarkana, Texas (City), Environmental Data Resources, Inc. and/or other third parties have each provided URS Corporation with assorted publicly available records and related environmental data,

which were utilized in the preparation of this report. URS Corporation has relied upon this information as provided, and has not independently confirmed the accuracy thereof. The information obtained from these sources is assumed to be correct and complete.

URS Corporation will not assume any liability for findings or lack of findings based upon misrepresentation of information presented to the URS Corporation assessment team, and/or for items not visible, made available, accessible, or present at the site at the time of the site visit.

1.4 Limitations and Exceptions

As acknowledged by ASTM Practice E 1527, "No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property, and this practice recognizes reasonable limits of time and cost."

URS Corporation completed this Phase I ESA in a reasonable and prudent manner in accordance with the customary standards of care and diligence practiced by firms that conduct services of a similar nature. Professional judgment was exercised in gathering and analyzing the information obtained, and URS Corporation commits to the usual care, thoroughness, and competence of environmental professionals.

To achieve the study objectives stated in this report, URS Corporation personnel based their conclusions upon the best information available during the period of the investigation and within the limits prescribed in the scope of services. However, no investigative method can completely eliminate the possibility of obtaining partially imprecise or incomplete information. URS Corporation was not able to verify the accuracy or completeness of all data and information available during the assessment, and some conclusions could be different if the information upon which they are based is determined to be false, inaccurate or incomplete.

Further, it would have been extremely expensive, and perhaps not possible, to conduct an investigation which would ensure the detection of materials at the Subject Property, which now are, or in the future might be, considered hazardous. No subsurface investigations or physical environmental sampling was performed as part of this assessment. URS Corporation cannot guarantee, therefore, that the investigation completely defines the degree or extent of any contamination by hazardous or otherwise harmful substances described in this report or, if no such contamination was found, its absolute absence.

As with any assessment, this Phase I ESA report is a "snapshot" of the operations and conditions of the Subject Property during a limited period of time. Not all possible operating scenarios may have been observed during the limited period that the assessment team was at the site.

This report is based upon data, site conditions and other information that were generally applicable as of November 30, 2009. The opinions, conclusions and recommendations presented herein apply to the existing and reasonably foreseeable site conditions at the

time of the assessment. They cannot apply to site changes regarding which URS Corporation is unaware and has not had the opportunity to review. Changes in the condition of the Property may occur with time due to natural processes or works of man at the Subject Property or on adjacent properties. Changes in applicable standards may also occur as a result of legislation or the broadening of knowledge. Accordingly, the findings of this report may be invalidated, wholly or in part, by changes beyond the control of URS Corporation.

1.5 Special Terms and Conditions

URS Corporation has performed this Phase I ESA in general compliance with the scope and limitations of ASTM Practice E 1527, in accordance with the scope of work specified in the TCEQ contract and work order. No expressed or implied representation or warranty is included or intended in the report, except that our services were performed, within the limits prescribed by the TCEQ, with the customary thoroughness and competence of our profession.

1.6 User Reliance

This report was prepared for the TCEQ for distribution to the city of Texarkana, Texas. The scope of services performed during this Phase I ESA may not be appropriate to satisfy the needs of other users, and any use or re-use of this document, or of the findings, conclusions, or recommendations presented herein is at the sole risk of said third party.

Only legal counsel retained by the report users is competent to determine the legal implications of any information or conclusions in this report. Except as expressly provided for via contractual agreement with the TCEQ, URS Corporation is not responsible for any effect upon the legal rights, obligations, or liabilities of any party, or for any effect upon the finance-ability, marketability, or value of the property investigated in the study, or for the occurrence or nonoccurrence of any transaction involving the property.

2.0 Site Description

2.1 Location and Legal Description

The Subject Property is located in the far northeastern corner of Texas, approximately 319 feet west of the Texas/Arkansas state line. Situated in Bowie County, on the Texas side of the border, the Property is located approximately 0.5 mile (2,500 feet) south of the junction between US 67 and US 71 (North State Line Avenue). The Subject Property lies on the north side of West Broad Street, between Main Street and Pine Street, and immediately north of the Bi-State Justice Center, in the city of Texarkana, Texas. A property location map has been made available in **Figure 1**, for reference purposes.

The Subject Property itself is a vacant brick commercial structure, three-stories in height, plus basement. It has an approximate 6,500-square foot (0.15 acre) footprint, with approximate parcel dimensions 50 feet (east/west) by 130 feet (north/south).

The physical address of the Subject Property is: 116 West Broad Street, Texarkana, Texas 75501-5609. The approximate center of the Property is geographically positioned at latitude 33°25'16.7" N, and longitude 94°2'38.0" W.

According to the city of Texarkana, Texas, the Subject Property's legal description is: CITY/TRIGGS ADDN, LOTS 12, 13, BLK/TRACT 21, 0.15 ACRES. The property's parcel identification number is 3840010300.

The Property is locally and commonly referred to as the "former (S.H.) Kress Building".

The Subject Property is also identified as "Site BSAG113", under the TCEQ Brownfields Program, and is registered entity number 104857420 in the TCEQ Central Registry.

2.2 Site and Vicinity Characteristics

Texarkana is divided into two cities by the Texas/Arkansas state line, which is designated in part by the roadway "State Line Avenue" running north/south through the city and the center of the downtown area. North State Line Avenue is located approximately 319 feet east of the Subject Property. Properties located east of this roadway fall within the jurisdiction of Texarkana, Arkansas, while properties located west of the roadway fall within the jurisdiction of Texarkana, Texas.

The Subject Property appears as a vacant brick commercial structure with a stone façade on its south face. It is three-stories in height (plus basement). The building is set in the central downtown area of Texarkana, on the Texas side of the border. The surrounding downtown area appears to be thoroughly developed with a mix of business and municipal offices, bail bonds businesses, law offices, churches, commercial retail businesses, numerous vacant buildings and parking lots. Many of the buildings appear to be potentially historical in age and design. Several properties in and around the downtown area appear to be undergoing renovation, or demolition and excavation, possibly as part of a downtown revitalization effort. A large rail yard also lies on the south side of this downtown area.

For reference purposes, an illustrative site diagram has been presented in **Figure 2**, a topographic map in **Figure 3**, and an aerial photograph in **Figure 4**. Photographs of the Subject Property and its adjoining properties have also been presented in **Appendix A**.

More information regarding the physical setting of the Subject Property is available in **Section 4.3** of this report.

2.3 Current Use of the Property

At the time of the site reconnaissance, which was conducted on November 12, 2009 as part of this Phase I ESA, the Subject Property was not being utilized. The Property, which has been boarded closed with plywood covering its front entrance, currently appears as a vacant brick commercial structure with stone façade, three-stories in height (plus basement). Set within a developed historic district, the Property's land use is classified as Central Business District (City of Texarkana, Texas, Comprehensive Plan, 04/20/2007).

2.4 Descriptions of Structures, Roads, Other Improvements on the Site

The entire footprint of the Subject Property is comprised of the three-story (plus basement) vacant brick commercial structure, bordered by a city sidewalk and street, a paved city alley, and two adjoining commercial buildings. Although inconclusive, the two commercial buildings that directly adjoin the Subject Property, on its east and west sides, may share structural engineering features (i.e., the load-bearing weight of adjoining walls). Various city utilities (electric, water, etc.) are also visually apparent in the sidewalk bordering the Subject Property's south entrance, in the grassy right-of-way between the sidewalk and West Broad Street, and in the east/west alley bordering the north side of the building, as well as directly upon the northern/back-side of the building itself.

2.5 Current Uses of the Adjoining Properties

The properties located immediately adjacent to the Subject Property, on all sides, also fall within the developed historic Central Business District of the city of Texarkana.

The Property is bound on its east side by an adjoining two-story brick commercial building, followed by several additional adjoining commercial buildings and Pine Street. The Property is bound on its south side by a city sidewalk and West Broad Street, followed by the Bi-State Justice Center. The Subject Property is bound on its west side by an adjoining two-story brick commercial building with stone façade, followed by another adjoining commercial building and Main Street. And, the Subject Property is bound on its north side by a paved city alley, followed by another two-story brick building.

The eastern, western and northern adjoining/adjacent properties each have large uncovered store front windows. The eastern property, with signage for Four States Living Magazine, appears to house the magazine's offices and/or showroom. The

western property does not have current signage, and appears to be utilized for storage (printer/copier type machines, clothing racks, etc). The northern property does not have current signage and, although it faces a city street with large uncovered store-front style window, it appears to be carpeted and set up as a bedroom, with bed, child's playpen, etc.

The Subject Property's eastern, western, and northern adjoining/adjacent properties each fall within the State of Texas. The Bi-State Justice Center, located immediately south of the Subject Property across West Broad Street, runs the length of this city block and is split by the Texas/Arkansas state line. The Bi-State Justice Center is home to over 20 city, county and state judicial and law enforcement agencies serving both the States of Texas and Arkansas, Counties of Bowie and Miller, and the two/ divided cities that bear the Texarkana name.

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

3.0 User Provided Information

In accordance with the ASTM practice, the user of a Phase I ESA is requested to provide certain information to the environmental professional(s) who will be conducting the assessment. Utilizing the survey questions suggested by ASTM Practice E 1527-05, Appendix X3, in order to facilitate this process, a User Questionnaire was prepared and provided to the client in order to assist them in providing any information pertinent to the Subject Property that may indicate a potential for RECs to exist at the site. This User Questionnaire was completed by Mr. Craig Lindholm, Executive Director of the city of Texarkana, Texas' Department of Community Redevelopment and Grants, and was provided to URS Corporation on November 11, 2009. General conversation related to the Property, as well as access to a City file containing additional documents regarding the Subject Property, were also graciously provided by both Mr. Lindholm and Administrative Coordinator, Ms. Joy Sartor, during a site visit conducted by URS Corporation on November 12, 2009. The information provided within the questionnaire, as well as that learned during the November 12 conversations, and as gathered from relevant portions of the additional written and digital materials provided by the City, are summarized below.

3.1 Title Records

Title records for the Subject Property were provided to URS Corporation by the city of Texarkana, Texas, as available. A summary of this title information is documented in **Section 4.4** of this report, under sub-section **Recorded Land Title Records**.

3.2 Environmental Liens or Activity and Use Limitations

According to ASTM Practice E 1527, activity and use limitations (AULs) "are an explicit recognition by a federal, tribal, state, or local regulatory agency that residual levels of hazardous substances or petroleum products may be present on a property" as a result of past or present release(s). Where AULs exist, "unrestricted use of the property may not be acceptable." The Phase I ESA "user must comply with AULs to maintain the LLP".

According to the responses provided within the User Questionnaire, the city of Texarkana, Texas is not aware of any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the Subject Property and/or that have been filed or recorded in a registry under federal, tribal, state or local law (40 CFR 312.26).

The City is also not aware of any environmental cleanup liens against the Subject Property that have been filed or recorded under federal, tribal, state or local law (40 CFR 312.25).

3.3 Specialized Knowledge

The city of Texarkana, Texas was able to provide some information with respect to specialized knowledge and experience related to the Subject Property or nearby

properties (40 CFR 312.28). According to the City, the previous owner of the Subject Property was a non-profit agency that never utilized the site. The City condemned the Property in 2002, and it was vacant at the time of condemnation. The prior owner donated the Property to the city of Texarkana, Texas, in approximately June 2009.

3.4 Commonly Known or Reasonably Ascertainable Information

According to the city of Texarkana, Texas, the past uses of the Subject Property include its service as a retail establishment, followed in more recent years by its use for storage and/or vacancy.

The City is not aware of any specific chemicals that are present, or once were present, at the Subject Property. The City is not aware of any spills or other chemical releases that have taken place at the Subject Property. And, the City not aware of any environmental cleanups that have taken place at the Subject Property (40 CFR 312.30).

With regard to any other commonly known or reasonably ascertainable information about the Subject Property that would help the environmental professional(s) to identify conditions indicative of releases or threatened releases thereat, the City provided URS Corporation with access to review a City file containing multiple documents relating to the Subject Property and a compact disk with digital photographs thereof.

The City's file was reviewed by URS Corporation during the site visit conducted on November 12, 2009. Included within the City's file were, among other documents, multiple documents relating to code compliance concerns and subsequent Property condemnation, a research paper (with photographs) concerning the history of the Subject Property as written by a local college student, communications with state and local agencies regarding the Property's historic value, a compact disk containing assorted photographs that depicted the Property's interior and exterior in the years 2003 and early 2009, and a prior Phase I Environmental Site Assessment for the Subject Property. The prior Phase I ESA was conducted in 2006, while the Property was under prior ownership.

The relevant information gained from these assorted documents provided by the City has been incorporated, as appropriate, throughout **Section 4.4** of this current Phase I ESA report, and in the **Appendix A** photo log.

3.5 Valuation Reduction for Environmental Issues

According to the User Questionnaire, the Subject Property was donated to the City. It is valued below fair market value due its condition (40 CFR 312.29).

3.6 Owner, Property Manager, and Occupant Information

The current owner and manager of the Subject Property is the city of Texarkana, Texas. The Subject Property is currently vacant; there are no occupants.

3.7 Reason for Performing Phase I

According to the Phase I ESA User Questionnaire completed by the city of Texarkana, Texas, the current Phase I ESA is required in order to determine the Subject Property's suitability for Brownfield site redevelopment.

This Phase I ESA has been performed on behalf of the TCEQ, as a part of an U.S. Environmental Protection Agency (U.S. EPA) grant under the Brownfields Program. The users of the Phase I ESA will be the city of Texarkana, Texas; the TCEQ; the U.S. EPA; and U.S. Department of Housing and Urban Development (HUD).

3.8 Other

The city of Texarkana, Texas is not aware of any obvious indicators that point to the presence or likely presence of contamination at the Subject Property (40 CFR 312.31).

As mentioned in **Section 3.4**, the City offered and provided additional information, as available, with regard to other knowledge or experience with the Subject Property that may be pertinent to the environmental professional(s) in the conduct of this Phase I ESA. This information included general conversation, a prior Phase I ESA report, various other documents in the City's files, and photographs representing the building's interior and exterior in the years 2003 and early 2009. The relevant information gained from these assorted documents has been incorporated, as appropriate, throughout **Section 4.4** of this current Phase I ESA report, and in the **Appendix A** photo log.

Attachment: Kress_12_2009_phasel1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

4.0 Records Review

In accordance with ASTM Practice E 1527, the Phase I ESA includes a records review, incorporating environmental information, historical use information, and, when available, prior assessments. The purpose of the records review is to obtain and review records that will help to identify RECs in connection with the Subject Property.

The following types of records were included in the review, and are further discussed throughout this section of the report: historical topographic maps (**Appendix B**), historical aerial photography (**Appendix C**), historical fire insurance maps (**Appendix D**), historical city directories (**Appendix E**), chain of title (**Appendix F**), environmental regulatory records (**Appendix G**), state and local records (**Appendices H and I**), interviews (**Appendices J and K**), and other assorted records (**Appendix L**).

4.1 Standard Environmental Records Sources

ASTM Practice E 1527-05 outlines a list of standard environmental records sources (regulatory databases) that should be searched (where available) for potential RECs that may exist at and/or surrounding the Subject Property. The ASTM practice further prescribes a suggested search distance (radius) from the Subject Property as relevant to each type of database.

The table below provides a list of the standard environmental records sources and their corresponding ASTM-prescribed radial search distances.

Standard Environmental Records Sources

Environmental Records Source		Search Radius (miles)
Federal Records	National Priorities List (NPL) sites	1.0
	Delisted NPL sites	0.5
	Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) list	0.5
	CERCLIS No Further Action Planned (CERC-NFRAP) sites list	0.5
	Resource Conservation and Recovery Act (RCRA) Corrective Action Report (CORRACTS) facilities list	1.0
	RCRA non-CORRACTS Transporters, Storage and Disposal (TSD) facilities list	0.5
	RCRA generators list	Subject Property and adjoining properties
	Institutional control/ engineering control registries	Subject Property only
	Emergency Response Notification System (ERNS) list	Subject Property only

Environmental Records Source		Search Radius (miles)
State and tribal records	Equivalent NPL (list of hazardous waste sites identified for investigation or remediation)	1.0
	Equivalent CERLCIS (list of hazardous waste sites identified for investigation or remediation)	0.5
	Landfill and/or solid waste disposal site lists	0.5
	Leaking storage tank lists	0.5
	Registered storage tank lists	Subject Property and adjoining properties
	Institutional control/ engineering control registries	Subject Property only
	Voluntary cleanup sites	0.5
	Brownfield sites	0.5

URS Corporation enlisted the services of Environmental Data Resources, Inc. (EDR) to assist in the search of the standard environmental records sources outlined in the ASTM practice, and to compile a report of records (or findings) that fall within the prescribed search distance radii. The search was requested on October 27, 2009. The findings were then compiled into a report, which EDR provided to URS Corporation on October 29, 2009.

The Subject Property was listed in one of the standard environmental records sources reviewed during the course of this assessment.

A total of 23 additional findings were reported within the standard environmental records sources, for the broader search radii around the Subject Property.

Forty-three additional "orphan sites" were also identified during the records review. (An orphan site is a one that does not have adequate address information to be accurately located geographically. According to ASTM Practice E 1527, such site records are not considered practically reviewable, meaning that the information is not provided by the source in a manner and in a form that, upon examination, yields information relevant to the property without the need for extraordinary analysis of irrelevant data.) Without sufficient data for evidential discussion, the orphan sites are not discussed further within this Phase I ESA report.

A copy of the full report prepared by EDR has been presented in **Appendix G**, for reference purposes. The date upon which each regulatory database source updated its records, and the date upon which EDR pulled the information, is included within the full report.

Table 1, which is presented following **Section 14** of this Phase I ESA report, has also been created to provide a summary of each finding reported by EDR, which both met the search criteria and could be geographically located. Within the table, the findings have been grouped in accordance with the geographic location with which each is associated. Each entity or location has been assigned a site identification number, and each of these sites, or potential hazardous materials sources, has been geographically mapped for reference purposes (**Figure 6**).

A brief discussion of each regulatory database included in the standard environmental records review, and the number of findings associated with each, is provided below.

Federal National Priorities List (NPL)

NPL is a subset of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Information System (CERCLIS), and identifies sites that represent a significant threat to public health or to the environment for priority cleanup under the U.S. EPA Superfund Program.

One NPL site (MAP ID# 35) was identified within 1.0 mile of the Subject Property.

No Proposed NPL sites were identified within 1.0 mile of the Subject Property.

Federal Delisted NPL

The National Oil and Hazardous Substances Pollution Contingency Plan establishes the criteria that the U.S. EPA uses to delete sites from the NPL. Sites may be deleted from the NPL when no further response is appropriate.

No Delisted NPL sites were identified within 0.5 mile of the Subject Property.

Federal NPL Liens

Under the authority granted to the U.S. EPA by the CERCLA of 1980, the U.S. EPA has the authority to file liens (NPL Liens, or federal Superfund Liens) against real property, in order to recover remedial action expenditures or, when the property owner receives notification of potential liability. The U.S. EPA compiles the listing of filed notices of Superfund Liens.

No NPL Liens sites were identified within 1.0 mile of the Subject Property.

Federal CERCLIS

The CERCLIS contains data on potential hazardous waste sites that have been reported to the U.S. EPA by states, municipalities, private companies and private persons, pursuant to CERCLA Section 103. CERCLIS contains sites that either are proposed to be, or are, on the NPL, and sites which are in the screening and assessment phase for possible inclusion on the NPL.

No CERCLIS sites were identified within 0.5 mile of the Subject Property.

Federal CERCLIS "No Further Remedial Action Planned" (CERC-NFRAP, or NFRAP)

CERC-NFRAP sites have been removed from CERCLIS. NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration.

No CERC-NFRAP sites were identified within 0.5 mile of the Subject Property.

Federal Resource Conservation and Recovery Act (RCRA) Corrective Action Report (CORRACTS)

The RCRA CORRACTS database identifies hazardous waste handlers with RCRA corrective action activity.

No RCRA-CORRACTS sites were identified within 1.0 mile of the Subject Property.

Federal RCRA Non-CORRACTS

The RCRA Non-CORRACTS database is the U.S. EPA's list of Treatment, Storage and Disposal (TSD) facilities (or TSDFs) that are not currently subject to corrective action.

No RCRA Non-CORRACTS TSD facilities were identified within 0.5 mile of the Subject Property.

Federal RCRA Generators

RCRAinfo is the U.S. EPA's comprehensive information system, providing access to data supporting the RCRA of 1976 and the Hazardous and Solid Waste Amendments of 1984. The database includes selective information on sites that generate, transport, store, treat and/or dispose of RCRA hazardous waste. A RCRA LQG is a Large-Quantity Generator of RCRA hazardous wastes; a SQG is a Small-Quantity Generator; and, a CESQG is a Conditionally Exempt Small-Quantity Generator.

No RCRA hazardous waste generators were identified within the vicinity adjacent to the Subject Property.

Federal Engineering Controls Sites (US ENG CONTROLS)

The US ENG CONTROLS list is a registry of sites with engineering controls in place, which may include various forms of caps, building foundations, liners, and/or other treatment methods to minimize or eliminate pathways by which regulated substances might otherwise enter environmental media or affect human health.

The Subject Property was not registered in US ENG CONTROLS.

Federal Sites with Institutional Controls (US INST CONTROL)

The US INST CONTROL list is a registry of sites with institutional controls in place, which may include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

The Subject Property was not registered in US INST CONTROLS.

Federal Emergency Response Notification System (ERNS)

The ERNS records and stores information on reported releases of oil and hazardous substances. The list includes data collected from the U.S. Coast Guard/ U.S. EPA National Response Center.

The Subject Property was not listed in the ERNS.

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

State- and Tribal-Equivalent NPL

The TCEQ maintains a list of Texas State Hazardous Waste Sites (TX SHWS), which is the State's Superfund Registry, while the Arkansas Department of Environmental Quality (ADEQ) maintains the Arkansas Hazardous Substance Remedial Action Trust Fund Priority List (AR SHWS). These are the state-equivalent to CERCLIS or NPL. These sites may or may not already be listed on the federal CERCLIS list. Priority sites planned for cleanup using state funds (state equivalent of Superfund) are identified along with sites where cleanup will be paid for by potentially responsible parties.

No TX SHWS were identified within 0.5 mile of the Subject Property.

No AR SHWS were identified within 0.5 mile of the Subject Property.

State and Tribal Landfill and/or Solid Waste Disposal Sites

The Solid Waste Facilities/Landfill Sites (SWF/LF, Permitted Solid Waste Facilities) database typically contains an inventory of solid waste disposal facilities or landfills. These may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

No Texas SWF/LF sites were identified within 0.5 mile of the Subject Property.

No Arkansas SWF/LF sites were identified within 0.5 mile of the Subject Property.

The Texas Closed Landfill Inventory (CLI) database includes records of closed and abandoned landfills (permitted as well as unauthorized) across the State of Texas.

No Texas CLI sites were identified within 0.5 mile of the Subject Property.

The Texas Commercial Hazardous and Solid Waste Management Facilities (TX WASTEMGT) database contains a list of commercial recycling facilities and facilities permitted or authorized (interim status) by the TCEQ.

No TX WASTEMGT sites were identified within 0.5 mile of the Subject Property.

State and Tribal Leaking Storage Tanks

The Texas Leaking Petroleum Storage Tanks (TX LPST) database is maintained by the TCEQ and contains an inventory of reported leaking underground storage tank incidents. The Arkansas leaking underground storage tank (AR LTANKS) data comes from ADEQ. And, most U.S. EPA Regional Offices maintain lists of Leaking Underground Storage Tanks on Indian Lands (INDIAN LUST) sites.

Eight TX LPST sites (MAP ID #'s: D-11, E-15, G-21, H-30, H-31, 32, I-33 and I-34) were identified within 0.5 mile of the Subject Property.

One AR LTANKS site (MAP ID# 29) was identified within 0.5 mile of the Subject Property.

No INDIAN LUST sites were identified within 0.5 mile of the Subject Property.

State and Tribal Registered Storage Tanks

Underground Storage Tanks (USTs) are regulated under RCRA Subtitle I. The Texas UST (TX UST) and Texas above-ground storage tanks (TX AST) data comes from the Petroleum Storage Tank (PST) database maintained by the TCEQ, which contains an

inventory of registered tanks. Arkansas UST and AST (AR UST and AR AST) data is maintained by ADEQ. And, most U.S. EPA Regional Offices maintain a list of Underground Storage Tanks on Indian Lands (INDIAN USTs).

One TX AST site (MAP ID# G-20) was identified immediately adjacent to the Subject Property.

Eight TX UST sites (MAP ID #'s: D-12, E-14, E-16, 27, G-19, 24, 25, and 26) were identified within the vicinity adjacent to the Subject Property.

No AR AST sites were identified immediately adjacent to the Subject Property.

One AR UST sites (MAP ID#: F-22) was identified within the vicinity adjacent to the Subject Property.

No INDIAN UST sites were identified within the vicinity adjacent to the Subject Property.

State and Tribal Institutional Control/Engineering Control Registries

The TCEQ maintains a registry of Activities and Use Limitations (TX AULs), which are legal or physical restrictions on a property that include institutional and/or engineering controls intended to prevent adverse impacts to individuals or populations that may be exposed to hazardous substances and petroleum products in the soil or ground water on the property.

The Subject Property was not registered in the TX AUL list.

State and Tribal Voluntary Cleanup Sites

The Texas Voluntary Cleanup Program (TX VCP) was established to provide administrative, technical, and legal incentives to encourage the cleanup of contaminated sites in Texas. The Arkansas Voluntary Cleanup Program (AR VCP) is maintained by the ADEQ.

No TX VCP sites were identified within 0.5 mile of the Subject Property.

One AR VCP site (MAP ID# F-18) was identified within 0.5 mile of the Subject Property.

No INDIAN VCP sites (VCP Sites on Indian land) were identified within 0.5 mile of the Subject Property.

State and Tribal Brownfields Sites

BROWNFIELDS sites are real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Cleaning up and reinvesting in these properties protects the environment, reduces blight, and takes development pressures off greenspaces and working lands.

Two Texas BROWNFIELDS sites (MAP ID #'s: B-4 and B-6) were identified within 0.5 mile of the Subject Property. The Subject Property itself was also listed as a Texas BROWNFIELDS site (MAP ID# A-1).

No Arkansas BROWNFIELDS sites were identified within 0.5 mile of the Subject Property.

No tribal BROWNFIELDS sites were identified within 0.5 mile of the Subject Property.

4.2 Additional Environmental Records Sources

Assorted additional environmental records sources were reviewed during the course of this assessment, to the extent that those sources might yield information relevant to the search for RECs in connection with the Subject Property.

Regulatory Records

As part of the environmental records review, a search of numerous additional regulatory database sources was included in the report provided by EDR, as detailed and documented in **Appendix G**.

The Subject Property was listed in two of the additional environmental records sources reviewed during the course of this assessment. The findings were discovered in the US BROWNFIELDS list and the FINDS list (MAP ID #'s: A-2 and A-3). The U.S. EPA's US BROWNFIELDS list includes Brownfields properties addressed by Cooperative Agreement Recipients and those addressed by Targeted Brownfields Assessments. FINDS is a Facility Index System/Facility Registry System that contains facility information and points to other databases that contain more detail. In this case, the FINDS pointers indicate that the Subject Property is listed in the U.S. EPA Assessment, Cleanup and Redevelopment Exchange System (ACRES) and in the TCEQ Agency Central Registry. ACRES is a system that permits Brownfields grantees to electronically submit data to the U.S. EPA. The TCEQ Central Registry is discussed further below, under the subsection **Publicly Available Records – State**.

The additional environmental records sources also yielded ten additional findings within the broader vicinity surrounding the Subject Property. Seven of these findings were discovered on the US BROWNFIELDS lists (MAP ID #'s: B-5, B-7, C-8, C-9, C-10, 13 and 17). One finding was on the TX DRYCLEANERS list (MAP ID #: 23), which is a State registry of drycleaners. One finding was on the "Manufactured Gas Plants" list (MAP ID # 28), which is an EDR proprietary records database of coal gas plants from the 1800s to 1950s. (These sites frequently disposed of their by product wastes on-site, including such wastes as coal tar, sludges, oils and other compounds potentially hazardous to human health and the environment.) And, one finding was a Record of Decision (ROD) which mandated a permanent remedy at the NPL site at MAP ID# 35.

Geographically locatable, the additional environmental records source findings have been included in **Table 1**, in the map presented as **Figure 6**, and are further discussed in **Section 7** of this report.

Open Records Sources

Publicly available records were also requested from local and state government agencies.

Open Records Request – Local:

A written open records request was placed with the city of Texarkana, Texas on October 27, 2009. The request appealed to the City for any publicly available records that the City might have concerning fire department, stormwater or environmental department records regarding hazardous materials storage, underground storage tanks (USTs), above-ground storage tanks (ASTs), emergency response actions, spills, record of contamination, or any other environmental concerns that might be associated with the Subject Property.

The City's written response, prepared by Fire Marshal Michael Gilley, was forwarded to URS Corporation by Ms. Pam Burns on November 2, 2009. According to Ms. Burns, the fire department was the only department to respond with information concerning the site.

In summary, a 1964 fire department survey, which was the earliest record that the fire department had concerning the Subject Property, indicated that the facility housed paint in the basement and plastics on the third floor as hazardous materials. A 1979 inspection conducted jointly by a fire prevention officer and a building official noted major repairs to the building concerning structural resistance measures, hazardous materials removal (old batteries used for auxiliary power) and fire protection systems repair/replacement (fire sprinkler system and portable fire extinguishers). There were no records on file after 1979, and the building has been vacant since 1987.

According to the fire department, the city of Texarkana, Texas has no records of any hazardous materials incidents, underground storage tanks, above ground storage tanks, emergency response actions, spills, records of contamination or other environmental concerns pertaining to the Subject Property.

A copy of the City's written response has been provided in **Appendix H**, for reference purposes. Again, City personnel subsequently provided access to numerous additional documents in the City's file during the November 12, 2009 site reconnaissance. Copies of relevant documents have been provided in **Appendix L**, for reference.

Publicly Available Records – State:

The TCEQ's Central Registry Query was reviewed for potential records pertaining to the Subject Property. This internet database revealed that the Subject Property is registered with the TCEQ under Customer Number (CN): CN603536228, and Regulated Entity Number (RN): RN104857420. The database indicated that the site was recently registered (August 21, 2009) in the Brownfields Site Assessment (BSA) Program under BSAG113. Its current status is listed as Affected Property, under investigation. The city of Texarkana, Texas is listed as the responsible party for the BSA.

Public Information Request – State:

A written open records request was also placed with the TCEQ on October 27, 2009, utilizing their website format for public information requests (PIRs). The request appealed to the TCEQ for any publicly available records that the TCEQ might have with regard to the Subject Property.

Separately, on October 28, 2009, Ms. Christine Whitney, TCEQ Brownfields Program Manager, provided to URS Corporation, a reference copy of the Application to Receive a

TCEQ BSA for the Subject Property, as prepared by the city of Texarkana, Texas in August 2009. According to the application, the City applied for TCEQ assistance with a Brownfields Site Assessment. The application indicated that the City took ownership of the Property, via donation, in July 2009. The application further stated that there was a prospective buyer for the site who was considering renovating the Property for mixed use, including office space, a restaurant and loft apartments.

According to the BSA application, no environmental site assessment/investigation reports had been completed for this site. The application did, however, indicate that the stone and brick exterior were a potentially contaminated area of the property, and that the City was applying for funding for a Phase I ESA because of possible contamination from 1933 to present, since they were unable to determine what materials were utilized during Property renovation. According to the BSA application, it was unknown if there were tanks or machinery or what type of piping was used at the building. The City was also not aware of the location of any adjacent properties that may have the potential for creating environmental concern.

In reply to the original PIR, Ms. Linda G. Bolding, Open Records Coordinator for the TCEQ Remediation Division, responded in writing on November 13, 2009, with reference to PIR# 09.10.27.11 for the Subject Property, referenced as the Kress Building, 116 West Broad Street, Texarkana, TX. The written response indicated that the TCEQ's Remediation Division had found three inches, or 750 pages, of documents within their files concerning the Subject Property. However, a follow-up call to that division did not yield any additional results, beyond the BSA application which had already been provided.

A copy of the TCEQ's written response to PIR# 09.10.27.11, and a copy of the BSA application record, have both been provided in **Appendix I**, for reference purposes.

4.3 Physical Setting Source(s)

In accordance with ASTM Practice E 1527, the Phase I ESA shall include a review of the site's physical setting to include, at minimum, the review of a current USGS 7.5 minute topographic map. Information concerning the site's physical setting, including its hydrogeologic, hydrologic and topographic features, can be useful toward understanding the environmental pathways by which potential contamination, if any, may migrate onto, under, or away from the Subject Property. In addition to the current topographic map, various additional sources were consulted to establish the physical setting for the Subject Property.

Topography

The Subject Property lies within the U.S. Geological Survey (USGS) Texarkana quadrangle. This USGS 7.5 minute series topographic map, as revised in 2001, was utilized for the topographic evaluation (**Figure 3** and **Appendix B**).

The topographic map revealed relatively flat topography across the Subject Property, with a general south to southwest gradient. The topographic elevation of the Subject Property is identified as approximately 312 feet above mean sea level (MSL).

Based upon the coloration of the topographic map within its vicinity, the Subject Property is located within a developed/urban area. Specific building and related details are not shown within such developed zones. The map does show a large rail yard approximately 1.5 blocks south of the Subject Property, and the Texas/Arkansas state line is shown less than one block east of the Property. Nix Creek is also shown to the further east and the south, while Swampoodle Creek is shown, though less visible, to the west.

Soils and Geology

The geologic features of the Subject Property include a rock stratigraphic unit associated with the Eocene Wilcox Group undivided series of the Tertiary system within the Cenozoic era [EDR (**Appendix G**), and Geologic Atlas of Texas, Texarkana Sheet, 1979]. The area lies within the Blackland Prairie, which is geologically underlain by beds of chalk and marls that tilt south and east to create a low rolling terrain with elevations ranging between 450 and 1000 feet above MSL (Physiographic Map of Texas, 1996).

According to the U.S. Department of Agriculture's Web Soil Survey, the soil map unit(s) underlying the Subject Property include: Eylan-Urban land complex with zero to three percent slopes.

Within the Eylan-Urban land complex soil map unit, the urban land component is of variable composition to 40-inches depth. Eylan soils are more dominant within this unit and are moderately well drained. The Eylan soils are comprised of very fine sandy loam from zero (0) to 12 inches, and sandy clay loam from 12 to 80 inches. The water table is usually found 24 to 36 inches below the ground surface, and a fragipan restrictive layer is usually located with 28 to 60 inches of the surface. (Fragipan is not bedrock, but rather a very hard and brittle layer of soil, even when thoroughly wet, to the extent that roots cannot penetrate except along intermittent cracks.) The Eylan-Urban land complex soil map unit has a high corrosivity rating for concrete and a moderate corrosivity rating for steel.

Hydrology

The Subject Property lies just north of the Carrizo-Wilcox (subcrop) Aquifer (Major Aquifers of Texas, 2006). Although well depth or depth to groundwater has not been formally documented for the Subject Property, the soil type underlying the Subject Property is typically associated with a water table at two to three feet below surface. Groundwater then typically follows surficial topography and likely flows to the south.

The Property also lies in the South Central Plains Level II EcoRegion, within the Sulphur River Basin (Atlas of Texas Surface Waters, GI-316, 2004) and Days Creek sub-basin. While the Subject Property and its adjoining and adjacent neighbors rest upon predominantly impervious land, stormwater in the general vicinity drains to city drainage structures which feed either Nix Creek, located approximately 1,705 feet southeast of the Subject Property, and/or Swampoodle Creek, located approximately 1,975 feet south-southwest of the Subject Property. These creeks converge to join Days Creek approximately 3,580 feet southwest of the Subject Property. Days Creek flows south to join the east-flowing Sulphur River, which exits Texas before joining the Red River in Arkansas.

According to the TCEQ's 2008 Texas 303(d) List, Days Creek is a threatened or impaired waterbody (Segment 0304), from the Arkansas State Line in Bowie County to the aforementioned confluence of Swampoodle Creek and Nix Creek in Bowie County. This segment is listed for the constituents: impaired fish community and impaired macrobenthic community.

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Panel number 4800600010C (revised 05/17/1993), the Subject Property does not lie within a FEMA-designated flood hazard area.

There are no surface waters, drainage areas or potentially jurisdictional wetlands located within the bounds of the Subject Property.

4.4 Historical Use Information on the Property

According to ASTM Practice E 1527, the objective of consulting historical sources is to develop a history of the previous uses of the Subject Property and surrounding area, in order to help identify the likelihood of past uses having led to RECs in connection with the Property. The intent is to identify the Property's use from the present, back to the Property's first developed use, or back to 1940, whichever is earlier.

The following records may have been utilized to meet the stated objective, although the ASTM practice does not require the use of all: aerial photography, fire insurance maps, property tax files, recorded land title records, USGS topographic maps, local street directories, building department records, zoning/land use records, assorted other historical sources, and/or prior assessments.

USGS Topographic Maps

Historical topographic maps, as prepared and provided to URS Corporation by EDR on October 30, 2009, were utilized during the records review, to assist in determining the historical development and use of the Subject Property and its vicinity. The review included available map years: 1909, 1954, 1970, 1975, 1985 and 2001. The table below provides a map-by-map analysis of the observations made. A copy of the historical topographic maps has also been presented in **Appendix B**, for reference purposes.

Review of Topographic Maps with Relation to Subject Property

Year	Series	Scale	USGS Quadrangle	Observations
1909	15	1:62500	Texarkana	The Subject Property lies within the south central portion of the developed urban grid of the city of Texarkana. The Texas/Arkansas state line is shown less than one block east of the Property. Multiple railroads feed to and through the City.
1954	15	1:62500	Texarkana	The Subject Property's downtown area is shown through map coloration (pink) to be developed/urban land. Specific building/details are not shown. A large rail yard is located approximately 1.5 blocks south of the Subject Property. Nix Creek is shown to the further east and the south, while Swampoodle Creek is shown, though less visible, to the west.

Year	Series	Scale	USGS Quadrangle	Observations
1954	7.5	1:24000	Texarkana	The map content is more clearly visible due to change in scale. However, map coloration continues to designate the area as developed/urban land, wherein specific building/details are not shown. No new significant information is revealed in relation to the previously identified 1954 map.
1970	7.5	1:24000	Texarkana	Map is photo-revised from 1954. No significant changes observed.
1975	7.5	1:24000	Texarkana	Map is photo-revised from 1954. No significant changes observed.
1985	15	1:50000	Texarkana	Map coloration for the developed urban area changed from pink to brown, although no other significant changes were observed.
2001	7.5	1:24000	Texarkana	Map coloration for the developed urban area returned to pink. Map content is again more clearly visible than 1985 due to change in scale. However, no significant changes were observed.

Source: EDR, 10/30/2009

In summary, the historical topographic map review revealed that the Subject Property already fell within developed areas of the city of Texarkana by 1909. Specific buildings and related details were not shown in the historical topographic maps available for review. Therefore, detail regarding the Subject Property's progressive use and/or development status was not available through historical topographic map review.

Aerial Photography

Historical aerial photographs, as prepared and provided to URS Corporation by EDR on 11/02/2009, were also utilized during the records review to assist in determining the historical development and use of the Subject Property and its vicinity. The review included available photograph years: 1948, 1954, 1960, 1975, 1989, 1995, 2004, 2005 and 2006. The table below provides a photo-by-photo analysis of the observations made. A copy of the historical aerial photographs has also been presented in **Appendix C**, for reference purposes.

Review of Aerial Photography with Relation to Subject Property

Year	Scale	Photo Source	Observations
1948	1" = 500'	USGS	The Subject Property's city block and all adjacent city blocks appear thoroughly developed with buildings. A large rail yard is present beyond the one block to the south. The north/south running State Line Avenue is clearly visible from aerial view.
1954	1" = 500'	ASCS	No significant changes observed.
1960	1" = 500'	ASCS	No significant changes observed.
1975	1" = 500'	TxDOT	No significant changes observed.

Year	Scale	Photo Source	Observations
1989	1" = 500'	TxDOT	The Bi-State Justice Center located immediately south of the Subject Property, replaced numerous smaller buildings that previously comprised the city block, and effectively shortened the length of State Line Avenue by one city block's length.
1995	1" = 500'	USGS-CIR	No significant changes observed.
2004	1" = 500'	USDA-CIR	No significant changes observed.
2005	1" = 604'	EDR	No significant changes observed.
2006	1" = 604'	EDR	No significant changes observed.
<i>AMS: Army Mapping Service</i> <i>ASCS: Agricultural Stabilization and Conservation Service</i> <i>CIR: Color Infra-Red photography</i> <i>TxDOT: Texas Department of Transportation</i> <i>USDA: U.S. Department of Agriculture</i>			

Source: EDR, 11/02/2009

In summary, the historical aerial photography review revealed that the Subject Property was already set within a majorly developed area of the City by 1948, and the Property itself was already developed with a building. Although the 1954, 1989, 1995, 2004 and 2006 photographs were of clearer visual quality than the other years, no significant changes were noted with regard to the development or use of the Subject Property or its immediately adjacent neighbors, with one exception. Sometime between 1975 and 1989, the Bi-State Justice Center replaced numerous smaller buildings that had previously existed on the city block located immediately south of the Subject Property across West Broad Street.

Fire Insurance Maps

Historical Sanborn Fire Insurance Maps, as prepared and provided to URS Corporation by EDR on November 2, 2009, were utilized during the records review to assist in ascertaining the historical development and use of the Subject Property and its vicinity. The review included available map years: 1885, 1888, 1896, 1900, 1905, 1909, 1915, 1924, 1950, 1953 and 1969. A copy of the maps has been presented in **Appendix D**, for reference purposes.

Review of Fire Insurance Maps with Relation to Subject Property

Year	Observations
1885	The two-story Subject Property is shown to include: dry goods, clothing, grocery, dentist, insurance office, with offices on the second level.
1888	The Subject Property is shown to include: a saloon and a vacant store, fruit shop, and second floor offices and bedrooms.
1896	The Subject Property is shown to include: a gun smith, barber, and saloon, with sleeping rooms on the second level.
1900	The Subject Property is shown to include two saloons, a barber, and sleeping rooms on the second level.
1905	The Subject Property is shown to include two saloons, a barber, and a pool room. No mention is made of the prior second floor activities/use.
1909	The Subject Property is shown to include a saloon, a barber, and shops.

Year	Observations
1915	The Subject Property is now shown to be a notions store.
1924	The fire insurance maps became somewhat less specific as to property use in and after 1924. The Subject Property is shown to be a two-story store, with two open air elevators, one in each the northwest and northeast corners of the building.
1950	The Subject Property is now shown to be a three-story store with basement. There is one enclosed elevator in the northwest corner of the building, along with an adjacent staircase. The building is reported to be of steel frame construction with wood joist floors and roof. It also features a tile and brick face and curtain walls on the third level.
1953	The Subject Property remains unchanged.
1969	The Subject Property remains unchanged.

Source: EDR, 11/02/2009

In summary, the historical fire insurance maps review revealed that the Subject Property was already developed prior to the first available historical fire insurance map in 1885. In 1885, the Property's uses included dry goods and clothing store (west), grocery (east), and second floor dentist and insurance office. In 1888, the western dry goods and clothing store became vacant, while the eastern grocer expanded to become a saloon with a fruit shop. Sleeping rooms were added among the second floor offices. In 1896, the second floor sleeping rooms remained, while the vacant western ground level store front converted to a saloon, a barber was added, and the eastern saloon converted to a gun smith. By 1900, the eastern gun smith was converted back to a saloon. The Property's composition thus included two saloons, a barber, and upstairs sleeping rooms. A pool room was added in 1905, while there predominantly ceased to be reference to second floor activities/uses throughout the city in 1905 and thereafter. In 1909, the western saloon was converted to shops. In 1915, the entire building was converted to a notions store. 1924 found the site mapped as a two-story store with two open-air elevators, one located in each the northwest and approximate northeast corners of the building. Sometime after 1924, the building was renovated. In 1950, the former two-story building was shown to be a three-story store with basement. An enclosed elevator and a staircase were present in the northwest corner of the building. The building was comprised of steel frame construction with wood joist floors and roof, and tile and brick face, with curtain walls on the third level. The Property was mapped, without further changes, in both 1953 and 1969.

Local Street Directories

Historical city directory research, as prepared and provided to URS Corporation by EDR on November 3, 2009, was utilized during the records review to assist in determining the historical development and use of the Subject Property and its adjoining properties. The review included available directory years: 1922, 1937, 1940, 1947 and 1954, and also 1954 through 1994 in five-year intervals. A copy of the city directory research has been presented in **Appendix E**, for reference purposes.

In summary, all city directory listings in the years 1922 through 1969, confirmed the Subject Property's use by Kress S H & Co. for notions, department store and variety store. The Property was listed as vacant in 1974 and 1979, as used by Belk Jones as a warehouse in 1984, and again as vacant in 1989 and 1994.

Property Tax Files

Property tax files were not directly utilized as part of the records review for this Phase I ESA. However, according to the City's August 2009 TCEQ BSA application (**Appendix I**), the Bowie County Tax Appraiser's Office values the Subject Property at \$20,625 and the property taxes are paid up to date.

Building Department Records

The November 12, 2009 review of the City's files regarding the Subject Property revealed several documents, dated between 1975 and 2009, which detailed numerous issues concerning the building's permitting, maintenance and code compliance. The building's condition history presented within these documents is briefly outlined in the following table, and a copy of each document is provided in **Appendix L**, for reference.

Building Condition History According to City's file, 11/12/2009

Date	Documented Matter
March 1975	An electrical permit, and a subsequent inspection approval record, were issued for miscellaneous electrical repairs made to the building.
April 1975	A Certificate of Occupancy was issued, authorizing Belk-Jones to utilize the building's basement and first floor for the storage of fixtures and display items.
February 1979	A letter was issued by the City to an unnamed party, citing multiple repair requirements for the building. The letter included, among other items, instruction to remove old batteries formerly utilized for auxiliary power.
October 1992	A letter was issued by the City to Mr. Walter Alexander, regarding the Subject Property (identified then as a "Crafts Store"). This letter included, among many other items, a reference to water in the basement and a reference to an old elevator that should be boarded up with sheetrock.
March 2001	An email record indicated that the Subject Property's store front windows had blown out onto the city sidewalk.
December 2001 and June 2002	Multiple notices, requiring that the building be secured, were issued by the City's Building Inspection Division.
July 2002	A Building Inspection Report was issued. Among many other items, water in the basement was again referenced, as was the presence of birds causing damage to the building interior.
August 2002	A condemnation Order was issued with regard to the Subject Property.
October 2002	A memo from the Combination Inspector referenced multiple property damage concerns. Included in the memo, were references to partial cave-in of the roof and the three floors below it; a basement filled with 8 to 10 feet of water from a natural spring that flows underground; and pigeons roosting in the building. The structure was reportedly in violation of the City's building code, electrical code, plumbing code and fire code.
April 2003	The City issued a letter to Bi-State Women's Center, requiring that the building be secured.
March 2009	Communications were exchanged between the City and the Texas Historical Commission (THC). Based upon review of the letters, it appears that implementation of the City's 2002 condemnation order may have been forestalled by potential historical site preservation concerns.
April 2009	The THC confirmed that the Subject Property is eligible for listing on the National Register of Historic Places under Criterion C for Architecture and Criterion A for Commerce. According to the letter, all areas of the Property that proposed work may affect are to be coordinated with the THC.

Zoning/Land Use Records

Historical zoning/land use records were not utilized as part of the records review for this Phase I ESA.

Recorded Land Title Records

While recorded land title records were not directly utilized as part of the records review for this Phase I ESA, the Phase I ESA User Questionnaire provided to URS Corporation by Mr. Craig Lindholm on November 11, 2009, did include a title insurance document with effective date April 1, 2009 (**Appendix F**). The then current Property owner was listed as the Bi-State Women's Center.

In summary, the title insurance document revealed two separate Party Wall Agreements, both dated September 27, 1937. The first Party Wall Agreement was entered into by and between Joseph Lipari and Fannie Bernstien, et al, and was recorded in Volume 168, Pages 3-4 of the Deed Records of Bowie County, Texas. The second Party Wall Agreement was entered into by and between Joseph Lipari and Clotilda Rain, et al, and was recorded in Volume 166, Page 636 of the Deed Records of Bowie County, Texas. A separate reference was also made to a certain [condemnation] Order dated August 6, 2002, recorded in Volume 3767, Page 88 of the Real Property Records of Bowie County, Texas. Finally, the title insurance document also referenced that "it may be necessary that any and all at law heirs of BERNARD GHIO, if any, who did not join in the conveyance of subject property to current owner by that certain Deed dated February 20, 1996 of record in Volume 2471, Page 297 of the Real Property Records of Bowie County, Texas [regarding the transfer of the Subject Property from Martha B. Ghio to Bi-State Women's Center], execute a Quit Claim Deed in favor of CITY OF TEXARKANA, TEXAS for the herein described [Subject Property]."

A copy of a subsequent Affidavit of Heirship and Marital History, dated May 31, 2009, was present within the City file reviewed by URS Corporation on November 12, 2009. The document confirmed that Martha B. Ghio was the only wife of Bernard Ghio, and that all listed surviving heirs (five), were those same whom jointly signed the transfer of the Property to Bi-State Women's Center in February 1996. A copy of each of the aforementioned title insurance document, affidavit, and Property deed are presented in **Appendix F**, for reference.

Other Historical Information Sources

Application to Receive a TCEQ Brownfields Site Assessment:

According to the City's August 2009 TCEQ BSA application, the Subject Property's site history includes the historical ownership and past uses, from the 1870s through 2009, as presented in the following table.

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

Site History According to August 2009 TCEQ BSA Application, BSAG113

Date	Property Ownership and/or Use
1870s	Apex Hotel was constructed
1900-1910	Milazzo's Saloon, Ellis and Taylor Real Estate, Architectural offices
1910	Griffies Brothers Barbers (upstairs)
1910-1933	S H Kress downstairs
1933	<i>Burned and rebuilt</i>
1933-1952	S H Kress and Company (discount retail store)
1952-1996	<i>Unknown</i>
1996-2009	Bi-State Women's Center (storage)
2009-Current	City of Texarkana, Texas

A copy of the full BSA application has been presented in **Appendix I**, for reference purposes.

Texarkana College, Student Report:

Within the City file provided to URS Corporation for review, and with their permission to utilize and reference, was located a Texarkana College student report for a local history project concerning the Subject Property (Avery, 2004). According to the student report, the Subject Property's site history includes the historical ownership and past uses, from the 1870s through 2004, as presented in the following table.

Site History According to 2004 Texarkana College Student Report

Date	Property Ownership and/or Use
1870s	Apex Hotel, as the first frame structure built in Texarkana
1899	Samual Milazzo and Michael Cassidy as main proprietors (saloons), and other businessmen, including two notary/real estate agents (G.B. Ellis and O.P. Taylor), a lawyer (G.J. Armistad), and an architect (H.E. Wallace), occupying parts of the building
1910	Griffies Brothers Barbers, vacancy, and G. Less and Co. Real Estate
1912	Kress (department store)
1964	Genesco bought Kress company
1971	Kress closed, and Decorator Fabric Outlet took over the building
1975-1980s	Vacant
1980s	Warehouse for Belk Jones Company
1980s-Present (2004)	Vacant

A copy of the student report has been presented in **Appendix L**, for reference purposes.

Prior Assessment

A prior Phase I ESA report was made available by the city of Texarkana, Texas for review and utilization as part of the records review for this current Phase I ESA.

The prior Phase I ESA was conducted in 2006, by Terracon, on behalf of the Ark-Tex Council of Governments, while the Subject Property was under the ownership of Bi-State Women's Center. The report was reviewed, and its findings and opinions considered, prior to the finalization of this current assessment. A copy of the executive summary from the 2006 Phase I ESA report has been provided in **Appendix L**, for reference, with the permission of the City.

Data Failures

According to the ASTM practice, a data failure is "a failure to achieve the historical research objectives in [the ASTM practice,] even after reviewing the standard historical sources [listed in the ASTM practice] that are reasonably ascertainable and likely to be useful."

In other words, a data failure may exist, under certain ASTM-defined conditions, when required interviews are not conducted and/or when the site reconnaissance faces certain ASTM-defined limitations and/or is not conducted. A data failure can also include the absence of combined historical data in at least five year intervals, to represent the time period between which the Subject Property is vacant, unused, undeveloped land and the date of the Property's first use and/or development, and/or the time period between which the use or development of the Subject Property changes.

The following data failure was encountered during the course of the records review for the Subject Property:

- The Property's first development should have been documented in at least five-year intervals. The Subject Property already fell within developed areas of the city of Texarkana, Texas by the time of the 1885 historical fire insurance map, and earlier formal historical records were not available for review. Multiple informal historical records and interview sources indicated that the Subject Property's address was the site of the first frame structure in the city of Texarkana, the Apex Hotel, which was constructed sometime in the 1870s. The Property's use prior to the 1870s, however, was not recorded, and the next available record, the 1885 fire insurance map, recorded its changed use as a dry goods and clothing store, grocery, dentist, insurance office and second level offices.

Given the well-documented and predominantly commercial, retail and/or entertainment district composition of the Property's immediate vicinity for the past 124 years, this data failure is not deemed significant to the current assessment of the environmental condition of the Subject Property.

- A more significant data failure concerned the site reconnaissance conducted on November 12, 2009 in conjunction with this Phase I ESA.

Further details regarding this statement are provided in **Section 5.4** and **Section 10** of this report.

4.5 Historical Use Information on Adjoining Properties

Additional information concerning the properties adjoining the Subject Property, and/or as characterizing its broader vicinity, was observed during the review of the historical information sources referenced in **Section 4.4**. These observations are summarized below if/as they may assist in identifying past uses likely to have led to RECs in connection with the Subject Property. In addition, for reference purposes, **Tables 2 through 6**, which are located following **Section 14** of this report, provide a map-by-map analysis of the relevant observations for each of the adjacent properties and the broader vicinity.

Eastern Adjoining Property

The property that immediately adjoins the east side of the Subject Property has harbored a commercial, retail and/or entertainment structure since at least 1885, through the present date.

Historical fire insurance maps show the property's uses between the years 1885 and 1915 as: a dry goods and clothing store, office, dwelling, saloon, and stationary store.

Historical city directories provide further listings for the eastern adjoining property address, between the years 1922 and 1994, as: a confectionary, department store, variety store, music center, record shop and recreation, and jewelers.

Southern Adjacent Properties

The city block located immediately south of the Subject Property, across West Broad Street, has harbored a wide assortment of commercial, retail and entertainment structures from at least 1885 through 1987.

Historical fire insurance maps showed a variety of uses for the properties on the southern adjacent city block, between the years 1885 and 1915, including (in no particular order or distance from the Subject Property): an opera house, offices, grocers and liquor stores, saloons and billiards, general merchandise, hardware, furniture and upholstery, barber, jewelry, cigars, boot maker, tailor, confectionary, dry goods and clothing, millinery (typically referencing a hats and clothing store), stationary, photographer, tin shop, and motion picture theater.

According to historical city directories, the past uses of the properties on this city block, between the years 1922 and 1974, also included the Hippodrome Theatre in 1922, as well as: a drug store, dry goods stores, realty companies, shoe stores, beauty shops, department stores, women's clothing, hat shop, tailors, furniture companies, jewelers and jewelry stores, optometrists and optical companies, livestock association, various community service offices, business office, and loans and finance companies.

There were no city directory listings for any portion of this southern city block facing West Broad Street, after 1974. The current Bi-State Justice Center was later constructed across the length of this city block, opening sometime between 1985 and 1987.

Western Adjoining Property

The property that immediately adjoins the west side of the Subject Property has harbored a commercial, retail and/or entertainment structure since at least 1885, through the present date.

Historical fire insurance maps show the property's uses between the years 1885 and 1915 as: a grocer and photographer, drug store and offices, saloon, restaurant and confectionary with kitchen, wholesale liquor store, and a restaurant and shine store.

Historical city directories provide further listings for the western adjoining property address, between the years 1922 and 1994, as: a confectionary, clothing companies, shoes, millinery, furniture, and as printing companies in 1989 and 1994.

Northern Adjacent Property

The property located immediately north of the Subject Property, across the city alley, has harbored a commercial retail structure since at least 1885, through the present date.

Historical fire insurance maps show the property's uses between the years 1885 and 1915 as: an Anheuser Beer Depot with beer vault and an I.O.O. E. Lodge, a wholesale produce store, offices, and as a fire arms and sporting goods establishment with a jail located in the rear along with a courtroom and second level dwelling.

Historical city directories provide further listings for the northern adjacent property address, between the years 1922 and 1979, as a men's clothing store. The fire insurance maps also showed the property as a store and warehouse in 1953 and 1969. There were no city directory listings for this address after 1979.

Broader Vicinity

According to historical fire insurance maps between 1885 and 1915, the properties located further from the Subject Property, but within its same city block (east, west and north), have included a wide variety of past uses. Among these uses are included: saloons, billiards and gambling, second floor bedrooms, dry goods and clothing stores, jewelry, drug stores, banks, an express office and telegraph, a telephone or telegraph company storage facility, a fruit stand, offices, storage buildings, wholesale grocers, and wholesale dry goods, restaurants, implements, a reading room, an express company, cotton sample rooms, a barber, a pawn shop, book stores, plumbers, a livery, cigar and tobacco shop, tin shop, warehouse, postal office, buggies and harness shops, buggy repository, seed store, shoe shine, grocery, a tailor, a motion picture theater, an undertaker, and an art store.

Further south, beyond the adjacent southern city block previously described, were located a hotel and a large rail yard. The rail yard has been present since prior to 1885, through the present date.

The historical fire insurance maps also showed: a grain, lime and cement facility to the north in 1888, a steam laundry to the north in 1900, black smiths at two locations to the further north between the years 1900 and 1915, a gas and electric light company with offices and workroom to the northeast in 1905, a telephone or telegraph company battery room to the northeast in 1909, a vulcanizing facility to the further north in 1924, followed

by a battery tire and service facility at the same general location in 1950 and 1953, a paint store to the further northeast in 1950 and 1953, and a printing store to the north in 1953.

According to historical city directories between 1922 and 1994, additional past uses of these properties have included: cleaning and pressing (i.e. Royal Cleaners) to the east in between the years 1922 and 1937, a dressmaker, Brinn studio, department and variety stores, a furniture store, bonding company, and craft and antique store, a physician, dentist, photographers, realty company, engineering (art) supplies, and the Bi-State Women's Center.

The further northern properties were not included within the EDR historical city directory search.

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

5.0 Site Reconnaissance

In accordance with ASTM Practice E 1527, visual inspection of the Subject Property located at 116 West Broad Street in Texarkana, Texas was undertaken by URS Corporation on November 12, 2009. Information was collected during the site visit in order to assess the baseline environmental conditions of the Property, and to identify any features or areas that may indicate the presence of environmental contamination thereat.

5.1 Methodology and Limiting Conditions

To ensure inspection of the correct property bounds, the Subject Property's address and parcel location were researched via historical fire insurance maps and confirmed via the Texarkana Chamber of Commerce, aerial photographs review, and a map provided within the City's August 2009 Application to Receive a TCEQ BSA.

During the November 12, 2009 site reconnaissance, the perimeter of the Subject Property was observed from its public access points along the adjacent city streets and alley. Then, accompanied by Mr. Craig Lindholm, as well as multiple personnel with the City's fire department and additional City service personnel, the plywood boards covering the Subject Property's entrance were removed and the Property's interior was walked, or rather viewed, to the extent possible given its current condition.

The Property's current interior condition was a limiting condition preventing thorough inspection of the facility interior. Further details concerning this statement are provided in **Section 5.4**.

The adjacent properties to the east, south, west and north of the Subject Property were also observed from public access points along city streets and alley. These adjacent properties were not directly accessed, and the structures thereupon were not entered.

No subsurface investigations or physical environmental sampling was performed as part of this assessment.

Observations collected during the site walk were recorded via hand-drawn notes for further study, research and evaluation. A basic illustration of the Subject Property and its adjoining/adjacent properties has been provided as **Figure 2**, for reference. Numerous photographs were also collected during the site reconnaissance, and have been provided in **Appendix A**, for reference.

5.2 General Site Setting

The Subject Property is set in downtown Texarkana, on the Texas side of the Texas/Arkansas border. The Property is centrally located on West Broad Street, between Main Street and Pine Street, and south of Third Street, approximately 319 feet west of the Texas/Arkansas state line (North State Line Avenue).

The downtown area in general appears to be thoroughly developed with buildings, most of which at one to three stories in height, plus city streets and sidewalks. The localized area is of relatively flat terrain, and is comprised of predominantly impervious land with

a slight slope to the south or southwest. The area's properties appear to be utilized as a mix of business and municipal offices, bonds businesses, law offices, commercial retail businesses, churches, numerous vacant buildings and parking lots. Many of the buildings appear to be potentially historical in age and design. Several properties in and around the downtown area appear to be undergoing renovation, or demolition and excavation. A large rail yard also lies on the south side of the downtown area.

The Subject Property itself appears as a vacant brick commercial structure with stone architectural façade on its southern face. It is three-stories in height (plus basement).

The Property is bound on its east side by an adjoining two-story brick commercial building, followed by additional commercial buildings and Pine Street. The Property is bound on its south side by a city sidewalk and West Broad Street, followed by the Bi-State Justice Center. The Subject Property is bound on its west side by an adjoining two-story brick commercial building with stone southern façade, followed by another commercial building and Main Street. And, the Subject Property is bound on its north side by a paved city alley, followed by another two-story brick commercial building.

For reference purposes, a site location map has been provided as **Figure 1**, and a site diagram has been provided as **Figure 2**. Photographs of the Subject Property and its neighboring properties have been presented in **Appendix A**. And, an aerial photograph presented in **Figure 4** provides a bird's eye view of the Subject Property and its vicinity.

5.3 Exterior Observations

Subject Property

The former Kress Building (Subject Property) was first viewed from its public access points, including West Broad Street on the building's south side, and a parallel east/west city alley on the building's north side.

It was observed that the Subject Property's southern stone exterior façade appeared somewhat historical in nature. It was also noted that many of the building's windows were broken out. The building's main entrance, located at ground level and facing south to the city sidewalk along West Broad Street, was boarded closed with plywood. Just above the plywood barrier, it was observed that the ground level store front windows were broken out, suggesting open-air access to the facility beyond the plywood. Pigeons were also observed in the building's southern exterior awning. Closer inspection from this exterior view revealed a glimpse of fallen/hanging interior ceiling structure adjacent to the southeast corner of the awning.

The building's rear entrances were located on the opposite side of the building, facing north to the city alley. A narrow metal door without exterior handle or visually apparent access mechanism was located at ground level toward the building's left (east) side. A separate open-air (locked) door consisting of vertical metal bars was located to the building's center-right (west). Painted in red and white on the brick above this door, were the words: "Kress Rear Entrance". And, although the rear entrance was an open-air structure, interior view of the building was inhibited by an immediate right-hand turn around a brick wall and darkness beyond. A metal fire escape was also located overhead

on the north side of the building, beyond direct ground level reach without assisted elevation.

Various city utilities (electricity, water, etc.) were visually apparent in the city sidewalk bordering the Subject Property's south entrance, in the grassy right-of-way between the sidewalk and West Broad Street, and in the east/west city alley bordering the north side of the building, as well as directly upon the northern/back-side of the building itself. According to city personnel, the utilities that feed to the Property were not then currently turned on within the Property.

No notable observations or concerns were recorded as related to any evidence of CERCLA hazardous substances or petroleum products and/or their derivatives, unidentified substances, unidentified containers, or storage tanks as associated with the Subject Property from its exterior view. There were no visible signs of soil staining, illicit discharges, chemically stressed vegetation, or chemical or petroleum odors associated with the Property from the exterior view.

Photographs of the property exterior and its associated utilities are included in **Appendix A** for reference.

Adjoining Properties

Exterior observations were also made during the site reconnaissance, with regard to the properties adjoining or adjacent to the Subject Property.

The three-story Bi-State Justice Center, which runs the length of the city block on the south side of the Subject Property, appeared to have been of recent concrete construction. The two commercial properties adjoining the east and west sides of the Subject Property were both two-story brick structures, appearing of similar and potentially historical age as the Subject Property. The western building had a stone architectural façade on its front/south side. The building behind and across the city alley from the north side of the Subject Property was also a two-story brick building of potentially historical age. All three (east, west and north) adjoining/adjacent brick buildings had large ground level store front/ display windows.

Viewed from public access points, no notable observations or concerns were recorded as related to any evidence of CERCLA hazardous substances or petroleum products and/or their derivatives, unidentified substances, unidentified containers, or storage tanks as associated with the exterior view of any of the properties adjoining and adjacent to the Subject Property. There were no visible signs of soil staining, illicit discharges, chemically stressed vegetation, or chemical or petroleum odors associated with their exterior view.

5.4 Interior Observations

In walking, or rather viewing, the Subject Property's interior during the November 12, 2009 site reconnaissance, the following observations were made.

The interior of the former Kress building appeared to exist in a hazardous state of disrepair and structural deterioration. Entry into the structure's ground level (first floor

above the basement), beyond the plywood barrier at the building's southwestern entrance, revealed a significantly dangerous situation with falling ceiling and caved-in flooring.

Although an electrical panel was visible on the west wall near the floor adjacent to the southwest entrance, the room was mostly dark, as utilities to the structure were not turned on. However, light did stream in from above to partially illuminate some areas of the room. Approximately 60 percent of the ground level ceiling appeared to have fallen, and patches of light from the sky above were visible, revealing that the second floor, third floor, and areas of the roof had also somewhat deteriorated and/or collapsed.

The ground level was comprised of a large open room with high ceiling and floor-to-ceiling columns. There were no interior walls, with the exception of the northwest and northeast corners of the room, which reportedly housed the building's staircase and possibly another small room. The ground level housed some retail store furniture and related display items (broken mannequin, etc.), and extensive debris, which had fallen from the ceiling above.

The ground level ceiling materials appeared to have been, at one time, mildly ornate and covered in plaster. Gaping holes were now present in large areas throughout the ceiling, with views of the building's metal cross beams, deteriorated and/or broken wood beams, and extensive areas of torn and hanging re-bar supports. Overhead lights hung from the ceiling in glass fixtures that appeared to be incandescent in nature. In addition to partially fallen plaster, the ceiling also bore a few large areas of dark staining. Peeling paint was also observed on areas of the ceiling, walls and columns. The debris from the deteriorating building materials was dispersed throughout the ground level flooring and upon the stored furniture.

Along the west wall of this ground level room, approximately 20 to 25 feet from the southwest building entrance, a basement partially filled with water was visible from a vantage point near the edge of an area of collapsed flooring. Other areas of the ground level flooring were so cluttered with stored furniture and the fallen building debris that the structural condition of the remaining ground level flooring could not be safely assessed to allow further northward venture into the room. The ground level flooring did appear as though it may be further caving into the basement, from the west side of the room to the east.

A staircase to the basement was located along the eastern wall of the ground level room, approximately 10 to 15 feet into the room from the building's southeast entrance. Not far from this staircase, and immediately adjacent to the open-air (broken-out glass) front window display area at the southeast entrance, an orange cone was found set next to a smaller area of flooring which had also caved in to the basement.

Turning northward and proceeding a few steps down into the basement, while stepping around debris and observing broken wood, it became evident that this staircase could not be presumed structurally sound. From mid-staircase, the basement appeared to be pitch-black and water-filled. Standard flashlights did not assist in illuminating the basement's interior, and thus the darkness, structural safety concern, and water level prevented appropriate inspection therein.

The source of water intrusion within the basement was not directly observed. Verbal reports during the site reconnaissance indicated that the basement had been pumped out twice, only to refill. While it was visibly evident that rainwater could enter the building unfettered, there was also mention during the site reconnaissance, of the possible presence of a natural groundwater spring in the basement.

The condition of the water in the basement was not visually ascertainable during the site reconnaissance (too dark to see sheen, etc.) and physical samples were not collected. No unusual (i.e., chemical or petroleum) odors were observed.

The staircase to the building's upper floors was reportedly located at the far north side of the ground level room, beyond an area of caved-in flooring. This staircase could not be safely reached to directly observe the upper levels of the facility. Several photos of the upper levels, dated 2003, were thus provided by the City for review following the site inspection. Representative copies of these photos have been included within the **Appendix A** photo log, for reference.

Despite the presence of fire department personnel during the November 12, 2009 site reconnaissance, it was determined the remaining areas of this building were not safely accessible for further inspection. Additional observations were made as follows, and the building was exited:

- One upside-down rusted metal drum with a red and white label was visible on the building's ground level, beyond the caved-in flooring on the room's west side. The label was not legible from across the room.
- Immediately east of this area of caved-in flooring, two containers were present setting upon the floor, including a one-gallon can of latex primer, and a larger rusted-through metal can upon which the primer sat. No label was visible on the lower metal can, which had so rusted that the lower portion of the can had completely deteriorated.
- Nearer to the door, were located two five-gallon plastic containers. The first container held epoxy ester sealer, while the second container held cleaner/degreaser.
- Adjacent to the first level's southwest entrance, two more five-gallon metal cans were found stored setting within a wooden display case. The first metal container was labeled as Johnson Floor Wax, Under and Over Plus, product number 4152. The second metal container was labeled as Helmiprene, product number 4002. The Helmiprene label further indicated that the product was dangerous, extremely flammable, exhibited hazardous vapors, and was a poison.

Returning to the City's offices, the photographs of the building's third floor, as taken in 2003, were reviewed. These photographs indicated that upper levels of the facility were also in a significant state of disrepair and physical deterioration at that time. Within the photographs, a hole in the ceiling, through the roof, was visible, as was significant debris associated with stored retail displays, fallen ceiling and roofing/building materials, and in one photo, twisted metal pipes with what appeared to be a series of connected toilet facilities falling through the floor. Insulated overhead piping was also observed in one of the third floor photographs.

With the exceptions and limitations noted throughout the above **Section 5.4**, no other evidence of CERCLA hazardous substances or petroleum products and/or their derivatives, unidentified substances, unidentified containers, or storage tanks was directly observed upon the Subject Property during the site reconnaissance. There were no other visible signs of soil staining, illicit discharges, chemically stressed vegetation, or chemical or petroleum odors upon the Subject Property.

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

6.0 Interviews

In accordance with ASTM Practice E 1527, interviews are to be conducted with various parties in order to obtain information that might indicate recognized environmental conditions in connection with the Subject Property. The ASTM practice permits that the interviews may be conducted in person, by telephone and/or in writing. The questions to be asked should attempt to obtain information about the uses and conditions of the Property as potentially related to RECs.

6.1 Interview with Owner

The owner of the Subject Property is the city of Texarkana, Texas. Mr. Craig Lindholm, Executive Director of the Department of Community Redevelopment and Grants, was named as the site contact in the City's August 2009 Brownfields Site Assessment application to the TCEQ. Mr. Lindholm was thus interviewed, both in writing and via informal conversation, during the course of this assessment.

A written interview with Mr. Lindholm was first conducted via the Phase I ESA User Questionnaire. The User Questionnaire was developed in accordance with ASTM Practice E 1527-05, Appendix X3, and was provided to Mr. Lindholm, in order to obtain any information pertinent to the Subject Property that may indicate a potential for RECs to exist at the site. The User Questionnaire was completed and returned to URS Corporation on November 11, 2009. The information provided within the User Questionnaire is presented within **Section 3** of this report. A copy of the original completed User Questionnaire has also been presented in **Appendix K**, for reference purposes.

Informal conversations were held with Mr. Lindholm and Administrative Coordinator, Ms. Joy Sartor, during the November 12, 2009 Subject Property site reconnaissance. Mr. Lindholm and Ms. Sartor also provided access to multiple documents from the City's file concerning the Subject Property.

The relevant findings associated with these interviews have been incorporated as appropriate throughout this Phase I ESA report.

6.2 Interview with Site Manager

Again, the owner and manager of the Subject Property is the city of Texarkana, Texas. Mr. Craig Lindholm, Executive Director of the Department of Community Redevelopment and Grants, was named as the site contact in the City's TCEQ BSA application.

The interviews conducted with Mr. Lindholm are referenced in the above **Section 6.1**, and the results have been incorporated throughout this report as appropriate.

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

6.3 Interviews with Occupants

ASTM Practice E 1527 requires that a reasonable attempt be made to interview a reasonable number of occupants of the Property. The ASTM practice also provides guidance to assist in determining which and how many occupants should be interviewed. The ASTM practice suggests that past occupants who are likely to have material information regarding the potential for contamination at the Property shall be interviewed, to the extent that they have been identified and that the information likely to be obtained is not duplicative of the information already obtained from other sources.

The Subject Property has been vacant for more than 22 years. There are no current or recent occupants to be interviewed.

No interviews were conducted with further past occupants of the Subject Property, as the information gathered through other records sources was deemed sufficient to portray the Property's historical use.

6.4 Interviews with Local Government Officials

The city of Texarkana, Texas serves in the capacity of key site manager, Phase I ESA user, and local government official with regard to the Subject Property.

Fulfilling the interview requirement with local government officials, the Phase I ESA User Questionnaire was completed by Mr. Craig Lindholm of the city of Texarkana, Texas and an informal conversational interview was conducted during the November 12, 2009 site reconnaissance, as referenced in **Sections 3, 6.1 and 6.2** of this report, and as documented in **Appendices J, K and L**.

In addition, an open records request was filed on October 27, 2009 with the city of Texarkana, Texas during the course of the Phase I ESA records review. The City's written response, prepared by Fire Marshal Michael Gilley, and forwarded to URS Corporation by Ms. Pam Burns on November 2, 2009, has been referenced in report **Section 4.2** and documented in **Appendix H**.

6.5 Interviews with Others

An open records request was also filed with the TCEQ on October 27, 2009 during the course of the Phase I ESA records review. The TCEQ's written PIR response prepared by Ms. Linda G. Bolding, Open Records Coordinator for the TCEQ Remediation Division, on November 13, 2009, and the records provided by Ms. Christine Whitney, TCEQ Brownfields Program Manager, on October 28, 2009, have been further discussed in report **Section 4.2** and documented in **Appendix I**.

7.0 Findings

A synopsis follows, for each of the key findings unearthed during the course of this Phase I ESA, to facilitate their systematic analysis in the forthcoming report section.

Subject Property

The Subject Property, commonly referred to as the former Kress building, is located at 116 West Broad Street in Texarkana, Texas. It is a vacant brick commercial building with stone façade, three stories in height (plus basement), located within the developed historical Central Business District of downtown Texarkana, approximately 319 feet west of the Texas/ Arkansas state line.

In August 2009, the city of Texarkana, Texas applied for TCEQ assistance with a Brownfields Site Assessment. The City's BSA application indicated that the City took ownership of the Property, via donation, in July 2009. The application further stated that there was a prospective buyer for the site who was considering renovating the Property for mixed use, including office space, a restaurant and loft apartments.

According to the City's 2009 BSA application, no environmental site assessment/ investigation reports had been completed for this site. The application did, however, indicate that the stone and brick exterior were a potentially contaminated area of the property, and that the City was applying for funding for a Phase I ESA because of possible contamination from 1933 to present, since they were unable to determine what materials were utilized during property renovation. According to the BSA application, it was unknown if there were tanks or machinery or what type of piping was used at the building. The City was also not aware of the location of any adjacent properties that may have the potential for creating environmental concern.

The Subject Property is now registered with the TCEQ under Customer Number (CN): CN603536228, and Regulated Entity Number (RN): RN104857420. The Property's TCEQ BSA identification is BSAG113. Its current status is listed as Affected Property, under investigation. The city of Texarkana, Texas is listed as the responsible party for the BSA.

Various historical records sources were reviewed during the course of this environmental site assessment. It was determined that the location of the Subject Property is historically associated with two street numbers on West Broad Street, 116 (the eastern half of the Property) and 118 (the western half of the Property). Multiple sources have indicated that the Subject Property is the location of the first frame structure in Texarkana – the Apex Hotel, constructed in the 1870s. Records of the land's use prior to that time were not available for review during the course of this assessment.

According a historical fire insurance map dated 1885, the Subject Property and its surrounding downtown areas were already heavily developed by 1885. The Subject Property's uses in 1885 included a dry goods and clothing store (western half), a grocery (eastern half), and a dentist, insurance office, and second floor offices. By 1888, the western dry goods and clothing store had gone vacant, while the eastern grocery store appeared to have expanded to become a saloon and fruit shop. Upstairs spaces were

utilized as sleeping rooms. By 1896, the sleeping rooms remained upstairs, while the vacant western ground level store front converted to a saloon. A barber was added, and the eastern saloon converted to a gun smith. By 1900, the eastern gun smith was converted back to a saloon. The Property's composition thus included two saloons, a barber, and upstairs sleeping rooms. A pool room was added by 1905.

According to the City's BSA application as well as a site history report prepared by a local Texarkana College student, the Property was occupied from 1900 to 1910 by: the Milazzo's Saloon (with Samuel Milazzo and Michael Cassidy as main proprietors), Ellis and Taylor Real Estate (with agents G.B. Ellis and O.P. Taylor), a lawyer (G.J. Armistad), and an architect (H.E. Wallace).

According to fire insurance maps, the western saloon had been converted to shops by 1909. Conflicting reports indicated that in 1910, one half of the building's ground level was listed as vacant, while G. Less and Co. Real Estate occupied the other half and Griffies Brothers Barbers was located upstairs.

Local reports then indicate that the Kress department store took over the Property sometime between 1910 and 1912. According to fire insurance maps, the entire Property had been converted to a notions store by 1915. And, all city directory listings in the years 1922 through 1969 confirmed the Subject Property's use by Kress S H & Company. The site was mapped in 1924 fire insurance records as a two-story structure with two open-air elevators, one located in each the northwest and approximate northeast corners of the building.

After a fire in 1933, the store was rebuilt. As a result of the reconstruction, two Party Wall Agreements were drafted in 1937, the first of which was entered into by and between Joseph Lipari and Fannie Bernstien, et al (Volume 168, Pages 3-4 of the Deed Records of Bowie County, Texas). The second Agreement was entered into by and between Joseph Lipari and Clotilda Rain, et al (Volume 166, Page 636 of the Deed Records of Bowie County, Texas). The two Agreements appear to remain effective to the current date (Stewart Title Insurance, April 2009).

The 1950 fire insurance maps indicate that the former two-story building had been rebuilt as a three-story structure plus basement. An enclosed elevator and an adjacent staircase were present in the northwest corner of the building. And, the building itself was comprised of steel frame construction with wood joist floors and roof, tile and brick face, and curtain walls on the third level. Automatic sprinklers served the Property's basement level, while an outdoor metal fire escape served the upper floors.

The Property was mapped again, without further identified changes, in 1953 and 1969.

According to the student history report, Genesco bought Kress company in 1964. A 1964 fire department survey, which was the earliest record that the City fire department had concerning the Subject Property, indicated that the facility housed paint in the basement and plastics on the third floor as hazardous materials.

Kress then closed its doors in 1971, and Decorator Fabric Outlet took over the building. City records indicate that miscellaneous electrical repairs were made to the building in 1975, and a Certificate of Occupancy (CO) was issued to Belk-Jones (another department

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

store chain) at that time. The CO, however, limited use of the building to the storage of fixtures and display items, in the basement and on the first floor.

The Property was listed in city directories as vacant, in both 1974 and 1979.

A 1979 inspection conducted jointly by a fire prevention officer and a building official recorded the need for major repairs to the building concerning structural resistance measures, hazardous materials removal (old batteries used for auxiliary power) and fire protection systems repair/replacement (fire sprinkler system and portable fire extinguishers). There were no other records on file with the fire department after 1979.

The Property was listed in a 1984 city directory as being used by Belk-Jones as a warehouse. The site was then listed as vacant in 1989 and 1994. And, according to City records, the building has been vacant since 1987.

The Bi-State Women's Center took ownership of the Property in 1996, though it is unclear whether they utilized the structure for storage or any purpose. Numerous letters, memos and citations were issued by the City's building department between 1992 and 2003, with respect to necessary Property repairs; security; and building, electrical, plumbing and fire code violations. (One such memo, in 1992, included instruction to cover the entrance to an elevator with sheetrock. Other memos, in 2002, included references to birds roosting inside the building.) A condemnation Order was issued by the City in August 2002, as a result of the Property's continued deterioration and dangerous state of disrepair (Volume 3767, Page 88 of the Real Property Records of Bowie County, Texas). The implementation of any demolition plans, however, appear to have been forestalled by historical site preservation concerns.

With the exception of retail fixtures and display storage, the property has been vacant since at least 1974. And, without active repair and maintenance, the three-story building (plus basement) has significantly deteriorated since that time.

Site reconnaissance was undertaken on November 12, 2009 as part of this assessment. At that time, the roof was determined to have large holes in it, allowing the infiltration of rainwater into the building, to the extent and over such time as to have resulted in the partial collapse of the interior floors and ceilings on all levels. The Subject Property's basement was also observed to be water-filled. From a ground level interior view, one could observe sky light from above, a water-filled basement below, and varying degrees of fallen, falling and hanging building materials, retail furniture and building systems equipment throughout.

Ceiling materials, including plaster, were found littered throughout the entire ground level areas during the site reconnaissance. In addition to fallen ceiling plaster, there was significant peeling paint on the ground level walls and columns. Black staining was evident on some areas of the ground level ceiling. Pigeons were also observed in the facility's southern exterior awning.

As a result of the building's significantly deteriorated structural condition, the north side of the building's ground level interior, its basement, and the building's upper levels could not be safely accessed for inspection during the site reconnaissance.

The City provided photographs of the building's third floor as taken in 2003, which indicated that upper levels of the facility were also in a significant state of disrepair and

physical deterioration at that time. Within the photographs, a hole in the ceiling, through the roof, was visible, as was significant debris associated with stored retail displays, fallen ceiling and roofing/building materials, and in one photo, twisted metal pipes with what appeared to be a series of connected toilet facilities falling through the floor. Insulated overhead piping was also observed in one of the third floor photographs.

The following additional potential hazardous materials observations were made during the November 12, 2009 site reconnaissance:

- One upside-down rusted metal drum with a red and white label was visible on the building's ground level, beyond the caved-in flooring on the room's west side. The label was not legible from across the room.
- Immediately east of this area of caved-in flooring, two containers were present setting upon the floor, including a one-gallon can of latex primer, and a larger rusted-through metal can upon which the primer sat. No label was visible on the lower metal can, which had so rusted that the lower portion of the can had completely deteriorated.
- Nearer to the door, were located two five-gallon plastic containers. The first container held epoxy ester sealer, while the second container held cleaner/degreaser.
- Adjacent to the first level's southwest entrance, two more five-gallon metal cans were found stored setting within a wooden display case. The first metal container was labeled as Johnson Floor Wax, Under and Over Plus, product number 4152. The second metal container was labeled as Helmiprene, product number 4002. The Helmiprene label further indicated that the product was dangerous, extremely flammable, exhibited hazardous vapors, and was a poison.

Internet research on the Helmiprene product did not reveal an MSDS for product number 4002, although the product name was associated with other product numbers that are considered a hazardous waste for disposal.

The source of water intrusion within the basement was not directly observed. Verbal reports during the site reconnaissance indicated that the basement had been pumped out twice, only to refill. There was mention during the site reconnaissance, of the possible presence of a natural groundwater spring. The water table in the area is anticipated to exist at approximately two to three feet below ground level, and area soils are traditionally corrosive to both concrete and steel, which together could create a seepage issue depending upon the permeability of the basement walls and flooring. Unfettered rainfall entry into the building, through large holes in the rooftop, is another obvious source of the building's water intrusion.

The condition of the water in the basement was not visually ascertainable during the site reconnaissance (too dark to see sheen, etc.) and physical samples were not collected. No unusual (i.e., chemical or petroleum) odors were observed.

Various environmental records sources (regulatory databases) were reviewed during the course of this assessment. The Subject Property was listed in three of those sources. The site was listed in the TX BROWNFIELD database, the US BROWNFIELD database, and the FINDS registry. According to the TX BROWNFIELD listing, the Ark-Tex Council of Governments applied for a Brownfields Site Assessment in 2005. It was

rejected. According to the US BROWNFIELDS listing, a Phase I ESA was completed in 2007. No additional information was recorded in the listing. According to the FINDS registry, the Subject Property is listed in ACRES and the TCEQ Agency Central Registry. There were no hazardous materials incidents or regulatory compliance violations on record as associated with the Subject Property's listings.

With the exceptions and limitations noted above, there was no additional evidence of CERCLA hazardous substances or petroleum products and/or their derivatives, unidentified substances, unidentified containers, or storage tanks was observed upon the Subject Property during the site reconnaissance. There were no other visible signs of soil staining, illicit discharges, chemically stressed vegetation, or chemical or petroleum odors upon the Subject Property.

In spite of the Property's dangerous interior condition, the Texas Historical Commission (THC) determined in April 2009 that the Property is eligible for listing on the National Register of Historic Places under Criterion C for Architecture and Criterion A for Commerce. According to their April 2009 letter to the City, all proposed work that may affect the Property is to be coordinated in advance with the THC.

Adjoining and Adjacent Properties

The properties adjoining and/or located immediately adjacent to the Subject Property, on all sides, also fall within the developed historic Central Business District of the city of Texarkana. The eastern, western and northern adjoining/adjacent properties each fall within the State of Texas. The southern adjacent property is split by the Texas/Arkansas state line.

The Subject Property is bound on its east side by an adjoining two-story brick commercial building, followed by several additional adjoining commercial buildings and Pine Street. With signage as Four States Living Magazine, the directly adjoining eastern property currently appears to house the magazine's offices and/or showroom. Historically, this property has harbored a commercial, retail and/or entertainment structure, from at least 1885, through the present date. Historical fire insurance maps show the property's uses between the years 1885 and 1915 as: a dry goods and clothing store, office, dwelling, saloon, and stationary store. Historical city directories provide further listings for the eastern adjoining property address, between the years 1922 and 1994, as: a confectionary, department store, variety store, music center, record shop and recreation, and jewelers.

The Subject Property is bound on its south side by a city sidewalk and West Broad Street, followed by the Bi-State Justice Center. The Bi-State Justice Center runs the length of this city block and is split by the Texas/Arkansas state line. The Center is home to over 20 city, county and state judicial and law enforcement agencies serving both the States of Texas and Arkansas, Counties of Bowie and Miller, and the two/ divided cities that bear the Texarkana name. The southern city block upon with the Center now resides, historically harbored a wide assortment of commercial, retail and entertainment structures, from at least 1885 through 1987. Historical fire insurance maps showed a variety of uses for the properties on the southern adjacent city block, between the years 1885 and 1915, including (in no particular order or distance from the Subject Property): an opera house, offices, grocers and liquor stores, saloons and billiards, general

merchandise, hardware, furniture and upholstery, barber, jewelry, cigars, boot maker, tailor, confectionary, dry goods and clothing, millinery, stationary, photographer, tin shop, and motion picture theater. According to historical city directories, the past uses of the properties on this city block, between the years 1922 and 1974, also included the Hippodrome Theatre in 1922, as well as: a drug store, dry goods stores, realty companies, shoe stores, beauty shops, department stores, women's clothing, hat shop, tailors, furniture companies, jewelers and jewelry stores, optometrists and optical companies, livestock association, various community service offices, business office, and loans and finance companies. There were no city directory listings for any portion of this southern city block facing West Broad Street, after 1974. The Bi-State Justice Center was constructed across the length of this city block, opening sometime between 1985 and 1987.

The Subject Property is bound on its west side by an adjoining two-story brick commercial building with stone façade, followed by another adjoining commercial building and Main Street. The western adjoining property does not have current signage, and appears to be utilized for storage (printer/ copier type machines, clothing racks, etc). Historically, this western property has harbored a commercial, retail and/or entertainment structure, from at least 1885, through the present date. Historical fire insurance maps show the property's uses between the years 1885 and 1915 as: a grocer and photographer, drug store and offices, saloon, restaurant and confectionary with kitchen, wholesale liquor store, and a restaurant and shine store. Historical city directories provide further listings for the western adjoining property address, between the years 1922 and 1994, as: a confectionary, clothing companies, shoes, millinery, furniture, and as printing companies in 1989 and 1994.

The Subject Property is bound on its north side by a paved city alley, followed by another two-story brick building. This northern adjacent property does not have current signage and, although it faces a city street with large uncovered store-front style window, it appears to be carpeted and set up as a bedroom, with bed, child's playpen, etc. This northern adjacent property has historically harbored a commercial retail structure, from at least 1885, through the present date. Historical fire insurance maps show the property's uses between the years 1885 and 1915 as: an Anheuser Beer Depot with beer vault and an I.O.O. E. Lodge, a wholesale produce store, offices, and as a fire arms and sporting goods establishment with a jail located in the rear along with a courtroom and second level dwelling. Historical city directories provide further listings for the northern adjacent property address, between the years 1922 and 1979, as a men's clothing store. The fire insurance maps also showed the property as a store and warehouse in 1953 and 1969. There were no city directory listings for this address after 1979.

Environmental Records Sources:

Various environmental records sources (regulatory databases) were reviewed during the course of this assessment. The western adjoining property, at 120 West Broad Street, was listed in the US BROWNFIELD database. According to the listing, a Phase I ESA was completed in 2007. No additional information was recorded therein, and there were no hazardous materials incidents or regulatory compliance violations on record as associated with the western adjacent property's listing.

The other adjoining and immediately adjacent properties were not listed in any of the environmental records sources reviewed during the course of this assessment.

As viewed from public access points, no notable observations or concerns were recorded as related to any evidence of CERCLA hazardous substances or petroleum products and/or their derivatives, unidentified substances, unidentified containers, or storage tanks as associated with the exterior view of any of the properties directly adjoining and immediately adjacent to the Subject Property. There were no visible signs of soil staining, illicit discharges, chemically stressed vegetation, or chemical or petroleum odors associated with their exterior view.

Broader Vicinity

According to historical fire insurance maps between 1885 and 1915, the properties located within the vicinity of the Subject Property, beyond its directly adjoining and immediately adjacent properties, but within its same city block (east, west and north), have included a wide variety of past uses. Among these uses are included: saloons, billiards and gambling, second floor bedrooms, dry goods and clothing stores, jewelry, drug stores, banks, an express office and telegraph, a telephone or telegraph company storage facility, a fruit stand, offices, storage buildings, wholesale grocers, and wholesale dry goods, restaurants, implements, a reading room, an express company, cotton sample rooms, a barber, a pawn shop, book stores, plumbers, a livery, cigar and tobacco shop, tin shop, warehouse, postal office, buggies and harness shops, buggy repository, seed store, shoe shine, grocery, a tailor, a motion picture theater, an undertaker, and an art store.

Further south, beyond the adjacent southern city block earlier described, were located a hotel and a large rail yard. The rail yard has been present since prior to 1885, through the present date.

The historical fire insurance maps also more specifically showed: a grain, lime and cement facility to the north in 1888, a steam laundry to the north in 1900, black smiths at two locations to the further north between the years 1900 and 1915, a gas and electric light company with offices and workroom to the northeast in 1905, a telephone or telegraph company battery room to the northeast in 1909, a vulcanizing facility to the further north in 1924, followed by a battery tire and service facility at the same general location in 1950 and 1953, a paint store to the further northeast in 1950 and 1953, and a printing store to the north in 1953.

According to historical city directories between 1922 and 1994, additional past uses of these properties have included: cleaning and pressing (i.e. Royal Cleaners) to the east in between the years 1922 and 1937, a dressmaker, Brinn studio, department and variety stores, a furniture store, bonding company, and craft and antique store, a physician, dentist, photographers, realty company, engineering (art) supplies, and the Bi-State Women's Center.

Environmental Records Sources:

Thirty-two listings within the broader vicinity of the Subject Property were also found in the environmental records sources reviewed during the course of this assessment. Of these, there were: one AR LTANKS site, eight TX LPST sites, one AR VCP site, one NPL site with a ROD, two TX BROWNFIELDS sites, six US BROWNFIELDS sites,

one Manufactured Gas Plant site, one TX DRYCLEANERS site, one AR UST site, eight TX UST sites, and one TX AST site. Of these 32 listings, only thirteen were found to be associated with sites situated in a position that might geophysically permit any existing contamination to migrate toward the Subject Property. Relevant facts associated with each of the 32 listings, including their site's geophysical positioning in relation to the Subject Property, have been summarily described in **Table 1**. Each site has been mapped on **Figure 6**. And, further details have been made available in the regulatory records research report presented in **Appendix G**.

Seventeen of the 19 listings, at sites geophysically positioned at a lower elevation and/or down-gradient from the Subject Property, are not likely to pose a risk of contamination to the Subject Property and, as such, are not further discussed herein.

Two of the listings in the environmental records sources, however, were also determined to be associated with one site at a location that is unlikely geophysically proximal to the Subject Property (down-gradient and at a lower elevation). While the level of risk associated with the potential migration of contamination from this site to the Subject Property is low, its serious nature warrants mention and consideration herein.

- **Potential Hazardous Materials Source, MAP ID# 35:** The former Texarkana Wood Preserving Company, which is located approximately 0.94 mile south-southwest of the Subject Property, is situated down-gradient from, and at a lower elevation than, the Subject Property. The site appears on the federal NPL list, and its former creosote and PCP wood treatment operations are reported to have contaminated more than 16-million gallons of groundwater in the area. The potential contaminants associated with the NPL site include: creosote, PCPs, dibenzofuran, naphthalene, anthracene, and phenanthrene.

On the other hand, the following information is presented concerning the 13 listings associated with sites located geophysically up-gradient, cross-gradient, and/or elevated in relation to the Subject Property:

- **Potential Hazardous Materials Source(s), MAP ID #'s B-4 and B-5:** The property at 203 West Broad Street, located approximately 0.03 mile (148 feet) south-southwest of the Subject Property, is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. The site was listed in both the TX BROWNFIELDS and US BROWNFIELDS databases. A BSA and Phase I ESA were completed in 2008. No other information was recorded, and there were no hazardous materials incidents or regulatory compliance violations on record as associated with this site's listings.
- **Potential Hazardous Materials Source(s), MAP ID# B-6:** The neighboring property at 202 (or 205) West Broad Street, also located approximately 0.03 mile (148 feet) south-southwest of the Subject Property, is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. The site was listed in the TX BROWNFIELDS database. A BSA was completed in 2008. No other information was recorded, and there were no hazardous materials incidents or regulatory compliance violations on record as associated with this site's listing.

- **Potential Hazardous Materials Source(s), MAP ID# B-7:** The neighboring property at 205 West Broad Street, also located approximately 0.03 mile (148 feet) south-southwest of the Subject Property, is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. The site was listed in the US BROWNFIELDS database. Phase I ESA was completed in 2008. No other information was recorded, and there were no hazardous materials incidents or regulatory compliance violations on record as associated with this site's listings.
- **Potential Hazardous Materials Source, MAP ID# C-8:** The Mabel Bryan Morriss Building, listed at 124 West Broadway, may be located either two buildings to the west of the Subject Property, as indicated by its street address, or may be located approximately 0.03 mile (153 feet) east of the Subject Property as suggested in the environmental records sources. In either case, the site is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. The site was listed in the US BROWNFIELDS database, and a Phase I ESA was completed in 2007. No other information was recorded, and there were no hazardous materials incidents or regulatory compliance violations on record as associated with this site's listing.
- **Potential Hazardous Materials Source, MAP ID# C-9:** The vacant Ruth Building, listed at 120 West Broadway, may be either the Subject Property's directly adjoining western neighbor as indicated by its street address, or may be located approximately 0.03 mile (169 feet) east of the Subject Property as suggested in the environmental records sources. In either case, the site is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. The site was listed in the US BROWNFIELDS database, and a Phase I ESA was completed in 2007. No other information was recorded, and there were no hazardous materials incidents or regulatory compliance violations on record as associated with this site's listing.
- **Potential Hazardous Materials Source, MAP ID# D-11:** The T R A H C Building, located approximately 0.07 mile (364 feet) northwest of the Subject Property, is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. An LPST was reported at the site in 1990. While a designated major or minor aquifer was impacted, the LPST case was closed following final concurrence.
- **Potential Hazardous Materials Source, MAP ID# D-12:** The former Twin City Cab Company, located 0.07 mile (364 feet) northwest of the Subject Property, is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. The property was listed as a TX UST site. One 2,000-gallon single-wall steel UST, with unreported prior content, was removed from the ground in 1990. No other information was recorded in the database report.
- **Potential Hazardous Materials Source, MAP ID# 13:** A vacant lot at 301 West Broad Street, located approximately 0.09 mile (475 feet) east of the Subject Property, is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. The site was listed in the US BROWNFIELDS database, and a Phase II ESA was completed in 2008. (Note: A Phase II ESA is generally associated with site sampling activities.) No other information was recorded, and there were no hazardous materials incidents or regulatory compliance violations on record as associated with this site's listing.

- **Potential Hazardous Materials Source, MAP ID# 23:** Garner Cleaners, located approximately 0.15 mile (770 feet) northwest of the Subject Property, is situated cross-gradient to, and at a higher elevation than, the Subject Property. The property appears in the TX DRYCLEANERS registry. No other information was recorded, and there were no hazardous materials incidents or regulatory compliance violations on record as associated with this site's listing.
- **Potential Hazardous Materials Source, MAP ID# 27:** The Texarkana Central Office, located approximately 0.24 mile (1,267 feet) north of the Subject Property, is situated up-gradient to, and at a higher elevation than, the Subject Property. The property is listed as a TX UST site. One active 6,000-gallon single-wall jacketed steel UST, with unreported content, was installed in 1980. No other information was recorded, and there were no hazardous materials incidents or regulatory compliance violations on record as associated with this site's listing.
- **Potential Hazardous Materials Source, MAP ID# I-33:** Beal's Service, located approximately 0.40 mile (2,090 feet) north of the Subject Property, is situated up-gradient to, and at a higher elevation than, the Subject Property. An LPST was reported at the site in 1998. Groundwater was impacted; there were no apparent threats or impacts to receptors. The LPST case was closed following final concurrence.
- **Potential Hazardous Materials Source, MAP ID# I-34:** 999 Station, located approximately 0.41 mile (2,154 feet) north of the Subject Property, is situated up-gradient to, and at a higher elevation than, the Subject Property. An LPST was reported at the site in 1996. Groundwater was impacted; there were no apparent threats or impacts to receptors. The LPST case was closed following final concurrence.

8.0 Opinion

Each finding outlined in **Section 7** of this report has been analyzed to ascertain its potential status as an ASTM-recognized environmental condition (REC) or historical REC.

ASTM Practice E 1527 defines an REC as “the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products even under conditions in compliance with laws. The term is not intended to include de minimus conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimus are not recognized environmental conditions.”

As also required under the ASTM Practice E 1527, each site identified in **Section 7** has been evaluated in terms of its significance to the analysis of RECs in connection with the Subject Property. The classification of “High”, Medium”, or Low” risk within this report, is based upon each site’s proximity to the Subject Property (both geographically and geophysically), the nature of the finding (active versus inactive, violation or no violation, etc.), and its potential to affect the Subject Property (case open and/or under investigation, versus case closed).

The results of these evaluations, based upon the opinions of the environmental professional(s) who conducted this assessment, are summarized below.

Subject Property

Plaster and other ceiling materials are traditionally suspect for asbestos-content, as are wall surfacing materials, roofing materials, insulation, tile and flooring mastics. Paint located within a building of this age is traditionally suspect for lead content, as can be ceramic tile glazing. The black staining evident on areas of the ground level ceiling may be indicative of the presence of mold, which may be potentially toxic depending upon its species (i.e., *stachybotrys chartarum*). These issues appear to exist throughout the Subject Property’s building structure.

Although no pigeons, carcasses or related feathers or guano were directly observed within the Property’s ground level interior, the presence of pigeons in the building’s exterior awning supports their possible presence within the open-air upper levels of the building, which would be traditionally suspect for such situations. Multiple building department records in 2002 also document this concern. Pigeons and their associated by-products commonly harbor a number of diseases, one of which can be histoplasmosis.

While the above referenced environmental considerations may exist as associated with the Subject Property, these considerations do not qualify as RECs. These considerations are not related to CERCLA hazardous substances or petroleum products and/or their derivatives.

It is unclear whether the hazardous materials storage issues (paints in the basement, batteries formerly utilized for auxiliary power, plastics on the third floor), which had been cited by the fire department in 1964 and 1979, were ever directly addressed. Additional hazardous materials containers, at least one of which may represent a hazardous waste, were noted within the Subject Property's ground level interior during the November 12, 2009 site reconnaissance.

In addition, at least three elevators have historically been documented at the Subject Property, two of which had been mapped in 1924 fire insurance maps and were likely destroyed by the 1933 fire. The other elevator was mapped at the northwest corner of the Property in 1950 fire insurance maps. This elevator may or may not have been covered by sheetrock per instruction from the building department in 1992. It is unknown by what type of mechanical system these elevators operated. It is common for older elevators to have functioned with a lower level oil sump, sometimes containing polychlorinated biphenyls (PCBs), as part of the mechanical system. It is unknown whether such an oil sump existed for any of the three elevators, and if one or more did exist, whether those sumps were properly removed prior to the basement flooding.

In summary, it is not known whether there remain any stored chemicals or materials in the basement (i.e., paints, batteries, etc.), whether chemicals previously stored on the caved-in upper floors may have fallen into or leaked into the basement, and/or whether oil sumps were associated with the Property's historical elevators. It is not known whether the water in the currently flooded basement may have subsequently mixed with any of these materials. It is not known whether the resulting contaminated water, if present, is capable of migrating through the building's basement structure to exit the Property, and/or whether there are floor drains through which the water in the basement may discharge to City utilities and/or storm sewers. It is known that one or more containers of CERCLA hazardous substances (i.e., Helmiprene) do currently exist in the building's ground level interior.

While the aforementioned hazardous materials and petroleum products do represent an environmental consideration for the Subject Property, this consideration does not qualify as an REC. No release of CERCLA hazardous substances or petroleum products and/or their derivatives has been confirmed at the Subject Property. And, the CERCLA hazardous substances that were directly observed at the Property during the November 12, 2009 site reconnaissance, were not present in greater than de minimus conditions.

There were no hazardous materials incidents or regulatory compliance violations on record as associated with the Subject Property's listings in the TX BROWNFIELDS database, the US BROWNFIELDS database, and the FINDS registry.

Due to safety concerns, the northern side of the building's interior ground level was not accessed. The upper levels of the Subject Property and its basement were also not accessed during the course of this assessment. It is unknown whether an elevator is present and/or hidden by sheetrock. It is unknown whether additional hazardous materials may be stored in the areas of the facility not directly accessed. With these limitations, and with the exceptions noted above, there was no additional evidence of CERCLA hazardous substances or petroleum products and/or their derivatives, unidentified substances, unidentified containers, or storage tanks observed upon the

Subject Property during the site reconnaissance. There were no other visible signs of soil staining, illicit discharges, chemically stressed vegetation, or chemical or petroleum odors upon the Subject Property.

In summary, multiple environmental considerations have been noted with regard to the Subject Property. However, the considerations do not qualify as RECs. Conditions do not presently exist at the Subject Property, which indicate an existing release, a past release, or a material threat of release of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions.

Therefore, no RECs or historical RECs, in direct connection with the Subject Property, were discovered during the course of records review, interviews or site reconnaissance activities conducted in conjunction with this Phase I ESA. Nonetheless, as a result of the multiple other environmental considerations, the risk of environmental contamination in direct connection with the Subject Property is moderate.

Adjoining Properties

The property that directly adjoins the Subject Property's west side was, for a time, a printing company of some type. It is unknown whether the operations included the use and/or related storage of inks and solvents. While it is not uncommon for printing operations to generate hazardous waste, this situation has not been documented for the western adjoining property.

There were no hazardous materials incidents or regulatory compliance violations on record as associated with the western adjacent property's listing in the US BROWNFIELDS database.

The other directly adjoining and immediately adjacent properties were not listed in any of the environmental records sources reviewed during the course of this assessment.

As viewed from public access points during the November 12, 2009 site reconnaissance, no notable observations or concerns were recorded as related to any evidence of CERCLA hazardous substances or petroleum products and/or their derivatives, unidentified substances, unidentified containers, or storage tanks as associated with the exterior view of any of the properties directly adjoining and immediately adjacent to the Subject Property. There were no visible signs of soil staining, illicit discharges, chemically stressed vegetation, or chemical or petroleum odors associated with their exterior view.

While the former western adjacent printing company presents an environmental consideration, it does not qualify as a REC. Conditions are not known to presently exist at any of the Subject Property's directly adjoining or immediately adjacent properties, which indicate an existing release, a past release, or a material threat of release of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions.

Therefore, no RECs or historical RECs, in connection with the directly adjoining and immediately adjacent properties, have been discovered during the course of records review, interviews or site reconnaissance activities conducted in conjunction with this Phase I ESA. The risk of environmental contamination from these properties is low.

Broader Vicinity

Miscellaneous Sites of Interest:

The following property uses of environmental interest have been historically located within the broader vicinity of (within the same city block as) the Subject Property. Each site's location is situated geophysically proximal (up-gradient and/or cross-gradient, and at a higher or equal elevation) to the Subject Property.

- A former grain, lime and cement facility, to the north.
- A former steam laundry, to the north,
- Two former black smiths facilities, to the north.
- A former vulcanizing facility, to the north.
- A former battery tire and service facility, to the north.
- A former printing store, to the north.
- A former gas and electric light company with offices and workroom, to the northeast.
- A former telephone or telegraph company battery room, to the northeast.
- A former paint store, to the northeast.
- A former cleaning and pressing facility (i.e. Royal Cleaners), to the east.

Any contamination, which may be associated with these properties, has the potential to migrate to the Subject Property. However, conditions do not presently exist to indicate an existing release, a past release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions.

Therefore, while an environmental consideration exists as associated with the above-listed miscellaneous sites of interest, this consideration does not qualify as an REC. The risk of contamination from these sites is low.

Environmental Records Sources:

- **202, 203 and 205 West Broad Street (MAP ID #'s B-4, B-5, B-6 and B-7):**
Situated south-southwest of, cross-gradient to, and at an approximate equivalent elevation with, the Subject Property, these neighboring properties were listed in the TX BROWNFIELDS and/or US BROWNFIELDS databases. However, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions.
Therefore, an environmental consideration exists as associated with the sites located at 202, 203 and 205 West Broad Street, but this consideration does not qualify as an REC. The risk of contamination from these properties is low.
- **Mabel Bryan Morriss Building (MAP ID# C-8):** This site, listed at 124 West Broadway, may be located either two buildings to the west of the Subject Property, as

indicated by its street address, or may be located approximately 0.03 mile (153 feet) east of the Subject Property as suggested in the environmental records sources. In either case, the site is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. The site is listed in the US BROWNFIELDS database. However, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions. Therefore, an environmental consideration exists as associated with the Mabel Bryan Morriss Building, but this consideration does not qualify as an REC. The risk of contamination from this site is low.

- **Vacant Ruth Building (MAP ID# C-9):** This site, listed at 120 West Broadway, may be either the Subject Property's directly adjoining western neighbor as indicated by its street address, or may be located approximately 0.03 mile (169 feet) east of the Subject Property as suggested in the environmental records sources. In either case, the site is situated cross-gradient to, and at an approximate equal elevation with, the Subject Property. The site is listed in the US BROWNFIELDS database. However, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions. Therefore, an environmental consideration exists as associated with the vacant Ruth Building, but this consideration does not qualify as an REC. The risk of contamination from this site is low.

- **T R A H C Building (MAP ID# D-11):** Situated northwest of, cross-gradient to, and at an approximate equivalent elevation with, the Subject Property, this site was listed in the LPST database. It's case has been closed by the TCEQ, however, signifying that it's issues have been resolved. Therefore, although this former LPST site qualifies as a historical REC, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions. Therefore, a historical REC and current environmental consideration exists with respect to the T R A H C Building, but this consideration does not qualify as a current REC. The risk of contamination from this site is low.

- **Former Twin City Cab Company (MAP ID# D-12):** Situated northwest of, cross-gradient to, and at an approximate equivalent elevation with, the Subject Property, this site was listed in the TX UST database. However, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions. Therefore, an environmental consideration exists as associated with the former Twin City Cab Company, but this consideration does not qualify as an REC. The risk of contamination from this site is low.

- **Vacant lot at 301 West Broad Street (MAP ID# 13):** Situated cross-gradient to, and at an approximate equal elevation with, the Subject Property, this site was listed in the

US BROWNFIELDS database. However, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions.

Therefore, an environmental consideration exists as associated with the vacant lot at 301 West Broad Street, but this consideration does not qualify as an REC. The risk of contamination from this site is low.

- **Garner Cleaners (MAP ID# 23):** Situated northwest of, cross-gradient to, and at a higher elevation than, the Subject Property, this site appears in the TX DRYCLEANERS registry. However, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions.

Therefore, an environmental consideration exists as associated with Garner Cleaners, but this consideration does not qualify as an REC. The risk of contamination from this site is low.

- **Texarkana Central Office (MAP ID# 27):** Situated north of, up-gradient to, and at a higher elevation than, the Subject Property, this site is listed in the TX UST database. However, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions.

Therefore, an environmental consideration exists as associated with the Texarkana Central Office, but this consideration does not qualify as an REC. The risk of contamination from this site is low.

- **Beal's Service (MAP ID# I-33):** Situated north of, up-gradient to, and at a higher elevation than, the Subject Property, this site was listed as a LPST site. It's case has been closed by the TCEQ, however, signifying that it's issues have been resolved. Therefore, although this former LPST site qualifies as a historical REC, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions.

Therefore, a historical REC and current environmental consideration exists with respect to Beal's Service, but this consideration does not qualify as a current REC. The risk of contamination from this site is low.

- **999 Station (MAP ID# I-34):** Situated north of, up-gradient to, and at a higher elevation than, the Subject Property, this site was listed as a LPST site. It's case has been closed by the TCEQ, however, signifying that it's issues have been resolved. Therefore, although this former LPST site qualifies as a historical REC, conditions do not presently exist which indicate an existing release, or a material threat of release, of CERCLA hazardous substances or petroleum products and/or their derivatives, in greater than de minimus conditions.

Therefore, a historical and current environmental consideration exists with respect to 999 Station, but this consideration does not qualify as a current REC. The risk of contamination from this site is low.

- Former Texarkana Wood Preserving Company (MAP ID# 35):** This NPL site is not located geophysically proximal to the Subject Property, and it is unlikely that the site's contamination would have migrated up-gradient to the Subject Property. However, the site's former creosote and PCP wood treatment operations are reported to have contaminated more than 16-million gallons of groundwater within one mile of the Subject Property, and the basement of the Subject Property is currently water-filled with reports indicating that the source may be a natural groundwater spring. The depth and direction of flow for the groundwater directly associated with the Subject Property have not been formally documented. And, the potential contaminants from the NPL site are of such a nature that their potential presence, however slight it may be, should not be overlooked.

The NPL site associated with the former Texarkana Wood Preserving Company presents an environmental consideration for the Subject Property, but it does not qualify as an REC under the ASTM definition.

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

9.0 Conclusions

In closing, having completed the careful review and analysis of assorted environmental, public and historical records associated with the Subject Property and its vicinity, in conjunction with the site reconnaissance and the various interviews conducted during the course of this assessment, the following conclusion is presented:

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527 of 116 West Broad Street, Texarkana, Texas 75501-5609, the Property. Any exceptions to, or deletions from, this practice are described in **Section 10** of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the Property.

Additional environmental concerns may have been noted during the course of this assessment that did not qualify as recognized environmental conditions as defined by ASTM Practice E 1527. If, in the opinion of the environmental professional(s) who performed this assessment, the additional environmental concerns (if any) warrant further consideration, those opinions are presented in **Section 8** of this report.

In addition, any recommendations that may be associated with the RECs mentioned above and/or with other environmental considerations referenced **Section 8**, are beyond the scope of the Phase I ESA under ASTM E 1527. Therefore, such recommendations, if any, have been provided in **Section 11** of this report for reference.

In closing, and as acknowledged by ASTM Practice E 1527, "No environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for recognized environmental conditions in connection with a property, and this practice recognizes reasonable limits of time and cost."

No expressed or implied representation or warranty is included or intended in the report, except that the services of URS Corporation were performed, within the limits prescribed by the TCEQ, with the customary thoroughness and competence of our profession.

Attachment: Kress_12_2009_phases1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

10.0 Deviations

Deviations

All deletions and deviations from ASTM Practice E 1527, which were intended and/or encountered during the conduct of this Phase I ESA, are hereby disclosed:

- The full interior of the Subject Property's former Kress Building could not be safely accessed during the November 12, 2009 site reconnaissance. Floors and ceilings were caving in to a water-filled basement. As a result of the limited access, the building's first floor (ground level) and basement were not thoroughly inspected beyond the first twenty feet inside the south entrance. The structure's second and third floors and roof were not directly accessed or inspected for the same reason. The inspection of these levels was limited to views across the ground level room from near the south entrance, its additional views to/through the upper levels and the basement via holes in the ground level ceiling and floor. Additional inspection of the upper floor was conducted via the review of City-provided photographs taken in 2003, and the review of aerial photography with distant views of the facility's roof.
- There were no other deletions or deviations from ASTM Practice E 1527 during the conduct of this Phase I ESA.

Data Gaps

According to ASTM Practice E 1527, a data gap is a lack or inability to obtain information required by this practice, despite good faith efforts by the environmental professional to gather such information. Data gaps may result from incompleteness in any of the activities required by this practice, including, but not limited to site reconnaissance and interviews. A data gap is only significant; however, "if other information and/or professional experience raises reasonable concerns involving the data gap."

All significant data gaps encountered during the conduct of this Phase I ESA, which may influence the assessment findings, opinions or conclusion, are hereby disclosed:

- The full interior of the Subject Property's former Kress Building could not be safely accessed during the November 12, 2009 site reconnaissance. This limiting condition represents a significant data gap, which could influence the findings, opinions and/or conclusion of this assessment.
- No other significant data gaps, as defined in ASTM Practice E 1527, were encountered during the conduct of this Phase I ESA, which could influence the outcome of the assessment for the Subject Property.

11.0 Additional Services

Any additional services, as defined in ASTM Practice E 1527, that were performed during the conduct of the Phase I ESA, are hereby disclosed:

- No additional services were conducted during the course of this assessment.

Any further recommendations for additional services, beyond the scope of this Phase I ESA under ASTM Practice E 1527, are also presented below.

- Additional information concerning the adjoining western property at 120 W. Broad Street may be revealed in that property's Phase I ESA, reported to have been completed in 2007. The report could reveal findings applicable to the Subject Property, which may not have been otherwise captured herein. If the assessment of the western adjoining property was conducted with the assistance of public funding, a copy of the report may be available through a freedom of information act request. If available, review of the report's findings and recommendations is recommended. Additional reports may be similarly available for the following properties located within the vicinity of the Subject Property, as detailed in **Table 1**, including MAP ID #'s: B-4, B-5, B-6, B-7, V-8, C-9, C-10, 13, and 17.
- It is recommended that the flooded basement be promptly pumped out and that the intruding water source be abated (i.e., seal basement walls, repair sump pump, etc.) to prevent accidental drowning should there be a breach of facility security.
- It is recommended that, prior to removing the water from the Subject Property's basement for discharge or alternate treatment and disposal, the water first be evaluated and tested as appropriate to determine its potential contamination with: paints and solvents (paints storage); acid/corrosivity and lead (batteries storage); oils and PCBs (former elevators); asbestos and lead (building materials debris); sulfur (batteries storage, and former vulcanizing facility in the northern broader vicinity); creosote, PCPs, dibenzofuran, naphthalene, anthracene and phenanthrene (southern NPL site); printing inks and solvents (printing companies at the directly adjoining western property and within the northern broader vicinity); and dry cleaning solvents (former cleaners in the eastern and northern broader vicinity). It is also recommended that appropriate discharge permit(s) be obtained, if required, and qualified vendors be utilized for the sampling and analysis, removal, transport, discharge, and/or alternate treatment/ disposal efforts.
- It is recommended that the accessible containers of hazardous materials observed within the Subject Property's ground level interior be properly characterized, containerized, and disposed, utilizing qualified vendors and providing them with appropriate forewarning concerning the building's interior condition.
- It is recommended that the facility be promptly demolished to prevent injury or accidental death should there be a breach of facility security.
- It is recommended that prior to building repairs, renovation or demolition, that a full-scale asbestos survey and lead-based paint survey be conducted. Due to the

building's present condition, however, appropriate survey/sampling may not be safely possible. It is recommended that if surveys cannot be properly conducted prior to work, that appropriate disclosures be made to and variances and/or further instruction be obtained from ruling state, federal and local regulating entities.

- It is recommended that, prior to disposing of building materials from the Subject Property, that the materials be categorized and segregated for appropriate testing (if not already done) prior to disposal. It is recommended that only qualified vendors participate in the work.

12.0 References

- American Society for Testing and Materials (ASTM) Standard E 1527-00. (2000). *Standard Practice for Environmental Assessments: Phase I Environmental Site Assessment Process*.
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University of Texas – BEG. (1996). “Physiographic Map of Texas”. *Perry-Castaneda Library Map Collection*. Accessed: 10/26/2009. Available:

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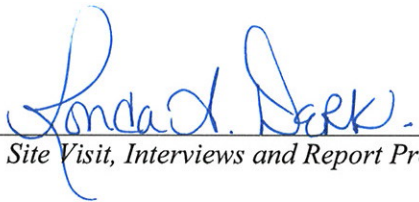
Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

13.0 Signatures of Environmental Professional(s)

In accordance with ASTM Practice E 1527, we declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental professional, as defined in Section 312.10 of 40 CFR 312.

We have the specific qualifications based on education, training, and experience to assess a property of the nature, history and setting of the Subject Property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR 312.

Ronda Derk



(Records Review, Site Visit, Interviews and Report Preparation)

Attachment: Kress_12_2009_phase1 (1292 : Ord. No. 2015-038 Budget Amendment for 116 W. Broad Building Demolition)

14.0 Qualification(s) of Environmental Professional(s)

ASTM Practice E 1527 defers to 40 CFR 312, U.S. EPA's all appropriate inquiries (AAI) rule, to define an environmental professional qualified to conduct a Phase I ESA.

To ensure the quality of all appropriate inquiries, the U.S. EPA's AAI rule includes specific licensing and/or education and experience requirements for the environmental professional.

According to Section 312.10 of 40 CFR 312, an *environmental professional* is defined as "someone who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases on, at, in, or to a property, sufficient to meet the objectives and performance factors in [the rule]." This person must: "[1] have a current Professional Engineer's or Professional Geologist's license or registration from a state, tribe or U.S. territory (or the Commonwealth of Puerto Rico) and has the equivalent of three years of full-time relevant work experience; [or (2)] be licensed or certified by the federal government, a state, tribe or U.S. territory (or the Commonwealth of Puerto Rico) to perform environmental inquiries as defined in the rule and has the equivalent of three years of full-time relevant work experience; [or (3)] have a Baccalaureate or higher degree from an accredited institution of higher education in a discipline of engineering or science and the equivalent of five years of full-time relevant work experience; [or (4)] have the equivalent of ten years of full-time relevant work experience."

The qualifications of the environmental professional(s) who participated in the conduct of the Phase I ESA for the Subject Property at 116 West Broad Street, Texarkana, Texas 75501-5609, have been presented in **Appendix N** for reference.

Submitted Kress Building Questions

1. “Why would the former council accept this liability?” No assumptions can be made for the purpose of accepting this building, other than that it was a public nuisance and in writing we have confirmed that the original intent was to tear it down.
2. “Was it an attempt to salvage a historically significant structure?” No, when the council accepted the donation of the building, it was to “demolish the structure removing the building as an eyesore and potential public health and safety risk” per a memo from Craig Lindholm, Executive Director of Community Redevelopment and Grants for the City of Texarkana, Texas to the city manager, dated May 14, 2009.
3. “Why isn’t any of information in your packet?”

There is extensive information available (21 documents total) in the packet including the recommendation memo and the Council resolution regarding the acquisition of the building.

4. “The former city council didn’t accept this building with a liability to tear it down so why would this council be so quick to take on this substantial fiscal liability?”

The city owns this building, and is therefore liable for any harm or damage it may cause to people or other buildings. Ignoring the problem and taking no action will not relieve the city of this fiduciary responsibility. The property has been an issue for the Texarkana community since 1979, and publicly owned since 2009.

No assumptions can be made for the purpose of accepting this building, other than that it was a public nuisance and in writing we have confirmed that the original intent was to tear it down.

5. “Staff says all funding options have been exhausted; however, does NOT include any denial letters or applications.”

The 2009 Texas Historical Commission response to eligibility is included in the packet that could have allowed an application for the building to be placed on the National Register for state and federal historic tax credit eligibility if a purchaser was identified. However, no potential purchasers have come forward in 6 years and THC has recently suggested a re-review of the case to determine if the structure is still eligible given the current condition.

Denial emails regarding use of EPA Brownfields program grant funds in 2012 and 2015 are now included in the packet material.

6. “Has the city conducted an engineering study to discuss the live spring under the building and the cost?”

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 existence of a “live spring” was not listed in their report.

November 2014 - Patterson Engineering did a preliminary inspection of the building’s structural integrity. Again, the existence of a “live spring” was not listed in the report.

7. “Why is the Morrissey letter not in the packets, nor on the website?”

The Morrissey letter was linked and accessible from the website. However, when printed the Morrissey letter was omitted from the IQM2 software for Council agenda packets. A new PDF version of the Morrissey letter has been included that will resolve the printing issue.

8. Most importantly, has the city asked the community about their feelings?”

Public feedback and transparency is essential throughout any City process. For this reason, the Council agenda is set by default to discuss this agenda item and any other agenda items at 4 separate Council meetings which occur generally over a 2 month timeframe. This format allows multiple opportunities for the public to express comments or concerns over any public action including this item.

9. “How does the city explain the expenditure of \$300k from the fund balance on one building when there are city residents who are forced to live next to partially burned and collapsed residential homes?”

The city owns this building, and is therefore liable for any harm or damage it may cause to people or other buildings. The residential homes on the city’s demolition list are almost solely privately owned properties (2 out of 300+ properties are city owned).

10. “When the council opens the fund balance up to demolition of this building, how does the city address all the other neglected structures in Texarkana?”

This building is publicly owned and has a structural engineering report from 2012 that states “the structure appears to be unstable and needs to be demolished as soon as possible.” Furthermore, the city has received complaints regarding pieces of the façade falling onto the public sidewalk below and a flooded basement that negatively impacts adjacent property owners. The City is liable for any harm or damage it may cause to people or other buildings and therefore it is considered a high priority.

What makes this building more unstable than others and who decides? Is there a process? Instead of spending 300k, the city could be forced to spend \$3 million on several other buildings.”

Structural engineers are qualified professionals that can comment and make recommendations regarding stability.

The City owns two other vacant buildings in downtown Texarkana (203/205 W Broad & 219 Elm Street) and both qualify for EPA Brownfield program funding. Staff is actively working with funded EPA Brownfield grants to assess and remediate these properties. With grant funding in place, staff does not anticipate general funds will be needed for the cleanup of these properties.

Although past mistakes cannot be undone, current staff will be required to provide proof of funding options prior to acquiring additional properties for cleanup.

5. “If you can’t answer these questions how do you justify spending \$300k out of the fund balance?”

See answers 1-10.

Kress Bldg, 116 West Broad Str, Texarkana, Tx

Concerns and general approaches to problem –

A- Immediate

A.1)- Cover over Letters "Kress" on front of building

A.1.1)- Parts of façade has fallen off over the years

A.1.2)- Corrective action – need to remove remaining cover before any more breaks off and falls

A.2)- Canopy on front of building:

A.2.1)- The canopy skin has weathered and deteriorated, structural frame appears sound, material from above has fallen through the canopy

A.2.2)- Corrective action – remove the canopy skin etc before it falls

B- Long Term

B.1)- Front façade of building (not sure if original or later remodel):

B.1.1)- The main structural frame with secondary frame that support the façade are/have given way due to weathering/age. The façade panels are cracking along stress lines developed in the main/secondary frame system.

B.1.2)- Corrective action –

B.1.2.a)- Restore and weatherize the main/secondary frame system, i.e. new roof over building or enclose backside of facades secondary support system.

B.1.2.b)- Repair the façade attachment to the secondary frame system, remove and replace broken panels etc. Stressed brick veneer should also be removed and replaced.

B.2)- Interior main structural frame (probably cast steel/iron) with wood joist floor and roof

B.2.1)- Most all of wood joist and framing has deteriorated from exposure to elements. Most all of roof, and interior floors are gone. Rain is accumulating in basement.

B.2.2)- Corrective action –

B.2.2.a)- Remove debris; replace roof, interior floors and IRAN brick veneer and façade.

B.3)- Water in basement penetrating adjoining basement

B.3.1)- Lack of roof allowing rain to be captured in basement.

B.3.2)- Corrective action, stop all rain from entering basement - two options –

B.3.2.a)- Replace roof, wall and window leaks – without rebuilding interior floors, only a shell;

B.3.2.b)- Remove all debris, clean out basement, and fill basement with plastic soil, and then cover with impermeable cap. Remove north and south walls and sidewalls down to adjoining building sidewall height, or Stabilize north and south walls and sidewalls, or some other combination.

B.4)- Most economical approach would be to B.3.2.b above. This is going to be costly because of building location, basement, multi-story, and connection to the adjoining buildings. But it will be more costly to restore the building or restore the building shell.

DRAFT NOTES

City of Texarkana, Texas

Version: G

Update Date: 5/5/2015 4:38 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: 6/8/2015 **Public Hearing:** 4/13/2015 **Second Briefing:** April 27, 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:

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;

PUBLISH

- (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.

PUBLISH

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: J

Update Date: 5/5/2015 4:38 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: 6/8/2015 **Public Hearing:** 4/13/2015 **Second Briefing:** April 27, 2015 **Council Vote:** 6/8/2015

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.

PUBLISH

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.

PUBLISH

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
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: